



## AGENDA STATE BOARD OF EDUCATION

May 10, 2010

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

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### Reports

#### Report-1 **Special Presentation - Arkansas School for the Deaf**

*Students and faculty from the Arkansas School for the Deaf will make a special presentation to the Board.*

*Presenter: Dr. Tom Kimbrell*

#### Report-2 **Chair's Report**

*Presenter: Dr. Naccaman Williams*

#### Report-3 **Commissioner's Report**

*Presenter: Dr. Tom Kimbrell*

#### Report-4 **Update: Healthy Arkansas**

*This report provides an opportunity for Board members to receive a program update regarding health issues of Arkansas children.*

*Presenter: Dr. Paul K. Halverson*

#### Report-5 **Update: Race to the Top Application**

*This report will highlight components of the revised proposal for the Arkansas Race to the Top application.*

*Presenter: Heather Gage*

#### Report-6 **Report: Status - School of Excellence - Humphrey, AR**

*At its regular meeting on April 12, 2010, the State Board of Education voted to revoke the charter for the open enrollment charter school - School of Excellence, Hemphrey, AR, as soon as possible. This report will provide a status report on the process for closing this charter school.*

*Presenter: Dr. Mary Ann Duncan*

### Consent Agenda

#### C-1 **Minutes of Meeting April 12, 2010**

*Presenter: Dr. Charles D. Watson*

#### C-2 **Newly Employed, Promotions and Separations**

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

**C-3**

### **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 May report summarizes the PMT for April.*

*Presenter: Dr. Charity Smith Willie Morris*

**C-4**

### **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 37 school districts covering a total of 61 teaching positions and 13 school districts requesting waivers for 15 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 Proposed Annexation of the Twin Rivers School District to One or More Contiguous School Districts**

*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.*

*The State Board of Education, pursuant to Ark. Code Ann. § 6-13-1403, may on its own motion under this Agenda Item, vote to approve the annexation of the Twin Rivers School District into one or more of the following contiguous school districts:*

*Highland School District*

*Hillcrest School District*

*Mammoth Spring School District*

*Maynard School District*

*Pocahontas School District*

*Sloan-Hendrix School District*

*The Department has requested, and has received, an Attorney General's Opinion concerning the segregative impact, if any, which could be caused to the above-listed districts by the proposed annexation. The opinion is attached. Fiscal information for the Twin Rivers School District and its contiguous districts is also attached. Academic and Standards for Accreditation information will be forwarded to the State Board of Education separately.*

*Presenter: ADE Staff*

**A-2**

### **Request for Open-Enrollment Public Charter School Modification: Little Rock Urban Collegiate Public Charter School for Young Men, Little Rock, AR**

*The State Board of Education approved the application for Little Rock Urban Collegiate Public Charter (UCPC) for Young Men at the*

December 14, 2009, meeting to the State Board of Education. Grades K-8 will be served with a maximum enrollment of 696. The entity is requesting to change the location from 4601 S. University Ave. in Little Rock to 6711 W. Markham, in Little Rock.

The entity is requesting that the State Board of Education grant the change in location for Little Rock Urban Collegiate Public Charter for Young Men.

**Presenter:** Dr. Mary Ann Duncan

### **A-3 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-4 Classification of District in Fiscal Distress - Armorel School District**

Pursuant to Ark. Code Ann. §6-20-1905, the Armorel 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 May 10, 2010, State Board meeting. 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 April 12, 2010, and no appeal was filed.

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

**Presenter:** Bill Goff

### **A-5 Consideration for Public Comment - Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds**

After consulting with ADE staff and making revisions to the Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of those Funds, authorization is requested to re-submit for Public Comment.

**Presenter:** Bill Goff

### **A-6 Consideration for Final Approval: Rules Governing the Immunization Requirements in Arkansas Public Schools by the Arkansas State Board of Health and Arkansas Department of Health**

On March 8, 2010, the Arkansas State Board of Education approved for public comment Proposed Rules Governing Immunization Rules in Arkansas Public Schools. On the morning of April 27, 2010, a public hearing was held in the Auditorium of the Arkansas Department of Education. Three people attended and two individuals commented regarding the rules. The Arkansas Department of Education is requesting final approval from the Arkansas State Board of Education on the Rules Governing Immunization Requirements in Arkansas Public Schools.

**Presenter:** Dee Cox

### **A-7 Consideration for Final Approval: Rules Governing School Based Automated External Defibrillator (AED) Devices in Arkansas Public Schools**

On March 8, 2010, the Arkansas State Board of Education approved for public comment Proposed Rules Governing School Based Automated External Defibrillator (AED) Devices. On the afternoon of April 27, 2010, a public hearing was held in the Auditorium of the Arkansas Department of Education. Fifteen people attended and ten comments were made regarding the rules. The Arkansas Department of Education is requesting final approval from the Arkansas State Board of Education on the Rules Governing School Based Automated External Defibrillator (AED) Devices.

**Presenter:** Dr. Dee Cox

### **A-8 Final Approval of Rules for Act 949 of 2009**

Act 949 of 2009 was signed into law by Governor Mike Beebe on April 6, 2009. Draft rules were presented to the State Board on

March 8, 2010. The Board approved these draft rules for public comment. The initial public hearing was held on March 31, 2010. Dr. Alice Barnes Rose opened the meeting at 10:00 a.m. Several people were present at the meeting; however, there were no comments offered. Written comments were accepted until the close of business on April 2, 2010. No written comments were received.

**Presenter:** Dr. Laura Bednar/Annette Barnes

**A-9**

### **Consideration for Final Approval: Proposed Rules Governing Appeals Involving Student Residency Disputes Between School Districts**

*These proposed 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.*

*These Rules were released for public comment on March 14, 2010. Public hearings were held on March 26, 2010 with one (1) person attending and on April 5, 2010 with one (1) person attending. One person submitted written comments. The public comments resulted in revisions to Sections 6.01.2 and 6.01.4 of the Rules.*

*The Board approved the Arkansas Department of Education Emergency Rules Governing the Appeals Involving Student Residency Disputes Between School Districts at its April 12, 2010 meeting. The Emergency Rules will expire on August 25, 2010. The Department requests that the Board approve the Arkansas Department of Education Rules Governing Appeals Involving Student Residency Disputes Between School Districts.*

**Presenter:** Jeremy Lasiter

**A-10**

### **Consideration for Public Comment: Proposed Revision to 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 towards 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.*

*These Rules were released for public comment on March 28, 2010. A public hearing was held on April 5, 2010 with two (2) people attending. Two people submitted written comments. The public comments and further review of the impact of Act 1307 of 2009 illustrated the need to make substantial revisions to these Rules.*

*Because the revisions were necessary for the Board and the Department to comply with Act 1307 of 2009 during the Spring 2010 testing cycle, the Board approved the Arkansas Department of Education Emergency Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program at its April 12, 2010 meeting. The Emergency ACTAAP Rules will expire on August 25, 2010. The Department requests the Board's approval to release these proposed revisions to the ACTAAP Rules for public comment.*

**Presenter:** Jeremy Lasiter Dr. Gayle Potter

**A-11**

### **Consideration of Waiver of National Board for Professional Teaching Standards repayment of State Funds – Nancy Anderson**

*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 Nancy Anderson 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-12**

### **Hearing Concerning Recommendation of the Professional Licensure Standards Board for Written Reprimand and a Fine of \$50 – Carrie Curtis**

The Professional Licensure Standards Board's Subcommittee on Ethics recommends that Ms. Carrie Curtis receive a written reprimand and a \$50 fine based upon her alleged violation of the following Standards of Professional Conduct: Standard 2: An educator maintains competence regarding skills, knowledge, and dispositions related to his/her organizational position, subject matter, and/or pedagogical practice. Standard 6: An educator keeps in confidence secure standardized test material as well as information about students and colleagues obtained in the course of professional service unless disclosure serves a professional purpose or is allowed or required by law. On February 23, 2010, Ms. Curtis requested a full hearing before the State Board of Education in accordance with the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators, Appendix A.

**Presenter:** Judy Kaye Mason

## **Reports**

### **Report-1 Report - Nominating Committee**

The Chair appointed the Nominating Committee in March. Board Operating Guidelines provide for the Committee's report at the May meeting. No action will be taken.

**Presenter:** Dr. Naccaman Williams

**NEWLY EMPLOYED FOR THE PERIOD OF April 1, 2010 – April 30, 2010**

Laura Bednar – Assistant Commissioner, Grade N912, Division of Learning Services, effective 04/19/10.

\*Shirley Green – Administrative Specialist II, Grade C109, Division of Human Resources/ Licensure, Professional Licensure Standards Board (PLSB), effective 04/19/10.

Terry Massey – Administrative Specialist III, Grade C112, Division of Public School Academic Facilities and Transportation (DPSAFT), effective 04/12/10.

Scott McRae – Accounting Coordinator, Grade C121, Division of Fiscal and Administrative Services, LEA Fiscal Distress Services, effective 04/05/10.

**PROMOTIONS/ LATERAL TRANSFERS FOR THE PERIOD OF April 1, 2010 – April 30, 2010**

April Kindall – from Public School Program Advisor, Grade C122, Division of Learning Services, Alternative Learning, to Public School Program Advisor, Grade C122, Special Programs, Coordinated School Health, effective 04/05/10. Lateral Transfer

**SEPARATIONS FOR THE PERIOD OF April 1, 2010 –April 30, 2010**

Marion Arnett – ADE Area Project Manager, Grade C123, Division of Public School Academic Facilities and Transportation, effective 04/16/10. 2 years, 2 months, 1 day. Code: 01

Larry Bennett – Public School Program Advisor, Grade C122, Statewide System of Support, effective 04/30/10. 1 year, 8 months, 19 days. Code: 01

Jessica Brown – Buyer, C116, Division of Fiscal and Administrative Services, Finance Support, effective 04/30/10. 1 year, 6 months, 20 days. Code: 01

Barbara Dobbs – Administrative Specialist III, C112, Division of Public School Academic Facilities and Transportation, effective 04/02/10. 5 years, 3 months, 8 days. Code: 01

Diana Julian – Deputy Commissioner, Grade U027U, Central Administration, effective 04/30/10. 7 years, 10 months, 27 days. Code: Retirement

Pamela Lambert – Administrative Specialist II, Grade C109, Central Administration, Special Education, effective 04/02/10. 4 years, 1 month, 19 days. Code: 07

\*Alice Rose – Assistant Commissioner, Grade N912, Division of Learning Services, effective 04/16/10. 0 years, 8 months, 15 days. Code: Retirement

Ellen Treadway – Public School Program Manager, Grade C126, Central Administration, Curriculum, Assessment and Research, effective 04/26/10. 4 years, 9 months, 29 days. Code: 07

\*Minority

**AASIS Code:**

01 – Voluntary Termination

07- Career Opportunity

Retirement

**ADE'S PROJECT MANAGEMENT TOOL EXECUTIVE SUMMARY  
APRIL 30, 2010**

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

<b>IMPLEMENTATION PHASE ACTIVITY</b>	<b>PMT EXECUTIVE SUMMARY AS OF APRIL 30, 2010</b>
<b><i>I. Financial Obligation</i></b>	<p>As of March 31, 2010, State Foundation Funding payments paid for FY 09/10 totaled \$40,609,214 to LRSD, \$24,662,792 to NLRSD, and \$31,250,072 to PCSSD. The Magnet Operational Charge for FY 09/10 paid as of March 31, 2010, was \$10,924,341. The allotment for FY 09/10 was \$14,937,425. M-to-M incentive distributions for FY 09/10 as of March 31, 2010, were \$3,100,937 to LRSD, \$4,703,202 to NLRSD, and \$7,429,807 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.</p>

<b>IMPLEMENTATION PHASE ACTIVITY</b>	<b>PMT EXECUTIVE SUMMARY AS OF APRIL 30, 2010</b>
<b><i>II. Monitoring Compensatory Education</i></b>	On April 8, 2010, the ADE Implementation Phase Working Group met to review the Implementation Phase activities for the previous quarter. Mr. Louis Ferren, ADE Internal Auditor for Desegregation, updated the group on all relevant desegregation issues. Mr. Jeremy Lasiter, ADE General Council for Legal Services, talked about the desegregation unitary status hearings for the North Little Rock School District and the Pulaski County Special School District (PCSSD). He also talked about a draft of a federal court motion that could be presented by the Little Rock School District that would accuse the state of violating the desegregation agreement by approving charter schools in Pulaski County. Recent news articles about the desegregation case were discussed. Some articles talked about the PCSSD unitary status hearings discussing the condition of school facilities in the district. Mr. Doug Eaton, Director of Arkansas Public School Academic Facilities and Transportation, talked about school facilities in the PCSSD. The next Implementation Phase Working Group Meeting is scheduled for July 8, 2010 at 1:30 p.m. in room 201-A at the ADE.
<b><i>III. A Petition for Election for LRSD will be Supported Should a Millage be Required</i></b>	Ongoing. All court pleadings are monitored monthly.
<b><i>IV. Repeal Statutes and Regulations that Impede Desegregation</i></b>	In July 2007, the ADE sent letters to the school districts in Pulaski County asking if there were any new laws or regulations that may impede desegregation. The districts were asked to review laws passed during the 86 <sup>th</sup> Legislative Session, and any new ADE rules or regulations.
<b><i>V. Commitment to Principles</i></b>	On April 12, 2010, the Arkansas State Board of Education reviewed and approved the PMT and its executive summary for the month of March.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF APRIL 30, 2010
<i>VI. Remediation</i>	<p>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.</p> <p>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.</p>
<i>VII. Test Validation</i>	<p>On February 12, 2001, the ADE Director provided the State Board of Education with a special update on desegregation activities.</p>
<i>VIII. In-Service Training</i>	<p>On March 17, 2010, ADE staff met with the principal, the literacy instructional facilitator and the math instructional facilitator at Robinson Elementary in the PCSSD. The meeting was about professional development for teachers. Topics included ways to improve collaboration among teachers to increase student achievement, honoring exceptional teaching practices, sharing celebrations of student achievement, teacher practice lessons and classroom visits. The online resource Hive.arkansas.gov was discussed as a way to explore and graphically represent student data.</p> <p>On March 17, 2010, ADE staff met with the principal, the literacy instructional facilitator and the math instructional facilitator at Lawson Elementary in the PCSSD. The meeting was about professional development for teachers. Staff discussed ways to encourage teachers to implement the teaching strategies that have been modeled to them. Topics included formative assessments in daily classroom practice, collaboration between teachers, exploration of data, targeted interventions, model lessons, teacher practice, and sharing successful results (improved test scores).</p>
<i>IX. Recruitment of Minority Teachers</i>	<p>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.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF APRIL 30, 2010						
<i>X. Financial Assistance to Minority Teacher Candidates</i>	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	Male	Male	Female	Female	Total	Total
	Race	Count	Award	Count	Award	Count	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
	<b>Totals</b>	40	162,000	199	821,000	239	983,000
	MTS	Male	Male	Female	Female	Total	Total
	Race	Count	Award	Count	Award	Count	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						
	<b>Totals</b>	5	22,500	32	137,044	37	159,544
	MMF	Male	Male	Female	Female	Total	Total
	Race	Count	Award	Count	Award	Count	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							
<b>Totals</b>	8	38,750	38	153,750	46	192,500	

<b>IMPLEMENTATION PHASE ACTIVITY</b>	<b>PMT EXECUTIVE SUMMARY AS OF APRIL 30, 2010</b>
<b><i>XI. Minority Recruitment of ADE Staff</i></b>	The MRC met on April 16, 2010 at the ADE. A report was presented at the meeting that showed ADE employees in grades C121 to C129 by race and section for the quarter ending March 31, 2010. A graph was also presented that showed the percentage of black, white and other employees for the ADE as a whole, Central Administration, Academic Accountability, Facilities/Transportation, Fiscal and Administrative Services, Human Resources, Learning Services and Research & Technology. The graph was changed to add two people in Facilities//Transportation. There was discussion about why the percentage of black employees at the ADE is lower than it used to be. It was mentioned that the ADE requires a teaching license for new hires at grade C121 and above. It was stated that people with teaching licenses can often earn as much working for a school as they would at the ADE and they would get the summer off if they were at a school. It was also mentioned that in the short term it will be difficult to increase the percentage of black employees because of the state hiring freeze.
<b><i>XII. School Construction</i></b>	This goal is completed. No additional reporting is required.
<b><i>XIII. Assist PCSSD</i></b>	Goal completed as of June 1995.
<b><i>XIV. Scattered Site Housing</i></b>	This goal is completed. No additional reporting is required.
<b><i>XV. Standardized Test Selection to Determine Loan Forgiveness</i></b>	Goal completed as of March 2001.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF APRIL 30, 2010
<i>XVI. Monitor School Improvement Plans</i>	<p>On March 29, 2010, ADE staff met with English language arts teachers, the literacy instructional facilitator and the math instructional facilitator at North Pulaski High School in the PCSSD. The work that has been done to improve student achievement was discussed. Grade-level assessments were made using The Learning Institute (TLI) test builder. Classroom teachers participated in collaborative discussions about interim assessment data. Teachers analyzed the data to determine the Student Learning Expectations (SLEs) that were mastered, not mastered, and that were consistently learned incorrectly. Teachers collaborated by grade-level to create a follow-up assessment to be given to students after the SLEs that had not been mastered in the first assessment have been re-taught. Teachers whose students are successful with specific SLEs can share with other teachers during Professional Learning Community (PLC) meetings or individually the strategies they use to teach the skills. Outside professional development providers could address strategies with instructional facilitators, PLCs, or individual teachers. Follow-up data gathered from the re-test should be used to determine to what degree the intervention strategies were successful. The most successful strategies and which targeted students responded best to each should be shared. Analysis of the first interim assessment demonstrated that students in all grades 9-12 struggle with the same problems over and over, causing all teachers to re-teach the same material year after year. Staff discussed using more embedded grammar instruction through mentor texts and targeted writing assignments. Jeff Anderson has written an excellent book, <i>Mechanically Inclined</i>, that the teachers who have attended Literacy Lab have. The other teachers would benefit from reading and implementing the strategies in this book. The 9th grade teachers collaborated and made changes in their teaching practices after the first interim assessment. When the 10th grade teachers saw the improvement in the 9th grade scores on the 2nd interim assessment, they collaborated with the 9th grade teachers to impact 10th grade students.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF APRIL 30, 2010
<i>XVII. Data Collection</i>	<p>The ADE Office of Public School Academic Accountability has released the 2009 Arkansas School Performance Report (Report Card). The purpose of the Arkansas School Performance Report is to generally improve public school accountability, to provide benchmarks for measuring individual school improvement, and to empower parents and guardians of children enrolled in Arkansas public schools by providing them with the information to judge the quality of their schools. The Department of Education annually publishes a school performance report for each individual public school in the state, and distributes the report to every parent or guardian of a child in kindergarten through grade twelve (K-12) in the public schools of Arkansas.</p>
<i>XVIII. Work with the Parties and ODM to Develop Proposed Revisions to ADE's Monitoring and Reporting Obligations</i>	<p>On July 10, 2002, the ADE held a Desegregation Monitoring and Assistance Plan meeting for the three school districts in Pulaski County. Mr. Willie Morris, ADE Lead Planner for Desegregation, presented information on the No Child Left Behind Act of 2001. A letter from U.S. Secretary of Education, Rod Paige, was discussed. It stated that school districts that are subject to a desegregation plan are not exempt from the public school choice requirements. "If a desegregation plan forbids the school district from offering any transfer option, the school district should secure appropriate changes to the plan to permit compliance with the public school choice requirements". Schools in Arkansas have not yet been designated "Identified for Improvement". After a school has been "Identified for Improvement", it must make "adequate yearly progress". Schools that fail to meet the definition of "adequate yearly progress", for two consecutive years, must provide public school choice and supplemental education services. A court decision regarding the LRSD Unitary Status is expected soon. The LRSD and the NLRSD attended the meeting. The next meeting about the Desegregation Monitoring and Assistance Plan will be held in August, 2002, after school starts.</p>

Waiver Requests for Teachers Teaching Out of Area for More than 30 Days  
May 2010

LEA	District	# of Waivers Requested	Teacher	License Areas		ALP Code	Out of Area	Yrs ALP	Granted/ Denied
				Life/Earth Science	Secondary PE/Coaching Elem 1-6, Reading Specialist P-12				
4101	Ashdown School District	1	Kuhl, Amy	Life/Earth Science		169	Physical /Earth Science 7-12	09-10	Granted
7401	Augusta School District	2	Shields, Sonny	Secondary PE/Coaching		299	Guidance & Counseling P-8	08-09, 09-10	Granted
			Woods, Gloria	Elem 1-6, Reading Specialist P-12		168	Science/Mathematics 4-8	09-10	Granted
5401	Barton-Lexa School District	2	Jolley, Luther Alan	Social Studies, Driver's Ed		236	Physical Education, Wellness & Leisure 7-12	09-10	Denied
			Jolley, Luther Alan	Social Studies, Driver's Ed		293	Coaching 7-12	09-10	Denied
3201	Batesville School District	2	Cox, Kristi	Elementary 1-6, MS Social Studies, MS Math		231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
			Rone, Melinda	Science 7-12		201	Art P-8	08-09, 09-10	Granted
0401	Bentonville School District	1	Fontana, Anthony	Bldg Adm. Mathematics		231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
6303	Bryant School District	1	Jacobs, Elliot	PE/Wellness/Leisure P-12		293	Coaching 7-12	09-10	Granted
4901	Caddo Hills School District	2	Keen, April	Middle Level Education		418	Career Orientation Endorsement 4-8	09-10	Denied
			Squires, William	Physical/Earth Science		170	Life/Earth Science 7-12	09-10	Granted
32-12	Cedar Ridge School District	1	Wheeler, Raydean	Social Studies		236	Physical Education, Wellness & Leisure 7-12	09-10	Granted
17-02	Cedarville School District	2	Hernandez, Telitha	Middle Level Education		299	Guidance & Counseling P-8	08-09, 09-10	Granted
			Hernandez, Telitha	Middle Level Education		300	Guidance & Counseling 7-12	08-09, 09-10	Granted
5502	Centerpoint School District	1	Thornton, Mathew	Social Studies		106	Grade 5/6 Endorsement	08-09, 09-10	Granted
4802	Clarendon School District	2	Endsley, Kimberly	Social Studies		108	Journalism 7-12	09-10	Denied
			Kramar, Nicholas	Instrumental Music P-12		204	Vocal Music 7-12	09-10	Granted
7102	Clinton School District	1	Campbell, Lance	Social Studies		293	Coaching 7-12	09-10	Granted

Waiver Requests for Teachers Teaching Out of Area for More than 30 Days  
May 2010

LEA	District	# of Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs	
							ALP	Granted/ Denied
Conway Human Development Center		2	Henderson, Jennifer Busbee	ECE P-4, ESL P-12	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Henderson, Jennifer Busbee	ECE P-4, ESL P-12	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
0101	DeWitt School District	1	Smith, Deborah	MS Social Studies, Elementary 1-6	312	Building Administrator P-8	09-10	Granted
3102	Dierks School District	1	Bray, Brad	Health, PE, Coaching	170	Life/Earth Science 7-12	09-10	Granted
2104	Dumas School District	2	Moore, Julie Beth	ECE P-4, MS Social Studies	295	Library Media Science P-8	09-10	Granted
			Moore, Julie Beth	ECE P-4, MS Social Studies	296	Library Media Science 7-12	09-10	Granted
7001	El Dorado School District	1	Harper, Sharda	Physical Education P-12	293	Coaching 7-12	09-10	Granted
02-03	Hamburg School District	2	Davis, Julia Kaye	Art P-12	001	Early Childhood P-4	09-10	Granted
			Grissom, Angela Paige	Elementary 1-6	001	Early Childhood P-4	09-10	Granted
6304	Harmony Grove School District	1	Chancellor, Lane	PE/Wellness/Leisure	168	Science/Mathematics 4-8	09-10	Granted
59-03	Hazen School District	1	Carpenter, Lindsay	EC P-4	231	Sp Education Instructional Specialist P-4	09-10	Granted
6804	Highland School District	1	Newman, Joe	Middle School Math/Science	209	Algebra I Endorsement 8	09-10	Granted
1608	Jonesboro School District	1	Hicks, Christopher	Social Studies, Coaching	168	Science/Mathematics 4-8	09-10	Granted
6001	Little Rock School District	6	McAlpine, Elizabeth	English/Language Arts 7-12	108	Journalism 7-12	09-10	Granted
			Neal, Sandra	Social Studies 7-12	002	English/Language/Social Studies 4-8	09-10	Granted
			Neal, Sandra	Social Studies 7-12	168	Science/Mathematics 4-8	09-10	Granted
			Smith, Michelle	ECE P-4	002	English/Language/Social Studies 4-8	08-09, 09-10	Granted
			Smith, Michelle	ECE P-4	168	Science/Mathematics 4-8	08-09, 09-41	Granted
			Thompson, Bruce	Health, PE, Social Studies	230	Sp Education Instructional Specialist 4-12	07-08, 08-09,	Granted

Waiver Requests for Teachers Teaching Out of Area for More than 30 Days  
May 2010

LEA	District	# of Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs	
							ALP	Granted/ Denied
6606	Mansfield School District	1	Trotter, Jolene	Elementary 1-6	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
7403	Mccrory School District	1	Simmons, Ava	PE, Elem, Coaching, Special Ed P-12	299	Guidance & Counseling P-8	09-10	Granted
2203	Monticello School District	1	Hoy, John P	Secondary Principal, Secondary Math,	311	District Administrator P-12	09-10	Granted
3105	Nashville School District	1	Hendrix, Carol	Elementary, Special Education P-12	168	Science/Mathematics 4-8	09-10	Granted
	Rivendell/Alta Care	1	Schrader, Jack II	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10	Granted
3209	Southside School District	2	Wood, Shanda	Business Ed, Vocational	295	Library Media Science P-8	09-10	Granted
			Wood, Shanda	Business Ed, Vocational	296	Library Media Science 7-12	09-10	Granted
0104	Stuttgart School District	6	Caldwell, Kamden	ECE P-4, MS Social Studies, Elem K-6	295	Library Media Science P-8	09-10	Granted
				Secondary PE, MS PE, Coaching, MS Social Studies, Social Studies 7-12, Elementary K-6	410	Career Academy Endorsement 7-12	09-10	Granted
			McCarty, Cynthia	ECE P-4, Elem 1-6	307	English As A Second Language P-8	09-10	Granted
			McCarty, Cynthia	ECE P-4, Elem 1-6	308	English As A Second Language 7-12	09-10	Granted
			Nethery, Bonita	MS Math, MS Science, Elem 1-6	307	English As A Second Language P-8	09-10	Granted
			Nethery, Bonita	MS Math, MS Science, Elem 1-6	308	English As A Second Language 7-12	09-10	Granted
4605	Texarkana School District	4	Kirkland, Thelma	Elem 1-6	295	Library Media Science P-8	09-10	Granted
			Kirkland, Thelma	Elem 1-6	296	Library Media Science 7-12	09-10	Granted
			Skinner, Lavonda	ECE P-4	295	Library Media Science P-8	09-10	Granted
			Skinner, Lavonda	ECE P-4	296	Library Media Science 7-12	09-10	Granted
7510	Two Rivers School District	2	Minnie, Belinda	ECE P-4, PE K-12, Elem K-6	295	Library Media Science P-8	09-10	Granted
			Minnie, Belinda	ECE P-4, PE K-12, Elem K-6	296	Library Media Science 7-12	09-10	Granted

Waiver Requests for Teachers Teaching Out of Area for More than 30 Days  
May 2010

LEA	District	# of Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs		
							ALP	Granted/ Denied	
5704	Van Cove School District	1	Smith, Nancy	PE/Wellness/Leisure	004	Spanish 7-12	07-08, 08-09, 09-10	Granted	
1803	West Memphis School District	1	Killmar, Julia	Elementary	299	Guidance & Counseling P-8	07-08, 08-09, 09-10	Granted	
7509	Western Yell Co. School Dist.	1	McKelvy, William	Middle Level Math/Science	167	Social Studies 7-12	09-10	Granted	
1304	Woodlawn School District	2	Hutson, Jessica Young, Robin	ECE P-4 Library 5-12	107 295	Grade 5/6 Endorsement (P-4) Library Media Science P-8	09-10 09-10	Granted Granted	
<b># School Districts Requesting 37 Waivers this Month</b>		<b>61</b>	<b>Waivers Requested this Month</b>						<b>57</b>
							<b>Total Waivers Granted this Month</b>	<b>4</b>	
							<b>Total Waivers Denied this Month</b>	<b>61</b>	

Long Term Substitutes Requested  
May 2010

LEA	District	Substitute Name	Subject	Teacher of Record	Granted/ Denied
6803	Cave City School District	King, Michelle	6th Grade Math	Tate, Tori Lea	Granted
2104	Dumas School District	Kiraly, Katherine Ildiko	Art 7-12	Portis, Dorothy	Granted
53-01	East End School District	Bingham, Carrie	Fifth Grade	Lewis, Sherry	Granted
7203	Fayetteville School District	Gheen, Kenneth Jon	Assistant Principal	Sutton, Kirk	Granted
2602	Fountain Lake School District	Trapp, Barbara	Social Studies	Davis, Trina	Granted
05-06	Lead Hill School District	Alford, Kristen	Business Education	Reynolds, Shella	Granted
60-01	Little Rock School District	Ware, Eric	Geometry/Algebra 1	Rivers, Karen	Granted
1703	Mountainburg School District	Blanton, Daniel	Special Education	Noisewater, Janie	Granted
5804	Pottsville School District	Nash, April	Special Education	Guyse, Stephanie	Granted
	Rivendell Alta Care	Grelen, Cynthia	Special Education	Griepp, Laura	Granted
		Breeden, Sara	Special Education	Clark, Constance	Granted
6806	Twin Rivers School District	Keniston, Ronna	English	Sorrell, Lacy	Granted
		Black, Shayna	Science/Biology	Schnack, Randolph	Granted
1803	West Memphis School District	Harper, Dorothy	Language Arts 7-12	Vangundy, Beverly	Granted
16-02	Westside Consolidated School District	Bloodworth, Hilary	Secondary Math	Best, Charlotte	Granted
<b>13</b>	<b># Districts Requesting Substitute Waivers this Month</b>	<b>15</b>	<b># Substitute Waivers Requested this Month</b>	<b>Total Waivers Granted this Month</b>	<b>15</b>

# NOTICE LETTER



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell  
*Commissioner*

Mr. Tommy Arant, Superintendent  
Twin Rivers School District  
5749 Oak Ridge Road  
Ravenden Springs, AR 72460

Mr. Ronnie Brogdon, Superintendent  
Highland School District  
P.O. Box 419  
Hardy, AR 72542

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*

Mr. Greg Crabtree, Superintendent  
Hillcrest School District  
P.O. Box 50  
Strawberry, AR 72469

Mr. Ronald Taylor, Superintendent  
Mammoth Spring School District  
410 Goldsmith Avenue  
Mammoth Spring, AR 72554

Ms. Suzanne Bailey, Superintendent  
Maynard School District  
74 Campus Drive  
Maynard, AR 72444

Mr. Daryl Blaxton, Superintendent  
Pocahontas School District  
2300 N. Park Street  
Pocahontas, AR 72455

Mr. Mitch Walton, Superintendent  
Sloan-Hendrix School District  
P.O. Box 1080  
Imboden, AR 72434

Ms. Judy Warren, Director  
Imboden Area Charter School  
605 West Third Street  
Imboden, AR 72434

**Re: Notice of State Board of Education Hearing Concerning the  
Annexation/Consolidation of the Twin Rivers School District into One  
or More Contiguous School Districts (Via Facsimile and Regular Mail)**

Dear Ladies and Gentlemen:

Pursuant to Ark. Code Ann. § 6-13-1403, please accept this letter as formal notice that on **Monday, May 10, 2010**, the Arkansas State Board of Education (State Board), during its regularly scheduled meeting, will consider the possible annexation or consolidation of the Twin Rivers School District into one or more contiguous school districts. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, #4 Capitol Mall, Little Rock, Arkansas.**

Because your school districts are contiguous to the Twin Rivers School District, you are strongly encouraged to attend the hearing. You should bring with you any school board members or staff members who might assist you in answering questions posed by the State Board. Should you have any written information that you wish to submit to the State Board, please forward it to me no later than 12:00 noon on April 29, 2010 so that I may include it in the State Board's agenda materials.

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

Thank you for your attention to this matter. Please do not hesitate to contact me at (501) 682-4227 should you have any questions or require additional information.

Sincerely,



Jeremy C. Lasiter  
General Counsel

cc: Dr. Tom Kimbrell, Commissioner  
Dr. Charles Watson, State Board of Education Liaison  
The Honorable Johnny Key, Arkansas State Senate  
The Honorable Paul Miller, Arkansas State Senate  
The Honorable Robert Thompson, Arkansas State Senate  
The Honorable David Wyatt, Arkansas State Senate  
The Honorable David Cook, Arkansas House of Representatives  
The Honorable Eddie Cooper, Arkansas House of Representatives  
The Honorable Curren Everett, Arkansas House of Representatives  
The Honorable James McLean, Arkansas House of Representatives  
The Honorable J.R. Rogers, Arkansas House of Representatives  
File

# FISCAL INFORMATION

**Arkansas Department of Education  
Historical Review of Selected Data**

	TWIN RIVERS SCHOOL DISTRICT			HIGHLAND SCHOOL DISTRICT		
	06-07	07-08	08-09	06-07	07-08	08-09
ADM (3 Qtr)	425.96	384.62	350.17	1,567.32	1,563.84	1,571.06
Total Assessment	30,515,626	31,384,866	33,303,500	120,024,692	126,640,339	134,778,132
Total Expenditures	4,787,838	4,825,783	4,541,720	12,898,331	13,027,218	16,095,173
Per Pupil Expenditures	10,833	12,247	12,136	7,135	7,061	7,080
Total Mills	31.09	31.09	31.09	30.00	30.00	30.00
Total Debt	360,000	315,000	265,000	5,123,477	4,882,872	4,721,293
Non-Federal Certified FTEs	56.80	56.58	49.28	116.69	116.70	117.95
Avg Teacher Salary (Non-Federal Certified FTEs)	36,793	37,146	39,810	43,362	43,471	44,151
Mileage From This District To: TWIN RIVERS SCHOOL DISTRICT	0			32.25		
	HILLCREST SCHOOL DISTRICT			MAMMOTH SPRING SCHOOL DISTRICT		
	06-07	07-08	08-09	06-07	07-08	08-09
ADM (3 Qtr)	448.00	443.06	438.68	458.77	430.06	415.45
Total Assessment	30,511,033	32,015,148	33,029,721	24,174,822	24,695,997	26,577,019
Total Expenditures	6,046,658	4,690,927	5,063,430	4,178,185	4,035,972	3,907,598
Per Pupil Expenditures	9,472	8,572	8,420	7,196	8,394	8,247
Total Mills	35.90	35.90	35.90	30.00	30.00	30.00
Total Debt	3,180,161	2,785,679	2,375,000	1,190,884	1,121,178	1,051,236
Non-Federal Certified FTEs	44.34	40.70	40.63	41.35	51.08	38.52
Avg Teacher Salary (Non-Federal Certified FTEs)	39,708	40,302	39,458	37,685	32,828	41,187
Mileage To: TWIN RIVERS SCHOOL DISTRICT	41.10			43.09		
	MAYNARD SCHOOL DISTRICT			POCAHONTAS SCHOOL DISTRICT		
	06-07	07-08	08-09	06-07	07-08	08-09
ADM (3 Qtr)	515.35	482.95	496.47	1,921.20	1,861.83	1,828.49
Total Assessment	19,852,794	20,284,886	21,196,508	103,967,012	105,521,985	107,954,378
Total Expenditures	4,340,263	4,004,042	4,193,165	15,034,245	15,759,474	15,349,444
Per Pupil Expenditures	8,116	7,627	8,121	6,395	6,890	7,181
Total Mills	30.70	30.70	30.70	29.37	29.37	29.37
Total Debt	225,000	210,000	195,000	3,892,754	3,746,996	3,635,000
Non-Federal Certified FTEs	47.76	44.50	43.09	131.65	133.07	132.54
Avg Teacher Salary (Non-Federal Certified FTEs)	40,149	40,764	41,246	45,122	45,486	46,294
Mileage To: TWIN RIVERS SCHOOL DISTRICT	28.97			17.20		
	SLOAN HENDRIX SCHOOL					
	06-07	07-08	08-09	06-07	07-08	08-09
ADM (3 Qtr)	568.38	540.98	522.87			
Total Assessment	21,587,571	22,076,778	23,251,608			
Total Expenditures	4,774,559	5,093,684	5,951,682			
Per Pupil Expenditures	7,355	7,762	8,203			
Total Mills	36.93	36.93	36.93			
Total Debt	2,021,923	1,946,109	1,870,000			
Non-Federal Certified FTEs	47.26	46.72	47.20			
Avg Teacher Salary (Non-Federal Certified FTEs)	41,397	42,275	42,878			
Mileage To: TWIN RIVERS SCHOOL DISTRICT	15.06					

Notes:

ADM figures represent actual fiscal year three-quarter average daily m  
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

STANDARDS FOR  
ACCREDITATION  
STATUTES

Legislative Survey, Education, 8 U. Ark. Little Rock L.J. 569.

**Case Notes**

**Purpose.**

**Purpose.**

The primary goal of the Quality Education Act is the elimination of all public elementary and secondary schools that fall below the minimum standards for accreditation as set forth by the State Board of Education. *Loyd v. Knight*, 288 Ark. 474, 706 S.W.2d 393 (1986).

**Cited:** *Electors of Etowah Sch. Dist. v. Mississippi County Bd. of Educ.*, 292 Ark. 472, 731 S.W.2d 187 (1987).

**6-15-201. Title.**

This subchapter shall be known as and may be cited as “The Quality Education Act of 2003”.

**History.** Acts 1983, No. 445, § 1; A.S.A. 1947, § 80-4601; Acts 2003, No. 1467, § 1.

**Amendments.** The 2003 amendment inserted “and may be cited as” and substituted “2003” for “1983.”

**Research References**

**U. Ark. Little Rock L. Rev.**

Survey of Legislation, 2003 Arkansas General Assembly, Education Law, Academic Standards, 26 U. Ark. Little Rock L. Rev. 385.

**Case Notes**

**Cited:** *Allred v. Arkansas Dep't of Cor. Sch. Dist.*, 322 Ark. 772, 912 S.W.2d 4 (1995).

**6-15-202. Accreditation — Development of regulations and standards.**

(a) (1) The State Board of Education is authorized and directed to develop comprehensive regulations, criteria, and standards to be used by the state board and the Department of Education in the accreditation of school programs in elementary and secondary public schools in this state.

(2) In its regulations, criteria, and standards promulgated under this subchapter, the state board shall include a provision regarding the attainment of unitary status for school districts that have not been released from court supervision over desegregation obligations.

(b) (1) All public schools and school districts shall meet the Standards for Accreditation of Arkansas Public Schools and School Districts that shall be adopted by the state board.

(2) Upon a showing of just cause, the state board may grant a waiver of any standard for accreditation for a time period of no longer than one (1) school year, except that no curriculum, student performance, school performance, or any standard required by law may be waived for any time period.

(3) A school district is deemed to have failed to meet the standards if on any standard applicable to the general operation of a school district as defined by the state board the school district receives a probationary status.

(4) A school is deemed to have failed to meet the standards if on any standard applicable to the specific operation of that school as defined by the state board the school receives a probationary status.

(c) The state board shall promulgate rules and regulations setting forth:

(1) The process for identifying schools and school districts that fail to meet the standards;

(2) Enforcement measures the state board may apply to bring a school or school district into compliance with the standards, including, but not limited to, annexation, consolidation, or reconstitution of the school district in accordance with § 6-13-1401 et seq. and this subchapter; and

(3) The appeal process available to a school district under this subchapter.

(d) After the regulations are adopted and implemented by the state board, standards and procedures shall regularly be reviewed by the House Interim Committee on Education and the Senate Interim Committee on Education at least one (1) time every two (2) years, and recommendations and advice may be filed by the committees with the state board for its consideration.

(e) (1) The department shall conduct an on-campus Standards for Accreditation of Arkansas Public Schools and School Districts review for each school district in the state no less than one (1) time every four (4) years.

(2) The department may visit any school campus for an on-campus Standards for Accreditation of Arkansas Public Schools and School Districts review at other additional times as determined necessary by the Commissioner of Education or the state board.

(f) The commissioner may require that the superintendent of each school district file a written statement with the department as evidence that the school district for which the superintendent is responsible has complied with any or all of the following statutory requirements:

(1) § 6-10-111 (d)-(f) concerning the Equity Assistance Center;

(2) § 6-11-129(a)(1)(C)(ii) concerning data to be accessible on the department's website;

(3) § 6-13-109 concerning employment of a school superintendent;

(4) § 6-13-620 concerning powers and duties of the local school board of directors;

(5) § 6-13-801 et seq. concerning educational compacts;

(6) § 6-15-202(b)(1) concerning accreditation;

(7) § 6-15-401 et seq. concerning the Arkansas Comprehensive Testing, Assessment, and Accountability Program;

(8) § 6-15-502 concerning home schools;

(9) § 6-15-902 concerning grading scale;

(10) § 6-15-1004 concerning qualified teachers;

(11) § 6-15-1101(b) concerning diplomas;

(12) § 6-15-1402 concerning the school performance report;

(13) § 6-15-1603 concerning closing the achievement gap;

(14) § 6-15-1701 et seq. concerning a parental involvement plan;

(15) § 6-15-2006 concerning remedial instruction;

(16) § 6-16-102 concerning school day;

(17) § 6-16-103 concerning course of study generally;

(18) § 6-16-124 concerning Arkansas history;

(19) § 6-16-126 concerning food handling safety;

(20) § 6-16-130 concerning visual art and music;

(21) § 6-16-132 concerning physical education;

(22) § 6-16-1002 concerning health education;

(23) § 6-16-1003 concerning oral health standards;

- (24) § 6-16-1201 et seq. concerning advanced placement and concurrent enrollment;
- (25) § 6-17-102 concerning emergency first aid personnel;
- (26) § 6-17-201 concerning personnel policies;
- (27) § 6-17-309 concerning certification;
- (28) § 6-17-401 et seq. concerning teacher's license requirement;
- (29) § 6-17-2301 concerning establishment of personnel policies;
- (30) § 6-17-2402 concerning teacher compensation;
- (31) § 6-18-101 concerning qualifications for valedictorian and salutatorian;
- (32) § 6-18-201 et seq. concerning compulsory attendance;
- (33) § 6-18-202 concerning age and residence for attending public schools;
- (34) § 6-18-207 concerning minimum age for enrollment in public school;
- (35) § 6-18-211 concerning attendance for students in grades nine through twelve (9-12);
- (36) § 6-18-213 concerning attendance records and reports generally;
- (37) § 6-18-223 concerning credit for college courses;
- (38) § 6-18-501 et seq. concerning guidelines for development of school district student discipline policies and written student discipline policies;
- (39) § 6-18-508 concerning alternative learning environments;
- (40) § 6-18-509 concerning assessment and intervention in alternative learning environments;
- (41) § 6-18-701 et seq. concerning physical examinations;
- (42) § 6-18-1005 concerning a student services program;
- (43) § 6-19-101 concerning transportation;
- (44) § 6-20-2202 concerning the budget and expenditure report;
- (45) § 6-21-106 concerning fire hazards inspection prior to closing for breaks;
- (46) § 6-21-112 concerning school facilities;
- (47) § 6-25-101 et seq. concerning the public school library media and technology;
- (48) § 6-41-101 et seq. concerning services to children with disabilities in nonpublic schools;
- (49) § 6-42-101 concerning gifted and talented; and
- (50) Any other statutory mandate for school districts identified by the department as relevant to the Standards for Accreditation of Arkansas Public Schools and School Districts.

(g) In addition to any written statement of assurance required under subsection (f) of this section, the department may conduct an on-site review of a school district to confirm that a school district has complied with any statutory requirements listed in subsection (f) of this section or any other matter related to the standards.

(h) The department shall establish a form for the written statement of assurance required under subsection (f) of this section and shall establish a date or dates by which school districts shall submit the written statement of assurance required under subsection (f) of this section.

(i) If any superintendent fails to file a written statement of assurance as required by the commissioner under subsection (f) of this section by the date established by the department or knowingly submits false information or if the department determines the

information in the statement is inaccurate or incomplete, the department may:

- (1) Conduct a random on-site visit;
- (2) Request additional information from the school district;
- (3) Take licensure action on the license of the superintendent under the procedure of § 6-17-410; or

- (4) Find the school or school district in citation or probationary violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

**History.** Acts 1983, No. 445, § 4; A.S.A. 1947, § 80-4604; Acts 1997, No. 112, § 3; 2003, No. 1467, § 2; 2005, No. 1684, § 1; 2005, No. 2131, § 26; 2007, No. 54, § 2; 2007, No. 829, § 2.

**A.C.R.C. Notes.** Acts 2007, No. 829, § 1, provided:  
"Findings.

"It is found and determined by the General Assembly that:

"(1) The school districts in Pulaski County entered into a settlement agreement and desegregation plans in 1989 with the intent to fulfill a 'promise for achieving unitary school systems which are free from the vestiges of racial discrimination';

"(2) The State of Arkansas has paid the districts in excess of approximately seven hundred million dollars (\$700,000,000) to assist the districts in fulfilling their promise to achieve unitary schools free from the vestiges of racial discrimination;

"(3) The Little Rock School District has recently been declared unitary and has been released from federal court supervision, but the Pulaski County Special School District and the North Little Rock School District have yet to attain a ruling that they have fulfilled their promise to their students to achieve unitary school systems;

"(4) These school districts believe they are unitary or have achieved a unitary status in some respect, and have stated so publicly in legislative committee meetings;

"(5) The General Assembly finds that without any ruling from the federal district court that the districts have achieved unitary status, there is no assurance that the promise of schools free of the vestiges of racial discrimination has been fulfilled by these districts;

"(6) The General Assembly finds that, as a part of the state's overall obligation to provide a general, suitable, and efficient school system, the students and parents of the Pulaski County districts deserve to know that they are being educated in a unitary school district, or if their district is not unitary in some respect the district should be making adequate progress towards being declared fully unitary;

"(7) The General Assembly seeks to assist the school districts to achieve unitary status and to fulfill their promise to provide school systems which are free from the vestiges of racial discrimination consistent with their desegregation plans; and

"(8) The General Assembly also seeks to provide some assurance to the children in the districts that the promise of unitary schools in the Pulaski County districts will be fulfilled within a reasonable amount of time."

**Amendments.** The 2005 amendment by No. 1684 added (e).

The 2005 amendment by No. 2131 added (f)-(i).

The 2007 amendment by No. 54 substituted "6-11-129(a)(1)(C)(ii)" for "6-11-129(3)(b)" in (f)(2).

The 2007 amendment by No. 829 added (a)(2).

### **6-15-203. Notification of failure to meet standards for accreditation — Appeal.**

(a) (1) The Department of Education annually shall notify all schools or school districts failing to meet standards for accreditation for elementary and secondary schools not later than May 15 of each year of this determination.

(2) (A) However, at any time the department may immediately notify a public school or school district failing to meet standards for accreditation for elementary and secondary schools when the failure is discovered by the department under § 6-15-202(i).

**(B)** A public school or school district notified by the department of the public school's or school district's failure to meet the standards for accreditation due to actions taken under § 6-15-202(i) shall have the same period of time to appeal to the State Board of Education as provided under subdivision (b)(3) of this section.

**(b) (1)** In the event that a school district affected by this subchapter believes the department has improperly determined that a school or school district fails to meet the standards for accreditation, the school district shall have a right of appeal thereafter to the State Board of Education.

**(2)** Any appeal shall be held in an open hearing, and the decision of the state board shall be in open session.

**(3)** Appeals must be filed not later than May 30 following the May 15 determination of accreditation status, and the state board hearing must be held prior to August 15 of the same calendar year.

**(4)** The state board may confirm the classification of a local school or school district as determined by the department, or it may sustain the appeal of the school district.

**(5)** An aggrieved school district may appeal the ruling of the state board to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

**History.** Acts 1983, No. 445, § 6; A.S.A. 1947, § 80-4606; Acts 1993, No. 603, § 1; 2003, No. 1467, § 3; 2009, No. 1469, § 3.

**Amendments.** The 2009 amendment rewrote (a).

#### **6-15-204. [Repealed.]**

**Publisher's Notes.** This section, concerning the initial failure to meet standards, was repealed by Acts 1999, No. 1078, § 54. The section was derived from Acts 1983, No. 445, § 2; A.S.A. 1947, § 80-4602.

**Effective Dates.** Acts 1999, No. 1078, § 92: July 1, 2000.

#### **6-15-205. [Repealed.]**

**Publisher's Notes.** This section, concerning isolated districts, was repealed by Acts 1995, No. 917, § 15. The section was derived from Acts 1983, No. 445, § 3; A.S.A. 1947, § 80-4603.

#### **6-15-206. Subsequent failure to meet standards for accreditation.**

**(a)** Any school or school district which fails to meet current standards for accreditation as determined by the Department of Education shall be classified as probationary.

**(b) (1)** Notice thereof shall be filed with the school district in which the school is located that the school or school district must meet all standards for accreditation within no more than two (2) consecutive school years, including the year the probationary status is declared, or be subject to the mandates of this subchapter, including, but not limited to, possible consolidation, annexation, or reconstitution of a school district as provided under § 6-13-1401 et seq. and this subchapter.

**(2)** The department shall prepare and promulgate regulations and guidelines for the maximum times allowable for correction of any violations of standards, provided no

probationary status violation may exist for more than two (2) consecutive school years.

(c) (1) School districts shall submit annually evidence of compliance with standards for accreditation for the school district and each school in the school district.

(2) The department shall review annually the educational standards of school districts for the purpose of determining whether standards for accreditation of the schools therein are in compliance with current state standards for accreditation.

(d) An onsite review of each school's compliance shall be made at least every two (2) years or more frequently if the department has reason to believe that the school district or any school therein has fallen below standards for accreditation.

(e) The department shall cooperate with local schools and school authorities in order to assist affected school districts and schools therein to achieve compliance with the standards for accreditation as provided in this subchapter.

**History.** Acts 1983, No. 445, § 5; A.S.A. 1947, § 80-4605; Acts 1989, No. 481, § 1; 1993, No. 603, § 2; 2003, No. 1467, § 4.

#### **6-15-207. Enforcement of standards.**

(a) The State Board of Education may take any number of the actions listed in subsection (c) of this section to address a school or school district failure to meet standards for accreditation any time after a school or school district has received notice of being placed on probationary status pursuant to §§ 6-15-202 and 6-15-203.

(b) The state board shall take at least one (1) of the actions listed in subsection (c) to address any school or school district which has failed to meet all standards for accreditation for two (2) consecutive school years, including the year the probationary status is declared pursuant to §§ 6-15-202 and 6-15-203, unless the state board, at its discretion, issues written findings supported by a majority of the state board that the school district could not meet current standards for the relevant time period due to impossibility caused by external forces beyond the school district's control.

(c) The state board shall be allowed to take the following actions to address any school or school district on probationary status for failing to meet the standards for accreditation:

(1) Require a school district to reorganize or reassign the administrative, instructional, or support staff of a public school;

(2) Require a school or school district to institute and fully implement a curriculum that is based on state academic content and achievement standards, including providing appropriate professional development at the cost of the school district;

(3) Remove a particular school from the jurisdiction of a school district and establish alternative public governance and supervision of the school or schools;

(4) Require a school district to close down or dissolve a particular school or schools within a school district;

(5) Annex a school district or districts or parts thereof with another receiving school district or districts pursuant to the authority of § 6-13-1401 et seq. and this subchapter;

(6) Consolidate a school district or districts or parts thereof with another school district or districts or parts thereof to form a resulting district pursuant to the authority of § 6-13-1401 et seq. and this subchapter;

(7) Reconstitute the leadership of a school district by removing permanently or suspending on a temporary basis the superintendent of the school district or any particular

board members of a school district. The state board shall have the authority to appoint an administrator or to call for the election of new school board members to administer the affairs and provide governance of the school district, or both; and

(8) Take any other appropriate action allowed by law which is determined by the state board to assist and address a school or school district failure to meet the standards for accreditation.

**History.** Acts 2003, No. 1467, § 5.

**Publisher's Notes.** Former § 6-15-205, concerning the annexation and combination by petition, was repealed by Acts 1999, No. 1078, § 55. The section was derived from Acts 1983, No. 445, § 9; 1983 (Ex. Sess.), No. 61, § 1; A.S.A. 1947, § 80-4609; Acts 1987, No. 855, § 1; 1987 (1st Ex. Sess.), No. 3, § 2; 1991, No. 1033, § 1; 1993, No. 294, § 9.

**Effective Dates.** Acts 1999, No. 1078, § 92: July 1, 2000.

### **6-15-208. Publication and dissemination.**

When any school of a school district or the school district is determined by the State Board of Education to be on probationary status for failure to meet the standards for accreditation, that school district after exhausting its rights to appeal shall:

(1) Publish the probationary status determination and findings of the state board to the public and the parents or caregiver of each student enrolled in the school or school district determined to have failed to meet the standards for accreditation;

(2) The public notice shall be in an understandable and uniform format; and

(3) The public notice shall be published or disseminated, immediately after the state board's determination, on the website of the school district and published at least one (1) time a week for two (2) consecutive weeks in a local newspaper of general circulation in the affected school district.

**History.** Acts 2003, No. 1467, § 5.

**Publisher's Notes.** Former § 6-15-208, concerning the annexation of an independent school district having territory in more than one county, was repealed by Acts 1993, No. 294, § 9. The section was derived from Acts 1983, No. 445, § 12; A.S.A. 1947, § 80-4612.

### **6-15-209. Rules and regulations.**

The State Board of Education shall promulgate rules and regulations as necessary to set forth the:

(1) Process for identifying and addressing a school or school district that is failing to meet the Standards for Accreditation of Arkansas Public Schools and School Districts;

(2) Process and measures to be applied to require a school or school district to comply with the standards, including, but not limited to, possible annexation, consolidation or reconstitution of a school district under § 6-13-1401 et seq. and this subchapter;

(3) Appeals process and procedures available to a school district pursuant to this subchapter and current law; and

(4) Definitions and meaning of relevant terms governing the establishment and governance of the standards.

**History.** Acts 2003, No. 1467, § 5.

STANDARDS FOR  
ACCREDITATION  
RULES

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING STANDARDS FOR ACCREDITATION OF ARKANSAS  
PUBLIC SCHOOLS AND SCHOOL DISTRICTS**

July 2009

**1.0 REGULATORY AUTHORITY**

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts.
- 1.02 These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-207, 25-15-201 et seq., and Acts 219, 829 and 1015 of 2007.
- 1.03 These rules replace previously adopted Rules Governing Standards for Accreditation of Arkansas Public Schools revised June 2008.

**2.0 PURPOSE**

- 2.01 These rules are to set forth the Standards for Accreditation of Arkansas public schools and school districts.
- 2.02 The purpose of these rules is to describe the process whereby Arkansas public schools or school districts will be cited or placed in probationary status for failure to meet Standards for Accreditation.
- 2.03 The purpose of these rules is to set forth the enforcement actions that may be applied to Arkansas public schools or school districts that fail to meet Standards for Accreditation.

**3.0 DEFINITIONS – For purpose of these Rules, the following terms mean:**

- 3.01 "Cited" - Accredited-cited status assigned to a school or school district that fails to meet any standard identified as a cited violation in these rules.
- 3.02 "Core academic course" means a course taught in any of the following subject areas defined by NCLB: English, Reading or Language Arts, Mathematics, Science, Foreign Language, Social Studies, Arts.
- 3.03 "Department" - Arkansas Department of Education.
- 3.04 "Enforcement action" - intervention by the State to require compliance of a school or a school district that fails to meet Standards for Accreditation of Arkansas Public Schools and School Districts.
- 3.05 "Highly qualified teacher" means a teacher who holds at least a Bachelor's Degree, holds full state license, and has demonstrated subject area competence in each of the core academic subjects in which the teacher teaches, and who meets such other necessary requirements as set forth in the Arkansas Department of Education Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.

D (District) S (School) C (Cited) P (Probation) Policy (Policy required)

ADE 282-1

- 3.06 "Probationary" - Accredited-probationary status assigned to a school or school district that fails to meet any standard identified as a probationary violation in these rules or fails to correct by the specified deadline a violation for which it acquired cited status.
- 3.07 "Public School District/Public School" - those school districts and schools (including open-enrollment charter schools) created pursuant to Title 6 of Arkansas Code and subject to the Arkansas Comprehensive Testing, Assessment and Accountability Program except specifically excluding those schools or educational programs created by or receiving authority to exist pursuant to Ark. Code Ann. §§ 6-15-501, 9-28-205, and 12-29-301, et seq., or other provisions of Arkansas law.
- 3.08 "Standards for Accreditation" - a series of requirements that specify what a school or school district shall meet in order to be fully accredited by the Arkansas Department of Education.
- 3.09 "State Board of Education" - Arkansas State Board of Education.

**4.0 CITED STATUS**

- 4.01 A school district, which is deemed to have failed to meet any standard defined with a cited status in these rules and is referenced as applicable to a school district, shall be assigned cited status.
- 4.02 A school, which is deemed to have failed to meet any standard defined with a cited status in these rules and is referenced as applicable to a school, shall be assigned cited status.
- 4.03 No school or school district shall maintain a cited status for violation of any particular standard for a time period greater than two (2) consecutive school years including the year the cited status is assigned, unless provided otherwise in these rules.
- 4.04 Any school or school district that fails to remedy itself from cited status for violation of a particular standard after a two (2) year time period shall be assigned accredited-probationary status.
- 4.05 For the purpose of these Rules, D means district, S means school, C means cite, P means probation, and Policy means a policy is required.

**5.0 PROBATIONARY STATUS**

- 5.01 A school district shall be assigned a probationary status which is deemed to have failed to meet any standard defined with a probationary status in these rules or was in cited status for the same violation the previous two (2) consecutive years and is referenced as applicable to a school district.
- 5.02 A school shall be assigned a probationary status which is deemed to have failed to meet any standard defined with a probationary status in these rules or was in cited status for the same violation the previous two (2) consecutive years and is referenced as applicable to a school.
- 5.03 No school or school district shall maintain a probationary status for violation of any standard for more than two (2) consecutive school years including the year the probationary status is declared.

- 5.04 Any school or school district that fails to remedy itself from probationary status after the two (2) year time period will be subject to mandates of Ark. Code Ann. § 6-15-207 (Act 1467 of 2003).

**STANDARDS FOR ACCREDITATION OF ARKANSAS PUBLIC SCHOOLS AND SCHOOL DISTRICTS**

<b>D/P</b>	<b>6.0</b>	<b>STANDARD I</b>	<b>EQUAL EDUCATIONAL OPPORTUNITIES</b>
	6.01	All school districts' policies and actions shall be nondiscriminatory and shall be in compliance with state and federal laws.	
	6.02	Pursuant to Ark. Code Ann. § 6-15-202(a) and Act 829 of 2007, all school districts which have not obtained full and complete unitary status and have been released from court supervision over desegregation obligations are strongly encouraged to seek unitary status and obtain an appropriate court order proclaiming such unitary status from the respective federal courts in which their cases have been filed.	
	6.03	By September 15 of each school year, any school district that has not been declared by court order to have reached complete and full unitary status shall file a report with the Arkansas Department of Education stating whether in the district's opinion the school district is unitary in status or not. Any school district that has not reached complete and full unitary status and has not been released from court supervision over desegregation obligations but which believes the district is in complete and full unitary status shall provide a written quarterly report to the Arkansas Department of Education by September 15 and the report shall provide a detailed plan with proposed time lines of how the district has complied with any desegregation plan or obligations and shall state how the district will seek to obtain a determination of full unitary status and release from court supervision and a release of any and all court ordered desegregation obligations.	
	6.04	If by July 1, 2009 and each school year thereafter, the Arkansas Department of Education is unable to verify the district's attempts to comply with their submitted detailed plan for obtaining a determination of full unitary status and release from court supervision as required in §6.03 of these Rules, then the Department of Education shall report to the State Board of Education:	
		1)	Whether the failure of the school district to obtain full and complete unitary status is having a negative impact on the state's overall obligation to provide a general, suitable and efficient school system; and
		2)	Whether the school district should be placed on probationary status and subject to the provisions of Ark. Code Ann. § 6-15-201 et seq.
	6.05	The SBE shall consider the report issued by the ADE under § 6.04 of this Rule and may designate or classify a school district in probationary status and take any necessary intervention allowed under § 6-15-201 et seq. if the SBE determines the district's inability to obtain unitary status is having a negative impact on the obligation to provide a general, suitable and efficient education.	

**7.0 STANDARD II GOALS AND ADMINISTRATION OF ARKANSAS PUBLIC SCHOOLS AND SCHOOL DISTRICTS**

<b>Policy</b>	7.01	<b>STATE AND NATIONAL GOALS</b>	It is well established by history and law that education is a state responsibility. As a framework for school district planning, a set of statewide and national goals for education and a long-term plan to meet these goals have been developed.
<b>D/C</b>			As one of these goals, pursuant to No Child Left Behind, teachers of core academic classes shall hold a designation as a Highly Qualified Teacher (HQT).
	7.02	<b>SCHOOL DISTRICT GOALS</b>	
<b>D/P</b>		7.02.1	Each school district in Arkansas shall be required to develop, with appropriate staff and community participation, a comprehensive plan. School district goals shall be compatible with state and national educational goals and shall address local needs. The plan shall be filed with and reviewed by the Department annually.
<b>D/C</b>		7.02.2	Each school district shall provide and publish, in a newspaper with general circulation in the district before November 15 of each school year, a report to the public detailing progress toward accomplishing program goals, accreditation standards, and proposals to correct deficiencies. If there is no paper media with general circulation, notification shall be mailed to parents.
<b>S/C</b>		7.02.3	Each school shall systematically and, at least annually, explain its policies, programs, and goals to the community in a public meeting that provides opportunities for parents and other members of the community to ask questions and make suggestions concerning the school program.
	7.03	<b>SCHOOL DISTRICT ADMINISTRATION</b>	
<b>D/P</b>		7.03.1	<b>OPERATING POLICIES AND PROCEDURES</b>
			Each school board shall adopt written policies for the operation of the school district in accordance with guidelines established by the Department.
		7.03.2	<b>RECORDS AND REPORTS</b>
<b>S/P</b>		7.03.2.1	Each school shall maintain all reports and records necessary for effective planning, operation, and education.
<b>Policy</b>		7.03.2.2	Each school district shall annually submit an accurate and timely report to the Department appraising its students' performance. The report shall be prepared in accordance with guidelines developed by the Department.
		7.03.3	<b>SCHOOL BOARDS</b>
<b>D/C</b>		7.03.3.1	Each school board, prior to November 15 of each year, shall hold a public meeting, at a time and place convenient for a majority of the school patrons and employees, to review and discuss its annual report

detailing progress toward accomplishing its district's program objectives, accreditation standards, and proposals to correct deficiencies.

**D/C** 7.03.3.2 All accreditation and evaluation studies and reports shall be reported and discussed in a public meeting at a time and place convenient for a majority of the school patrons and employees.

**7.04 SCHOOL GOALS**

**S/P** 7.04.1 The administrators, teachers, other school staff, and parents of each school shall develop the annual comprehensive school improvement plan to monitor that school's progress and to project its continuing needs. The annual school improvement plan shall be filed with and reviewed by the Department.

**S/P** 7.04.2 Schools shall review each curriculum area annually to ensure alignment with state standards.

**8.0 STANDARD III ACTIVE COMMUNITY INVOLVEMENT**

**D/P** 8.01 Each school district shall form a coalition of parents, and representatives of agencies and institutions, and of business and industry to develop and implement a comprehensive plan for effective and efficient community involvement in the delivery of comprehensive youth services and support.

**S/C** 8.02 Each individual school shall investigate and, where feasible, utilize community resources in the instructional program of the school.

**9.0 STANDARD IV CURRICULUM**

**9.01 COURSE CONTENT FRAMEWORKS**

**Policy** 9.01.1 The Department shall appoint committees to write curriculum frameworks based on the adopted Arkansas Student Learning Expectations. Each committee shall consist of teachers and instructional supervisory personnel from public schools assisted by teachers from institutions of higher education. Committees will meet periodically to review, revise, and update the curriculum frameworks.

**S/P** 9.01.2 Each accredited school shall use these curriculum frameworks to plan instruction leading to student demonstration of proficiency in the Arkansas content standards.

**Policy** 9.01.3 The Department, with advice from public schools and institutions of higher education, shall devise an assessment system that will measure progress toward meeting the content standards expressed in the Arkansas Curriculum Frameworks. These evaluations shall serve as a major factor in determining the accreditation status of public schools.

**Policy** 9.02 **EARLY CHILDHOOD EDUCATION CURRICULUM**

The early childhood education curriculum shall be developmentally appropriate for the age span of the children within the groups and implemented with attention to the different needs, interests, and developmental levels of those individual children. This curriculum shall be

aligned to Arkansas Better Chance standards.

- S/P 9.03 CURRICULUM
- S/P 9.03.1 SMART CORE AND CORE
- 9.03.1.1 Guidelines for the development of Smart Core curriculum policies and informed consent document shall be established by the Department. Each school district shall adopt written Smart Core curriculum policies consistent with those guidelines.
  - 9.03.1.2 The Smart Core curriculum is contained within the 38 units that must be taught each year (See 14.03.1 for a listing of Smart Core requirements).
  - 9.03.1.3 In order to ensure that every child has access to a rigorous curriculum, beginning with the seventh grade class of 2004-2005, the Smart Core curriculum and core curriculum will be a standard component of the required course of study to graduate from Arkansas public schools.
  - 9.03.1.4 All students will participate in the Smart Core curriculum unless the parent or guardian waives the student's right to participate. In such case of a waiver, the student will be required to participate in the core.
  - 9.03.1.5 Each school district shall adopt written policies that inform parents about the Smart Core curriculum and the required course of study for graduation.
  - 9.03.1.6 Each district's written policies regarding Smart Core curriculum and the required course of study for graduation shall be included in the student handbook and filed with the Department.
  - 9.03.1.7 Local districts and individual schools shall involve parents, staff, and students in the formulation and review of the Smart Core curriculum and the course of study for the graduation policy.
  - 9.03.1.8 Students and parents shall acknowledge that they have received the school's policy regarding Smart Core curriculum and the required course of study for graduation by a signed statement. The school shall document procedures and methods used to inform parents and students of this policy. Parents shall sign an Informed Consent document provided by the Department. Teachers, administrators, and counselors shall be provided with appropriate training in this policy.
  - 9.03.1.9 The core curriculum for grades K-8 shall encompass all types of developmentally appropriate learning experiences and provide for differences in rates of learning among children. It shall emphasize overarching processes of reasoning and problem solving, communicating, connecting (linking knowledge, skills, and other understandings within and across disciplines to real-life situations), and internalizing (acting on the learning to make it meaningful, useful, and worthwhile). English Language Acquisition Standards shall also

be used for all English Language Learners (ELL) students at all grade levels.

- S/P**
- 9.03.2 GRADES K-4  
Reading, writing, and mathematics shall be incorporated into all curriculum areas. All students shall receive instruction in each content area annually.
- 9.03.2.1 Language Arts
- Reading
  - Writing
  - Listening, Speaking, Viewing
- 9.03.2.2 Mathematics
- Number sense, properties, and operations
  - Measurement
  - Geometry and spatial sense
  - Data analysis and statistics
  - Patterns, algebra, and functions
- 9.03.2.3 Social Studies
- History and culture of Arkansas (a unit at each grade level with emphasis at grade 4), the nation, and the world (including foreign language experiences)
  - Geography
  - Economics
  - Civic education
  - Social sciences processes and skills
- 9.03.2.4 Science
- Life science systems
  - Earth/space systems
  - Physical systems
  - Environmental education
- 9.03.2.5 Tools for Learning
- Technical skills: research and information skills, use of computers and calculators
  - Data gathering: use of data banks, atlases, dictionaries, almanacs, networks, news sources, and interviews
- 9.03.2.6 Fine Arts
- Visual arts instruction, appreciation, and application
  - Performing arts instruction, appreciation, and application
- 9.03.2.7 Practical Living Skills/Career Exploration

S/P

9.03.2.8 Health and Safety Education and Physical Education

9.03.3 GRADES 5-8

Reading, writing, and mathematics shall be incorporated into all curriculum areas. All students shall receive instruction in each content area annually.

9.03.3.1 Language Arts

Reading  
Writing  
Listening, Speaking, Viewing

9.03.3.2 Mathematics

Number sense, properties, and operations  
Measurement  
Geometry and spatial sense  
Data analysis and statistics  
Patterns, algebra, and functions

9.03.3.3 Science

Life science systems  
Earth/space systems  
Physical systems  
Environmental education

9.03.3.4 Social Studies

History and culture of Arkansas (a unit at grades 5 and 6, with emphasis at grade 5), the nation, and the world (including foreign language experiences)  
Geography  
Economics  
Civic education  
Social science process skills

9.03.3.5 Physical Education

9.03.3.6 Fine Arts

Visual arts instruction, appreciation, and application  
Performing arts instruction, appreciation, and application

9.03.3.7 Health and Safety

9.03.3.8 Tools for Learning

Technical skills: research and information skills, use of computers and calculators  
Data gathering: use of data banks, atlases, dictionaries, almanacs, networks, news sources, and interviews

- 9.03.3.9 Career and Technical Education
- 9.03.3.10 Each school shall teach annually reading and mathematics skills to assist those students who need such additional instruction to make satisfactory progress in their required courses.
- 9.03.3.11 A unit of Arkansas history shall be taught as a social studies subject at each elementary grade level in every public elementary school in this state with greater emphasis at the fourth (4th) and fifth (5th) grade levels, and at least one (1) full semester of Arkansas history shall be taught to all students at the 7th, 8th, 9th, 10th, 11th, or 12th grade level in every public secondary school in this state.
- 9.03.3.12 Upon approval by the Department, courses taught in grades 5-8 may be offered for high school graduation credit. Courses shall have the same rigor as those taught in high school, but content for a single course may be taught over a two-year period. Teachers shall be certified in the subject area taught with students participating in appropriate End-of-Course examinations. Schools shall have appropriate follow-up curriculum in place for students adopting an accelerated schedule.

S/P

9.03.4 GRADES 9-12  
 Reading, writing, and mathematics shall be incorporated into all curriculum areas. The following courses shall be taught annually for a total of 38 units, except as otherwise allowed in Ark. Code Ann. §§ 6-15-213 and 6-15-214, as articulated in these rules.

- 9.03.4.1 Language Arts - 6 units
  - 4 units English
  - 1 unit oral communications or ½ unit oral communications and ½ unit drama
  - 1 unit journalism
  - (Other options as approved by the Department)
- 9.03.4.2 Science - 5 units (Active student participation in laboratory experience is required for a minimum of 20% of instructional time.)
  - 1 unit biology
  - 1 unit chemistry
  - 1 unit physics
  - (Other options as approved by the Department)
- 9.03.4.3 Mathematics - 6 units
  - 1 unit Algebra I
  - 1 unit geometry
  - 1 unit Algebra II
  - 1 unit pre-calculus mathematics to include trigonometry
  - (Other options as approved by the Department)

- 9.03.4.4 Foreign Languages - 2 units of the same language
- 9.03.4.5 Fine Arts - 3 ½ units
- 1 unit art
  - 1 unit instrumental music
  - 1 unit vocal music
  - ½ unit survey of fine arts or an advanced art or an advanced music course
- 9.03.4.6 Computer Applications with emphasis on current applications-1 unit
- 9.03.4.7 Social Studies - 4 units
- 1 unit American history with emphasis on 20th Century America
  - 1 unit world history
  - ½ unit civics
  - ½ unit of Arkansas history if not taught in grade 7 or 8  
(Other options as approved by the Department)
- 9.03.4.8 Economics - ½ unit
- The Economics course must be taught by a teacher appropriately licensed in either Social Studies or Business Education. The appropriate licensure code must be used to differentiate between the area of social studies and the area of career focus elective credit to meet the requirements of the 38 units.
- 9.03.4.9 Health and Safety Education and Physical Education - 1½ units
- 1 unit physical education
  - ½ unit health and safety education
- 9.03.4.10 Career and Technical Education - 9 units of sequenced career and technical education courses (programs of study) representing three (3) occupational areas.
- In addition to the currently approved programs, districts may develop and request approval for innovative programs of study based on community and student needs.
- 9.03.4.11 The course offerings should include appropriate Advanced Placement (AP) courses. Weighted credit/additional quality points for designated AP courses will be contingent upon the teacher completing training as required by the Department and the student taking the applicable AP examinations.
- 9.03.4.11.1 Any school district meeting the following conditions may petition the Department to count an appropriate approved AP course in the place of a specified required 38 unit course in the subject areas of mathematics, English, science and social studies under the following conditions:

- 9.03.4.11.2 The public school district has a qualified teacher for the required 38 unit course;
- 9.03.4.11.3 No students enrolled in the required 38 unit course;
- 9.03.4.11.4 An AP course in the same subject area as the required course has students enrolled in the course;
- 9.03.4.11.5 The public school district teaches all other 38 unit courses required by the Standards for Accreditation; and
- 9.03.4.11.6 The public school district teaches the required 38 unit course to any student who enrolls in the public school district after the school year begins.
- 9.03.4.11.7 The public school district may teach the required course to a new student:
  - i. In a traditional classroom setting;
  - ii. Through distance learning with a qualified teacher, or
  - iii. By making individual modifications for the required course from the AP course syllabus to accommodate the new student.
- 9.03.4.11.8 The public school district shall notify the Department in writing after registration in the spring prior to the beginning of the new school year and immediately after the school year begins if no students enrolled in the required course and the public school district will seek to meet the Standards for Accreditation using the AP course.
- 9.03.4.11.9 Upon receiving the public school district's written notification and after spring registration and after verifying the information, the Department shall permit the public school district to meet the Standards for Accreditation by teaching the AP course in place of the required course.
- 9.03.4.11.10 If a new student enrolls in the required course, the public school district shall immediately notify the Department in writing.
- 9.03.4.12 Additional foreign language courses such as the Level III and IV of the same foreign language and other foreign language should be included.
- 9.03.4.13 If a course required to be taught by a school district under the State Board of Education's Standards for Accreditation has an enrollment of one (1) or more students and all students enrolled in the course leave the school district after the course has commenced but before the completion of the course in each given school year or school semester the course is to be taught, and no other students that are eligible to take the course enroll to attend the school district campus where the

course is required to be taught, the course shall be considered as taught by the school district in compliance with the Standards for Accreditation under the following conditions:

- 9.03.4.13.1 The school district superintendent certifies in writing that no student was enrolled in the district and was eligible to take the required course enrolled to attend the school district campus where the course was required to be taught after the initial student or students left the school district;
- 9.03.4.13.2 The school district provides written proof, as required by the Department, that the school district had the course scheduled to be taught on the school district's master course schedule during the entire time the course was required to be taught;
- 9.03.4.13.3 The school district provides written proof, as required by the Department, that the school district had a properly certified teacher employed and able to teach the required course during the entire time the course was required to be taught and the course was listed on the school district's master course schedule;
- 9.03.4.13.4 The Department, upon review of proper records of the district and information certified by the school district superintendent, confirms that the school district satisfied the requirements of Sections 9.03.4.12 - 9.03.4.12.3 of these rules and verifies that the information submitted pursuant to Sections 9.03.4.12 - 9.03.4.12.3 of these rules is correct; and
- 9.03.4.13.5 At the end of the school semester in which the course was required to be taught, the school district petitions the State Board of Education, in writing, for a waiver of the Standards for Accreditation requirement that the particular course be taught for that school semester.
- 9.03.4.13.6 The State Board of Education shall waive the requirement for only the semester in which the student or students left the school district.
- 9.03.4.13.7 The superintendent and the school board president of the school district seeking the waiver shall appear before the State Board of Education to present their request for a waiver.
- 9.03.4.13.8 Representatives of the Department shall appear before the State Board of Education to confirm and verify the information required to be filed with the Department under this section.
- 9.03.4.13.9 Upon satisfaction of the requirements of Sections

9.03.4.12 - 9.03.4.12.8 of these rules, the State Board of Education shall waive the requirement that the course be taught on a semester basis.

<b>10.0</b>	<b>STANDARD V</b>	<b>INSTRUCTION</b>
	10.01	REQUIRED TIME FOR INSTRUCTION AND SCHOOL CALENDAR
<b>D/P</b>	10.01.1	Student-teacher interaction time shall be for a minimum of 178 days, except as waived by the Department for professional development.
<b>D/P</b>	10.01.2	All public school teacher/administrator contracts (elementary, secondary, vocational - exception vocational agriculture) shall be a minimum of 190 days.
<b>D/P</b>	10.01.3	At least ten (10) days or sixty (60) hours shall be used for professional development and in-service training and at least two (2) days shall be used for parent/teacher conferences.
<b>D/S/P</b>	10.01.4	The planned instructional time in each school day shall not average less than six (6) hours per day or thirty (30) hours per week.
	10.02	CLASS SIZE AND TEACHING LOAD
<b>Policy</b>	10.02.1	Early childhood education programs shall be no more than ten (10) students to one (1) teacher in a classroom or no more than twenty (20) students to one (1) teacher and a qualified adult aide.
<b>S/P</b>	10.02.2	Kindergarten shall be no more than twenty (20) students to one (1) teacher in a classroom. However, kindergarten class maximum may be no more than twenty-two (22) with a one half time instructional aide being employed for those classes.
<b>S/P</b>	10.02.3	The average student/teacher ratio for grades one through three in a school district shall be no more than twenty-three (23) students per teacher in a classroom. There shall be no more than twenty-five (25) students per teacher in any classroom.
<b>S/P</b>	10.02.4	The average student/teacher ratio for grades four through six in a school district shall be no more than twenty-five (25) students per teacher in a classroom. There shall be no more than twenty-eight (28) students per teacher in any classroom.
<b>S/P</b>	10.02.5	In grades seven through twelve, a teacher shall not be assigned more than one hundred fifty (150) students; an individual academic class shall not exceed thirty (30) students, provided that, in exceptional cases or for courses that lend themselves to large group instruction, these ratios may be increased.
<b>D/C</b>	10.03	INSTRUCTIONAL MATERIALS
		School districts shall adopt instructional materials which provide complete coverage of a subject as described in that subject's curriculum frameworks and which fit the achievement levels of the students assigned to each teacher.
	10.04	DISCIPLINE

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- D/P** 10.04.1 Guidelines for the development of student discipline policies shall be established by the Department. Each school district shall adopt written discipline policies consistent with those guidelines that include a code of student behavior.
- D/P** 10.04.2 Each district's written policies shall be filed with the Department.
- D/S/P** 10.04.3 Local districts and individual schools shall involve parents, staff, and students in the formulation and review of their student discipline policies, rules, and procedures.
- S/P** 10.04.4 Schools shall inform students and parents of the rules and procedures by which the school is governed. Schools shall make the students aware of the behavior that will call for disciplinary action, as well as the types of corrective actions that may be imposed.
- S/P** 10.04.5 Students and parents shall acknowledge that they have received the school's discipline policies by a signed statement. The school shall document procedures and methods used to inform parents and students of the policy.
- D/S/P** 10.04.6 Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training as required by Ark. Code Ann. § 6-18-502.

**D/C** 10.05 **EXTRACURRICULAR ACTIVITIES**

Each school district shall adopt a written policy on extracurricular and non-instructional activities and their appropriate place in the school program. The policy shall limit and control interruptions of instructional time in the classroom and the number of absences for such activities.

**D/C** 10.06 **REQUIREMENTS FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES**

Each school district shall adopt a written policy specifying the requirements students must meet to be eligible to participate in extracurricular activities.

**D/C** 10.07 **HOMEWORK AND INDEPENDENT STUDY SKILLS**

Each school district shall adopt a written policy for appropriate and meaningful homework. The policy shall promote the development of students' independent study skills and work to be done outside the classroom which will reinforce and strengthen academic skills, broaden the educational experiences of students, and relate those experiences to the real life of the community. Parents shall be notified of the policy at the beginning of each school year.

**D/C** 11.0 **STANDARD VI ATTENDANCE AND ENROLLMENT**

11.01 **MANDATORY ATTENDANCE**

All children who are ages five (5) through seventeen (17) on or before September 15 are required to be in school that school year with the exception of five-year-old children for whom kindergarten has been waived by the parent, guardian, or person having custody or charge; students who have received a high school diploma or its equivalent; or students who are

enrolled in a postsecondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education.

- S/C**            11.02    **INITIAL ENROLLMENT**
- A birth certificate, Social Security Number, or other documentation, as provided by law, shall be required to enroll in school.
- Policy**        11.03    **EARLY CHILDHOOD EDUCATION PROGRAMS**
- It is recommended that school districts provide the opportunity for each child age three (3) on or before September 15 to enroll in an approved early childhood education program. No parent or guardian shall be required to enroll a child in an early childhood education program at age three (3).
- D/P**            11.04    **KINDERGARTEN**
- Each school district must provide a full-day kindergarten for each child age five (5) on or before September 15. A parent or guardian shall sign a waiver if they elect not to enroll a child in kindergarten at age five (5). Any six-year-old child who has not completed a state accredited kindergarten program prior to public school enrollment shall be evaluated by the school district to determine whether placement for the child shall be in kindergarten or the first grade.
- D/S/P**        11.05    **IMMUNIZATION REQUIREMENTS**
- All schools and school districts shall meet immunization requirements established by state and federal laws.  
All enrolling kindergarten students shall furnish evidence of a comprehensive and developmental preschool examination.

**12.0        STANDARD VII        STUDENT PERFORMANCE**

- D/S/P**        12.01    **PERFORMANCE OF ALL STUDENTS**
- Schools shall be responsible for assessing each student's progress at each grade level in acquiring mastery of the competencies, skills, and other subjects required by law and Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) regulations. Assessment data may include performance assessments, competency test scores, standardized test scores, subject matter mastery test scores, and observations of teachers and parent(s) or guardian(s).
- S/P**            12.02    **GRADING**
- Grades assigned to students for performance in a course shall reflect only the extent to which a student has achieved the expressed academic objectives of the course. Grades that are aligned with other educational objectives such as the student learning expectations contained in the curriculum frameworks may also be given.
- S/P**            12.03    **SPECIAL EDUCATION STUDENTS**
- Students with special needs shall have equal access to programs that meet the criteria for

their identified Individualized Education Program and shall receive services in the least restrictive environment that meets their needs.

**12.04 SCHOOL REPORTING OF STUDENTS' PERFORMANCE**

- D/C** 12.04.1 Each local district shall adopt a written policy requiring teachers to communicate with the parent(s) or guardian(s) of each student during the school year to discuss the student's academic progress and requiring more frequent communication with the parent(s) or guardian(s) of students not performing at the level expected for their grade.
- S/C** 12.04.2 Each school shall schedule no fewer than two (2) parent-teacher conferences per school year to encourage communication with parents.
- S/C** 12.04.3 All grade level conferences with parent(s) and or guardian(s) shall be scheduled at a time and place to best accommodate those participating in the conference. The school shall document participation or nonparticipation in required conferences. If a student is to be retained at any grade level, notice of retention and the reasons for retention shall be communicated promptly in a personal conference.

**12.05 TRANSFER BETWEEN SCHOOLS**

- D/C** 12.05.1 Any student transferring from a school accredited by the Department to another school accredited by the Department shall be placed into the same grade the student would have been in had the student remained at the former school.
- D/C** 12.05.2 Any student transferring from home school or a school that is not accredited by the Department to a school that is accredited by the Department shall be evaluated by the staff of that accredited school to determine that student's proper placement in the accredited school.

**13.0 STANDARD VIII SCHOOL PERFORMANCE**

Data from the performance indicators shall be used by the Department and schools in establishing goals and objectives for school improvement.

**14.0 STANDARD IX GRADUATION REQUIREMENTS**

- D/S/P** 14.01 Specifically, for the graduating classes of 2009-2010, 2010-2011, 2011-2012, 2012-2013, the required twenty-two (22) units, at a minimum, shall be taken from the "Smart Core" curriculum or from the "Core" curriculum. Only one (1) of the required units may be in a physical education course. All students will participate in the Smart Core curriculum unless the parent or guardian waives the student's right to participate. In such case of a waiver, the student will be required to participate in Core. The required twenty-two (22) units, at a minimum, are to be taken from the Smart Core or Core as follows:

SMART CORE - Sixteen (16) units

English - four (4) units - 9th, 10th, 11th, 12th

Mathematics - four (4) units [All students must take a mathematics course in grade 11 or grade 12 and complete Algebra II.]

Comparable concurrent credit college courses may be substituted where applicable.

Algebra I or Algebra A & B (Grades 7-8 or 8-9)

Geometry or Investigating Geometry or Geometry A & B  
(Grades 8-9 or 9-10)

Algebra II

Fourth math unit range of options: (choice of: Transitions to College Math, Pre-Calculus, Calculus, Trigonometry, Statistics, Computer Math, Algebra III, or an Advanced Placement math)

Natural Science - three (3) units with lab experience chosen from Physical Science, Biology or Applied Biology/Chemistry, Chemistry, Physics or Principles of Technology I & II or PIC Physics

Social Studies - three (3) units

Civics or Civics/American Government

World History

American History

Oral Communications - one half ( $\frac{1}{2}$ ) unit

Physical Education - one half ( $\frac{1}{2}$ ) unit

Health and Safety - one half ( $\frac{1}{2}$ ) unit

Fine Arts - one half ( $\frac{1}{2}$ ) unit

**D/C**

**CAREER FOCUS - Six (6) units**

All units in the career focus requirement shall be established through guidance and counseling at the local school district based on the students' contemplated work aspirations. Career focus courses shall conform to local district policy and reflect state frameworks through course sequencing and career course concentrations where appropriate.

Local school districts may require additional units for graduation beyond the sixteen (16) Smart Core and the six (6) career focus units. These may be in academic and/or technical areas. All the Smart Core and career focus units must total at least twenty-two (22) units to graduate.

**D/S/P**

**CORE - Sixteen (16) units**

English - four (4) units

Oral Communications - one half ( $\frac{1}{2}$ ) unit

Social Studies - three (3) units [one (1) unit of world history, one (1) unit of U. S. history, one half ( $\frac{1}{2}$ ) unit of civics or government]

Mathematics - four (4) units [one (1) unit of algebra or its equivalent\* and one (1) unit of geometry or its equivalent.\* All math units must build on the base of algebra and geometry knowledge and skills.]

Comparable concurrent credit college courses may be substituted where applicable.

Science - three (3) units [at least one (1) unit of biology or its equivalent and one (1) unit of a physical science]

Physical Education - one half ( $\frac{1}{2}$ ) unit

Health and Safety - one half ( $\frac{1}{2}$ ) unit

Fine Arts - one half ( $\frac{1}{2}$ ) unit

\* A two-year algebra equivalent or a two-year geometry equivalent may each be

counted as two units of the four (4) unit requirement.

D/C

CAREER FOCUS - Six (6) units

All units in the career focus requirement shall be established through guidance and counseling at the local school district based on the students' contemplated work aspirations. Career focus courses shall conform to local district policy and reflect state frameworks through course sequencing and career course concentrations where appropriate.

Local school districts may require additional units for graduation beyond the sixteen (16) Core and the six (6) career focus units. These may be in academic and/or technical areas. All the Core and career focus units must total at least twenty-two (22) units to graduate.

D/S/P

14.02 Specifically, for the graduating class of 2013-2014, and all graduating classes thereafter, the required twenty-two (22) units, at a minimum, shall be taken from the "Smart Core" curriculum or from the "Core" curriculum. Only one (1) of the required units may be in a physical education course. All students will participate in the Smart Core curriculum unless the parent or guardian waives the student's right to participate. In such case of a waiver, the student will be required to participate in Core. The required twenty-two (22) units, at a minimum, are to be taken from the Smart Core or Core as follows:

SMART CORE - Sixteen (16) units

English - four (4) units - 9th, 10th, 11th, 12th

Mathematics - four (4) units [All students must take a mathematics course in grade 11 or grade 12 and complete Algebra II.]  
Comparable concurrent credit college courses may be substituted where applicable.

Algebra I or Algebra A & B (Grades 7-8 or 8-9)

Geometry or Investigating Geometry or Geometry A & B  
(Grades 8-9 or 9-10)

Algebra II

Fourth math unit range of options: (choice of: Transitions to College Math, Pre-Calculus, Calculus, Trigonometry, Statistics, Computer Math, Algebra III, or an Advanced Placement math)

Natural Science - three (3) units with lab experience chosen from Physical Science, Biology or Applied Biology/Chemistry, Chemistry, Physics or Principles of Technology I & II or PIC Physics

Social Studies - three (3) units [one (1) unit of world history, one (1) unit of U. S. history, one half (½) unit of civics]

Oral Communications - one half (½) unit

Physical Education - one half (½) unit

Health and Safety - one half (½) unit

Economics - one half (½) unit

A one-half (½) unit of Economics is required for graduation and may be counted toward the required three (3) social studies credits or toward the six (6) required career focus elective credits.

If the course is taught by an appropriately licensed social studies teacher, credit may be applied to meet graduation requirements in social studies or toward the career focus electives. If the course is

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taught by an appropriately licensed business education teacher, graduation credit can only be applied toward career focus requirements.

The appropriate course code must be used to differentiate the application of credit for graduation to either the area of social studies or the area of career focus elective credit.

Fine Arts - one half ( $\frac{1}{2}$ ) unit

**D/C**

**CAREER FOCUS - Six (6) units**

All units in the career focus requirement shall be established through guidance and counseling at the local school district based on the students' contemplated work aspirations. Career focus courses shall conform to local district policy and reflect state frameworks through course sequencing and career course concentrations where appropriate.

Local school districts may require additional units for graduation beyond the sixteen (16) Smart Core and the six (6) career focus units. These may be in academic and/or technical areas. All the Smart Core and career focus units must total at least twenty-two (22) units to graduate.

**D/S/P**

**CORE - Sixteen (16) units**

English - four (4) units

Oral Communications - one half ( $\frac{1}{2}$ ) unit

Social Studies - three (3) units [one (1) unit of world history, one (1) unit of U. S. history, one half ( $\frac{1}{2}$ ) unit of civics]

Mathematics - four (4) units [one (1) unit of algebra or its equivalent\* and one (1) unit of geometry or its equivalent.\* All math units must build on the base of algebra and geometry knowledge and skills.] Comparable concurrent credit college courses may be substituted where applicable.

Science - three (3) units [at least one (1) unit of biology or its equivalent and one (1) unit of a physical science]

Physical Education - one half ( $\frac{1}{2}$ ) unit

Health and Safety - one half ( $\frac{1}{2}$ ) unit

Economics - one half ( $\frac{1}{2}$ ) unit

A one-half ( $\frac{1}{2}$ ) unit of Economics is required for graduation and may be counted toward the required three (3) social studies credits or toward the six (6) required career focus elective credits.

If the course is taught by an appropriately licensed social studies teacher, credit may be applied to meet graduation requirements in social studies or toward the career focus electives. If the course is taught by an appropriately licensed business education teacher, graduation credit can only be applied toward career focus requirements.

The appropriate course code must be used to differentiate the application of credit for graduation to either the area of social studies or the area of career focus elective credit.

Fine Arts - one half ( $\frac{1}{2}$ ) unit

\* A two-year algebra equivalent or a two-year geometry equivalent may each be

counted as two units of the four (4) unit requirement.

**D/C**

**CAREER FOCUS - Six (6) units**

All units in the career focus requirement shall be established through guidance and counseling at the local school district based on the students' contemplated work aspirations. Career focus courses shall conform to local district policy and reflect state frameworks through course sequencing and career course concentrations where appropriate.

Local school districts may require additional units for graduation beyond the sixteen (16) Core and the six (6) career focus units. These may be in academic and/or technical areas. All the Core and career focus units must total at least twenty-two (22) units to graduate.

**S/P**            14.03      A unit of credit shall be defined as the credit given for a course which meets for a minimum of 120 clock hours. A minimum average six-hour day or minimum thirty (30) hour week is required.

**S/P**            14.04      **SPECIAL EDUCATION**

14.04.1      For a student with disabilities, the Individualized Education Program (IEP) serves as the student's "graduation plan."

14.04.2      Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by a student's IEP Team, transition planning must be initiated to prepare a student for exit from a secondary education program to post-secondary life. This includes planning for the student's exit from school due to graduation. For a student with disabilities, fulfillment of the requirements set forth in the student's IEP constitutes the basis for graduation from high school.

**15.0            STANDARD X            PERSONNEL**

**D/P**            15.01      **SCHOOL DISTRICT SUPERINTENDENT**

Each school district shall employ a full-time superintendent when enrollment exceeds three hundred (300). A full-time superintendent may, at the discretion of the local school district, teach no more than two (2) classes per day.

**S/P**            15.02      **PRINCIPALS**

Each school shall employ at least a half-time principal. A full-time principal shall be employed when a school's enrollment reaches three hundred (300). A school district superintendent may be permitted to serve as a half-time principal when district enrollment is less than 300 providing the superintendent is appropriately certified and is not already teaching classes. Schools with an enrollment exceeding five hundred (500) shall employ at least one full-time principal and a half-time assistant principal, instructional supervisor, or curriculum specialist.

15.03      **LICENSURE AND RENEWAL**

**D/S/P**            15.03.1      All administrative, teaching, and other personnel shall hold a current, valid

Arkansas license as required by law.

- D/S/C** 15.03.2 All administrative, teaching, and other personnel shall meet appropriate State licensure and renewal requirements for the position to which they are assigned.
- D/S/C** 15.03.3 A person not fully qualified for a position may be used in emergencies only and may not be replaced by a person not fully qualified for the position, unless appropriate documentation is provided to the Department describing efforts to hire a qualified individual.
- Policy** 15.03.4 Licensure renewal in a subject area shall require intervening educational experience related to that subject area.
- Policy** 15.03.5 Licensure renewal for administrative and other personnel shall require appropriate intervening educational experience related to their responsibilities.
- Policy** 15.03.6 Issuance and revocation of a license shall be in accordance with Arkansas Code and State Board of Education regulations promulgated for such action.
- Policy** 15.03.7 The State licensure system shall include a process designed to provide qualified individuals applying for a license an alternative to completion of a traditional teacher education program.

15.04 PROFESSIONAL DEVELOPMENT AND IN-SERVICE TRAINING

- D/P** 15.04.1 Each school district shall have flexibility in establishing plans for professional development and in-service training, provided the plans meet standards and rules for professional development as established by the Department. Beginning with the 2004-2005 school year, and each year thereafter, a minimum of sixty (60) hours of professional development, to include six (6) hours of technology, is required for teachers and administrators annually.
- D/P** 15.04.1.1 Each teacher shall be required to have no less than two (2) hours of professional development designed to enhance understanding of effective parental involvement strategies. These two (2) hours may be included in the sixty (60) hours required for professional development.
- D/P** 15.04.1.2 Each administrator shall be required to have no less than three (3) hours of professional development designed to enhance understanding of effective parent involvement strategies, the importance of administrative leadership in setting expectations, and creating a climate conducive to parental participation. These three (3) hours may be included in the required sixty (60) hours of professional development.
- 15.04.2 For each administrator, the sixty (60) hour professional development requirement shall include training in data disaggregation, instructional leadership, and fiscal management.

15.05 HIGHLY QUALIFIED TEACHERS REQUIREMENT FOR CORE ACADEMIC CLASSES

- 15.05.1 Every public school district shall ensure that the percentage of core academic classes taught by highly qualified teachers in the district's schools is no less than

10 percentage points below the state's total percentage of core academic classes taught by highly qualified teachers.

15.05.2 Any school district failing to meet the requirements of Section 15.05.1 shall receive a citation at the appropriate district and school level.

**16.0 STANDARD XI SUPPORT SERVICES**

Support services shall be designed to be comprehensive and integral to the process of schooling and the development of all students. Each school district for each school building site shall develop and implement a written plan, as set forth in current laws. The plans shall be based upon the needs identified by parents, teachers, principals, students, and other agencies with which the school district works.

**16.01 GUIDANCE AND COUNSELING**

- S/P** 16.01.1 Each school shall provide a developmentally appropriate guidance program to aid students in educational, personal/social, and career development.
- 16.01.2 Each school shall provide supportive personnel and appropriate facilities to ensure effective counseling to meet individual needs of students.
- D/P** 16.01.3 Each school shall assign appropriate certified counselor staff with the district being required to maintain an overall ratio of one (1) to four hundred fifty (450).

**16.02 MEDIA SERVICES**

- D/C** 16.02.1 Sufficient resources shall be budgeted and spent yearly for purchasing and maintaining an appropriate, current collection.
- S/C** 16.02.2 A process to provide for input from teachers, parents, and students in the acquisition of instructional materials shall be implemented. These materials shall enhance and support the goals of the school improvement plan.
- S/P** 16.02.3 The role of the library media center shall support technology as a tool for learning. Each school with fewer than three hundred (300) students enrolled shall employ at least a half-time, licensed library media specialist. A school with three hundred (300) or more students enrolled shall employ a full-time licensed library media specialist. Schools enrolling fifteen hundred (1,500) or more students shall employ two full-time, licensed library media specialists. The library media specialist(s) shall ensure that access to records and resource data bases shall be available to students. The media specialist(s) shall assist students in the development and use of research skills.
- S/C** 16.02.4 The school media collection shall consist of a balance of print, nonprint, and electronic media adequate in quality and quantity to meet the needs of the developmentally appropriate curricular program. The minimum book collection, exclusive of textbooks, shall be three thousand (3,000) volumes, or at least eight (8) books per student enrolled, whichever figure is larger. A minimum technology requirement will be one (1) computer per media center with multimedia/networking capacity for administrative purposes only.

16.03 HEALTH AND SAFETY SERVICES

- D/P** 16.03.1 Each school district shall have a health services program under the direction of a licensed nurse. The program shall include screening, referral, and follow-up procedures for all students.
- S/C** 16.03.2 Each school shall provide facilities, equipment, and materials necessary for operation of a school health services program.
- S/C** 16.03.3 The school health services program shall provide and maintain current health appraisal records for all students in accordance with guidelines developed by the Department.
- S/C** 16.03.4 Each school shall take proper measures to ensure the safety of its students and protect against injuries which may occur in or on the school facilities or site.
- S/C** 16.03.5 In accordance with Ark. Code Ann. § 6-18-1005, health services shall include but not be limited to: (1) Students with special health care needs, including the chronically ill, medically fragile, technology dependent, and students with other health impairments shall have an Individualized Healthcare Plan. (2) Invasive medical procedures required by students and provided at school shall be performed by trained, licensed personnel who are licensed to perform the task; the regular classroom teacher shall not perform these tasks. (3) Custodial Healthcare services required by students under an Individualized Healthcare Plan shall be provided by trained school employees other than the regular classroom teachers.

**17.0 STANDARD XII SPECIAL EDUCATION**

Special education programs and special schools shall be accredited in accordance with applicable laws and rules adopted by the State Board of Education.

**18.0 STANDARD XIII GIFTED AND TALENTED EDUCATION**

- S/C** 18.01 Each school district shall develop procedures to identify gifted and talented students in accordance with guidelines established by the Department.
- D/P** 18.02 Each school district shall provide educational opportunities for students identified as gifted and talented appropriate to their ability.
- S/C** 18.03 Each school shall use procedures to evaluate the effectiveness of the provisions of these educational opportunities.

**19.0 STANDARD XIV SUPPLEMENTARY EDUCATIONAL OPPORTUNITIES**

- D/C** 19.01 Each school district shall develop and implement programs which take advantage of educational opportunities outside the traditional classroom.
- D/C** 19.02 Each school district shall provide opportunities for qualified students to enroll in courses at institutions of higher education.
- D/P** 19.03 Each school district shall provide appropriate alternative program(s) for students who are

identified as requiring such programs to continue their education.

**Policy** 19.04 Each school district should provide opportunities for summer school and adult education programs.

**20.0 STANDARD XV FACILITIES AND EQUIPMENT**

**D/P** 20.01 School facilities shall be planned and constructed in accordance with the laws of the State of Arkansas and the regulations of the Arkansas Department of Health, the office of the State Fire Marshall, and the Department.

**D/C** 20.02 Each room shall be furnished with equipment and instructional materials necessary to provide the environment and working conditions appropriate for subjects or activities assigned.

**21.0 STANDARD XVI AUXILIARY SERVICES**

**Policy** Auxiliary services, such as transportation and food services, shall be provided in accordance with applicable laws, regulations, and guidelines developed by the Department.

**22.0 STANDARD XVII COOPERATION AMONG SCHOOL DISTRICTS**

School districts may comply with these standards through cooperative efforts among themselves. All plans for cooperation among school districts and institutions of higher learning for the purpose of complying with these standards shall be submitted for approval to the Department.

**23.0 STANDARD XVIII ACCREDITATION OF SCHOOLS**

**Policy** 23.01 COMPLIANCE WITH STANDARDS

A school or district shall be accredited on the basis of its complying with these standards and state law related to these standards.

**Policy** 23.02 DEPARTMENT GUIDELINES

The Department shall prepare guidelines to be used in the evaluation of schools or districts to determine whether they are in compliance with these standards. The guidelines will provide for the design and format for reports required to be submitted to the Department to indicate the extent to which school districts and schools are in compliance. The guidelines will include criteria for measuring each standard and the documentation required to indicate compliance with the standard. Required reports will be submitted to the Department by October 15 of each year.

**Policy** 23.03 ACCREDITATION PROCESS

The Department shall annually review all reports and investigate any suspected deficiencies in meeting standards. All written complaints charging violations of standards received by the Department shall be investigated. Each year the Department shall make an on-site visit to a selected number of school districts and review the schools for compliance with the standards. The Department shall notify all school districts and schools not meeting the Standards for Accreditation of deficiencies by May 15 of each year.

23.04 ACCREDITATION

- S/P 23.04.1 Any school or district, which falls below current Standards for Accreditation, as determined by the Department, shall be notified in writing as being classified in either cited or probationary status by May 15 of each year.
- Policy 23.04.2 School districts shall be notified of a school's or school district's probationary status and advised that the school will be classified as probationary for no more than two (2) school years, after which time they shall be classified as not accredited. Schools classified as not accredited are subject to enforcement actions as described herein pursuant to Ark. Code Ann. § 6-15-207.
- 23.04.3 The Department shall review by May 15 annually, pertinent information from every school district to ensure that the district and schools are in compliance with current Standards for Accreditation, and shall make an on-site review of each school's compliance at least every two (2) years or more frequently if deemed necessary by the Department.
- 23.04.4 A comprehensive evaluation shall be conducted in accordance with guidelines established by the Department (i.e., with the Department prescribed procedures and school improvement planning processes). The Department shall use teams of evaluators that may include representatives from the Department, colleges and universities, and teachers and administrators from other districts. The Department shall report the conclusions of the evaluation team to the local school within thirty (30) days. (Conform to Standards Review and the Arkansas Consolidated School Improvement Plan [ACSIP])
- 23.04.5 The Department shall provide school improvement teams to local school districts needing assistance in meeting the standards or when it is determined a school has deficiencies. The school improvement team shall recommend action that the school should take to improve its program and eliminate deficiencies.
- Policy 23.04.6 Any person who knowingly submits falsified information requested or required by the Department may be subject to licensure action pursuant to Ark. Code Ann. § 6-17-410 and other relevant state and federal law.

24.0 SPECIFIC TIME FRAME FOR CITATIONS OR PROBATIONS

CITATIONS:

- 24.01 A school or school district will be placed in cited status for licensure deficiencies for the second and third year of an individual's Additional Licensure Plan (ALP). This status will continue for the length of time prescribed by the individual's approved Additional Licensure Plan, not to exceed two (2) years. Any school employing a teacher not completing the ALP process after the two (2) year cited process shall be assigned accredited-probationary status.
- 24.02 A school or school district will be placed in cited status for improper ratios and class sizes caused by unexpected population shifts. Such status may extend to October 15 of the next school year. At the conclusion of the cited term, if the same violation exists, the school shall be assigned probationary status.
- 24.03 A school district will be placed in cited status for failing to hold the Annual Report to the

Public School Board meeting prior to November 15. Such status will extend to October 15 of the next school year. At the conclusion of the cited term, if the same violation exists, the school district shall be assigned probationary status.

- 24.04 A school district will be placed in cited status for providing a late Annual Accreditation Report to the Department. Such status will extend to October 15 of the next school year. At the conclusion of the cited term, if the same violation exists, the school district shall be assigned probationary status.

**PROBATIONS:** For the following violations, any school district or school that fails to meet the identified date of corrections will be recommended to the State Board of Education for loss of accreditation.

- 24.05 A school will be placed in probationary status for high school classes which meet less than 120 clock hours (to be corrected within thirty days).
- 24.06 A school will be placed in probationary status for an instructional day that is less than six (6) hours per day or thirty (30) hours each week (to be corrected within thirty days).
- 24.07 A school will be placed in probationary status for any staff member(s) not holding a valid Arkansas license. Such status will not extend beyond January 30 of the current school year.
- 24.08 A school or school district will be placed in probationary status for failing to employ a superintendent, principal, assistant principal (if required), nurse, or counselor. Such status will extend to the first day of the next academic semester.
- 24.09 A school will be placed in probationary status for lack of written policies mandated by law or the Standards for Accreditation (to be corrected in 60 days).
- 24.10 A school will be placed in probationary status for lack of a guidance program. Such status will extend to the first day of the next academic semester.
- 24.11 A school district will be placed in probationary status for lack of a health services program. Such status will extend to the first day of the next academic semester.
- 24.12 A school district will be placed in probationary status for lack of a gifted and talented program. Such status will extend to the first day of the next academic semester.
- 24.13 A school or school district will be placed in probationary status for lack of a media services program. Such status will extend to the first day of the next academic semester.
- 24.14 A school district will be placed in probationary status for lack of a special education program. Such status will extend to the first day of the next academic semester.
- 24.15 A school will be placed in probationary status for improper ratios/class sizes NOT CAUSED by unexpected population shifts (to be corrected in 30 days).
- 24.16 A school district will be placed in probationary status for failing to file an accurate or complete Equity Compliance Report. Such status will extend to the first day of the next academic semester, but cannot extend beyond October 15 of the next year.
- 24.17 A school or school district shall be placed in probationary status for failing to teach the

required courses mandated by these Standards for Accreditation. Such status will extend to the first day of the next academic semester, but cannot extend beyond October 15 of the next school year.

- 24.18 A local school or school district shall be placed in probationary status for violations of the law (e.g., Ark. Code Ann. §§ 6-16-132, 6-16-130, 6-15-1101, 6-17-309, 6-18-223, or 6-15-1601 et seq.). Such status shall extend to the official review date issued by the Department.

## **25.0 ENFORCEMENT OF STANDARDS FOR ACCREDITATION**

- 25.01 The State Board of Education may, on its own motion or upon petition from the Department, take any number of the following actions, listed in paragraph 25.03, to address a school or school district which has failed to meet all Standards for Accreditation any time after a school or school district has received notice of being placed in probationary status pursuant to paragraph 23.04.1. The Department shall petition the State Board of Education for enforcement action in the time period provided in these rules when a school or school district has failed to remedy all probationary violations when a specific time period for correction is required regarding a particular standard.
- 25.02 The State Board of Education shall take at least one of the following actions, listed in paragraph 25.03, to address any school or school district which has failed to meet all Standards for Accreditation for two (2) consecutive school years including the year the probationary status was issued to the school or school district, unless the State Board of Education, at its discretion, issues written findings supported by a majority of the board, that the school district could not meet current standards for the relevant time period due to impossibility caused by external forces beyond the school district's control.
- 25.03 The State Board of Education shall be allowed to take the following actions to address any school or school district on probationary status for failing to meet the Standards for Accreditation:
- 25.03.1 Require a school district to reorganize, or to reassign the administrative, instructional, or support staff of a public school;
  - 25.03.2 Require a school or school district to institute and fully implement a curriculum that is based on State academic content and achievement standards, including providing appropriate professional development at the cost of the school district;
  - 25.03.3 Remove a particular school from the jurisdiction of a school district and establish alternative public governance and supervision of such school or schools;
  - 25.03.4 Require a school district to close down or dissolve a particular school or schools within a school district;
  - 25.03.5 Annex a school district or districts or parts thereof with another receiving school district or districts pursuant to the authority of Ark. Code Ann. § 6-13-1401 et seq. and this subchapter;
  - 25.03.6 Consolidate a school district or districts or parts thereof with another school district or districts or parts thereof to form a resulting district pursuant to the authority of Ark. Code Ann. § 6-13-1401 et seq. and this subchapter;

- 25.03.7 Reconstitute the leadership of a school district by removing permanently or suspending on a temporary basis the superintendent of the school district or any particular board members of a school district. The State Board of Education shall have the authority to appoint an administrator or to call for the election of new school board members to administer the affairs and provide governance of the school district, or both;
- 25.03.8 Take any other appropriate action allowed by law which is determined by the State Board of Education to assist and address a school or school district failing to meet the Standards for Accreditation.

25.03.9 LOSS OF ACCREDITATION

25.04 PUBLICATION AND DISSEMINATION

- 25.04.1 When any school of a school district or the school district is determined by the State Board of Education to be in probationary status for failure to meet the Standards for Accreditation, that school district, after exhausting its rights to appeal, shall:
  - 25.04.1.1 Publish the probationary status determination and findings of the State Board of Education to the public and the parents or care giver of each student enrolled in the school or school district determined to have failed to meet the Standards for Accreditation;
  - 25.04.1.2 The public notice shall be in an understandable and uniform format;
  - 25.04.1.3 The public notice shall be published or disseminated, immediately after the State Board of Education's determination, on the web-site of the school district and published at least one (1) time a week for two (2) consecutive weeks in a local newspaper of general circulation in the affected school district.

**26.0 RIGHT OF APPEAL**

- 26.01 In the event a district or school believes the Department has improperly determined that any school or school district has failed to meet Standards for Accreditation, the school district shall have a right to file its written appeal with the office of the Director of the Department.
- 26.02 Any such appeal shall be held in an open hearing, and the decision of the Board shall be in open session. The appeal must be filed not later than May 30 following the May 15 written notification, and the State Board of Education hearing must be held prior to August 15 of the same calendar year.
- 26.03 The State Board of Education may confirm the classification of a school or school district accreditation status, as determined by the Department, or it may sustain the appeal of the district.
- 26.04 Pursuant to the Ark. Code Ann. § 6-15-203, an appeal from the ruling of the Board may be made by a school district to the Pulaski County Circuit Court provided such appeal is made pursuant to the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.

**27.0 WAIVER AUTHORITY AND PROCESS**

- 27.01 The State Board on its own motion, or on petition from the Department, or from a school district may, upon a showing of just cause in a public hearing of the State Board, grant a waiver of any accreditation standard for a time period of no longer than one (1) school year, except that no curricula, student performance, school performance, or any standard required by law may be waived for any time period.
- 27.02 Any petition for waiver of any accreditation standard by a school district shall be filed in the Office of the Director of the Department thirty (30) calendar days prior to the State Board of Education hearing the waiver petition. The State Board may waive the thirty (30) day time requirement, when in the State Board of Education's determination, circumstances prevent the petition from being filed within the thirty (30) day time frame.
- 27.03 Any hearing of the State Board of Education concerning a waiver of any accreditation standard shall be conducted in a public hearing of a properly announced regular or special meeting of the State Board of Education in accord with Arkansas law.

# ANNEXATION STATUTES

(2) The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, and employees of the school and that two-thirds (2/3) of the certified employees voting in a secret ballot election have agreed to the model.

**History.** Acts 1995, No. 1125, § 6.

## **Subchapter 14**

### **— Consolidation, Annexation, and Formation**

- 6-13-1401. Definitions.
- 6-13-1402. Consolidation and annexation authority.
- 6-13-1403. Conditions under which the State Board of Education may annex school districts.
- 6-13-1404. Conditions under which the State Board of Education may consolidate school districts.
- 6-13-1405. Effective date of annexation or consolidation.
- 6-13-1406. Board of directors — Term — Election.
- 6-13-1407. Creation of a school district — When part of a school district taken.
- 6-13-1408. Annexation or consolidation not to negatively impact state-assisted desegregation.
- 6-13-1409. State Board of Education.
- 6-13-1410. Appeal and election.
- 6-13-1411. Use of fund balances.
- 6-13-1412. Board of directors after annexation — Term — Election.
- 6-13-1413. Board of directors after consolidation — Term — Election.
- 6-13-1414. Boundary change by State Board of Education.

**A.C.R.C. Notes.** References to “this subchapter” in §§ 6-13-1401 — 6-13-1410 may not apply to §§ 6-13-1411 — 6-13-1413, which was enacted subsequently.

**Cross References.** Consolidation, annexation, or merger of districts, § 6-14-122.

**Effective Dates.** Acts 2003, No. 1467, § 23: July 16, 2003. Effective date clause failed to pass. Effective date clause provided: “Unless otherwise provided in this act, this act shall become effective on July 1, 2003.”

Acts 2003 (2nd Ex. Sess.), No. 60, § 6: Jan. 29, 2004. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in *Lake View School District No. 25 v. Huckabee*, 351 Ark. 31 (2002) declared the now existing system of education to be unconstitutional because it is both inequitable and inadequate; and the Arkansas Supreme Court set forth the test for a constitutional system to be one in which the State has an ‘absolute duty’ to provide an ‘equal opportunity to an adequate education’; and the Arkansas Supreme Court instructed the General Assembly to define and provide what is necessary to provide an adequate and equitable education for the children of Arkansas.

Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2005, No. 274, § 3: Feb. 24, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that local school boards of directors will be unstable if all members have terms that expire at the same time; that a procedure for members to draw lots will be necessary to avoid the instability; and that this act is immediately necessary because a procedure for drawing lots will need to be in place prior to the 2005 annual school

elections. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

#### **6-13-1401. Definitions.**

As used in this subchapter:

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

(2) "Annexation" means the joining of an affected school district or part thereof with a receiving district;

(3) "Consolidation" means the joining of two (2) or more school districts or parts thereof to create a new single school district;

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

(5) "Resulting district" means the new school district created from an affected district or districts as a result of consolidation; and

(6) "State board" means the State Board of Education.

**History.** Acts 2001, No. 1225, § 1.

#### **Research References**

##### **U. Ark. Little Rock L. Rev.**

Survey of Legislation, 2001 Arkansas General Assembly, Education Law, 24 U. Ark. Little Rock L. Rev. 453.

#### **6-13-1402. Consolidation and annexation authority.**

There shall not be any consolidation or annexation of any public school district with any other school district in the state without the prior consent and approval of the State Board of Education.

**History.** Acts 2001, No. 1225, § 1.

#### **6-13-1403. Conditions under which the State Board of Education may annex school districts.**

(a) The State Board of Education shall consider the annexation of an affected school district or districts to a receiving district or districts under the following conditions:

(1) The state board, after providing thirty (30) days written notice to the affected school districts, determines that annexation is in the best interest of the affected district or districts and the receiving district based upon failure to meet standards for accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.;

(2) (A) The affected district or districts file a petition with the state board requesting annexation to a particular receiving district or districts, and a copy of the petition is filed with the county clerk's office of each county where the affected district or districts are located;

**(B)** The county clerk's office of each county where the affected district or districts are located certifies in writing that the petition has been signed by a majority of the qualified electors of the affected district or districts; and

**(C)** The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided for in § 6-14-122;

**(3) (A)** A majority of the qualified electors in the affected district or districts vote to approve the annexation of an affected school district or districts to a receiving district or districts as provided for in § 6-14-122; and

**(B)** The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided in § 6-14-122; or

**(4) (A)** The local board of education of the affected district or districts votes to approve by resolution the annexation of the affected district or districts to a receiving district or districts by a majority of the members of the local board of education of the affected district or districts; and

**(B)** The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving districts as provided for in § 6-14-122.

**(b)** The state board may vote to approve, by a majority of a quorum present of the members of the state board, the annexation of the affected districts into a receiving district:

**(1)** The state board, after providing thirty (30) days written notice to the affected districts, may on its own motion based on a school district's failure to meet standards for accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.; or

**(2)** Upon receipt of a valid petition for annexation and after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in subsection (a) of this section and upon receipt of proof of the issuance of public notice of the intent to annex affected districts into a receiving district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than one time a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the state board.

**(c) (1)** In order for the petition for annexation to be valid, it shall be filed with the state board at least thirty (30) days prior to the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

**(2)** However, no petition is required for the state board to annex a school district or districts upon a motion of the state board as allowed in subsection (b).

(d) (1) Upon determination by the state board to annex a school district or approval of a petition requesting annexation, the state board shall issue an order dissolving the affected districts and establishing the receiving school district or districts.

(2) (A) The state board shall issue an order establishing the boundary lines of the receiving district or districts.

(B) It shall be the duty of the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the receiving district or districts.

(e) The state board shall issue an order establishing the changed boundaries and shall file the order with the county clerk or clerks of the county or counties where the receiving district or districts are located. The county clerk shall make a permanent record of the order and, thereafter, the boundaries so established shall be boundaries of the receiving district until changes are made according to the provisions of law.

(f) The state board shall not annex affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for annexation:

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

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

**History.** Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19.

#### **Research References**

**U. Ark. Little Rock L. Rev.**

Survey of Legislation, 2003 Arkansas General Assembly, Education Law, Academic Standards, 26 U. Ark. Little Rock L. Rev. 385.

#### **6-13-1404. Conditions under which the State Board of Education may consolidate school districts.**

(a) The State Board of Education shall consider the consolidation of affected districts into a new resulting district or districts under the following conditions:

(1) The state board, after providing thirty (30) days written notice to the affected school districts, determines consolidation is in the best interest of the affected district or districts and the resulting district based upon failure to meet standards for accreditation or academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.; or

(2) (A) The affected districts file a petition with the state board requesting that the affected districts be consolidated into a resulting district or districts;

(B) A copy of the petition has been filed with the county clerk's office of each county where the affected districts are located;

(C) The county clerk's office certifies in writing to the state board that the petition has been signed by a majority of the qualified electors of the affected districts;

(D) A majority of the qualified electors in the affected districts votes to approve consolidation of the affected districts into a resulting district or districts pursuant to a valid election as provided in § 6-14-122; and

(E) The local board of directors votes to approve by resolution of a majority of the members of each local board of education the consolidation of the affected districts into a resulting district or districts.

(b) The state board:

(1) After providing thirty (30) days written notice to the affected districts, may consolidate school districts upon its own motion based upon a school district's failure to meet standards for accreditation or academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.; or

(2) May vote to approve by a majority of a quorum present of the members of the state board the consolidation of the affected districts into a resulting district upon receipt of a valid petition for consolidation after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in subsection (a) of this section and upon receipt of proof of the issuance of public notice of the intent to consolidate affected districts into a resulting district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than one time a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the state board.

(c) (1) In order for the petition for consolidation to be valid, it shall be filed with the state board at least thirty (30) days prior to the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

(2) However, no petition is required for the state board to consolidate a school district or districts on a motion of the state board as allowed in subsection (b).

(d) (1) Upon consolidation of a school district by the state board or approval of a petition requesting consolidation, the state board shall issue an order dissolving the affected school districts and establishing the resulting school district or districts.

(2) (A) The state board shall issue an order establishing the boundary lines of the resulting district or districts.

(B) It shall be the duty of the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the resulting district or districts.

(e) (1) The state board shall issue an order establishing the changed boundaries and shall file the order with the county clerk or clerks where the resulting district or districts are located.

(2) The county clerk shall make a permanent record of the order and, thereafter, the boundaries so established shall be boundaries of the resulting district until changes are made according to the provisions of law.

(f) The state board shall not consolidate affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for consolidation:

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

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

**History.** Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19.

**6-13-1405. Effective date of annexation or consolidation.**

(a) Upon consolidation or annexation of a school district by the State Board of Education:

(1) The effective date of the annexation or consolidation shall be the July 1 following the state board action unless otherwise determined by the state board;

(2) The state board shall prescribe the number of members of the board of directors of the resulting or receiving district and prescribe the method of forming the board of directors of the resulting or receiving district;

(3) The consolidation or annexation plan adopted by the state board shall be filed with the county clerk of each county that contains territory or a portion of the territory of each affected school district;

(4) All terms and conditions of the consolidation shall be as set forth by the state board and shall be binding on the school districts and the respective boards of directors; and

(5) (A) (i) The state board shall afford the local school districts in a consolidation thirty (30) days to establish an interim local board to govern the resulting district pursuant to § 6-13-1406 until the next school election.

(ii) If the consolidation is under § 6-13-1602, the resulting districts shall establish an interim board by May 31 immediately preceding the effective date of consolidation.

(B) If the local school districts fail to establish an interim board, the state board shall appoint an interim local board to serve until the next elected board assumes office.

(C) (i) The interim board shall be made up of board members from the boards of directors of the affected districts.

(ii) The proportion of board members from each of the affected districts shall be equal to the proportion of the student population in the resulting district that came from each affected district.

(b) Upon a petition for consolidation or annexation:

(1) Consolidation shall be the July 1 following the order of the state board directing the annexation or the consolidation, unless the state board determines otherwise;

(2) Each board of directors of the affected districts by majority approval of the members of the local board of directors may enter into a written agreement executed by the former president and secretary of each district. The agreement shall prescribe the date of the annexation of the affected district or districts to the receiving district or the formation of the resulting district from consolidation of affected districts;

(3) The agreement shall also prescribe the number of members of the board of directors of the resulting district as allowed by law; and

(4) An executed copy of the agreement shall be filed with the county clerk of each county that contains territory or a portion of the territory of each affected district.

**History.** Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19; 2003 (2nd Ex. Sess.), No. 60, § 2.

**A.C.R.C. Notes.** Acts 2003 (2nd Ex. Sess.), No. 60, § 1, provided:

"Legislative purpose. The General Assembly declares that this act is necessary to ensure the delivery of an equal opportunity for an adequate education to the people of Arkansas in an efficient and effective manner."

#### Research References

**U. Ark. Little Rock L. Rev.**

Survey of Legislation, 2003 Arkansas General Assembly, Education Law, Academic Standards,  
26 U. Ark. Little Rock L. Rev. 385.

**6-13-1406. Board of directors — Term — Election.**

**(a) (1) (A)** Unless the board of directors of the affected district or districts and the board of directors of the receiving district or districts agree otherwise, the board of directors of the receiving district or districts after annexation shall be the same board of directors of the receiving district prior to annexation until the next regular school election.

**(B) (i)** In lieu of electing a new board of directors at the next regular school election, the board of directors of the affected district or districts and the board of directors of the receiving district may agree to form an interim board of directors whose members shall serve until the regular school election in the year following the effective date of the annexation.

**(ii) (a)** If an interim board of directors is formed to serve until the school election in the year following the effective date of the annexation, the interim board of directors shall be composed of the members of the board of directors of the receiving district and at least one (1) member selected by the board of directors of each affected district.

**(b)** Each member selected from the affected district shall be determined by a vote of the affected board of directors. In the case of a tie vote, the member shall be selected by drawing lots.

**(2)** The boards of directors of the affected districts may by agreement establish a new board of directors other than the current board of directors of the receiving district composed of not fewer than five (5) nor more than seven (7) directors except for those school districts allowed to do otherwise pursuant to § 6-13-604.

**(3)** The board of directors of the receiving district created by agreement shall be elected from single-member zones of substantially equal population based upon the most recent census information and from which racial minorities may be represented on the board of directors in proportions reflected in the school district as a whole.

**(b) (1)** Unless the boards of directors of the affected districts agree otherwise, the board of directors of the resulting district after consolidation shall be composed of seven (7) members until the next regular school election.

**(2)** The boards of directors of the affected districts may by agreement establish a board of directors of the resulting district composed of not fewer than five (5) nor more than seven (7) directors except for those school districts allowed to do otherwise pursuant to § 6-13-604.

**(3)** The board of directors of the resulting district shall be elected from single-member zones of substantially equal population based upon the most recent census information and from which racial minorities may be represented on the board of directors in proportions reflected in the school district as a whole.

**(c)** The length of the term of each member of the board of directors after annexation or consolidation shall be for a time period as allowed by law.

**(d)** At the first meeting of a new board of directors after annexation or consolidation, the members shall determine their terms by lot so that no more than two (2) members' terms expire during any one (1) year.

- (e) Any vacancy on the board of directors shall be filled in the manner provided for by law.
  - (f) The establishment of a board of directors with an even number of members following annexation or consolidation is hereby prohibited.
- History.** Acts 2001, No. 1225, § 1; 2003 (2nd Ex. Sess.), No. 25, § 1.

**6-13-1407. Creation of a school district — When part of a school district taken.**

- (a) Any receiving or resulting district created under this section shall become the successor in interest to the property of the school district dissolved, shall become liable for the contracts and debts of such a school district, and may sue and be sued therefor.
- (b) When territory less than the entire school district is annexed or consolidated to a school district, the receiving or resulting district shall take the property of the school district from which the territory was taken, as the State Board of Education shall deem proper, and shall be liable for that part of all indebtedness of the school district from which the territory was taken as shall be assigned to it by the state board unless otherwise approved by a majority vote of the affected school district's or districts' board or boards of directors.

**History.** Acts 2001, No. 1225, § 1.

**6-13-1408. Annexation or consolidation not to negatively impact state-assisted desegregation.**

- (a) The State Board of Education shall not order any annexation or consolidation under this subchapter or any other act or any combination of acts which hampers, delays, or in any manner negatively affects the desegregation efforts of a school district or districts in this state.
- (b) Prior to the entry of any order under this subchapter, 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.
- (c) Any order of annexation or consolidation or combination thereof that violates the provisions of this section shall be null and void.

**History.** Acts 2001, No. 1225, § 1.

**6-13-1409. State Board of Education.**

- (a) The State Board of Education shall have the following duties regarding consolidations and annexations:
  - (1) To form local school districts, change boundary lines of school districts, dissolve school districts and annex the territory of those school districts to another school district, create new school districts, and perform all other functions regarding changes in school districts in accordance with the law;
  - (2) To transfer funds and attach territory that is in no school district to other school districts as may seem best for the educational welfare of the children; and
  - (3) To enact rules and regulations regarding the consolidation and annexation of school districts under this title.
- (b) The millage rate of the electors of the affected district shall remain the same until an election may be held to change the rate of taxation for the resulting district or receiving

district.

**History.** Acts 2001, No. 1225, § 1; 2003, No. 1467, § 20.

**6-13-1410. Appeal and election.**

The decision of the State Board of Education regarding a consolidation or annexation shall be final with no further right of appeal except that an aggrieved school district may appeal to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

**History.** Acts 2003, No. 1467, § 21.

# ANNEXATION RULES

ARKANSAS DEPARTMENT OF EDUCATION  
RULE GOVERNING CONSOLIDATION OR ANNEXATION OF PUBLIC SCHOOL  
DISTRICTS AND BOARDS OF DIRECTORS OF LOCAL SCHOOL DISTRICTS  
March 13, 2006

1.0 PURPOSE

1.01 This rule shall be known as the Arkansas Department of Education Rule Governing the Consolidation and Annexation of Public School Districts.

2.0 AUTHORITY

The State Board of Education's authority for promulgation of this rule is pursuant to Ark. Code Ann. §§ 6-11-105 and 6-13-1401 et seq.

3.0 DEFINITIONS

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

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

3.03 "Consolidation" means the joining of two (2) or more school districts or parts thereof to create a new single school district.

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

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

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

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

3.08 "State Board" means the State Board of Education.

4.0 PROCEDURES OF THE STATE BOARD OF EDUCATION CONCERNING  
THE ANNEXATION OF SCHOOL DISTRICTS

4.01 There shall not be any annexation of any public school district with any other public school district in the state without the prior consent and approval of the State Board.

4.02 The State Board shall consider the annexation of an affected school district or districts to a receiving district or districts under the following conditions:

4.02.1 The State Board, after providing thirty (30) days written notice to the affected school districts, determines that annexation is in the best interest of the affected district or districts and the receiving district based upon failure to meet standards of accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq.;

- (i) The affected district or districts file a petition with the State Board requesting annexation to a particular receiving district or districts, and a copy of the petition is filed with the county clerk's office of each county where the affected district or districts are located;
- (ii) The county clerk's office of each county where the affected district or districts are located certifies in writing that the petition has been signed by a majority of the qualified electors of the district or districts; and
- (iii) The receiving district or districts provide to the State Board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided for in Ark. Code Ann. § 6-14-122;
- (iv) A majority of the qualified electors in the affected district or districts vote to approve the annexation of an affected school district or districts to a receiving district or districts as provided for in Ark. Code Ann. § 6-14-122; and

- (v) The receiving district or districts provide to the State Board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided in Ark. Code Ann. § 6-14-122; or
  - (vi) The local board of education of the affected district or districts votes to approve by resolution the annexation of the affected district or districts to a receiving district or districts by a majority of the members of the local board of education of the affected district or districts; and
  - (vii) The receiving district or districts provide to the State Board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving districts as provided for in Ark. Code Ann. § 6-14-122.
- 4.03 The State Board may vote to approve, by a majority of a quorum present of the members of the State Board, the annexation of the affected districts into a receiving district, under the following conditions:
- 4.03.1 The State Board, after providing thirty (30) days written notice to the affected school districts, may on its own motion based on a school district's failure to meet standards of accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-402 et seq., and the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq.; or
  - 4.03.2 Upon receipt of a valid petition for annexation and after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in Section 4.02 of this rule and upon receipt of proof of the issuance of public notice of the intent to annex affected districts into a receiving district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than once a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the State Board.

- 4.04 The petition for annexation filed by a school district must be filed on the attached "Petition for Annexation" form, along with all required attachments, in order for the petition to be considered by the State Board. The petition, with all required attachments, must be submitted to the Office of the Commissioner, Department of Education, #4 Capitol Mall, Little Rock, AR 72201. 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.
- 4.05 In order for the petition for annexation to be valid, it shall be filed in the Office of the Commissioner at least thirty (30) days prior to the next regularly scheduled State Board meeting, at which time the petition will be presented for hearing before the State Board.
- 4.06 No petition is required to be filed for the State Board to annex a school district or districts upon a motion of the State Board as set forth in Section 4.03.1 of this rule.
- 4.07 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.
- 4.08 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 citizen's groups' spokesperson(s);
  - C) Closing remarks by opposing school districts and citizen's groups' spokesperson(s);
  - D) Closing remarks by petitioning school districts' spokesperson
- 4.09 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.
- 4.10 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 districts(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.

- 4.11 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.
- 4.12 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.
- 4.13 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 annexation.
- 4.14 The State Board shall issue a written decision approving the annexation requested in the petition, if the petition is granted. If the State Board denies a petition, it shall issue a written decision stating the reasons for such denial.
- 4.15 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 annexation before the State Board.

5.0 PROCEDURES OF THE STATE BOARD OF EDUCATION CONCERNING THE CONSOLIDATION OF SCHOOL DISTRICTS

- 5.01 There shall not be any consolidation of any public school district with any other public school district in the state without the prior consent and approval of the State Board.
- 5.02 The State Board shall consider the consolidation of an affected school district or districts to a resulting district or districts under the following conditions:
  - 5.02.1 The State Board, after providing thirty (30) days written notice to the affected school districts, determines that consolidation is in the best interest of the affected district or districts and the resulting district based upon failure to meet standards of accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq.,

and the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq.; or

- (i) The affected districts file a petition with the State Board requesting that the affected districts be consolidated into a resulting district or districts, and a copy of the petition is filed with the county clerk's office of each county where the affected districts are located;
- (ii) The county clerk's office of each county where the affected district or districts are located certifies in writing that the petition has been signed by a majority of the qualified electors of the affected districts; and
- (iii) A majority of the qualified electors in the affected districts vote to approve the consolidation of the affected districts into a resulting district or districts pursuant to a valid election as provided in Ark. Code Ann. § 6-14-122; and
- (iv) The local board of directors votes to approve by resolution of a majority of the members of each local board of education the consolidation of the affected districts into a resulting district or districts.

5.03 The State Board may vote to approve, by a majority of a quorum present of the members of the State Board, the consolidation of the affected districts into a resulting district under the following conditions:

5.03.1 The State Board, after providing thirty (30) days written notice to the affected schools, may on its own motion based on a school district's failure to meet standards of accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq.; or

5.03.2 Upon receipt of a valid petition for consolidation and after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in Section 5.02 of this rule and upon receipt of proof of the issuance of public notice of the intent to consolidate affected districts into a resulting district in the local newspapers of general circulation in the affected districts for a time period of no less than once a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the State Board.

5.04 The petition for consolidation filed by a school district must be filed on the attached "Petition for Consolidation" form along with all required attachments, in order for the petition to be considered by the State Board. The petition, with all required attachments, must be submitted to the

Office of the Commissioner, Arkansas Department of Education, #4 Capitol Mall, Little Rock, AR 72201. 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.

- 5.05 In order for the petition for consolidation to be valid, it shall be filed in the Office of the Commissioner at least thirty (30) days prior to the next regularly scheduled State Board meeting, at which time the petition will be presented for hearing before the State Board.
- 5.06 No petition is required to be filed for the State Board to consolidate a school district or districts upon a motion of the State Board and as set forth in Section 5.03.1 of this Rule.
- 5.07 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.
- 5.08 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 citizen's groups' spokesperson(s);
  - C) Closing remarks by opposing school districts and citizen's groups' spokesperson(s);
  - D) Closing remarks by petitioning school districts' spokesperson
- 5.09 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.
- 5.10 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 districts(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.

- 5.11 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.
- 5.12 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.
- 5.13 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 consolidation.
- 5.14 The State Board shall issue a written decision approving the consolidation requested in the petition, if the petition is granted. If the State Board denies a petition, it shall issue a written decision stating the reasons for such denial.
- 5.15 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 consolidation before the State Board.

6.0 STATE BOARD OF EDUCATION ACTION ON PETITIONS FOR ANNEXATIONS AND CONSOLIDATIONS

- 6.01 Prior to the entry of any order approving a petition for 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.
- 6.02 In addition to all other requirements in this rule, 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.
- 6.03 Upon the annexation or consolidation of school districts by the State Board's own motion, or by the approval of a petition requesting annexation or consolidation, the State Board shall issue an order containing, but not limited to, the following:
  - 6.03.1 Dissolving the affected school districts and establishing the receiving or resulting district or districts;
  - 6.03.2 Establishing the boundary lines of the receiving or resulting district or districts;

6.03.3 Directing the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the receiving or resulting district or districts.

6.04 The State Board shall also issue an order establishing the changed boundaries and shall file the order with the county clerk or clerks where the receiving or resulting district or districts are located.

6.05 The county clerk shall make a permanent record of the order described in Section 6.04 of this Rule, above, and, thereafter, the boundaries so established shall be the boundaries of the receiving or resulting district until changes are made according to the provisions of law.

6.06 The State Board shall neither annex nor consolidate affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for annexation or consolidation:

- (1) The annexation or consolidation will result in the overall improvement in the educational benefit to students in all the school districts involved; or
- (2) The annexation or consolidation will provide a significant advantage in transportation costs or service to all the school districts involved.

## 7.0 GENERAL PROVISIONS GOVERNING CONSOLIDATIONS OR ANNEXATIONS

7.01 All 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.

7.02 The millage rate of the electors of the affected districts of a 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.

7.03 Upon the State Board's approval of a petition for annexation or consolidation or the approval of an annexation or consolidation pursuant to the State Board's own motion, the effective date of the annexation or consolidation shall be the July 1 following the order of the State Board directing the annexation or consolidation, unless the State Board determines otherwise.

## 8.0 BOARDS OF DIRECTORS OF LOCAL SCHOOL DISTRICTS

8.01 The State Board shall afford the school districts involved in an annexation or consolidation thirty (30) days from the date of its order granting the annexation or consolidation to establish an interim board to govern the

receiving or resulting district, with the interim board to be selected pursuant to the provisions of either Ark. Code Ann. §§ 6-13-1405, 6-13-1406, 6-13-1412 or 6-13-1413.

- 8.02 The provisions of Ark. Code Ann. §§ 6-13-1405, 6-13-1406, 6-13-1412 and 6-13-1413 shall govern the board of directors of each resulting or receiving school district created from an annexation or consolidation.
- 8.03 All boards of directors of local school districts shall be made up on 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.
- 8.04 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.

**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](mailto:warren.readnour@arkansasag.gov)

April 28, 2010

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

Re: Proposed Annexation of the Twin Rivers School District

Dear Dr. Kimbrell:

This is in response to your letter to Attorney General McDaniel dated April 13, 2010, in which you ask for our advice, pursuant to Ark. Code Ann. § 6-13-1408(b), concerning the desegregation effects of a proposed annexation of the Twin Rivers School District into the following six contiguous school districts: (1) Highland, (2) Hillcrest, (3) Mammoth Spring, (4) Maynard, (5) Pocahontas, and (6) Sloan-Hendrix. 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."

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 annexation of the Twin Rivers School District into six contiguous school districts. If approved, the annexation would result in

the creation of six larger districts. The Department of Education has indicated that the school districts that would share a border with the six newly enlarged districts would be the Cave City, Cedar Ridge, Corning, Green County Tech, Hoxie, IZard County Consolidated, Lawrence County, and Salem School Districts. Based on information provided by the Department of Education, we are unaware of any pending desegregation court decrees in Twin Rivers, the contiguous districts, or the potential surrounding districts. 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 Twin Rivers School District has a student population that is approximately 97% White and 0% Black. The six school districts contiguous to Twin Rivers have varying student racial compositions as follows: (1) Highland (approximately 97% White and 1% Black), (2) Hillcrest (approximately 99% White and 0% Black), (3) Mammoth Spring (approximately 97% White and 1% Black), (4) Maynard (approximately 99% White and 0% Black), (5) Pocahontas (approximately 93% White and 1% Black), and (6) Sloan-Hendrix (approximately 97% White and 1% Black). The school districts that would share a border with the six newly enlarged districts have varying student racial compositions ranging from approximately 94% White to approximately 97% White. Although the precise racial composition of the Twin Rivers students that will be attending each contiguous school district is not available, it is reasonable to conclude that the percentages will be comparable to the overall student population of Twin Rivers. It is difficult to conclude, examining this data alone, that the approval of the proposed annexation could be viewed as motivated by impermissible intent to segregate schools. Nevertheless, while neither state nor federal law requires the Board to create school districts in a manner that would achieve any

Dr. Tom Kimbrell  
April 28, 2010  
Page 3

particular "racial balance" in the student population of a school district<sup>1</sup>, we advise the Board to scrutinize this proposed annexation with great care and to satisfy itself that there are legitimate, non-racially-motivated reasons for the annexation of Twin Rivers to the six contiguous districts identified in your letter.

Sincerely,



**WARREN T. READNOUR**  
Senior Assistant Attorney General

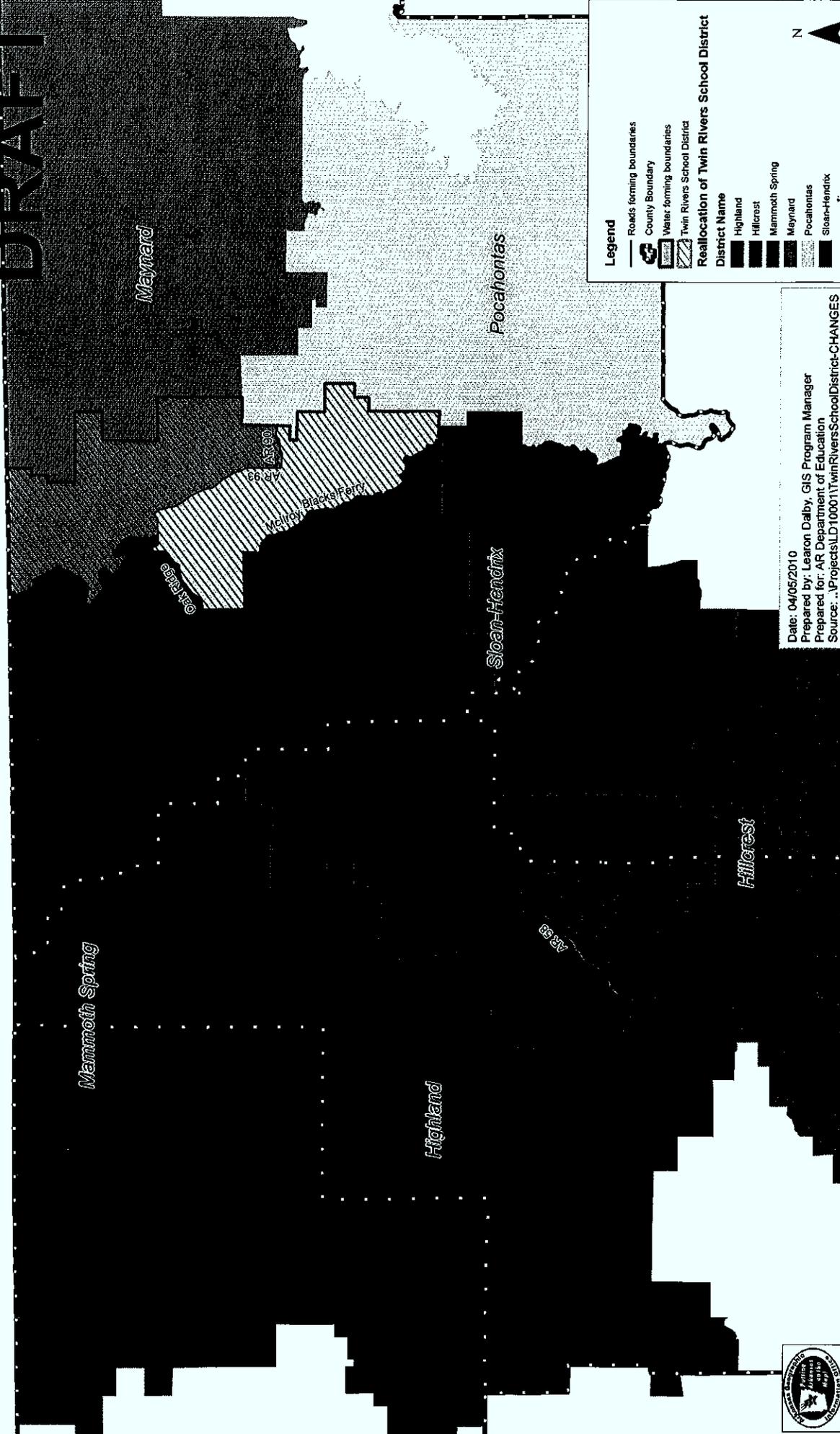
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<sup>1</sup> It should be noted that a decision made solely on a racial basis, even for laudable purposes such as diversity in education or the prevention of (re)segregation, would be subject to "strict scrutiny" analysis. *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 127 S.Ct. 2738 (2007).

MAP

# Reallocation of Twin Rivers School District

# DRAFT

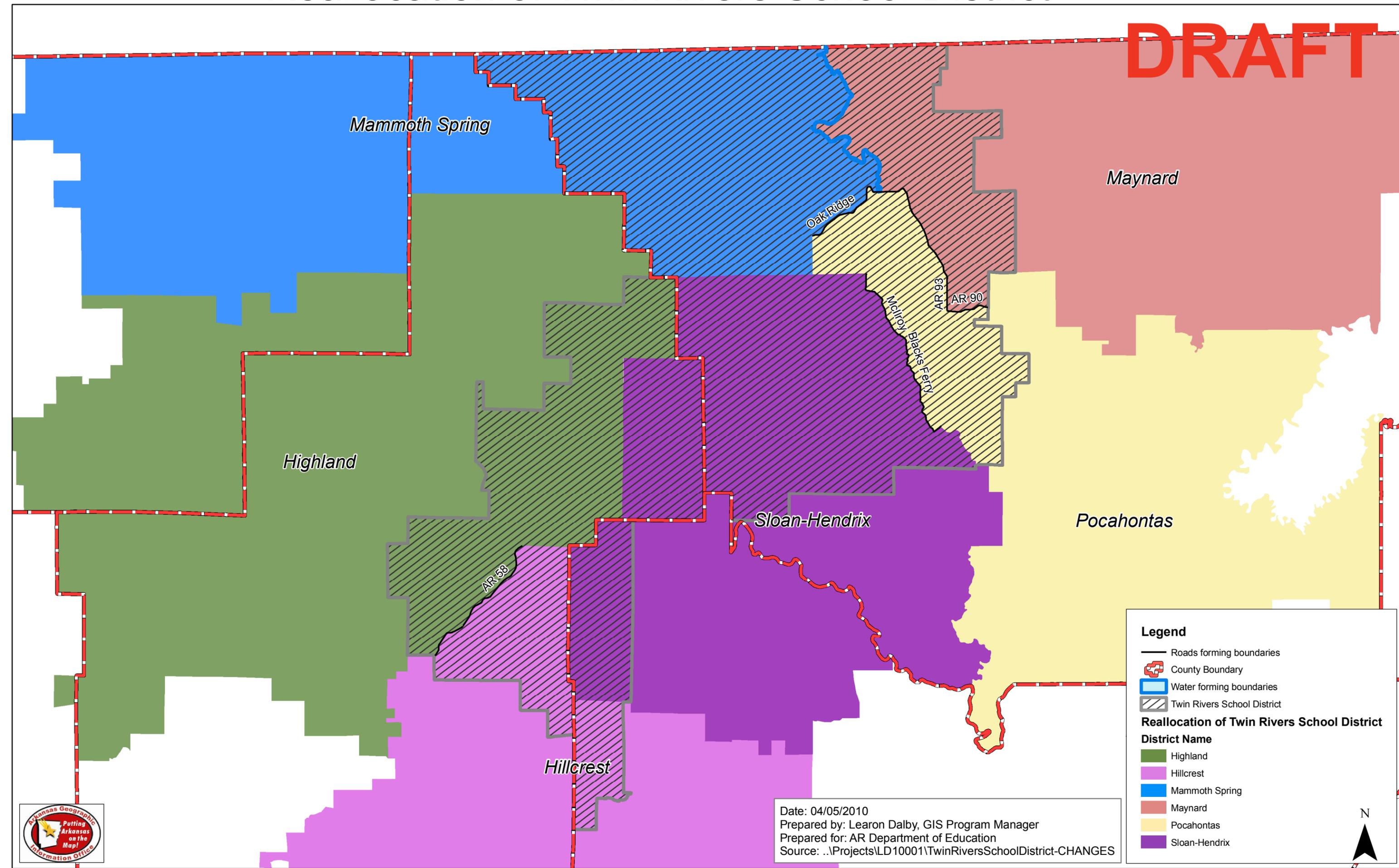


Date: 04/05/2010  
Prepared by: Learon Dalby, GIS Program Manager  
Prepared for: AR Department of Education  
Source: .\\Projects\\LD10001\\TwinRiversSchoolDistrict-CHANGES



# Reallocation of Twin Rivers School District

**DRAFT**



Date: 04/05/2010  
Prepared by: Learn Dalby, GIS Program Manager  
Prepared for: AR Department of Education  
Source: ..\Projects\LD10001\TwinRiversSchoolDistrict-CHANGES





**LITTLE ROCK URBAN COLLEGIATE PUBLIC CHARTER (UCPC) FOR  
YOUNG MEN**

April 26, 2010

Dr. Mary Ann Duncan  
Arkansas Public Charter Schools  
Four Capitol Mall  
Little Rock, AR 72201

Dear Dr. Duncan

We are requesting an appearance before the State Board of Education about our facility location change. Our location change will be from 4601 S. University, Little Rock, AR 72204 to 6711 W. Markham, Little Rock, AR 72205. We are requesting to be put on the May 10<sup>th</sup> agenda. Thank you.

Sincerely,

Jackie Jackson, President  
LR Urban Prep, Inc.

**RECEIVED**  
APR 27 2010

**CHARTER SCHOOL OFFICE**



P.O. Box 26433  
Little Rock, AR 72223

PHONE (501) 255-7875  
FAX (501) 217-9954  
E-MAIL [office@lrucpc.net](mailto:office@lrucpc.net)  
WEB SITE <http://www.lrucpc.net>



RECEIVED  
APR 29 2010

CHARTER SCHOOL OFFICE

April 28, 2010

*Via email*

Mr. Larry Crume  
Senior Vice President, Loans and Real Estate  
Lutheran Church Extension Fund  
10733 Sunset Office Drive  
St. Louis, MO 63127-1219

Phone: (314) 885-6500  
Fax: (314) 885-6501

Re: Revised Proposal to Lease Lutheran High School Property  
6711 W. Markham Street, Little Rock, Arkansas

Dear Mr. Crume:

Little Rock Urban Prep, Inc. is interested in leasing the above referenced property based upon the following terms and conditions. After review of the enclosed, please correspond with the undersigned as to any issues or comments to this Letter of Intent.

1) **LESSEE:**

Little Rock Urban Prep  
An Arkansas incorporated 501-3(c)  
11606 Stoney Point Ct  
Little Rock, AR 72211-1633

2) **LESSOR:**

Lutheran Church Extension Fund-Missouri Synod or assigns  
(as successor in interest to Lutheran High School, Inc.)  
10733 Sunset Office Drive  
St. Louis, MO 63127-1219

3) **PREMISES:** The premises leased shall include all land, building and all fixtures comprising all real property located at the above address. The lease shall include all furniture, fixtures and equipment as well as ALL PERSONAL PROPERTY, EXCEPT school team uniforms, student and corporate records, items of historical or religious significance or belonging to faculty or staff and all other personal property specifically excluded by Lessor by written addition to this Letter of Intent.

A Real Estate Investment, Brokerage & Development Firm

Central Arkansas: 1701 CenterView Drive, Suite 201 • Little Rock, Arkansas 72211 • T 501.225.5700 • F 501.227.0280  
Northwest Arkansas: 3739 North Steele Boulevard, Suite 140 • Fayetteville, Arkansas 72703-5399 • T 479.444.9111 • F 479.444.9112

4) **TERM:** The Initial Term shall be for five (5) years with three (3) Extension Periods of five (5) years each (the Initial Term together with the Extension Periods shall comprise the "Term"). Either party may terminate the Lease at the end of the Initial Term or any Extension Period upon six (6) months notice to the other party.

5) **RENTAL COMMENCEMENT DATE:** Subject to the provisions of the Lease, the "Rental Commencement Date" shall be July 1<sup>st</sup>, 2010.

6) **PREMISES DELIVERY DATE:** The date on which Lessor satisfies the delivery of the Premises shall hereinafter be referred to as the "Premises Delivery Date". It is the intention of the Parties, and Lessor shall use its commercially reasonable efforts to ensure that the Premises Delivery Date occurs on or before July 1, 2010 (the "Anticipated Premises Delivery Date").

7) **MINIMUM RENT AND SECURITY DEPOSIT:**

<u>Periods</u>	<u>Years</u>	<u>MONTHLY RENT</u>
Initial Term	1	\$35,000.00
Initial Term	2	\$37,500.00
Initial Term	3	\$40,000.00
Initial Term	4	\$42,500.00
Initial Term	5	\$45,000.00
First Extension Period	6	\$47,500.00
First Extension Period	7	\$50,000.00
First Extension Period	8	\$52,500.00
First Extension Period	9	\$55,000.00
First Extension Period	10	\$57,500.00
Second and Third Extension Periods	11 - 20	The monthly rent will increase by five percent (5%) per year over the prior year for each year of the Second and Third Extension Periods.

Upon execution of the Lease, Lessee shall pay Lessor a security deposit of Fifty Thousand and 00/100 Dollars (\$50,000.00) which shall be held by Lessor without obligation to pay interest.

8) **SIGNAGE:** Subject to governmental codes Lessee shall have the exclusive right to install building signage on the exterior of the Premises and other signs necessary to Lessee's operations. At the termination of the Lease, Lessee shall remove all such signage and repair any damage to the Premises.

9) **REAL ESTATE TAXES:** Any real estate tax charges due shall be paid by Lessor and shall be paid to Lessor by Lessee in equal monthly installments in addition to the Minimum Rent.

10) **INSURANCE AND INDEMNITY:** All property and casualty insurance coverage shall be carried and paid by Lessor. Lessor shall, during the term of the lease, maintain general liability insurance with annual limits of at least \$3 million per occurrence and \$5 million in the aggregate, which shall insure Lessor against claims of bodily injury, death or property damage occurring on, in or about the Premises or arising

out of the lease. Such liability insurance shall not, however, reduce any indemnification obligations of Lessee under the lease. The cost of all such insurance coverages shall be passed through by Lessor to Lessee and Lessee shall pay such amounts in equal monthly instalments in addition to the Minimum Rent.

Lessee will indemnify, defend and hold Lessor harmless from any and all claims, causes of action and liabilities that may be asserted against Lessor as a result of Lessee's occupancy of the Premises or operation of a school on the Premises except for those claims, causes of action or liabilities arising solely as the result of Lessor's gross negligence or willful misconduct.

**11) MAINTENANCE:** Subject to Lessor's obligation to repair as set forth in Section 18 hereof, Lessee shall be responsible for all maintenance of the Premises and shall perform, or cause to be performed, all maintenance according to all Federal, State, and local rules, regulation and ordinances.

**12) AMERICANS WITH DISABILITIES ACT:** Lessee will accept the Premises in "as is" condition and be responsible for any structural modifications or improvements to the Premises that may be required, as a result of Lessee's use of the Premises, to bring the Premises into compliance with any and all applicable editions of the Americans with Disabilities Act, the Individual with Disabilities Education Act, or similar legislation or any regulations applicable to open-enrollment charter schools. Lessee shall make no non-structural modifications to the Premises without the prior written approval of Lessor.

**13) USE OF THE PREMISES:** Lessee will use the Premises only for lawful purposes related to the operation of an elementary or secondary school. Lessee may not sublet any substantial portion of the Premises. Lessee may, with the prior consent of Lessor which consent shall not be unreasonably withheld, sublet the gymnasium and other individual facilities to community organizations on a short term non-exclusive basis. Any such sublease must be terminable at any time the Lease is terminable. Lessee shall be solely responsible for any damage done to the Premises as a result of any such sublease as well as for any claim or other liability which might be asserted against Landlord as a result of or arising out of any such sublease.

**14) ASSIGNMENT:** Except as provided in Paragraph 13, Lessee may not assign or otherwise transfer this Lease or any interest in the Premises.

**15) TITLE MATTERS:** Lessor acknowledges that in the event recorded documents exist governing the use or operation of the Premises (the "Title Matters") it shall be the obligation of Lessor to provide Lessee with those documents. Lessor warrants that nothing in the Title Matters will prevent Lessee from operating the Premises for the operation of a school as of the date of the Lease.

**16) SURVEY AND PLANS:** Lessor agrees to provide Lessee with a copy of any ALTA survey of the property it may possess as well as copies of any plans of the buildings that are available to it.

**17) OPTION TO PURCHASE AND RIGHT OF FIRST REFUSAL:** Lessee shall have the option to purchase (the "Purchase Option") the Premises at any time prior to the expiration of the Initial Term. Lessee shall give Lessor notice of intent to exercise such option no less than one hundred eighty (180) days prior to the expiration of the Initial Term of the Lease. Said Purchase Option shall be for Five Million Six Hundred Thousand and 00/100 Dollars (\$5,600,000). Lessee shall close within one hundred eighty (180) days after notice to Lessor, and in no event after the expiration of the Initial Term. If Lessee fails to exercise the Purchase Option by the end of the Initial Term such Purchaser/Option will expire.

Following the expiration of the fourth year of the Initial Term, Lessor shall have the right to offer the Premises for sale. Upon receipt of any offer and prior to acceptance thereof, Lessor shall give the Lessee with respect to each such offer, written notice thereof and a copy of said offer including the name and address of the proposed purchaser, and Lessee shall have the option and right to first refusal for sixty (60) days after receipt of such notice within which to elect to purchase the Premises. Such right of purchase shall be on the terms of the offer received. If Lessee shall elect to purchase the Premises pursuant to the option and first refusal herein granted, it shall give notice of such election and close the purchase of the Premises within such sixty (60) day period. Upon Lessee's failure at any time to exercise its option under this paragraph, Lessor shall have the right to sell the Premises and to terminate Lessee's occupancy of the Premises at the end of the then current school year (or if during the months of February through August the subsequent school year).

**18) LESSOR RESPONSIBILITIES:** Structural portions of the Premises are limited to, and defined to be, the roof, foundation, exterior walls and load-bearing interior walls, which Lessor shall maintain and repair upon notification by Lessee if: (i) repair is necessary; and (ii) the need for such repair was not caused by Lessee's or Lessee's subtenants' actions or Lessee's or Lessee's subtenants' failure to act. If Lessor is required to make repairs to structural portions of the Leased Premises, as defined above, by reason of (i) Lessee's, (ii) Lessee's officers', agents', employees', or invitees' or (iii) Lessee's subtenants' negligent acts or omission to act, Lessee shall pay the cost of same and save and hold Lessor harmless from all loss, cost or damage resulting from the same and Lessor may add the cost of such repairs to the rent payable by Lessee under the Lease, which shall thereafter become due and payable in full as additional rent. Except for such structural repairs as described above Lessee will accept the Premises in "as is" condition and shall be solely responsible for all capital improvements and repairs to the Premises.

**19) AGENCY and THIRD PARTY FEES:** Irwin Partners exclusively represents and is agent for Lessee. The Lease will contain a representation and warranty stating that, other than Irwin Partners (representing Lessee) the parties have not used any brokers, agents or finders in connection with the transaction contemplated herein. Lessor will be solely responsible to pay a brokerage commission of Three and One-half Percent (3.5%) of the gross aggregate Minimum Rent paid over the Initial Term to Irwin Partners. Such fee shall be paid on the Rent Commencement Date. Each party will defend, indemnify and hold the other party harmless from and against any and all costs relating to a breach of the foregoing representation and warranty. Lessee shall be entitled, at its election, to offset the amount of such brokerage commission then due from Lessor but not paid, against any Minimum Rent then owing or in the future owing to Lessor by Lessee, including future installments of Minimum Rent becoming due hereunder until Lessee offsets the entire amount of the brokerage commission.

**20) CONFIDENTIALITY:** The Parties will maintain the contents of this Letter of Intent and all information associated with Lessee and Lessor and this contemplated lease in confidence and will not disclose such information to any other party without written consent. Confidential Information may be released to the parties' employees, partners, consultants, lenders, accountants and legal counsel who have a reasonable need for such Confidential Information, provided that such individuals agree to maintain the confidential nature of the information.

**21) LEASE:** The Lease will be prepared by Lessor and shall be subject to and contingent upon mutual agreement of all terms and conditions of the lease. Up to and until the Premises Delivery Date, the lease shall be subject to and contingent upon approval by Arkansas State Board of Education ("ASBE"), including

all regulations set forth by the State of Arkansas concerning open-enrollment public charter schools. Lessor agrees that any lease addenda required by the ASBE shall be made a part of the lease subject to mutual agreement of Lessor and Lessee and that no lease shall be made not meeting ASBE requirements. Lessor agrees to execute acknowledgements, statements and other documents reasonably required of Lessor by ASBE. Lessee understands and agrees, however, that Lessor shall have no obligation to enter into any lease or other statement, acknowledgement or agreement that would, in Lessor's sole discretion, vary the financial terms and benefits to Lessor of the agreement reached in this Letter of Intent or otherwise increase the obligations of Lessor. It is the desire of Lessor and Lessee to enter into the Lease by no later than thirty (30) days following the mutual execution of this Letter of Intent.

22) **NON-BINDING CONTRACT:** If the above terms and conditions are accurate, please acknowledge your interest by executing this Letter of Intent where indicated and returning it to the undersigned. This Letter of Intent does not constitute a binding contract, and no contract is intended to arise unless and until the Lease is entered into, except that by signing this Letter of Intent Lessor agrees not to enter into discussion(s) with any other party(s) pertaining to the lease or sale of the Premises for a period of thirty (30) days from the date of this letter (the "Agreed Period").

Notwithstanding any indication of assent to any of the matters under negotiation, neither Lessor nor Lessee shall be under any legal obligation until each party to the Lease has obtained all approvals necessary for such agreement, which may include but is not limited to, approval of Lessee's Board of Directors verifying that the Lease is in conformity with Lessee's corporate policies, and an executed definitive written lease agreement embodying the terms and conditions outlined in this letter or such subsequent agreement.

[SIGNATURE BLOCKS TO FOLLOW ON THE NEXT PAGE]

I look forward to your confirmation of these terms and to proceeding with the preparation of a formal lease agreement between Lessor and Lessee.

Sincerely,

IRWIN PARTNERS

  
Jeff Yates

Cc: Jackie Jackson - Little Rock Urban Prep, Inc  
Nichole Matthews - Irwin Partners

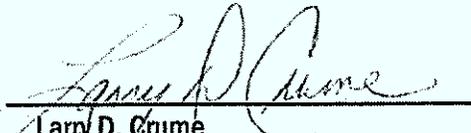
LESSEE:

Little Rock Urban Prep, Inc.

By:   
Jackie Jackson  
Title: President

LESSOR:

Lutheran Church Extension Fund-Missouri Synod

By:   
Larry D. Crume  
Title: Senior Vice President, Loans and Real Estate

APPROVED this 28<sup>th</sup> day of  
April, 2010

APPROVED this 28<sup>th</sup> day of  
April, 2010



# ARKANSAS DEPARTMENT OF EDUCATION

## CHARTER SCHOOL OPERATIONS AND MAINTENANCE COMPLIANCE REPORT

LEA/Report # \_\_\_\_\_ School Name: Little Rock Urban Collegiate Charter Date 4/28/2010

Address 6711 West Markham Phone \_\_\_\_\_

Director \_\_\_\_\_ E-Mail \_\_\_\_\_

School Contact (Name/Position) Jackie Jackson Phone \_\_\_\_\_

Facility is: \_\_\_\_\_ Proposed  Existing \_\_\_\_\_ New Construction

### Required Inspections and Staff Training

1. Maintenance Procedures Manual \_\_\_\_\_
2. Training Manual \_\_\_\_\_
3. Fire Extinguishers Serviced Annually \_\_\_\_\_
4. Fire Extinguishers Inspected Monthly \_\_\_\_\_
5. Fire and Safety Inspection Performed Semi-Annually by Fire Marshall \_\_\_\_\_
6. Fire Alarm System tested/inspected annually \_\_\_\_\_
7. Fire Drills Performed Monthly \_\_\_\_\_
8. Natural Gas Distribution System Inspected Annually \_\_\_\_\_
9. RPZ Valves Inspected Annually \_\_\_\_\_
10. Asbestos Surveillance up to Date \_\_\_\_\_
11. MSDS Sheets up to Date and Accessible \_\_\_\_\_
12. Hot Water Boiler/Heater \_\_\_\_\_

### Action Items (Follow-Up Required)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**Specific Building Information**

1. Building Name and LEA # Current Lutheran High School Campus 2. Grade Configuration \_\_\_\_\_

3. Facility Built Date (including additions): 1998 4. Walk-thru of facility conducted: YES

5. Items Checked:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> HVAC System  | <input type="checkbox"/> Roofs  |
| <input checked="" type="checkbox"/> Exit Lights  | <input checked="" type="checkbox"/> Plumbing/ ADA Compliance              |
| <input type="checkbox"/> Hot Water Boilers & Heaters   | <input type="checkbox"/> Electrical System                                |
| <input checked="" type="checkbox"/> Doors/Windows  | <input checked="" type="checkbox"/> Interior / Exterior Lighting          |
| <input checked="" type="checkbox"/> Emergency Lighting   | <input checked="" type="checkbox"/> Floor Coverings                       |
| <input type="checkbox"/> Grounds Maintenance   | <input checked="" type="checkbox"/> Fire Extinguishers                    |
| <input checked="" type="checkbox"/> Kitchen Equipment  | <input checked="" type="checkbox"/> Fire Alarm                            |
| <input type="checkbox"/> Playground Equip.   | <input checked="" type="checkbox"/> Stairwells                            |
| <input type="checkbox"/> Fire Sprinkler Systems  | <input type="checkbox"/> Athletic Field Maintenance                       |
| <input type="checkbox"/> Elevators & Wheelchair Lifts  | <input checked="" type="checkbox"/> Kitchen Hood Vent Suppression System  |
| <input checked="" type="checkbox"/> Interior / Exterior Finishes   | <input checked="" type="checkbox"/> Masonry & Concrete Building Exteriors |
| <input checked="" type="checkbox"/> Sidewalks, Driveways, Parking Areas, & Paved Play Areas                    |   |
| <input checked="" type="checkbox"/> Marked Parking Lots, ADA Compliance, Fire Lanes, Bus / Car Unloading Areas |   |
| <input checked="" type="checkbox"/> Food Service   |   |

6. Building Comments: Minor maintenance to be performed. More exit signs may be needed. The kitchen exhaust hood lacks a fire suppression system.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Custodial (include equipment and storage):

- |   |   |
|---|---|
| <input type="checkbox"/> Storage Closets                        | <input checked="" type="checkbox"/> Restrooms               |
| <input checked="" type="checkbox"/> Hallways/Classrooms/Offices | <input checked="" type="checkbox"/> Gymnasiums/Locker Rooms |

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Summary of the General Condition of the Facility: Good

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Action Items (Follow-up required):

1. The City of Little Rock will need to issue a Certificate of Occupancy after completion of the remodeling.
2. The fire suppression system for the kitchen exhaust hood will need to be addressed by the city or the State Fire Marshal.
3. \_\_\_\_\_

(Add additional pages, if necessary)

All observations are external. No performance tests were conducted. Any observations noted were reported to District personnel.

D.P.S.A.F.T. Representative: Terry Granderson Position: Senior Project Manager

School Representative: \_\_\_\_\_ Position: \_\_\_\_\_

Comments \_\_\_\_\_

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Distribution: Charter School Office    DPSAFT Project File

<b>Agency Name</b>	<b>Purpose of Grant</b>	<b>Amount</b>
<b>ASU</b>	Direct Services/center-based	122,080.00
<b>BRAD</b>	Direct Services/center-based	294,720.00
<b>Batesville School District</b>	Direct Services/center-based	22,800.00
<b>Child Development, Inc.</b>	Direct Services/center-based	248,400.00
<b>Concord SD</b>	Direct Services/center-based	39,380.00
<b>Dollarway School Dist</b>	Direct Services/center-based	48,680.00
<b>EOA of Washington County</b>	Direct Services/center-based	6,840.00
<b>Friendship Community Care</b>	Direct Services/center-based	58,940.00
<b>Kiddie Kollege DCC</b>	Direct Services/center-based	59,380.00
<b>Midland SD</b>	Direct Services/center-based	12,540.00
<b>North Little Rock SD</b>	Direct Services/center-based	65,080.00
<b>Paragould School District</b>	Direct Services/center-based	98,240.00
<b>Play School Day Care</b>	Direct Services/center-based	170,680.00
<b>Rainbow of Challenges, Inc.</b>	Direct Services/center-based	22,800.00
<b>Southeast Arkansas Education Cooperative</b>	AmeriCorp Grant	570,000.00
<b>SWACDC</b>	Direct Services/center-based	29,120.00
<b>Western AR Child Dev, Inc.</b>	Direct Services/center-based	70,780.00
<b>TOTAL</b>		<b>1,940,460.00</b>

**Armored School District**  
**LEA # 4701**  
**Mississippi County**

**Fiscal Distress Indicators and Additional Concerns:**

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

<b>District Profile:</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
<b>Superintendent</b>	<b>Chuck Hanson</b>	<b>Michael Hunter</b>	<b>Micheal Hunter</b>	<b>Michael Hunter</b>
4 QTR ADM	409	432	453	450
Assessment	80,451,576	97,037,435	100,973,075	95,320,607
Total Mills	34.00	34.00	36.00	36.00
Total Debt Bond/Non Bond	2,835,725	2,648,895	4,576,314	4,395,000
Per Pupil Expenditures	7,886	8,017	8,572	10,072
Personnel-Non-Fed Certified FTE	40.80	41.74	43.02	47.44
Personnel-Non-Fed Certified Clsrm FTE	38.80	38.74	40.02	44.44
Avg Salary-Non-Fed Cert Clsrm FTE	34,500	35,833	38,221	40,630
Avg Salary-Non-Fed Cert FTE	36,931	37,929	40,495	42,662
Net Legal Balance (Excl Cat & QZAB)	1,390,375	1,237,058	1,118,635	361,606



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell  
Commissioner

March 9, 2010

**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

Mr. Michael Hunter  
Superintendent  
Armored School District  
P.O. Box 99  
Armored, AR 72310

Dear Mr. Hunter:

In a previous letter dated March 3, 2010, the Arkansas Department of Education (Department) referenced the Armored School District's (District) projected June 30, 2010, unrestricted legal balance of \$544,288.65. This amount was submitted to the Department by the District. After further review by the Department, it was noted that the District's projection failed to include expenditures for a debt service payment, transfer to Food Service fund, and property insurance. With these added expenditures, the Department now projects the District's unrestricted legal balance at June 30, 2010, to be a negative \$192,410.

After making the above adjustments, the District's adjusted unrestricted legal balance is projected to decrease for the 2009-10 school year. Therefore, pursuant to Ark. Code Ann. § 6-20-1905, the Department of Education is providing notice that Armored School District has been identified in Fiscal Distress status. 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 Armored School District as being in Fiscal Distress at its meeting on May 10, 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 May 10, 2010, SBE meeting. Additional information may be found in Arkansas Code Ann. §6-20-1901 et seq.

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

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 the 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 Jullian, Deputy Commissioner  
Jeremy Lasiter, General Counsel  
Ms. Hazel Burnett  
Senator Steven Bryles  
Representative Tommy Lee Baker  
Susan Hughes, School Board President

District LEA		<b>4701000</b>
District Description		<b>ARMOREL SCHOOL DISTRICT</b>
FY-07 Legal Balance		1,264,280.17
FY-07 Restricted SOF		27,222.64
FY-07 Deposits with Paying Agents		0.00
FY-07 Current Loans		0.00
<b>FY-07 Unrestricted Legal Balance</b>		<b>1,237,057.53</b>
FY-08 Legal Balance		1,134,132.04
FY-08 Restricted SOF		10,004.67
FY-08 Deposits with Paying Agents		0.00
FY-08 Current Loans		0.00
<b>FY-08 Unrestricted Legal Balance</b>		<b>1,124,127.37</b>
FY-09 Legal Balance		377,782.76
FY-09 Restricted SOF		19,968.07
FY-09 Deposits with Paying Agents		0.00
FY-09 Current Loans		0.00
<b>FY-09 Unrestricted Legal Balance</b>		<b>357,814.69</b>
<b>Two Year Change</b>		<b>(879,242.84)</b>
<b>Two Year Projected Balance</b>		<b>(521,428.15)</b>
<b>FY-10 BUDGET</b>		
FY-10 Legal Balance		510,503.44
FY-10 Restricted SOF		4,066.31
FY-10 Deposits with Paying Agents		0.00
FY-10 Current Loans		0.00
<b>FY-10 Unrestricted Legal Balance</b>		<b>514,569.75</b>
<b>NOTE: After detailed review, The Department projects the District's unrestricted legal balance at June 30, 2010 to be (\$192,410).</b>		

**Arkansas Department of Education**  
**Proposed Rules Governing the Distribution of Student Special Needs Funding and the**  
**Determination of Allowable Expenditures of Those Funds**  
~~September 2007~~ April 2010

**1.00 Authority**

1.01 The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-11-105, 6-18-508, 6-18-509, and 6-20-2301 et seq. ~~5. and Acts 811 and 1590 of 2007.~~

1.02 These Rules shall be known as the Arkansas Department of Education Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds.

**2.00 Purpose**

2.01 The purpose of these Rules is to distribute student special needs funding and define the allowable expenditures of those funds.

**3.00 Definitions – For purposes of these Rules, the following terms mean:**

3.01 "Alternative Learning Environment (ALE)" is a student intervention program in compliance with Ark. Code Ann. §§ 6-18-508 and 6-18-509 and these Rules that seeks to eliminate traditional barriers to ~~student learning~~ for students.

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

3.02.1 In those instances in which the ADM for ~~less~~ fewer than three (3) quarters is specified, the number of days used in the calculation shall be the days in the specified period of time.

3.02.2 As applied to these Rules, students who may be counted for ADM are:

3.02.2.1 Students who reside within the boundaries of the school district, ~~and who~~ are enrolled in a public school operated by the school district, and are enrolled in a curriculum that fulfills the requirements established by the State Board of Education (State Board) under the Standards for Accreditation of Arkansas Public Schools and School Districts;

3.02.2.2 Legally transferred students living outside the school district but — are attending a public school in the school district under a provision of the Arkansas Code ~~or Rules~~ and are enrolled in a curriculum that fulfills the requirements established by the State Board under the Standards for Accreditation of Arkansas Public Schools and School Districts.

3.02.2.3 Open-enrollment public charter school students who are enrolled in a curriculum that fulfills the requirements established by the State Board under the Standards for Accreditation of Arkansas Public Schools and School Districts; or

3.02.2. ~~34~~ Students who are eligible to attend and who reside within the boundaries of a school district and ~~who~~ are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program.

3.03 “Bonus” is a non-recurring payment to a school district employee, which shall not be considered an addition to the employee’s contractual salary amount.

3.04 “Chronically Underperforming School” is a public school that does not meet adequate yearly progress under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as it existed on July 1, 2009, for three (3) or more consecutive years.

3.04-~~05~~ “Classroom Teacher” is an individual who is required to hold a teaching license from the Arkansas Department of Education (Department) and who is working directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time; a guidance counselor; or a librarian.

3.06 “Coordinated School Health Coordinator” is an individual that coordinates the implementation or the Coordinated School Health model components, facilitates the Wellness Priority within the ACSIP plan with a minimum of a bachelor’s degree (Master’s preferred) in either the field of education, nursing, health services administration, social services, psychology/mental health services or nutrition. The coordinator will be in addition to other school health staff or positions.

3.07 “Coordinated School Health” (CSH) is an effective system designed to connect health (physical, mental/emotional and social) with education. This coordinated approach improves students’ health and their capacity to learn through the support of families, communities and schools working together. The CSH approach consists of eight major components. Although these components are listed separately, it is their composite that allows CSH to have significant impact. The eight components include: health education, physical education/physical activity, health services, nutrition services, health promotion for staff, counseling and psychological services, healthy school environment, and student/parent/community involvement.

3.05-~~08~~ “English Language Learners (ELL)” are students identified by the State Board of Education (State Board) as not proficient in the English language based upon approved English proficiency assessment instruments ~~administered annually in the fall of the current school year, which assessments measure oral, reading, and writing.~~ speaking, listening, and comprehending English. ~~proficiency.~~

- ~~3.06~~<sup>09</sup> “Eligible Alternative Learning Environment Student” is a student who meets the qualifications of Section 4.01, is in a program that meets the qualifications of Section 4.02, has been enrolled ~~attended in~~ an eligible ALE for a minimum of twenty (20) consecutive days per school year and meets the requirements outlined in Section 4.00.
- 3.10 “Excess National School Lunch Act Funds” are current year National School Lunch Act Funds remaining after a district has met the educational needs of students that are to be used to supplement teacher salaries.
- 3.11 “Experienced-based Field Trip” A student field trip which culminates an academic content unit directly tied to the Arkansas Frameworks that includes research-based activities.
- 3.12 “Human Service Worker” shall collaborate and provide information, resources, services, and referrals, to the district, LEA, parents, and students in a variety of activities, trainings, and assessments concerning the physical, mental/emotional, and social health of the child.
- 3.13 “Licensed Mental Health Counselor,” or L.M.H.C., hold a master’s degree from a graduate program in the field. They may render mental health care services to individuals, families or groups. L.M.H.C.s use therapeutic techniques to define goals and develop treatment plans aimed toward prevention, treatment, and resolution of mental and emotional dysfunction. Mental Health Professionals are licensed by the specific state boards corresponding with their licensure (i.e., Board of Examiners [LPCs, LACs], Board of Psychology [PhDs, LPEs], Social Work Licensing Board [LCSW, LMSW, LSW], which also monitors professional conduct.
3. ~~07~~<sup>14</sup> “NSLA” - National School Lunch Act.
- ~~3.08~~<sup>15</sup> “National School Lunch Students” are those students from low socio-economic backgrounds as indicated by eligibility for free or reduced-priced meals under the National School Lunch Act as determined on October 1 of the ~~each~~ previous school year and submitted to the Department, unless the district participates in the NSLA Provision 2 Program.
- 3.16 “Open Enrollment Public Charter School” is a public school operating under the terms of a charter granted by the State Board and is a local educational agency under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7801, as it existed on April 10, 2009.
- ~~3.09~~<sup>17</sup> “Previous Year” is the school year immediately preceding the school year in which funds are allocated.
- ~~3.10~~<sup>18</sup> “Professional ~~development~~ Development” is a coordinated set of professional development activities that improve the knowledge of teachers, administrators, and paraprofessionals concerning effective instructional strategies, methods, and skills for improving teaching practices, and for all employees to improve knowledge, awareness, and resources in physical/mental/emotional/social health-related issues for the purpose of improving ~~and~~ student academic achievement. Training activities for school bus drivers may also be included.

3.40~~18~~.1 Professional ~~development~~ Development shall result in individual school-wide, and district-wide improvement designed to ensure that all students demonstrate proficiency in the state academic standards.

3.40~~18~~.2 Professional ~~development~~ Development should be based on research, and be standards-based and continuous.

3.41~~19~~ "Provision Two (2) School District" is a school district participating in the National School Lunch Program under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.

3.19 "Provision Two (2) School District Base Year" means the last school year for which eligibility determinations were made and meal counts were taken by type.

3.20 "Scholastic Audit" is a comprehensive review of the learning environment, organization efficiency, and academic performance of schools and districts.

3.42~~21~~ "School District" or "District" is a geographic area with an elected board of directors that qualifies as a taxing unit for purposes of *ad valorem* property taxes under ~~Ark. Code Ann. §26-1-101 et seq.~~ Title 26 of the Arkansas Code, and whose board conducts the daily affairs of public schools pursuant to the supervisory authority vested in it by the General Assembly ~~via~~ and Title 6 of the Arkansas Code. For the purposes of these Rules, all references to "school district" or "district" include open enrollment charter schools.

3.22 "School Resource Officer" (SRO) is a sworn law enforcement officer assigned to a school on a long-term basis. The SRO is specifically trained in and performs three main functions, law enforcement officer; law related counselor; and law related educator. In addition the SRO works in collaboration with the school and the community as a resource.

3.43~~23~~ "School Year" is the year beginning July 1 of one calendar year and ending June 30 of the next calendar year.

3.24 "Students at Risk" are those students demonstrating an ongoing persistent lack of attaining proficiency levels in literacy and mathematics.

3.25 "Social Workers" have an undergraduate or graduate degree in social work or a related mental health field, and are trained in psychotherapy and social work techniques. Family therapists and employee assistance program counselors are often social workers. Social workers who work in private agencies or independent practice must hold state licenses from the Board of Registration of Social Workers. An L.C.S.W (Licensed Certified Social Worker) or a L.S.W. (Licensed Social Worker) may practice in an agency setting under proper supervision. Professional conduct is monitored by the State of Arkansas Social Work Licensing Board.

3.26 "Supplement to Teacher Salaries" is the use of excess NSLA funds to supplement teacher salaries as either a bonus, as defined at 3.03, or to provide an amount of compensation above the amount required by the minimum teacher salary compensation schedule, as defined at Ark. Code Ann. § 6-17-2403.

3.14~~27~~ “Technology” is any equipment for instructional purposes that are electronic in nature including, but not limited to, computer hardware, computer software, internet connectivity, and distance learning.

#### **4.00 Special Needs - Alternative Learning Environment (ALE)**

##### 4.01 Eligible ALE Students

4.01.1 An eligible ALE student shall exhibit two (2) or more of the characteristics identified in [Section 4.01.1.1](#) and [Section 4.01.1.2](#). Students will not be placed in the ALE based on academic problems alone.

4.01.1.1 –Students placed at risk, though intelligent and capable, typically manifest one or more of the following characteristics:

- Disruptive behavior
- Drop out from school
- Personal or family problems or situations
- Recurring absenteeism
- Transition to or from residential programs

4.01.1.2 –Situations that negatively affect the student's academic and social progress may include, but are not limited to:

- Ongoing, persistent lack of attaining proficiency levels in literacy and mathematics
- Abuse: physical, mental, or sexual
- Frequent relocation of residency
- Homelessness
- Inadequate emotional support
- Mental/physical health problems
- Pregnancy
- Single parenting

##### 4.02 Eligible ALE Programs

4.02.1 An eligible ALE program shall meet the following guidelines:

4.02.1.1 Have students taught by a currently licensed teacher. If course credit is granted, the teacher must be highly qualified. Newly hired teachers in these designated districts will have three years from the date of hire to become highly qualified as required by the federal No Child Left Behind Act of 2001.

- 4.02.1.2 Have a student/teacher ratio in grades Kindergarten through six (K-6) of no more than ten (10) to one (1). If a paraprofessional is employed in addition to a licensed supervisor, the student/teacher ratio shall be no more than twelve (12) to one (1).
- 4.02.1.3 In a middle school where the grade configuration includes grades five (5) and/or six (6), the fifteen (15) to one (1) student/teacher ratio may be utilized.
- 4.02.1.24 Have a student/teacher ratio in grades seven through twelve (7-12) of no more than fifteen (15) to one (1). If a paraprofessional is employed in addition to a licensed supervisor, the student/teacher ratio shall be no more than eighteen (18) to one (1).
- 4.02.1.45 Provide each alternative learning student with access to the services of a school counselor or a mental health professional, a nurse, and support services provided to other students.
- 4.02.1.56 Coordinate the ALE with state and federal student assistance programs.
- 4.02.1.67 Submit a description of the ALE ~~on a form developed by the Department. This description shall be included in the districts' Arkansas Comprehensive School Improvement Plan (ACSIP).~~
- 4.02.1.78 Have an Alternative Education Placement Team ~~in place in order to~~ determine student placement in the ALE. This team ~~should~~ shall include the referring school counselor, the ALE administrator ~~director or~~ and the building principal, ~~a~~ A parent or legal guardian and the student's a regular classroom teacher (s) should be included in the student placement determination.
- 4.02.1.89 Maintain documentation of the presence of the characteristics listed in the student's plan.
- 4.02.1.9-10 Provide that the ALE shall not be punitive but should provide the guidance, counseling, and academic support to enable students who are experiencing emotional, social or academic problems to continue to make progress toward educational goals either in the traditional educational system or the General Educational Development (GED) Program.
- 4.02.1.10-11 Provide that computer programs when used in the ALE setting will supplement teacher instruction.
- 4.02.1.11-12 Develop an agreement with the parent or guardian, teacher or ALE director, and student outlining the responsibilities of the school, parent, and the student to provide assurance that the plan for each student is successful.
- 4.02.1.12-13 Provide a curriculum including mathematics, science, social studies, and language arts aligned with the regular classroom instruction or with the standards for the tests of the GED.

4.02.1.13-14 Develop exit criteria on which to base a student's return to the regular program

4.02.1.14-15-Require ALE staff to meet the same professional development requirements as other certified staff.

4.02.1.15-16-The Department shall monitor ALEs as required in compliance with Ark. Code Ann. § 6-18-509.

4.02.1.17 All districts within an agreed upon consortium must submit the contract agreement to ADE by October 1 of each school year.

4.02.1.18 All students attending a consortium shall follow the lead district's school calendar.

4.02.1.19 Meals provided at remote ALE facilities shall follow the Arkansas Child Nutrition guidelines or shall be approved by the Arkansas Department of Education's Child Nutrition Section.

#### 4.03 ALE Funding

4.03.1 The ALE funding amount shall be the amount required by law times the district's eligible ALE students' ~~is~~ full time equivalent (FTE) in the previous school year as defined in ~~this Rule~~ these Rules.

4.03.2 -An ALE student shall be counted as no more than one student for ALE funding purposes.

4.03.3 An eligible ALE student's FTEs shall be determined by the number of hours taught in an eligible ALE each day divided by 6 hours, times the number of days an eligible student attends the ALE, plus the number of days absent, divided by the number of school days actually taught in the school year.

4.03.3.1 Alternative Learning Student is a student who has ~~attended~~ been enrolled in an eligible ALE for a minimum of twenty (20) consecutive days per school year.

4.03.3.2 Full Time Equivalent (FTE) Alternative Learning Student is an alternative learning student who has at least six (6) hours per day of student/teacher interaction time in the ALE, and attends the ALE for the entire school year.

4.03.4 ALE funding is restricted state aid.

4.03.5 ALE funding shall be spent on eligible ALE programs ~~activities~~ identified in ~~this Rule~~ these Rules except as otherwise allowed by law or rule.

4.03.6 ALE funding may be carried over from one fiscal year to the next but these funds shall remain restricted to the priority areas as defined in ~~this Rule~~ these Rules.

## 5.00 Special Needs - English Language Learners (ELL)

5.01 The ELL funding amount shall be the amount required by law times the district's identified English Language Learners in the current school year.

5.01.1 The number of identified ELL students shall be a total of all students identified by the State Board as not proficient in the English language based upon approved English proficiency assessment instruments.

5.01.2 Documentation to be used for the calculation of the number of identified ELL students must be submitted to the Department no later than November 30 of each school year.

5.01.3 An ELL student shall be counted as no more than one student for ELL funding purposes.

5.02 School districts shall maintain documentation of each student identified as an ELL.

5.03 For ELL funding purposes, State-approved English proficiency assessment instruments include:

5.03.1 LAS (Language Assessment Scales)

~~5.03.2 IDEA (IPT-Idea Proficiency Test)~~

~~5.03.3 Woodcock-Munoz~~

~~5.03.4~~ 5.03.2 Maculaitis Assessment of Competencies

~~5.03.5 Language Assessment Battery~~

5.03.2 English Language Development Assessment (ELDA) English Language Proficiency Screener

5.04 ELL funding shall be expended for the following eligible activities:

5.04.1 Salaries for ELL-skilled instructional services (not supplanting district financial obligations for providing teachers for ELL students).

5.04.2 Funds for teacher training, consultants, workshops, ELL course work including Department sponsored training programs.

5.04.3 Released-time for ~~planning program selection, and~~ ELL program development.

5.04.4 Selection and purchase of language-appropriate instructional and supplemental (enrichment) materials for ELL students -(including computer-assisted technology and library materials).

5.04.5 Health services, ~~c~~ounseling services, community liaison staff with language and cultural skills appropriate to the ELL population.

5.04.6 Assessment activities, which ~~address~~ include test administration, identification, placement, and review of ELL student academic progress, as well -as evaluation activities to determine the effectiveness of the district's ELL program.

5.04.7 Funds for the implementation of supplemental instructional services for ELL students.

5.04-05 ELL funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to those priority areas defined in ~~this Rule~~ these Rules.

5.05-06 A description of ELL activities and funding shall be included in the district's ~~Arkansas Comprehensive School Improvement Plan (ACSIP)~~.

**6.00 Special Needs - National School Lunch Act (NSLA)**

6.01 ~~The NSLA~~ National school lunch state categorical funding amount ~~under Ark. Code Ann. § 6-20-2305 (b) (4)~~ shall be ~~determined by~~ based on the district's total number of national school lunch students identified as eligible to participate in the NSLA Program for the immediately preceding school year determined under 3.15 of these Rules, divided by the district's total enrolled students for the immediately preceding school year. ~~The product shall be calculated to one tenth of one percent, and rounded up to the nearest whole number from five tenths or down to the nearest whole number from less than five tenths. If the school district is a Provision 2 district, this funding is based on the school district's percentage of national school lunch students submitted in the base year, multiplied by the number of enrolled students for the immediately preceding school year. NSLA funding for Provision 2 districts shall be determined as defined in Ark. Code Ann. § 6-20-2303 (12)(B)(i) and (ii). For determination of the per student amount of national school lunch state categorical funding, the percentage shall be calculated to one tenth of one percent, and rounded up to the nearest whole number from five tenths or down to the nearest whole number from less than five tenths~~

6.01.1 ~~For school Districts~~ districts in which with ninety percent (90%) or greater of the previous school year's enrolled students eligible ~~for the NSLA Program~~ are national school lunch students, shall receive per student national school lunch state categorical funding shall be the amount required by Ark. Code Ann. § 6-20-2305(b)(4)(A)(i) ~~law~~ for each student eligible for the NSLA Program.

6.01.2 ~~For school Districts~~ districts in which with less than ninety percent (90%) and ~~but~~ at least seventy percent (70%) of the previous school year's enrolled students eligible ~~for the NSLA Program~~ are national school lunch students, shall receive per student national school lunch state categorical funding shall be the amount required by Ark. Code Ann. § 6-20-2305(b)(4)(A)(ii) ~~law~~ for each student eligible for the NSLA Program.

6.01.3 ~~For school Districts~~ districts in which with less than seventy percent (70%) of the previous school year's enrolled students are national school lunch students, eligible for the NSLA Program shall receive per student national school lunch state categorical funding shall be the amount required by Ark. Code Ann. § 6-20-2305(b)(4)(A)(iii) ~~law~~ for each student eligible for the NSLA Program.

- 6.01.4 Districts must participate in the federal National School Lunch Program to receive NSLA Funding.
- 6.02 The district percentage of NSLA eligible students shall be determined from the Arkansas Public School Computer Network's Cycle 2 report for the previous school year.
- 6.02.1 The Child Nutrition Unit of the Department shall verify the Cycle 2 report for accuracy.
- 6.02.2 Adjustments to the Cycle 2 report shall be made by the Department based on documentation provided by the school district.
- 6.03 NSLA Growth Funding
- 6.03.1 The Department shall use the Cycle 2 enrollment data for the previous four years to calculate a three-year trend in district enrollment.
- 6.03.2 If a district has grown at least one percent for each of the three previous years, ~~they~~ it shall qualify for NSLA Growth Funding.
- 6.03.3 Districts that qualify for funding shall receive NSLA Growth Funding.
- 6.03.4 The funding shall be calculated as the three year average growth in enrollment multiplied by the district's previous year's percentage of students eligible for the NSLA Program multiplied by the per student funding amount determined in 6.01.
- 6.04 Transitional NSLA Funding Methods ~~Due to Percentage Changes in NSLA Students~~
- ~~6.04.1 Beginning with the 2007-2008 school year, the percentage of students eligible for free and reduced priced meals will be calculated by the Department of Education based on information validated by the Child Nutrition Section.~~
- ~~6.04.2 A comparison will be made between the percentage of students eligible for free and reduced priced meals in the most recent previous year and the year previous to that year.~~
- ~~6.04.3 Districts that have a change in the percentage of students eligible for free and reduced priced meals will be identified.~~
- 6.04.4 Beginning with the 2007-2008 school year, any school district that is to receive NSLA funding based on a different categorical amount of per student NSLA funding than was received the preceding school year, due to an increase or decrease in the percentage of NSLA students of the district's total October 1 enrollment as compared to the district's preceding school year's NSLA population, shall receive such increase or decrease in per student NSLA funding in three, one-third increasing or decreasing equal transition amounts over a three-year time period or until the district is receiving that amount of NSLA funding the district is legally entitled to receive as provided in Section 6.04.8 of this rule.

~~6.04.5 The three-year transition funding process will begin the year following the year in which the district's number of NSLA students meets, exceeds or falls below ninety percent (90%) but is greater than seventy percent (70%) or will begin the year following the year in which the district's number of NSLA students meets, exceeds or falls below seventy percent (70%) but is less than ninety percent (90%).~~

~~6.04.6 The total amount of NSLA funding will be determined based on the district's NSLA population as a percentage of the district's total October 1 enrollment.~~

~~6.04.7 A district's NSLA funding is based on the number of free and reduced priced students times the funding amount as established by the General Assembly.~~

~~6.04.8 When the annual calculation of the percentages meets the conditions outlined in Section 6.04.5 of this rule, then the total increase or reduction in the amount of NSLA funding due to be paid to the district will be increased or decreased by one third of the amount of increase or decrease in the first year of the transition, two-thirds of the amount of the increase or decrease in the second year of the transition, and by the full amount of the increase or decrease in the third year of the transition process.~~

~~6.04.9 No district shall be entitled to receive more or less per student NSLA Funding at the end of the transition process than is due to be paid to the district in NSLA funding as a result of the transition funding process.~~

6.04.1 Beginning with the 2009-2010 school year, if a school district receives, in the current school year, national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4)(A) that is based on a different per student amount of national school lunch state categorical funding than the school district received in the immediately preceding school year, due to a percentage change in national school lunch students, the Department shall adjust the funding to the school district in a transitional three-year period.

6.04.2 The amount of national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4)(A) shall be increased or decreased in each year of a three-year transition period by one-third (1/3) of the difference between the amount of national school lunch state categorical funding per student for the current year and the amount of national school lunch state categorical funding per student for the immediately preceding year, adjusted for changes to the funding rates in Ark. Code Ann. § 6-20-2305(b)(4)(A).

6.04.3 The method of transition for a school district that experiences a decrease in the amount of national school lunch state categorical funding per student under Ark. Code Ann. § 6-20-2305(b)(4)(A) is detailed using the following example of a decrease in national school lunch state categorical funding per student from \$1,488 in the immediately preceding year to \$992 in the current year:

*For illustrative purposes:*

- Year one (current year) of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,322.67 (\$1,488 - \$165.33).

- Year two of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,157.34 (\$1,322.67- \$165.33).
- Year three (final year) of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$992 (\$1,157.34 - \$165.34).

6.04.4 The method of transition for a school district that experiences an increase in the amount of national school lunch state categorical funding per student under Ark. Code Ann. § 6-20-2305(b)(4)(A) is detailed using the following example of an increase in national school lunch state categorical funding per student from \$992 in the immediately preceding year to \$1,488 in the current year:

For illustrative purposes:

- Year one (current year) of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,157.33 (\$992 + \$165.33).
- Year two of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,322.66 (\$1,157.33 + \$165.33).
- Year three (final year) of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,488 (\$1,322.66 + \$165.34).

6.04.5 The method of transition for a school district that, within a three-year period, experiences both a decrease and an increase in the amount of national school lunch state categorical funding per student under Ark. Code Ann. § 6-20-2305(b)(4)(A) is detailed using the following two examples:

6.04.5.1 In the first example, a school district experiences an increase in national school lunch state categorical funding per student from \$992 in the immediately preceding year to \$1,488 in the current year, and a decrease to \$992 in the following year. In this instance, the transition is completed in two years rather than three.

For illustrative purposes:

- Year one (current year) of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,157.33 (\$992 + \$165.33).
- Year two (final year) of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$922 (\$1,157.33 - \$165.33).

6.04.5.2 In the second example, a school district experiences a decrease in national school lunch state categorical funding per student from \$992 in the immediately preceding year to \$496 in the current year, no change in the second year, and an increase to \$992 in the third year. In this instance, the transition is completed in four years rather than three.

For illustrative purposes:

- Year one (current year) of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$826.67 (\$992 - \$165.33).

- Year two of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$661.34 (\$826.67- \$165.33).
- Year three of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$826.67 (\$661.34 + \$165.33).
- Year four (final year) of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$992 (\$826.67 + \$165.33).

6.05 Each school district ~~receiving with NSLA students funds~~ shall provide a ~~research based~~ research-based program(s) or purpose(s) for students scoring below proficiency eligible for NSLA funding in order to improve instruction and increase academic achievement of those students. This does not prohibit use of funds in performing schools to continue doing those strategies that are sustaining that performance.

6.05.1 Effective July 1, 2010, chronically underperforming schools shall develop and implement a comprehensive school improvement plan and shall use the school's National School Lunch state categorical funding (NSLA) to include, but not limited to:

6.05.1.1 Use of an Arkansas Scholastic Audit in school not meeting adequate yearly progress for three (3) or more consecutive years of School Improvement.

6.05.1.2 Use disaggregated school data to set academic targets in reading, writing, mathematics, and science.

6.05.1.3 Use improvement targets to define professional development needs related to content, instruction, differentiation, and best practices in educating special education students, gifted and talented students, English language learners, and other student subgroups as identified in need.

6.05.1.4 Develop interim building-level assessment to monitor student progress toward proficiency on the state benchmark assessments.

6.05.1.5 Develop a plan to immediately address gaps in learning

6.05.1.6 Examine and realign, as needed, school scheduling, academic support systems, and assignments of personnel to improve student achievement.

6.05.1.7 Design a plan for increasing parental knowledge and skill to support academic objectives.

6.05.1.8 Evaluate the impact of the before mentioned educational strategies on student achievement.

6.06 NSLA funding shall not be used to meet or satisfy the Arkansas Standards for Accreditation required by Ark. Code Ann. § 6-15-201 et seq. the Arkansas Minimum Teacher Salaries required by Ark. Code Ann. § 6-17-2403 except as otherwise allowed herein this section.

- 6.06.1 NSLA funding shall not be used to augment, replace, or supplement the mandatory requirements of the Arkansas Standards for Accreditation required by Ark. Code Ann. § 6-15-201 et seq. unless the expenditure is for the purposes outlined under Section 6.07 of ~~this Rule~~ [these Rules](#) .
- 6.06.2 -A district may use NSLA funds as a bonus or to supplement salaries above the minimum salary schedule required by Ark. Code Ann. § 6-17-2403 provided the school district is in compliance with and meets the eligibility provision of ~~this rule~~ [these Rules](#).
- 6.06.3 School districts may use NSLA funds to pay the salaries of those teachers which are used to reduce the pupil to teacher ratio below the mandates required by the Arkansas Standards of Accreditation under the following conditions:
- 6.06.3.1 The district designates, in a written plan submitted to the ADE which must be approved by the ADE, the specific teacher(s) which are used to reduce the pupil-to-teacher ratios required by the Standards of Accreditation: explain how the district will use NSLA funds to only pay the salaries of those class-size-reduction teachers or other teachers designated by the ADE as bona fide NSLA program or purpose expenditures as allowed by Section 6.07 of these ~~r~~[Rules](#); explains how the district will use class-size-reduction teachers(s) pursuant to a recognized published research-based program to specifically target an identified academic deficiency or need of the district which aligns with and supports the district's ~~Arkansas Comprehensive School Improvement Plan~~ [ACSIP](#);
- 6.06.3.2 Any district which did not use NSLA funds to support the salaries of the class-size-reduction teachers by June 30 in the 2006-2007 school year is limited to using NSLA funds to support the salaries of only those class-size-reduction teachers in kindergarten through the eighth (8th) grade of the school district starting in the 2007-2008 school year and each school year thereafter, provided the district submits a detailed written plan as required in § 6.06.3.1 which is approved by the ADE; and
- 6.06.3.3 Along with any request to expand or increase the use of NSLA funds to pay for or support the salaries of class-size-reduction teachers from a previous school year, the district shall submit a written justification showing how the funds are being used to support an increased academic deficiency or need of the district and is not an attempt to avoid or circumvent the general purpose of reducing the amount of NSLA funds used to increase teacher salaries as required and mandated [by Ark. Code Ann. § 6-20-2305](#), ~~by Act 1590 of 2007~~.
- [6.06.3.4 NSLA funds to support the salaries of the class-size reduction teachers shall only be used to reduce the pupil-to-teacher ratios required by the Standards of Accreditation for each single grade level.](#)

6.07 NSLA funding shall be expended for eligible program(s) or purpose(s) that are research-based and aligned to the Arkansas Content Standards for improving instruction and increasing achievement of NSLA-identified students at risk of not meeting challenging academic standards, ~~either existing or new~~. These programs or purposes include:

6.07.1 Employing Literacy and/or Mathematics and/or Science Specialists/Coaches (K-12) and/or instructional facilitators that meet the following requirements:

6.07.1.1 The Specialists/Coaches and/or instructional facilitators are educators who assist in curriculum alignment with state curriculum documents; alignment of classroom assessment with statewide exams; instructional strategies; professional development and implementation of training; choosing standards-based instructional materials; understanding of current research; advantageous arrangement of the instructional day; and integrating technology into instruction.

6.07.1.2 Qualifications for Specialists/Coaches (K-12):

- At least three years of recent teaching experience in appropriate content areas within grades K-12
- Knowledge of Arkansas Curriculum Framework
- Knowledge of current research and effective practices in standards-based curriculum, instruction, and assessment
- Experience in adult learning situations and in team problem solving
- A bachelor's degree (a master's degree would be preferred).

6.07.2 Providing ~~research-based~~ research-based professional development in the areas of literacy and/or mathematics and/or science in grades Kindergarten through twelfth grade (K-12) as defined in the Arkansas Department of Education Regulations Governing Attendance at Certified Instructional Professional Development Sessions (Ark. Code Ann. § 6-17-702).

6.07.3 Employing highly qualified classroom teachers in grades Kindergarten through twelfth grade (K-12) pursuant to the restrictions set forth in Section 6.06 of this Rule.

6.07.4 Providing research-based before and after-school academic programs, including transportation to and from the programs.

6.07.5 Providing research-based pre-kindergarten programs that meet the program standards as outlined in the Rules Governing the Arkansas Better Chance program.

6.07.6 Employing Tutors:

6.07.6.1 Tutors must be able to demonstrate competency (as determined locally) in each area where instruction is provided.

6.07.6.2 Tutors must work under the supervision of highly qualified classroom teachers.

6.07.7 Employing Teacher's Aides:

6.07.7.1 Teacher's aides must be highly qualified.

6.07.7.2 Teacher's aides must work under the direct supervision of highly qualified teachers.

6.07.8 Employing ~~certified~~ licensed counselors and nurses above standard mandates.  
~~licensed social workers and/or nurses.~~

6.07.9 Employing Coordinated School Health Coordinator

6.07.10 Employing Human Service Workers

6.07.11 Employing Licensed Mental Health Counselors

6.07.12 Employing Social Workers

6.07.9-~~13~~ Employing Curriculum Specialists:

6.07.~~13~~9.1 The Curriculum Specialists shall meet current licensure requirements that are outlined in the Rules Governing Initial and Standard Administrator Licensure.

6.07.14 Employing School Resource Officers (SRO) whose job duties include research-based methods and strategies tied to improving achievement of students at risk.

6.07.15 Providing experience-based field trips

6.07.~~10~~16 -Providing parent education that addresses the whole child.

6.07.~~11~~17 Providing summer programs that ~~employ~~ implement research-based methods and strategies.

6.07.~~12~~18-Providing early intervention programs:

6.07.~~12~~18.1 Early intervention means short-term, intensive, focused, individualized instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is beginning in the initial, kindergarten through grade one (K-1), stages of learning social skills, early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor behavior and problem-solving habits which become difficult to change.

6.07.~~13~~19 Obtaining materials, supplies, and equipment, including technology, used in approved instructional programs or for approved purposes. The approved programs and or purposes support the local educational agency's ACSIP.

6.07.~~14~~20 -Other activities approved by the Department that will further the purposes of this Section. Such activities include, but are not limited to, research-based activities and activities directed at chronically under-performing schools.

6.08 Use of these funds shall be included within the school and/or school district's ACSIP. The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and budget.

6.08.1 The district shall evaluate programs supported by NSLA funds annually to ensure that the programs are providing intervention/prevention services designed to increase student achievement.

6.08.2 The district shall maintain documentation that supports gains in student achievement as measured by the state assessment system.

6.09 NSLA funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to priority areas as defined in ~~this~~ these Rules or law.

6.10 -NSLA funding is restricted state aid, except as otherwise allowed by law or Rule.

6.11 ~~Flexibility In Use of NSLA Categorical Funding~~ Use of Excess NSLA Funds to Supplement Teacher Salaries

6.11.1 ~~Bonuses—Only those s~~ School districts which that have met meet the needs of students for whom the additional categorical funds are provided, and that have following conditions as verified in writing by the Commissioner of Education (or his/her designee) shall be allowed to use excess NSLA funds, may request to use the excess NSLA funds to supplement teacher salaries under the following conditions: ~~funding as a bonus to all classroom teacher salaries:~~

6.11.1.1 ~~The school district submits in writing on or before March 31 of the current school year the following:~~

~~6.11.1.1.1~~

6.11.1.1 ~~That the school district shall not use any portion of the NSLA categorical funds that are carry forward or reserve funds as a bonus~~ supplement to classroom teacher salaries;

~~6.11.1.1.2~~

6.11.1.2 ~~That the school district is meeting the minimum teacher salary schedule under Ark. Code Ann. § 6-17-2403 without using current year, carry forward or reserve NSLA funds;~~

~~6.11.1.1.3~~

6.11.1.3 ~~That the school district is in full compliance with the rules and laws governing the Standards for Accreditation of Arkansas Public Schools under Ark. Code Ann. § 6-15-201 et seq. and the rules and laws governing the Arkansas Fiscal and Accountability Program under [Ark. Code Ann. § 6-20-1901 et seq.](#) without using current year, carry forward or reserve NSLA funds. No school district in probationary violation of the Standards of Accreditation or not in compliance with fiscal distress laws shall be allowed to use NSLA funds to pay a bonus to all classroom teachers as allowed in Section 6.11.1.~~

~~6.11.1.1.4 The district submits a written detailed plan with the school district's Arkansas Comprehensive School Improvement Plan stating how the school district will use its excess NSLA current year funds as bonuses to all classroom teacher salaries; how the district has met the adequate educational needs of all the students in the district; that the school district has met the conditions and requirements of Section 6.11.1 of this rule and how the school district has prudently managed the resources of the district. In order to help verify this information, the districts shall, at a minimum, provide the following written information:~~

- ~~a. Total amount of NSLA funds held in balance by a school district; total amount of current year NSLA funds received by the district; total amount of current year NSLA funds applied to any bonus or salary of an employee of the district; names of those employees of the district who will receive a bonus or increase in salary from NSLA funds; percent of current year and total NSLA funds used as a bonus for classroom teachers.~~
- ~~b. A listing of all programs and actions and purpose of the programs which were funded by current year NSLA funds and funded by reserve or carry forward NSLA funds.~~
- ~~c. Staffing charts listing individual employees and their certification levels used to support the listed NSLA programs.~~
- ~~d. A listing of the targeted participants of each NSLA program along with the targeted curriculum content area(s) to be addressed by the NSLA programs;~~
- ~~e. Specific objectives for each NSLA programs;~~
- ~~f. Outline of how the district will measure and monitor the performance of NSLA programs;~~
- ~~g. Specify the measurement outcomes of each of the NSLA programs;~~
- ~~h. Report whether the district is in academic distress or failing to make adequate yearly progress (AYP). If failing to make AYP, specify which subgroups are failing and how the district is using NSLA funds to address such failures; and~~
- ~~i. A listing of the average student to teacher ratio for the school district.~~

6.11.1.4 [The school district shall not allocate or use any excess NSLA funds in any manner except to supplement teacher salaries.](#)

6.11.1.5 Excess NSLA funds used as a bonus to supplement teacher salaries shall not be considered a permanent obligation under the school district's teacher salary schedule.

6.11.1.6 The school district will include the amount and uses of excess NSLA funds in its ACSIP.

6.11.1.7 The district has met or is meeting the adequate educational needs of students.

6.11.1.8 The district has prudently managed its resources

6.11.1.9 The district has met all requirements of Section 6.11 of this Rule

6.11.1.10 If the district used excess NSLA funds in the prior year to supplement teacher salaries, the district has submitted the required report on prior year expenditures as required by Section 6.11.5.

6.11.1.11 The district has submitted the portion of its ACSIP that described the uses of NSLA funds.

6.11.1.12 The district has complied with the mandatory 20% reduction of actual amount of prior year NSLA funds used to supplement teacher salaries above the minimum teacher salary schedule until the district has no more than 20% of the total of current year NSLA funds used as a supplement to teacher salaries above the minimum teacher salary schedule.

~~6.11.2 No school district that is currently in probationary violation of the Standards for Accreditation or not in compliance with fiscal distress laws shall be allowed to use NSLA funds to pay bonuses to all classroom teacher salaries.~~

6.11.2 A school district requesting to use excess NSLA funds as a supplement to the minimum teacher salary schedule under Ark. Code Ann. § 6-17-2403 shall provide the following information to the Commissioner of Education, or designee, by February 15 of the school year for which approval is requested:

6.11.2.1 A statement of assurance attesting to compliance with sections 6.11.1 of these Rule

6.11.2.2 The actual amount of excess NSLA funds used to supplement salaries above the required minimum salary schedule in the previous school year, the actual amount of total NSLA funds received in the previous school year, and the actual percentage of NSLA funds used as a supplement above the required minimum salary schedule to total NSLA funds received

6.11.2.3 The budgeted amount of excess NSLA funds used to supplement salaries above the required minimum salary schedule in the current school year, the budgeted amount of total NSLA funds received in the current school year, and the calculated percentage of NSLA funds used as a supplement above the required minimum salary schedule to total NSLA funds received in the current year.

6.11.2.4 If the percent of excess NSLA funds used as a supplement above the required minimum salary schedule to total NSLA funds received is greater than twenty percent (20%), the district shall reduce by twenty percent (20%) the actual amount of prior year NSLA funds used to

supplement teacher salaries above the minimum teacher salary schedule until the district has no more than twenty percent (20%) of the total of current year NSLA funds used as a supplement to teacher salaries above the minimum teacher salary schedule.

6.11.2.5 No school district shall use NSLA funds to supplement salaries above the required minimum salary schedule without first obtaining the express written approval of the Commissioner of Education or his/her designee.

~~6.11.3 No school district shall use NSLA funds to pay a bonus to classroom teachers without first obtaining the express written approval of the Commissioner of Education or his/her designee.~~

6.11.3 A school district requesting to use excess NSLA funds as a supplement in the form of a bonus, shall provide the following information to the Commissioner of Education, or designee, by February 15 of the school year for which approval is requested.

6.11.3.1 A statement of assurance attesting to compliance with sections 6.11.1 of this Rule

6.11.3.2 The information required in Section 6.11.2, and any other information requested by the Department, if the Commissioner of Education,

6.11.3.3 The amount of funds to be used as a bonus

6.11.3.4 The total amount of NSLA funds the district will receive in that year

6.11.3.5 In response to the district's request, the Commissioner shall evaluate the district's test scores against the state averages as one indicator of how the district has met the educational needs of students. Tests may include, but not be limited to, grades three (3) through eight (8) state required benchmark exams in math and literacy and state required end-of-course exams for algebra, biology, geometry, and literacy.

6.11.3.6 As additional assessment data becomes available, it may also be included in the Commissioner's review

6.11.3.7 No school district shall use NSLA funds as a bonus without first obtaining the express written approval of the Commissioner of Education or his/her designee.

6.11.4 Upon review of the information required in Section 6.11.2, 6.11.3, and any other information requested by the Department, if the Commissioner of Education, or designee, determines the school district has met the needs of students, has prudently managed its resources, and has complied with these Rules and the law, the Commissioner shall give written approval of the use of excess NSLA funds to supplement teacher salaries.

6.11.4.1 Such approval is limited to one school year.

~~6.11.4 The Commissioner of Education shall not provide written express approval to a school district to use current year NSLA funds as a bonus to all classroom teacher salaries without first determining:~~

- 6.11.4.1 ~~That a school district has met the adequate educational needs of the students in the district;~~
- 6.11.4.2 ~~That the district has met all the requirements of this rule and Act 1590 of 2007; and~~
- 6.11.4.3 ~~That the district has prudently managed the resources of the district.~~
- 6.11.5 By September 15 ~~On or before June 15~~ of each school year, any school district that received written approval to ~~which was granted flexible use of NSLA funds under this rule~~ as a supplement to teacher salaries in the previous school year shall issue a written report to the Commissioner of Education listing:
  - 6.11.5.1 ~~Each program upon which NSLA funds were expended;~~
  - 6.11.5.2 The actual amount of NSLA funds expended on each program;
  - 6.11.5.3 Information required in Section 6.11.2 and 6.11.3, and any other information requested by the Department
  - 6.11.5.3 ~~The actual NSLA programs that were implemented by the district which were listed in this rule;~~
  - 6.11.5.4 ~~The actual content of each program and whether instructional materials were issued to the students for each program;~~
  - 6.11.5.5 ~~The students and staff assigned to each NSLA program;~~
  - 6.11.5.6 ~~The relevant test score data on students assigned to the NSLA programs as required by the ADE;~~
  - 6.11.5.7 ~~A content description of all professional development used to support NSLA programs and providing a listing of all teachers and staff assigned to such professional development;~~
  - 6.11.5.8 ~~A report on current student progress and longitudinal student progress for each NSLA program;~~
  - 6.11.5.9 ~~A report reconciling the budget for NSLA programs to actual NSLA expenditures; and~~
  - 6.11.5.10 ~~The year-end balance of current year NSLA funds, carry forward or reserve NSLA funds and total NSLA funds.~~
- 6.11.6 Upon review, at any time during a school year, of a school district's Arkansas Comprehensive School Improvement Plan, those reports and information required by ~~this rule~~ these Rules, test or financial data or other indicators of a school district, if the Commissioner of Education or his/her designee determines a school district has not met the needs of students that may be served by NSLA funds, has provided false or misleading information or has failed to comply with the provisions of the district's submitted plans without obtaining ADE approval to change the submitted plans required by this rule, the Commissioner of Education may require that any and all NSLA funds dedicated for use or application as a bonus shall be removed from and not used as a bonus and may

require the school district to redirect the NSLA funds to meet other educational needs of the students of that district.

~~6.11.7 Any excess NSLA funds used as a bonus to supplement the salaries of classroom teachers shall only be used as a non-recurring bonus to a classroom teacher's salary and shall not be considered a permanent obligation of the school district under the district's teacher salary schedule or as a contract obligation.~~

6.11.7 Only those school districts which previously used or applied excess NSLA funds to supplement the teacher salary schedule for all classroom teachers in the district as part of a salary obligation may continue to use NSLA funds as a salary obligation to the extent the district has received approval from the Commissioner of Education under Section 6.12 and the district is in full compliance with ~~these Rules, this rule,~~ under Section 6.11 and Act 1590 of 2007.

#### 6.12 Flexibility In Use of NSLA Categorical Funding As a Salary Obligation

~~6.12.1 Salaries — Beginning with the 2007-2008 school year and each school year thereafter, only those school districts that used or applied NSLA funds as a salary supplement to the teacher salary schedule for all classroom teachers during the 2006-2007 school year as required under former § 6-202305(b)(4)(c)(i)(b) [repealed] may apply to continue to use or apply current year received NSLA funds to a salary obligation of the district as part of a teacher salary schedule under the following conditions:~~

~~6.12.1.1 For the 2007-2008 school year, districts shall submit as part of their ACSIP, the requisite detailed information, verification or plans required in Section 6.11 of these rules. Beginning in 2008-2009, on or before March 31 of the prior school year, the school district submits in writing the requisite detailed information, verification or plans required in Section 6.11 of these rules;~~

~~6.12.1.2 That the school district is subject to and otherwise meets all the other requirements of this rule (except where appropriate the district reports use of NSLA funds used for salaries rather than bonuses or both as may be applicable) of this rule and has received the express written approval of the Commissioner of Education (or his/her designee) to continue to use NSLA funds on a 20% reduction of actual amount of the NSLA funds used as a salary obligation from the prior school year until the district has no more than 20% of the total of any current year NSLA funds received by the district used as a supplement to any salary obligation for classroom teacher salaries; and~~

~~6.12.1.3 Each school district eligible to use NSLA funds as a salary obligation must apply for and receive approval each school year as required by this rule.~~

~~6.12. Each school district eligible under this rule is subject to the conditions and requirements of this rule (except where appropriate the district may be required to report required information on the use of NSLA funds as a salary obligation rather than a bonus to salaries or, in some instances, the district is required to report the proposed use of NSLA funds as both a salary obligation and a bonus to salaries as allowed by this rule).~~

~~6.12.1 Nothing in this rule shall be construed or deemed to prohibit those school districts eligible under this rule from also being eligible to apply for application of NSLA funds as a bonus to salaries under this rule, provided the district receives written approval as required by this rule and Act 1590 of 2007.~~

## **7.00 Special Needs - Professional Development**

- 7.01 The Professional Development funding amount shall be an amount up to the amount required by law times the district's ADM of the previous school year.
- 7.02 Professional Development funding shall be expended for approved programs and purposes identified in the Rules Governing Professional Development and employing literacy, mathematics, or science coaches as described in ~~this Rule~~ [these Rules](#).
- 7.03 Districts may expend state Professional Development funding to provide the requisite hours of professional development required by Rule or law.
- 7.04 Professional Development funding is restricted state aid. Professional Development funding shall be spent on activities identified in ~~this Rule~~ [these Rules](#), except as otherwise allowed by law or Rule.
- 7.05 Professional Development funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to priority areas as defined in ~~this Rule~~ [these Rules](#).
- 7.06 Professional Development activities and funding shall be included in the district's Arkansas Comprehensive School Improvement Plan (ACSIP).

## **8.00 Financial Accounting for Special Needs Funding for ALE, ELL, NSLA, and Professional Development**

- 8.01 After having provided programs designed to meet the needs of students in the respective categorical funding areas, a school district may transfer and expend funds on any of the special needs categories allowed for in ~~this Rule~~ [these Rules](#).
- 8.02 Special needs funding of ALE, ELL, NSLA, and Professional Development may be used for any of the expenditures identified in ~~this Rule~~ [these Rules](#).
- 8.03 Districts shall report the funds received under each special needs funding category.
- 8.04 Districts shall report the expenditures of all special needs funds as required by law, including, but not limited to, fund balances remaining on June 30 of each year.
- 8.05 The funds received, transferred, expended, and/or carried over shall balance.
- 8.06 If the Department determines that a district would lose any federal funding due to these explicated expenditure requirements, the special needs funds may be expended for other academic programs or salaries, as permitted by the Department.

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING  
KINDERGARTEN THROUGH 12<sup>TH</sup> GRADE IMMUNIZATION REQUIREMENTS IN  
ARKANSAS PUBLIC SCHOOLS**

**1.0 PURPOSE**

1.01 The purpose of these rules is to establish the requirements and procedures for governing Kindergarten through 12<sup>th</sup> grade immunization requirements in Arkansas Public Schools.

**2.0 REGULATORY AUTHORITY**

2.01 The following Rules governing Kindergarten through 12<sup>th</sup> grade immunization requirements in Arkansas Public Schools are duly adopted and promulgated by the Arkansas State Board of Education pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Ark. Code Ann. § 20-7-109, Ark. Code Ann. § 6-18-702, Ark. Code Ann. §§ 6-60-501 – 504, and Ark. Code Ann. § 20-78-206.

**3.0 REQUIREMENTS**

3.01 Except as otherwise provided in these rules, no child shall be admitted to a public or charter school of this state who has not been immunized against poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, mumps, hepatitis B, and varicella (chickenpox) (See Table I.), as evidenced by an immunization record from a licensed physician or a public health department acknowledging the immunization.

3.02 The requirements for entry into school are:

3.02.1 Kindergarten: At least four doses of Diphtheria/Tetanus/Acellular Pertussis (DTaP), Diphtheria/Tetanus/Pertussis (DTP), or Diphtheria/Tetanus (DT pediatric) vaccine; at least three doses of Polio vaccine; two doses of MMR (measles, mumps, and rubella) vaccine; three doses of Hepatitis B vaccine; and two doses of Varicella (chickenpox) vaccine without accepting history of disease in lieu of receiving Varicella vaccine (See Table I). Exception: If a student has previously received two doses of measles, one dose of mumps and one dose of rubella before January 1, 2010, the doses will be accepted as compliant to immunization requirements and 2 MMRs are not required.

3.02.2 1<sup>st</sup> through 12<sup>th</sup> grade: At least three doses of Diphtheria/Tetanus/Acellular Pertussis (DTaP), Diphtheria/Tetanus/Pertussis (DTP), Diphtheria/Tetanus (DT-pediatric), Tetanus/Diphtheria (Td-adult) or Tetanus/Diphtheria/Acellular Pertussis (Tdap-adult); at least three doses of Polio vaccine; two doses of MMR (measles, mumps, and rubella) vaccine, and an appropriate series of Hepatitis B vaccine. (See Table I). Exception:

If a student has previously received two doses of measles, one dose of mumps and one dose of rubella before January 1, 2010, the doses will be accepted as compliant to immunization requirements and 2 MMRs are not required.

3.02.3 7<sup>th</sup> grade: In addition to the vaccines requirements listed under 1<sup>st</sup> through 12<sup>th</sup> grade, one dose of Tdap vaccine if applicable (See Table I) and one or two doses of Varicella (chickenpox) vaccine. A parent/guardian or physician history of disease may be accepted in lieu of receiving Varicella vaccine. (See Table I.)

3.03 A facility may temporarily admit a child provided that the child becomes appropriately immunized, is in-process of receiving the needed doses of vaccine, or shows proof that they have applied for an exemption for those vaccines he/she has not received within thirty (30) calendar days after the child's original admission. "In process" means the student has received at least one dose of the required immunizations and is waiting the minimum time interval to receive the additional doses. When a student is admitted who is in the process of completing the required minimum immunizations, the facility shall require each student to complete the required doses on schedule. A written statement from a public health nurse or private physician stating that the student is in process and containing a date when he/she must return for the next immunization shall be in the student's file. If a student does not produce documentation of additional immunizations per the schedule or show proof that they have applied for an exemption from the immunization requirements, they must be excluded from the facility until documentation is provided. The immunization series does not need to be restarted as each dose of vaccine counts toward the minimum requirements.

3.04 School officials should evaluate the immunization status of all children in their facilities. Table I is used to determine if the child meets the immunization requirements to enter school.

3.05 School boards, superintendents, and principals shall be responsible for enforcing immunization requirements with respect to kindergarten through grade 12 (K-12).

#### **4.0 DOCUMENTATION FOR IMMUNIZATION OR PROOF OF IMMUNITY**

4.01 The following documentation of immunizations is required:

4.01.1 All schools may use the Arkansas Immunization/Health Record as a standard form for recording immunization information. Entities may order the form from the Arkansas Department of Health. Immunization records may be stored on a computer database, such as the Arkansas Public School Computer Network (APSCN). A copy of the original source document shall be placed in a permanent file. The immunization record printed off the statewide immunization registry with the Official Seal of the State of

Arkansas is considered an official immunization record and is approved for placement in a permanent file as source documentation. It shall be the responsibility of the entity to maintain a list of individuals not appropriately immunized and a list of individuals with medical, religious or philosophical exemptions.

4.01.2 The only proof of immunizations to be accepted shall be an immunization record provided by a licensed physician, health department, military service, or an official record from another educational institution in Arkansas, acknowledging the same, stating the vaccine type and dates of vaccine administration must be provided and entered on the school record. Terms such as “up-to-date”, “complete”, “adequate”, etc. are not to be accepted as proof of immunization.

4.02 The following documentation for proof of immunity is required:

4.02.1 Any individual who has immunity to a vaccine-preventable disease as documented by appropriate serological testing shall not be required to have the vaccine for that disease.

4.02.2 A copy of the serological test should be submitted to the Arkansas Department of Health, Immunization Section, along with a letter requesting that the serological test be accepted as proof of immunity in lieu of receiving vaccine for the disease indicated on the serological test. After review by the Medical Director, Immunization Section, a letter indicating approval or denial will be sent to both the individual, parent, or guardian and the school. For approvals, annual approval is not required and a copy of the letter should be placed in the student’s permanent file. For denials, the student must receive the required immunization or request an exemption.

4.03 An individual who has lost his/her immunization records or whose serology test results are unavailable shall be properly immunized for those diseases or will be required to show proof that they have applied for an exemption for those vaccines he/she has not received.

## **5.0 EXEMPTIONS**

5.01 General Requirements

5.01.1 Exemptions shall be granted only by the Department of Health.

5.01.2 Individuals shall complete an annual application for medical, religious, and philosophical exemptions.

5.01.3 A notarized statement by the individual requesting the exemption must accompany the application.

5.01.4 All individuals requesting an exemption must complete an educational component developed by the Department of Health that includes information on the risks and benefits of vaccinations.

5.01.5 All individuals must sign an “informed consent” form provided by the Department of Health that includes:

5.01.5.1 A statement of refusal to vaccinate;

5.01.5.2 A statement of understanding that at the discretion of the Department of Health the non-immunized child or individual may be removed from the applicable facility during an outbreak if the child or individual is not fully vaccinated; and

5.01.5.3 A statement of understanding that the child or individual shall not return to the applicable facility until the outbreak has been resolved and the Department of Health approves the return.

## 5.02 Medical Exemptions

5.02.1 Only a letter issued by the Medical Director, Immunization Section of the Arkansas Department of Health, stating the vaccine or vaccines for which a child/student is exempt is to be accepted as a valid medical exemption by the school. Statements from private physicians are not to be accepted by the school without this letter. In addition to the general requirements found in section 65.01, the Immunization Section’s standard form for medical exemptions must be submitted to the Immunization Section. This form is available from the Immunization Section of the Department of Health upon request.

## 5.03 Religious Exemptions

5.03.4 In addition to the general requirements found in section 65.01, the Department of Health, Immunization Section’s standard form for religious exemptions must be submitted to the Immunization Section. This form is available from the Immunization Section upon request.

## 5.04 Philosophical Exemptions

5.04.1 In addition to the general requirements found in section 65.01, the Department of Health Immunization Section's standard form for philosophical exemptions must be submitted to the Immunization Section. This form is available from the Immunization Section upon request.

## 6.0 EXCLUSION FROM FACILITIES

### 6.01 Public and Charter Schools

6.01.1 Each facility must maintain an accurate and current list of all exempt and deficient individuals. Individuals who are exempt or deficient (except those who have had the disease as verified by appropriate serological testing) will be excluded from the facility if the Department of Health determines that a possibility of disease transmission exists. The exempt or deficient child or individual shall not return to the facility until the possibility of disease transmission has been controlled and the Department of Health approves the return.

## 7.0 REPORTING REQUIREMENTS

7.01 In order to identify areas where additional emphasis is needed and to measure levels of immunization compliance, the Arkansas Department of Health will conduct annual surveys and on-site immunization record audits in schools. The entity's cooperation in completing these surveys and audits is required.

**TABLE I  
KINDERGARTEN THROUGH GRADE TWELVE IMMUNIZATION  
REQUIREMENTS\***

<b>Vaccine ► ----- Grade ▼</b>	<b>Diphtheria, Tetanus, Pertussis (DTP/DT/Td/DTaP/ Tdap)</b>	<b>Polio (OPV – Oral or IPV – Inactivated)</b>	<b>MMR***** (Measles, Mumps, and Rubella)</b>	<b>Hep B</b>	<b>Varicella</b>
<b>Kindergarten</b>	4 doses (with 1 dose on or after 4 <sup>th</sup> birthday)	3 doses (with 1 dose on or after 4 <sup>th</sup> birthday)  A child who has received 4 or more doses of polio vaccine does not have to have a dose after the 4 <sup>th</sup> birthday.	2 doses (with dose 1 on or after 1 <sup>st</sup> birthday and dose 2 at least 28 days after dose 1)	3 doses	2 doses (with dose 1 on or after 1 <sup>st</sup> birthday and dose 2 at least 28 days after dose 1)  No history of disease will be accepted in lieu of vaccine.
<b>Grades 1 – 12</b>	3 doses (with 1 dose on or after 4 <sup>th</sup> birthday)	3 doses (with 1 dose on or after 4 <sup>th</sup> birthday)  A child who has received 4 or more doses of polio vaccine does not have to have a dose after the 4 <sup>th</sup> birthday.	2 doses (with dose 1 on or after 1 <sup>st</sup> birthday and dose 2 at least 28 days after dose 1)	2** or 3*** doses (11-15 year olds could be on a 2- dose schedule)	1 dose (on or after 1 <sup>st</sup> birthday)  OR  A parent/guardian or physician history of disease may be accepted in lieu of receiving vaccine.
<b>Grade 7</b>	3 doses (with 1 dose on or after 4 <sup>th</sup> birthday)  and  1 dose of Tdap, if applicable****	3 doses (with 1 dose on or after 4 <sup>th</sup> birthday)  A child who has received 4 or more doses of polio vaccine does not have to have a dose after the 4 <sup>th</sup> birthday.	2 doses (with dose 1 on or after 1 <sup>st</sup> birthday and dose 2 at least 28 days after dose 1)	2** or 3*** doses (11-15 year olds could be on a 2- dose schedule)	1 or 2 doses (Depends on age: One (1) dose is required if given at less than 13 years of age. Two (2) doses, separated by 28 days, are required if dose 1 is given at or greater than 13 years of age.)  OR  A parent, guardian or physician history of disease may be accepted in lieu of receiving vaccine.

\*Doses of vaccine required for school entry may be less than the number of doses required for age-appropriate immunization.

\*\*An alternative two-dose hepatitis B schedule for 11-15 year-old children may be substituted for the three-dose schedule. Only a FDA-approved alternative regimen vaccine for the two-dose series may be used to meet this requirement. If you are unsure if a particular child's two-dose schedule is acceptable, please contact the Immunization Section for assistance at 501-661-2169.

\*\*\* 3<sup>rd</sup> dose of hepatitis B should be given at least 8 weeks after the 2<sup>nd</sup> dose, at least 16 weeks after the 1<sup>st</sup> dose, and it should not be administered before the child is 24 weeks (168 days) of age. (All 3<sup>rd</sup> doses of hepatitis B vaccine given earlier than 6 months of age before 6/21/96 are valid doses and should be counted as valid until 6/21/2014.)

\*\*\*\*A 5-year interval between Td and Tdap is encouraged to reduce the risk of local and systemic adverse reactions. The interval between Td and Tdap may be shorter than 5 years (but not less than 2 years) if protection from pertussis is needed.

\*\*\*\*\* Exception: If a student has previously received two doses of measles, one dose of mumps and one dose of rubella before January 1, 2010, the doses will be accepted as compliant to immunization requirements and 2 MMRs are not required.

Vaccine doses administered up to 4 days before the minimum interval for age can be counted as valid for doses already administered.

If the child does not meet the immunization requirements for entering school, the school shall refer the child to a medical authority (private doctor or health department) for immunization or consultation for when the immunization is due.

### **CERTIFICATION**

This is to certify that the foregoing Rules Governing Kindergarten through 12<sup>th</sup> Grade Immunization Requirements in Arkansas Public Schools were adopted by the Arkansas State Board of Education at a regular session of said Board held in Little Rock, Arkansas, on the \_\_\_ day of \_\_\_, 2010 to be effective \_\_\_\_\_, 2010.

\_\_\_\_\_  
Secretary  
Arkansas State Board of Education

The foregoing Rules, copy having been filed in my office, are hereby approved on this \_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mike Beebe  
Governor

DRAFT

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING SCHOOL-BASED AUTOMATED EXTERNAL DEFIBRILLATOR (AED) DEVICES AND CARDIOPULMONARY RESUSCITATION (CPR) PROGRAMS IN ARKANSAS PUBLIC SCHOOLS**

**1.0 PURPOSE**

- 1.01 The purpose of these rules is to establish the requirements and procedures for governing school-based Automated External Defibrillator (AED) devices and Cardiopulmonary Resuscitation (CPR) programs in Arkansas Public Schools.

**2.0 REGULATORY AUTHORITY**

- 2.01 Pursuant to the Authority of the State Board of Education under § Ark. Code Ann 6-10-122 et. seq., these shall be known as the Arkansas Department of Education Rules Governing School-Based Automated External Defibrillator (AED) devices and Cardiopulmonary Resuscitation (CPR) programs.

**3.0 DEFINITIONS**

For the purpose of these rules, the following terms mean:

- 3.01 **Arkansas Public Schools:** includes all public and charter schools
- 3.02 **AED:** Automated External Defibrillator means a device that:
- 3.02.1 Is used to administer an electric shock through the chest wall to the heart;
- 3.02.2 Has built-in computers within the device to assess the patient's heart rhythm, judge whether defibrillation is needed, and then administer the shock
- 3.02.3 Has audible or visual prompts, or both, to guide the user through the process;
- 3.02.4 Has received approval from the United States Food and Drug Administration of its pre-market modification, filed pursuant to 21 U.S.C. 360 (k);
- 3.02.5 Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia and is capable of determining without intervention by an operator whether defibrillation should be performed; and

- 3.02.6 Upon determining the defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual's heart or charges and delivers an electrical impulse at the command of the operator.
- 3.03 **CPR/AED Provider:** A member or employee of a campus who has completed training in CPR in addition to knowledge and understanding of an AED's operation and use under the requirements set forth in this regulation.
- 3.04 **Cardiac arrest:** A condition, often sudden, that is due to abnormal heart rhythms called arrhythmias. It is generally the result of some underlying form of heart disease.
- 3.05 **Cardiopulmonary Resuscitation:** A combination of rescue breathing and chest compressions and external cardiac massage used to sustain a person's life until advanced assistance arrives.
- 3.07 **Defibrillation:** Administering the electrical impulse to an individual's heart in order to stop ventricular fibrillation or rapid ventricular tachycardia.
- 3.08 **Department:** Arkansas Department of Education
- 3.09 **Emergency Medical Services (EMS):** The transportation and medical care provided the ill or injured prior to arrival at a medical facility by a licensed emergency medical technician or other health care provider and continuation of the initial emergency care within a medical facility subject to the approval of the medical staff and governing board of that facility.
- 3.10 **Extra-curricular event:** Any school sponsored program or voluntary activity sponsored by the school, local education agency, or an organization sanctioned by the local education agency where students are competing for the purpose of receiving an award, rating, recognition, or criticism, or qualification for additional competition or including preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities.
- 3.11 **FDA:** Federal Food and Drug Administration
- 3.12 **School-Personnel:** School Board approved/contract employee of the district that is required to follow school policy and procedures
- 3.13 **Program Coordinator:** An individual, appointed by the school district, who is responsible for administration of the Automated External Defibrillation program for their respective campus.
- 3.14 **Protocol:** Currently approved and accepted procedures describing specific steps a provider must follow in assessing and treating a patient.

- 3.15 **Renewal:** Period training and demonstration of competence in the application and use of automated defibrillation equipment.
- 3.17 **School campus:** Any public school building or cluster of buildings, including grounds, with an ADE-issued LEA number, that is used for any purpose, including, without limitation: an extracurricular activity, organized physical activity course defined in Ark. Code Ann. § 6-16-137, pre-kindergarten education, or district administration.
- 3.18 **School sponsored event;** Any event or activity sponsored by the school or school system which includes but is not limited to athletic events, booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum whether on school-campus or not.
- 3.19 **Sudden Cardiac Arrest (SCA):** SCA is a sudden or unexpected cessation of heart function, most often caused by a sudden arrhythmia, such as ventricular fibrillation (VF). When this occurs, the heart's electrical impulses suddenly become chaotic and ineffective. Blood flow to the brain abruptly stops and the victim collapses and quickly loses consciousness. Death usually follows unless a normal heart rhythm is restored within minutes.
- 3.20 **Ventricular Fibrillation (VF):** The most common arrhythmia that causes cardiac arrest. It is a condition in which the heart's electrical impulses suddenly become chaotic, often without warning, causing the heart's pumping action to stop abruptly.

#### **4.0 REQUIREMENTS**

- 4.01 Each school campus must have an Automated External Defibrillator on or before May 31, 2011.
- 4.02 Appropriate school personnel must be adequately trained on or before May 31, 2011 as outlined in 9.0 Quality Training.
- 4.03 After May 31, 2011, appropriate school personnel must be adequately trained on an ongoing basis as outlined in 9.0 Quality Training.

#### **5.0 AUTOMATED EXTERNAL DEFIBRILLATOR MODEL**

- 5.01 Defibrillators acceptable for use in the State of Arkansas:
- 5.01.1 Federal Drug Administration (FDA) approved;
- 5.01.2 Automated type requiring provider intervention to initiate a defibrillation shock; and

5.01.3 Capable of automatically collecting data.

5.02 No modifications will be made to defibrillation equipment, by the provider or the service, which results in:

5.02.1 Deviation from the original manufacturer's specifications, or

5.02.2 Deviation from AED protocols.

## **6.0 DEFIBRILLATOR PREVENTATIVE MAINTENANCE/REPAIR**

6.01 Each school district shall designate appropriate personnel to be responsible for the maintenance of the AED(s).

6.02 All components of the AED and integrated data recording system shall be inspected by a qualified service technician at least one (1) time per calendar year or as recommended by the manufacturer to ensure:

6.02.1 The equipment meets original manufacturer's specifications;

6.02.2 The equipment maintains the currently approved treatment protocols based on the current American Heart Association scientific guidelines, standards, and recommendations for the use of the AED .

6.03.2 The battery of the AED shall be maintained and replaced in accordance with manufacturer's specifications.

6.03.3 All maintenance and repairs shall be performed by a qualified service technician recognized by the manufacturer.

6.03.4 Written records shall be maintained for all maintenance, repairs, and inspections performed on all components for mandated annual state reporting purposes.

## **7.0 AVAILABILITY OF AUTOMATED EXTERNAL DEFIBRILLATOR**

7.01 Each school shall designate appropriate personnel to be responsible for ensuring the availability of the AED.

7.02 The location of AEDs shall be based on the following:

7.02.1. Size and physical layout of the buildings;

7.02.2 Number and ages of individuals in the building;

- 7.02.3 Types and locations of curricular, extracurricular, and school-sponsored events;
- 7.02.4 Design features that might be unique to the building; and
- 7.02.5 Each school shall report, in a format approved by the Department, maintenance records and any use of an AED.
- 7.03 During school hours, the AED will be placed at designated locations.
  - 7.03.1 These locations shall be specific to each school but should allow the device to be easily seen and accessed by staff.
  - 7.03.2 The locations should allow staff members to retrieve the device outside of normal school hours.

## **8.0 SCHOOL APPOINTED PROGRAM COORDINATOR**

- 8.01 The school appointed program coordinator shall:
  - 8.01.1 Maintain current provider status in CPR/AED;
  - 8.01.2 Assure that the CPR/AED providers on campus receive appropriate training in the use and maintenance of the school's AED(s);
  - 8.01.3 Oversee training operations for the agency-school and maintain organizational training reports;
  - 8.01.4 Ensure AED equipment is maintained according to manufacturer and treatment protocol specifications based on the current American Heart Association scientific guidelines, standards, and recommendations for the use of the AED;
  - 8.01.5 Provide professional development opportunities annually for AED providers and all school employees, if applicable;
  - 8.01.6 Verify credentials of personnel functioning as an AED provider within the school; and
  - 8.01.7 Review each use of the AED.

## **9.0 QUALITY TRAINING**

- 9.01 Appropriate training of anticipated rescuers in the use of the AED and in CPR will incorporate at least the following:

9.01.1 Testing of psychomotor skills based on the American Heart Association scientific guidelines, standards, and recommendations for the use of the AED, as they existed on January 1, 2009;

9.01.2 Providing CPR as published by the American Heart Association, American Red Cross, or in equivalent course materials as they existed on January 1, 2009;

9.01.3 Coordination with the emergency medical services system; and

9.01.4 An ongoing quality improvement program to monitor training and evaluate response with each use of an AED.

## **10.0 PROFESSIONAL DEVELOPMENT REQUIREMENTS**

10.01 Automated external defibrillator and cardiopulmonary resuscitation training shall count fully toward the existing professional development requirements for teachers and school personnel as noted in the Rules for Professional Development

## **11.0 REPORTING**

11.01 Beginning in the year of 2011, the Commissioner of Education shall provide a report to the Senate Committee on Public Health, Welfare, and Labor and the House committee on Public Health, Welfare, and Labor on or before July 1, each year. Schools shall annually report to ADE:

11.01.1 The implementation and status of the AED availability on each school campus will be reported annually by May to the Department of Education;

11.02 The AED Incident Report Form shall be completed and submitted to the Director of Special Programs within thirty (30) days following an event. This form shall include:

11.02.1 Relevant information regarding the incidence and use of the AED and the client outcome.

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 949 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H3/20/09

A Bill

HOUSE BILL 2163

5 By: Representative Rainey  
6 By: Senator Elliott  
7  
8

9 **For An Act To Be Entitled**

10 AN ACT TO INCREASE ACCOUNTABILITY FOR ACHIEVEMENT  
11 GAPS IN SCHOOL DISTRICTS; TO PROVIDE INTERVENTION  
12 AND SUPPORT TO PUBLIC SCHOOL DISTRICTS TO ADDRESS  
13 THE SEVERITY OF ACHIEVEMENT GAPS; AND FOR OTHER  
14 PURPOSES.  
15

16 **Subtitle**

17 TO INCREASE ACCOUNTABILITY FOR  
18 ACHIEVEMENT GAPS IN SCHOOL DISTRICTS AND  
19 TO PROVIDE INTERVENTION AND SUPPORT TO  
20 PUBLIC SCHOOL DISTRICTS TO ADDRESS THE  
21 SEVERITY OF ACHIEVEMENT GAPS.  
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 Section 1. Arkansas Code Title 6, Chapter 15, is amended to add an  
27 additional subchapter to read as follows:

28 Subchapter 27. Closing the Achievement Gap Program

29 6-15-2701. Closing the achievement gap program.

30 (a) As used in this section, "chronically underperforming school"  
31 means a public school that does not meet adequate yearly progress under the  
32 No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as it existed on  
33 July 1, 2009, for three (3) or more consecutive years.

34 (b)(1) A school district that has a chronically underperforming school  
35 shall use its national school lunch state categorical funding under § 6-20-



1 2305(b)(4) to evaluate the impact of educational strategies used by the  
2 chronically underperforming school to address the achievement gaps among  
3 students in the chronically underperforming school.

4 (2) The evaluation shall:

5 (A) Identify the categories of programs and intervention  
6 strategies used with national school lunch state categorical funding; and

7 (B) Report the benchmark assessment scores for the end of  
8 the immediately preceding school year and for the end of the current school  
9 year of students involved in the programs and intervention strategies  
10 identified under this subdivision (b)(2).

11 (c) The Department of Education shall:

12 (1) Promulgate rules necessary to implement this section,  
13 including without limitation establishing the categories by which a  
14 chronically underperforming school shall identify programs and intervention  
15 strategies under subsection (b) of this section;

16 (2) In a chronically underperforming school's comprehensive  
17 school improvement plan, direct the use of national school lunch state  
18 categorical funding for strategies to close gaps in academic achievement,  
19 including without limitation:

20 (A) Using an Arkansas Scholastic Audit;

21 (B) Using disaggregated school data to set academic  
22 improvement targets in reading, writing, mathematics, and science;

23 (C) Using improvement targets to define professional  
24 development needs related to content, instruction, differentiation, and best  
25 practices in educating special education students, gifted and talented  
26 students, English language learners, and other student subgroups as needed;

27 (D) Developing interim building-level assessments to  
28 monitor student progress toward proficiency on the state benchmark  
29 assessments;

30 (E) Developing a plan to immediately address gaps in  
31 learning;

32 (F) Examining and realigning, as needed, school  
33 scheduling, academic support systems, and assignments of personnel; and

34 (G) Designing a plan for increasing parental knowledge and  
35 skill to support academic objectives; and

36 (3) By August 1 of each year, report to the House Committee on

1 Education and the Senate Committee on Education on:

2 (A) The use of national school lunch state categorical  
3 funding by chronically underperforming schools in the state; and

4 (B) The status of the achievement gaps at chronically  
5 underperforming schools in the state.

6 (d) The department shall identify the chronically underperforming  
7 schools with the largest achievement gaps among students and give to those  
8 chronically underperforming schools the department's highest priority for:

9 (i) Monitoring school improvement plans; and

10 (ii) Providing support under this subchapter.

11  
12 /s/ Rainey

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14 **APPROVED: 4/6/2009**

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**Arkansas Department of Education  
Proposed Rules Governing Closing the Achievement Gap  
January 2010**

1.0 Regulatory Authority

1.01 These Rules shall be known as the Arkansas Department of Education (ADE) Rules Governing Closing the Achievement Gap.

1.02 The State Board of Education (SBE) promulgated these Rules pursuant to Act 949 of 2009, Ark. Code Ann. § 6-15-2701.

2.0 Purposes

2.01 To provide intervention and support to public school districts to address the severity of achievement gaps.

2.02 To increase accountability for achievement gaps in school districts.

3.0 Definitions

3.01 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.

3.02 Chronically Underperforming School- a public school that does not meet adequate yearly progress under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as it existed on July 1, 2009, for three (3) or more consecutive years.

3.03 National School Lunch Categorical Funding – is the categorical funding under Ark. Code Ann. § 6-20-2305(b).

3.04 Scholastic Audit – is a comprehensive review of the learning environment, organizational efficiency, and academic performance of schools and districts.

3.05 Academic Improvement Targets – specific achievement goals in an academic content area based on disaggregated school data.

3.06 Interim Assessments –assessments administered during instruction to evaluate student’s knowledge and skills relative to a specific set of academic goals in order to inform policy maker or educator decisions at the classroom, school, or district level.

#### 4.0 Funding

4.01 A school district that has a chronically underperforming school shall use its national school lunch categorical funding under § 6-20-2305(b)(4) to evaluate the impact of educational strategies used by the chronically underperforming school to address the achievement gap among students in the chronically underperforming school.

4.01.1 Identify the categories of programs and intervention strategies used with national school lunch state categorical funding; and

4.01.2 Report the benchmark assessment scores for the end of the immediately preceding school year and for the end of the current year of students involved in the programs and intervention strategies supported with national school lunch state categorical funding.

#### 5.0 Arkansas Comprehensive School Improvement Plan

5.01 Chronically underperforming schools shall develop and implement a comprehensive school improvement plan and shall use its national school lunch state categorical funding (NSLA) to include but not limited to:

5.01.01 Use an Arkansas Scholastic Audit at Year 3 and beyond of School Improvement;

5.01.02 Use disaggregated school data to set academic targets in reading, writing, mathematics, and science;

5.01.03 Use improvement targets to define professional development needs related to content, instruction, differentiation, and best practices in educating special education students, gifted and talented students, English language learners, and other student subgroups as identified in need;

5.01.04 Develop interim building-level assessments to monitor student progress toward proficiency on the state benchmark assessments;

5.01.05 Develop a plan to immediately address gaps in learning;

5.01.06 Examine and realign, as needed, school scheduling, academic support systems, and assignments of personnel;

5.01.07 Design a plan for increasing parental knowledge and skill to support academic objectives; and

5.01.08 Evaluate the impact of the before mentioned educational strategies on student achievement.

6.00 Monitoring/Evaluation

6.01 Regular monitoring activities of the closing the achievement gap requirements within these Rules shall occur when the superintendent of the school district provides written assurance to the Commissioner of Education as required by law. However, the ADE may directly monitor the closing the achievement gap activities of any school or school district to determine compliance with the closing the achievement gap requirements.

6.02 The criteria for evaluating the impact of closing the achievement gap activities shall be the improvement of student achievement on State criterion-referenced assessments, State norm-referenced assessments, other related indicators as defined by ACTAAP and the evaluations of the closing the achievement gap activities. These data shall be used to revise ACSIP.

DRAFT

**ARKANSAS DEPARTMENT OF EDUCATION**  
**PROPOSED RULES GOVERNING APPEALS INVOLVING STUDENT**  
**RESIDENCY DISPUTES BETWEEN SCHOOL DISTRICTS**  
May 11, 2010

**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. The hearing officer may, only for good cause shown and upon request of either district, allow either district additional time to present their cases.
  - 6.01.3 A representative from each school district will be allowed one (1) hour 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 additional time 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. The hearing officer may, only for good cause shown and upon request of either district, allow either district additional time to present their cases.
- 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.~~

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

**Act 1310 of the Regular Session**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: H3/24/09 H3/25/09*

**A Bill**

HOUSE BILL 2003

5 By: Representative Lowery  
6  
7

**For An Act To Be Entitled**

8  
9 AN ACT TO AMEND THE LAW PERTAINING TO RESIDENCY  
10 REQUIREMENTS AND ATTENDANCE AT PUBLIC SCHOOLS;  
11 AND FOR OTHER PURPOSES.  
12  
13

**Subtitle**

14  
15 TO AMEND THE LAW PERTAINING TO RESIDENCY  
16 REQUIREMENTS AND ATTENDANCE AT PUBLIC  
17 SCHOOLS.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 6-18-202(e), concerning age and residence  
23 requirements for attending public schools, is amended to read as follows:

24 (e)(1) ~~Any~~ A school district ~~that admits~~ shall not admit for ten (10)  
25 school days or more a student who is not a resident of the school district or  
26 is not otherwise entitled by law to attend the school district for ten (10)  
27 school days or more a student that the school district knows or should have  
28 known is a resident of another school district not included in a tuition  
29 agreement or is not officially transferred to it shall be liable to the  
30 resident district of the student for an amount of money equal to the amount  
31 of state foundation funding per student.

32 ~~(2) Notice to a school district by a complainant school district~~  
33 ~~that a student is attending illegally in the school district begins the~~  
34 ~~running of the ten-day time period.~~

35 ~~(3) Causes of action arising under this subsection may be~~



1 ~~brought in a court of competent jurisdiction.~~

2 ~~(4) The school district that admits the student shall have the~~  
3 ~~burden of proof as to the student's residency.~~

4 ~~(5)(A) Upon presentation of a court order or judgment finding~~  
5 ~~that a school district has admitted for ten (10) school days or more a~~  
6 ~~student the district should have known was a resident of another district, as~~  
7 ~~set forth in subdivision (e)(1) of this section, the Department of Education~~  
8 ~~will satisfy the defendant school district's liability by transferring to the~~  
9 ~~complainant school district the appropriate amount of funds from state aid~~  
10 ~~that the department would have distributed to the defendant school district.~~

11 ~~(B) The transfer will be made from the next payment due to~~  
12 ~~the district from the department after the order is received by the~~  
13 ~~department.~~

14 (2)(A) A school district that determines that a student who  
15 resides within its boundaries is unlawfully attending another school district  
16 shall send written notification to the superintendent of the other school  
17 district that the student is unlawfully attending the school district.

18 (B) The written notification to the superintendent shall  
19 include a reasonable description of the location of the residence, including  
20 a street address if available, and other information that enables the school  
21 district to determine that the student is a resident of the school district.

22 (3)(A) The school district that receives the notification under  
23 subdivision (e)(2) of this section shall immediately investigate and  
24 determine which school district the student is required to attend.

25 (B) The school district conducting the investigation  
26 shall:

27 (i)(a) Complete the investigation within ten (10)  
28 business days after receiving the written notice.

29 (b) The school district conducting the  
30 investigation may extend the investigation ten (10) business days in a case  
31 that involves five (5) or more students by submitting written notice within  
32 the first ten (10) business days of the investigation to the school district  
33 that submitted the notification under subdivision (e)(2) of this section;

34 (ii) Make a determination as to which school  
35 district the student is required to attend; and

36 (iii) Send a written report to the school district

1 that submitted the notification, in writing, of the findings of the  
2 investigation and the documentation supporting its determination.

3 (4) A student who is determined to be unlawfully attending a  
4 school not within the student's resident district shall be immediately barred  
5 from attending the nonresident school district.

6 (5)(A) The school district that submitted the notification may  
7 within five (5) days after receiving the written report, appeal the decision  
8 of the school district that conducted the investigation.

9 (B) The appeal shall be made to the Department of  
10 Education.

11 (C) The school district that conducted the investigation  
12 shall have the burden of proof in proving that the student is entitled to  
13 attend its school.

14 (6)(A) The department shall promulgate rules to establish the  
15 procedure for a department hearing officer to investigate the appeal and  
16 conduct a hearing.

17 (B) The department hearing officer may compel disclosure  
18 of information from both of the school districts in his or her duties.

19 (C)(i) The decision of the department hearing officer may  
20 be appealed by either school district to the circuit court of the county  
21 where the school district that is appealing the decision is located.

22 (ii) The circuit court shall affirm the decision of  
23 the department hearing officer if it is supported by substantial evidence.

24  
25 *SECTION 2. Arkansas Code § 6-18-202(f), concerning the age and*  
26 *residence requirements for attending public schools, is amended to read as*  
27 *follows:*

28 *(f) Any person who knowingly gives a false residential address for*  
29 *purposes of public school enrollment shall be is guilty of a violation and*  
30 *subject to a fine not to exceed five hundred dollars (\$500) one thousand*  
31 *dollars (\$1,000).*

32  
33 /s/ Lowery

34  
35 **APPROVED: 4/9/2009**

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1307 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: S4/2/09

A Bill

HOUSE BILL 1959

5 By: Representatives Abernathy, Barnett, Betts, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris,  
6 Carnine, Carter, Cook, L. Cowling, Dale, Davenport, J. Dickinson, Dunn, Hopper, D. Hutchinson,  
7 Lindsey, Ragland, Reep, J. Rogers, Saunders, Slinkard, Summers, Tyler, B. Wilkins, Woods  
8 By: Senators J. Jeffress, Altes, G. Baker, Bledsoe, Broadway, Bryles, Crumbly, Hendren, G. Jeffress,  
9 Salmon, Steele, D. Wyatt

10  
11  
12 **For An Act To Be Entitled**

13 AN ACT TO AMEND THE REQUIREMENTS FOR PUBLIC  
14 SCHOOL END-OF-COURSE ASSESSMENTS; AND FOR OTHER  
15 PURPOSES.

16  
17 **Subtitle**

18 TO AMEND THE REQUIREMENTS FOR PUBLIC  
19 SCHOOL END-OF-COURSE ASSESSMENTS.

20  
21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23  
24 SECTION 1. Arkansas Code § 6-15-419 is amended to read as follows:  
25 6-15-419. Definitions.

26 The following definitions shall apply in this subchapter and in ~~§§ 6-~~  
27 ~~15-2001 et seq., 6-15-2101 et seq., 6-18-227, 6-15-2201, 6-15-2301, and 6-15-~~  
28 ~~2401;~~ §§ 6-15-2001 et seq., 6-15-2101 et seq., 6-15-2301, 6-15-2401, and 6-  
29 18-227:

30 (1) “ACT” means the ACT assessment for college placement  
31 administered by ACT, Inc;

32 (2) “Academic content standards” means standards that are  
33 approved by the State Board of Education and that set the skills to be taught  
34 and mastery level for each grade and content area;

35 ~~(2)(A)(3)(A)~~ “Academic improvement plan” means a plan detailing



1 supplemental or intervention and remedial instruction, or both, in deficient  
 2 academic areas for any student who is not proficient on a portion or portions  
 3 of the state-mandated Arkansas Comprehensive Assessment Program.

4 (B)(i) Such a plan shall be created and implemented by  
 5 appropriate teachers, counselors, and any other pertinent school personnel.

6 (ii) All academic improvement plans shall be  
 7 ~~annually reviewed~~ reviewed annually and revised to ensure an opportunity for  
 8 student demonstration of proficiency in the targeted academic areas on the  
 9 next state-mandated Arkansas Comprehensive Assessment Program.

10 (iii) A cumulative review of all academic  
 11 improvement plans shall be part of the data used by the school in creating  
 12 and revising its comprehensive school improvement plan.

13 (iv) All academic improvement plans shall be subject  
 14 to review by the Department of Education.

15 (C) In any instance in which a student with disabilities  
 16 identified under the Individuals with Disabilities Education Act has an  
 17 individualized education program that already addresses any academic area or  
 18 areas in which the student is not proficient on state-mandated augmented,  
 19 criterion-referenced, or norm-referenced assessments, the individualized  
 20 education program shall serve to meet the requirement of an academic  
 21 improvement plan;

22 ~~(3)~~(4) "Adequate yearly progress" means ~~that~~ the level of  
 23 academic improvement required of public schools or school districts on the  
 24 state-mandated augmented, criterion-referenced, or norm-referenced  
 25 assessments and other indicators as required in the Arkansas Comprehensive  
 26 Testing, Assessment, and Accountability Program, which shall comply with the  
 27 Elementary and Secondary Education Act as reauthorized in the No Child Left  
 28 Behind Act of 2001;

29 (5) "Advanced placement test" means the test administered by the  
 30 College Board for a high school level preparatory course that incorporates  
 31 the topics specified by the College Board on its standard syllabus for a  
 32 given subject area and is approved by the College Board;

33 ~~(4)~~(6) "Annexation" means the joining of an affected school  
 34 district or part of the school district with a receiving district under § 6-  
 35 13-1401 et seq., or § 6-13-1601 et seq.;

36 ~~(5)~~(7) "Annual improvement gains" or "student learning gains"

1 means calculating a student's academic progress from one (1) year to the  
 2 next, based on a same series nationally normed assessment given in the same  
 3 time frame from one (1) year to the next, used as a pre-post measure of  
 4 learning for the content areas tested;

5 ~~(6)~~(8) "Annual performance" means ~~that~~ the level of academic  
 6 achievement required of public schools or school districts on the state-  
 7 mandated augmented, criterion-referenced, or norm-referenced assessments;

8 ~~(7)~~(9) "Arkansas Comprehensive Assessment Program" means the  
 9 testing component of the Arkansas Comprehensive Testing, Assessment, and  
 10 Accountability Program, which shall consist of:

11 (A) Developmentally appropriate augmented, criterion-  
 12 referenced, or norm-referenced assessments in kindergarten through grade  
 13 twelve (K-12), as determined by the state board;

14 (B) Any other assessments as required by the state board;

15 (C) Other assessments that are based on researched best  
 16 practices as determined by qualified experts which would be in compliance  
 17 with federal and state law; and

18 (D) End-of-course examinations for designated grades and  
 19 content areas;

20 ~~(8)~~(10) "Arkansas Comprehensive Testing, Assessment, and  
 21 Accountability Program" means a comprehensive system that focuses on high  
 22 academic standards, professional development, student assessment, and  
 23 accountability for schools;

24 ~~(9)~~(11) "Comprehensive school improvement plan" means the  
 25 individual school's comprehensive plan based on priorities indicated by  
 26 assessment and other pertinent data and designed to provide an opportunity  
 27 for all students to demonstrate proficiency on all portions of the state-  
 28 mandated Arkansas Comprehensive Assessment Program;

29 ~~(10)~~(12) "Consolidation" means the joining of two (2) or more  
 30 school districts or parts of the school districts to create a new single  
 31 school district under § 6-13-1401 et seq. or § 6-13-1601 et seq.;

32 ~~(11)~~(A)~~(13)~~(A) "District improvement plan" means a districtwide  
 33 plan coordinating the actions of the various comprehensive school improvement  
 34 plans within a school district.

35 (B) The main focus of the district improvement plan shall  
 36 be to ensure that all students demonstrate proficiency on all portions of the

1 state-mandated Arkansas Comprehensive Assessment Program;

2 ~~(12)(A)~~(14)(A) “Early intervention” means short-term, intensive,  
3 focused, individualized instruction developed from ongoing, daily, systematic  
4 diagnosis that occurs while a child is in the initial, kindergarten through  
5 grade one (K-1), stages of learning early reading, writing, and mathematical  
6 strategies to ensure acquisition of the basic skills and to prevent the child  
7 from developing poor problem-solving habits that become difficult to change.

8 (B) The goal is to maintain a student’s ability to  
9 function proficiently at grade level;

10 ~~(13)~~ “End of course” means an examination taken at the  
11 completion of a course of study to determine whether a student demonstrates  
12 attainment of the knowledge and skills necessary to mastery of that subject;

13 (15) "General end-of-course assessment" means a criterion-  
14 referenced assessment taken upon successful completion of a course of study  
15 set by the State Board of Education;

16 (A) To determine whether a student demonstrates, according  
17 to a requisite scale score established by rule of the state board, attainment  
18 of sufficient knowledge and skills to indicate a necessary and satisfactory  
19 mastery of the subject level content in that end-of-course assessment; and

20 (B) For which failure to meet that requisite scale score  
21 requires sufficient remediation before a student is entitled to receive full  
22 academic credit for the course; and

23 ~~(14)~~(16) “Grade inflation rate” means the statistical gap  
24 between actual grades assigned for core classes at the secondary level and  
25 student performance on corresponding subjects on nationally normed college  
26 entrance exams such as the ~~American College Test~~ ACT;

27 ~~(15)~~(17) “Grade level” means performing at the proficient or  
28 advanced level on state-mandated Arkansas Comprehensive Assessment Program  
29 tests;

30 ~~(16)~~(18) “High school” means grades nine through twelve (9-12);

31 (19) "High-stakes end-of-course assessment" means a criterion-  
32 referenced assessment taken upon the successful completion of both the  
33 Algebra I and the English II course of study under § 6-15-433(b)(3)(A)(iii):

34 (A) To determine whether a student demonstrates, according  
35 to a requisite scale score established by rule of the state board, attainment  
36 of sufficient knowledge and skills to indicate a necessary and satisfactory

1 passing standard of the subject level content in that particular end-of-  
 2 course assessment; and

3 (B) For which failure to meet the requisite scale score  
 4 requires that the student shall not receive academic credit for the course of  
 5 study for which the assessment was taken until the student meets the  
 6 requisite scale score on the initial, a subsequent, or an alternative high-  
 7 stakes end-of-course assessment as allowed or required by Arkansas law or by  
 8 state board rules;

9 (20) "International Baccalaureate assessment" means an  
 10 assessment administered by the International Baccalaureate Organization for a  
 11 course offered under the International Baccalaureate Diploma Program;

12 ~~(17)~~(21) "Longitudinal tracking" means tracking individual  
 13 student yearly academic achievement gains based on scheduled and annual  
 14 assessments;

15 ~~(18)~~(22) "Middle level" means grades five through eight (5-8);

16 ~~(19)~~(23) "No Child Left Behind Act" means the No Child Left  
 17 Behind Act of 2001 signed into federal law on January 8, 2002;

18 ~~(20)~~(24) "Parent" means:

19 (A) A parent, parents, legal guardian, a person standing  
 20 in loco parentis, or legal representative, as appropriate, of a student; or

21 (B) The student if the student is eighteen (18) years of  
 22 age or older;

23 ~~(21)~~(25) "Point-in-time intervention and remediation" means  
 24 intervention and remediation applied during the academic year upon the  
 25 discovery that a student is not performing at grade level;

26 ~~(22)~~(26) "Primary" means kindergarten through grade four (K-4);

27 ~~(23)~~(27) "Public school" means those schools or school districts  
 28 created pursuant to Title 6 of the Arkansas Code and subject to the Arkansas  
 29 Comprehensive Testing, Assessment, and Accountability Program except  
 30 specifically excluding those schools or educational programs created by or  
 31 receiving authority to exist ~~pursuant to~~ under § 6-15-501, § 9-28-205, § 12-  
 32 29-301 et seq., or other provisions of Arkansas law;

33 ~~(24)~~(28) "Public school in school improvement" or "school in  
 34 need of immediate improvement" means any public school or public school  
 35 district identified as failing to meet certain established levels of academic  
 36 achievement on the state-mandated augmented, criterion-referenced, or norm-

1 referenced assessments as required by the state board in the program;

2 ~~(25)~~(29) "Reconstitution" means a reorganization intervention in  
3 the administrative unit or governing body of a public school district,  
4 including, ~~but not limited to,~~ without limitation the suspension,  
5 reassignment, replacement, or removal of a current superintendent or the  
6 suspension, removal, or replacement of some or all of the current school  
7 board members, or both;

8 ~~(26)(A)(i)~~(30)(A)(i) "Remediation" means a process of using  
9 diagnostic instruments to provide corrective, specialized, supplemental  
10 instruction to help a student in grades two through four (2-4) overcome  
11 academic deficiencies.

12 (ii) For students in grades five through twelve (5-  
13 12), remediation shall be a detailed, sequential set of instructional  
14 strategies implemented to remedy any academic deficiencies indicated by  
15 below-basic or basic performance on the state-mandated augmented, criterion-  
16 referenced, or norm-referenced assessments.

17 (B) Remediation shall not interfere with or inhibit  
18 student mastery of current grade level academic learning expectations;

19 (31) "SAT" means the college entrance examination known as the  
20 "Scholastic Assessment Test" administered by the College Board;

21 ~~(27)~~(32) "School district in academic distress" means any public  
22 school district failing to meet the minimum level of academic achievement on  
23 the state-mandated augmented, criterion-referenced, or norm-referenced  
24 assessments as required by the state board in the program;

25 ~~(28)~~(33) "School improvement plan" means the individual school's  
26 comprehensive plan based on priorities indicated by assessment and other  
27 pertinent data and designed to ensure that all students demonstrate  
28 proficiency on all portions of the state-mandated Arkansas Comprehensive  
29 Assessment Program examinations;

30 ~~(29)~~(34) "Social promotion" means the passage or promotion from  
31 one (1) grade to the next of a student who has not demonstrated knowledge or  
32 skills required for grade-level academic proficiency;

33 ~~(30)~~(35) "Uniform school readiness screening" means uniform,  
34 objective evaluation procedures that are geared to either kindergarten or  
35 first grade, as appropriate, and developed by the state board and  
36 specifically formulated for children entering public school for the first

1 time; and

2 ~~(31)~~(36) "Value-added computations of student gains" means the  
3 statistical analyses of the educational impact of the school's instructional  
4 delivery system on individual student learning, using a comparison of  
5 previous and posttest student achievement gains against a national cohort.

6  
7 SECTION 2. Arkansas Code § 6-15-433(a), concerning a statewide  
8 assessment program, is amended to read as follows:

9 (a) Upon approval by the State Board of Education or as required by  
10 law, the Department of Education shall implement a statewide program of  
11 educational assessment that provides information for the improvement of the  
12 operation and management of the public schools and tests the requisite  
13 knowledge and skills of students.

14  
15 SECTION 3. Arkansas Code § 6-15-433(b)(3)(A), concerning a statewide  
16 assessment program, is amended to read as follows:

17 (3)(A) Implement student achievement testing as part of the  
18 statewide assessment program, to be administered annually to measure reading,  
19 writing, and mathematics and ~~that~~ includes:

20 (i) Developmentally appropriate testing for grades  
21 kindergarten through two (K-2);

22 ~~(ii)(a)~~(ii) Either:

23 (a) Developmentally appropriate augmented,  
24 criterion-referenced, or norm-referenced assessments in kindergarten through  
25 grade twelve (K-12), as determined by the state board and as required by law;  
26 or

27 (b) Other assessments ~~which~~ that are based on  
28 researched best practices as determined by qualified experts ~~which~~ that would  
29 be in compliance with federal and state law;

30 (iii)(a) ~~Any other tests required by the state~~  
31 ~~board; and~~ High-stakes end-of-course assessments administered under § 6-15-  
32 2009 for Algebra I and English II only.

33 (b) The state board shall identify by rule  
34 Algebra I and English II high-stakes courses and establish the high-stakes  
35 end-of-course assessments;

36 (iv) ~~End-of-course examinations shall be~~

1 ~~administered for Algebra I, geometry, literacy, and other content areas as~~  
 2 ~~directed by the state board~~ General end-of-course assessments administered  
 3 for other content course subject areas as determined by state board rule; and

4 (v) Any other assessments required by the state  
 5 board.

6  
 7 SECTION 4. Arkansas Code § 6-15-2009 is amended to read as follows:  
 8 6-15-2009. Public School Assessments and Remediation.

9 (a)(1) Each student shall participate in the statewide program of  
 10 educational assessment required in §§ 6-15-419, ~~and~~ 6-15-433, and this  
 11 section, and by the State Board of Education.

12 (2) Each student in grades three through eight (3-8) shall  
 13 participate in those benchmark assessments required in §§ 6-15-419 ~~and~~ 6-15-  
 14 433, and this section and as established by the state board.

15 (3) Students in appropriate grades shall participate in ~~those~~  
 16 the general end-of-course assessments and high-stakes end-of-course  
 17 assessments required by §§ 6-15-419 and 6-15-433 as established by the ~~State~~  
 18 ~~Board~~ state board and this section.

19 (4)(A) The state board shall determine ~~a satisfactory passing-~~  
 20 ~~level~~ the requisite scale score of student performance on each assessment  
 21 required in subdivisions (a)(1)-(3) of this section.

22 (B) The requisite scale score for any high-stakes end-of-  
 23 course assessment shall be set only at the cut score necessary to demonstrate  
 24 the minimum satisfactory passing level of that subject.

25 (5) The state board shall ~~promulgate the passing levels of~~  
 26 ~~student performance in rules and regulations~~ establish by rule the requisite  
 27 scale score for a general end-of-course assessment and the requisite scale  
 28 score for high-stakes end-of-course assessments.

29 (b)(1) Each student identified as not meeting the satisfactory pass  
 30 levels in the immediate previously administered benchmark assessment shall  
 31 participate in ~~his or her~~ the remediation activities as required in ~~his or~~  
 32 ~~her~~ the student's individualized academic improvement plan beginning in the  
 33 school year the assessment results are reported.

34 (2) ~~If~~ The Department of Education may determine that an  
 35 individualized education program for a student with disabilities identified  
 36 under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et

1 seq., ~~has an~~ meets the requirements of an individualized academic improvement  
2 plan under this section if the individualized education program ~~that~~  
3 addresses ~~any~~ one (1) or more academic ~~area or~~ areas in which the student is  
4 not proficient on state-mandated augmented, criterion-referenced, or norm-  
5 referenced assessments, ~~the individualized education program meets the~~  
6 ~~requirements of an academic improvement plan under this section.~~

7 (3)(A) The public school district where the student is enrolled  
8 shall notify the student's parent, guardian, or caregiver of the parent's  
9 role and responsibilities as well as the consequences for the student's  
10 failure to participate in the plan.

11 (B) This notice may be provided via student handbooks  
12 issued to students.

13 (4) ~~Beginning with the 2005-2006 school year, any~~ A student in  
14 grades three through eight (3-8) identified as not passing a benchmark  
15 assessment and who fails to participate in the subsequent academic  
16 improvement plan shall be retained and shall not be promoted to the next  
17 appropriate grade until:

18 (A) The student is deemed to have participated in an  
19 academic improvement plan; or

20 (B) The student passes the benchmark assessment for the  
21 current grade level in which the student is retained.

22 (c)(1) Beginning with the ~~2005-2006~~ 2009-2010 school year, ~~any~~ a  
23 student required to take ~~an~~ a general end-of-course assessment ~~that~~ who is  
24 identified as not meeting the ~~satisfactory pass levels~~ requisite scale score  
25 for a particular assessment shall participate in ~~his or her~~ the remediation  
26 activities as required in ~~his or her~~ the student's individualized academic  
27 improvement plan in the school year that the assessment results are reported  
28 in order to receive academic credit on his or her transcript for the course  
29 related to the end-of-course assessment.

30 (2) The individualized academic improvement plan shall include  
31 remediation activities focused on those areas in which a student failed to  
32 pass ~~an~~ a general end-of-course assessment.

33 (3)(A) ~~Until the 2009-2010 school year, a~~ A student who is  
34 identified as not meeting the ~~satisfactory pass levels~~ requisite scale score  
35 for ~~an~~ a general end-of-course assessment shall not receive academic credit  
36 on his or her transcript for the course related to the general end-of-course

1 assessment until the student is identified as having participated in  
2 remediation through an individualized academic improvement plan.

3 (B) ~~Prior to the 2009-2010 school year, For the purpose of~~  
4 a general end-of-course assessment, remediation does not require that a  
5 student pass a subsequent end-of-course assessment in order to receive  
6 academic credit for a course.

7 (d)(1)(A)(i) Beginning with the 2009-2010 school year, all initial  
8 high-stakes end-of-course assessments for Algebra I shall be administered by  
9 grade ten (10) ~~for each student or as allowed in subsection (f) of this~~  
10 ~~section.~~

11 ~~(B) Any student who does not meet the satisfactory pass~~  
12 ~~level on the initial assessment shall participate in an individualized~~  
13 ~~academic improvement plan that shall include remediation activities and~~  
14 ~~multiple opportunities for the student to take and pass subsequent end-of-~~  
15 ~~course assessments.~~

16 (ii) Beginning with the 2013-2014 school year, all  
17 initial high-stakes end-of-course assessments for English II shall be  
18 administered by grade ten (10).

19 (iii) A student from an Arkansas public school who  
20 completed and received academic credit on an end-of-course assessment for  
21 Algebra I before the 2009-2010 school year or for English II before the 2013-  
22 2014 school year is not required to participate in and receive academic  
23 credit from a high-stakes end-of-course assessment on or after the 2009-2010  
24 school year for Algebra I or on or after the 2013-2014 school year for  
25 English II.

26 (iv) A student transferring into an Arkansas public  
27 school on or after 2009-2010 for Algebra I or 2013-2014 for English II who  
28 can demonstrate by official transcript from an out-of-state public, private,  
29 or home school, or an Arkansas private or home school that he or she has  
30 previously obtained academic credit for Algebra I or English II is not  
31 required to participate in and receive academic credit from an initial high-  
32 stakes end-of-course assessment unless the public school district assesses  
33 the student's educational status and determines the student does not possess  
34 the requisite passing knowledge of Algebra I or English II.

35 (B)(i) Beginning with the 2009-2010 school year, an  
36 Arkansas public school student who is not in grade ten (10), grade eleven

1 (11), or grade twelve (12) in an Arkansas public school, and has not  
2 previously received proper academic credit on his or her transcript for  
3 Algebra I but has successfully completed an Algebra I course is required to  
4 complete and successfully meet the requisite scale score on a high-stakes  
5 end-of-course assessment before the student is entitled to receive academic  
6 credit on his or her transcript for Algebra I.

7 (ii) Only a student who is in grade ten (10), grade  
8 eleven (11), or grade twelve (12) in an Arkansas public school in the 2009-  
9 2010 school year is exempt from the requirement of taking a high-stakes  
10 Algebra I end-of-course assessment, but the student shall meet any general  
11 end-of-course assessment requirements for Algebra I.

12 (iii) Any other student, regardless of the school  
13 year or the grade level in which he or she completes an Algebra I course or,  
14 beginning with the 2013-2014 school year, the English II course shall  
15 successfully complete an Algebra I and English II high-stakes end-of-course  
16 assessment and meet the requisite scale score in order to be entitled to  
17 receive academic credit for Algebra I or English II on the student's  
18 transcript, unless exempted under an individualized education program

19 (iv) A student transferring into an Arkansas public  
20 school district without having obtained academic credit on his or her  
21 transcript in or after the 2009-2010 school year for Algebra I and in or  
22 after the 2013-1014 school year for English II is not exempt from the  
23 requirements of subdivision (d)(1)(B)(iii) of this section.

24 (C) Beginning with the 2013-2014 school year, an Arkansas  
25 public school student who is in grade ten (10) and who has not previously  
26 received academic credit under (d)(1)(A) for English II shall successfully  
27 complete the course and meet the requisite scale score on the English II  
28 high-stakes end-of-course assessment in order for the student to be entitled  
29 to receive academic credit for English II on the student's transcript.

30 (D)(i) A student who does not meet the requisite scale  
31 score on the relevant high-states end-of-course assessment shall participate  
32 in an individualized academic improvement plan.

33 (ii) An individualized academic improvement plan  
34 shall include research-based remediation activities and multiple  
35 opportunities for the student to take and pass subsequent high-stakes end-of-  
36 course assessments as long as the student remains enrolled in an Arkansas

1 public school and has not reached twenty-one (21) years of age.

2 (iii) If after two subsequent high-stakes end-of-  
 3 course assessments a student does not meet the requisite scale score on the  
 4 initial high-stakes end-of-course assessment, the student shall participate  
 5 in strand analysis or formative analysis remediation provided and supported  
 6 by the Department of Education before taking a third or subsequent high-  
 7 stakes end-of-course assessment.

8 (iv) Subsequent high-stakes end-of-course  
 9 assessments and associated remediation programs may be administered in an  
 10 electronic format.

11 (2) For ~~any~~ a student required to participate in an  
 12 individualized academic improvement plan in subdivision ~~(d)(1)(B)~~ (d)(1)(D)  
 13 of this section, the individualized academic improvement plan shall identify  
 14 the student's specific areas of deficiency on the high-stakes end-of-course  
 15 ~~exam~~ assessment, the desired levels of performance necessary for the student  
 16 to meet the satisfactory pass levels, and the instructional and support  
 17 services to be provided to meet the desired levels of performance.

18 ~~(3)(A) Schools shall also provide for the~~ A public school also  
 19 shall provide frequent monitoring of the student's progress in meeting the  
 20 desired levels of performance.

21 (B) Remedial activities and instruction provided during  
 22 high school shall not be in lieu of English, mathematics, science, history,  
 23 or other core courses required for graduation.

24 (e)(1) Beginning with the 2009-2010 school year for Algebra I and the  
 25 2013-2014 school year for English II, ~~no~~ a student identified as not passing  
 26 an initial high-stakes end-of-course assessment shall not receive ~~a~~ academic  
 27 credit on his or her transcript for the course related to the end-of-course  
 28 assessment and is not entitled to graduate from an Arkansas public high  
 29 school until:

30 (A) The student is identified as meeting ~~a satisfactory~~  
 31 ~~pass level~~ the requisite scale score on a subsequent high-stakes end-of-  
 32 course assessment; or

33 (B)(i) The student is identified as ~~having finished by the~~  
 34 ~~end of grade twelve (12) an appropriate alternative exit course and is~~  
 35 ~~identified as having met a satisfactory pass level on an alternative~~  
 36 ~~assessment directly related to the alternative exit course pursuant to § 6-~~

1 ~~15-2010~~ meeting the requisite score established by state board rule on an  
 2 alternative assessment.

3 (ii) An alternative assessment shall be an ACT  
 4 assessment, SAT assessment, advanced placement test, or International  
 5 Baccalaureate test.

6 (2)(A) ~~Any~~ A student identified as having not met the  
 7 ~~satisfactory pass levels of an initial~~ requisite scale score for a high-  
 8 stakes end-of-course assessment shall not receive academic credit on his or  
 9 her transcript for the related course until the student meets the  
 10 requirements of subdivision (e)(1) of this section.

11 (B) If a student does not meet the ~~satisfactory pass~~  
 12 ~~levels on an initial~~ requisite scale score on an end-of-course assessment ~~or~~  
 13 and does not satisfy the remedial requirements of ~~subdivisions (d)(1)(B)~~  
 14 subsection (c) of this section for general end-of-course assessments and  
 15 subdivision (e)(1) of this section for high-stakes end-of-course assessments,  
 16 the student shall not be entitled to graduate with a high school diploma from  
 17 an Arkansas public high school or public charter school.

18 (f)(1)(A) The state board shall establish the high-stakes end-of-  
 19 course assessment program required in subsection (d) of this section for  
 20 Algebra I beginning in the 2009-2010 school year and for English II beginning  
 21 in the 2013-2014 school year.

22 (B) Throughout this process, the end-of-course assessment  
 23 program shall ~~ever~~ be maintained in such a manner as to meet the requirements  
 24 of state and federal law, including the full range of students with  
 25 disabilities.

26 (2)(A) The superintendent of each public school district shall  
 27 be responsible for the proper administration of this section and ~~those~~ the  
 28 rules promulgated by the state board to implement the requirements of this  
 29 section.

30 (B) To the extent that ~~any~~ a public school district is  
 31 determined to have knowingly failed to administer these provisions of law or  
 32 rules, the superintendent's license shall be subject to probation,  
 33 suspension, or revocation ~~pursuant to the process set forth in accordance~~  
 34 with under § 6-17-410.

35 (3) Each year the ~~Department of Education~~ department shall make  
 36 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

1 demonstrating alternative competencies or alternative levels of competency  
2 under the student's individualized education program.

3 (10) In administering the assessments under this section, the  
4 public school district shall provide state-approved accommodations for  
5 students with state-recognized disabilities and for English language learners  
6 as allowed by law and state board rules.

7  
8 SECTION 5. Arkansas Code § 6-15-2010 is repealed:

9 ~~6-15-2010. Alternative exit course and alternative course exam.~~

10 ~~(a)(1) No student who is identified as having failed to meet the~~  
11 ~~satisfactory pass levels on an initial end-of-course assessment shall be~~  
12 ~~entitled to take more than three (3) additional subsequent end-of-course~~  
13 ~~assessments.~~

14 ~~(2)(A) Any student who fails to be identified as meeting the~~  
15 ~~satisfactory pass levels after taking at least three (3) subsequent end-of-~~  
16 ~~course exams shall be required to take and pass an alternative exit course~~  
17 ~~and meet a satisfactory alternative level score on a subsequent alternative~~  
18 ~~assessment prior to being entitled to graduate with a high school diploma~~  
19 ~~from an Arkansas high school or open enrollment charter school.~~

20 ~~(B) If a student with disabilities identified under the~~  
21 ~~Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., is~~  
22 ~~unable to meet the requirements of subdivision (a)(2)(A) of this section~~  
23 ~~because of the nature of his or her disabilities, the student may graduate~~  
24 ~~from high school by demonstrating alternative competencies or alternative~~  
25 ~~levels of competency as contained in the student's individualized education~~  
26 ~~program.~~

27 ~~(3) Prior to the administration of any additional end-of-course~~  
28 ~~assessment as permitted under § 6-15-2009 (d)(1)(B), a student shall be given~~  
29 ~~a sufficient opportunity and time for remediation.~~

30 ~~(b) The alternative exit course may be offered through a distance~~  
31 ~~learning class and may be offered by the school district outside the course~~  
32 ~~of the normal school day.~~

33 ~~(c) The State Board of Education shall promulgate any rules necessary~~  
34 ~~to administer the provisions of this subsection.~~

35  
36 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the

1 General Assembly of the State of Arkansas that end-of-course assessments for  
2 public school students assist the state in measuring a student's proficiency  
3 in reading, writing, and mathematics, which is essential to academic  
4 progression for students; that a specified effective date for this act is  
5 essential to the continuity of public student assessments, which begin with  
6 an early fall testing cycle, and to the efficient operation of the Department  
7 of Education and the public schools of this state in preparing for the fall  
8 2009 testing cycle; and that this act is immediately necessary because any  
9 delay could work irreparable harm to the department, to the public school  
10 districts, and to the students. Therefore, an emergency is declared to exist  
11 and this act being necessary for the preservation of the public peace,  
12 health, and safety shall become effective on July 1, 2009.

13  
14 */s/ Abernathy*

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16 **APPROVED: 4/9/2009**  
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**Arkansas State Board of Education  
Executive Summary  
February 23, 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 Nancy Anderson

***Presenter:*** Michael Rowland, NBPTS Program Advisor

***Recommendation for Action:***

Recommendation that fee and substitute pay reimbursement waiver for **Nancy Anderson** 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:***

**Nancy Anderson** asks that her repayment obligation of \$2,450.00 be waived due to her inability to complete the requirements of her National Board for Professional Teaching (NBPTS) candidacy due to the emotional stress of the following:

- Father-in-law breaking hip causing a month-long hospital incarceration and eventual death
- Support
- An unplanned pregnancy
- Care for mother-in-law being treated for colon cancer
- Two medical events culminating into two surgeries for her daughter
- Bankruptcy resulting from medical bills.

It is my judgment that she should be considered for the extenuating circumstances waiver.