



AGENDA
STATE BOARD OF EDUCATION

June 14, 2010

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

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Reports

Report-1 Chair's Report

Presenter: Dr. Naccaman Williams

Report-2 Commissioner's Report

Presenter: Dr. Tom Kimbrell

Report-3 Coordinated School Health Update Report

Dr. Cox will give the Coordinated School Health Update Report.

Presenter: Dr. Dee Cox

Report-4 Report on Open Enrollment Charter School: Hope Academy, Pine Bluff, Arkansas

The State Board of Education approved the application for Hope Academy on February 12, 2007. The current five year charter contract for the school goes through June 30, 2013. The school was notified of a Report item for the June State Board of Education meeting regarding a review of the school's financial status.

Presenter: Dr. Mary Ann Duncan Mr. Bill Goff

Report-5 Report: Arkansas' Equity Plan

The attached document provides an update on the continual work to establish, monitor and evaluate the Equity Plan. Beverly Williams will provide a summary of the report.

Presenter: Beverly Williams

Consent Agenda

C-1 Minutes May 10, 2010 and Minutes from Special Session May 20, 2010

Presenter: Dr. Charles Watson

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

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

Presenter: Dr. Charity Smith Willie Morris

C-3 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 31 school districts covering a total of 52 teaching positions and 6 school districts requesting waivers for 7 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

C-4 Newly Employed, Promotions and Separations

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

Presenter: Ms. Beverly Williams Ms. Clemetta Hood

C-5 Review of Loan and Bond Applications

Pursuant to Arkansas Code Annotated § 6-20-805 and § 6-20-1205, the State Board of Education must approve all Revolving Loan Fund and Commercial Bond applications, with the exception of non-voted refundings of commercial bond issues that meet the minimum savings as required by the Rules and Regulations Governing Loan and Bond Applications, Section 9.02. It is recommended that the State Board of Education review the following: Commercial Bonds – 2 2nd Lien Bond Applications – Recommend Approval, 4 Voted Bond Application – Recommend Approval

Presenter: Cindy Hedrick Amy Woody

C-6 Consideration for Final Approval: Repeal of 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 the repeal of rules and regulations pertaining to the Kindergarten through 12th grade immunization requirements pursuant to Act 244 of 1967, Act 633 of 1973 and Act 871 of 1997 to its Rules and replacing them by the adoption of rules and regulations pertaining to the Kindergarten through 12th grade immunization requirements for the Arkansas Department of Education as required by the Arkansas State Board of Health and Arkansas Department of Health. 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 of repeal from the Arkansas State Board of Education on the Rules Governing Immunization Requirements in Arkansas Public Schools.

Presenter: Dr. Dee Cox

C-7 Consideration of Report on the Status of the Arkansas Public Charter Schools Program to House and Senate Education Committee

Arkansas Code Annotated § 6-23-310 requires the State Board of Education to report to the House Interim Committee on Education and the Senate Interim Committee on Education regarding the status of the Arkansas Public Charter Schools. The attached is presented to the State Board in fulfillment of the statutory requirement. Department staff is requesting that you accept the report, and permit it to be forwarded to both the House and Senate Interim Committees on Education.

Presenter: Dr. Mary Ann Duncan

C-8 Consideration for Waiver of One (1) Instructional Day Due to Inclement Weather - Twin Rivers School District

On Thursday, May 20, 2010, the Twin Rivers School District was closed due to inclement weather. Interim Superintendent Tommy Arant requests that the District be awarded one additional waiver day from the mandatory 178 days of instruction. During January and February the District missed a total of 14 days due to inclement weather. The District proposed a plan to make up 12 of those days using five days scheduled for inclement weather, cancelled spring break (five days) and attended on two scheduled holidays. At the April 12, 2010, meeting of the State Board of Education, the Board awarded two waiver days due to ice and snow. This reduced the

number of instructional days to 176. If approved the total number of instructional days for the 2009-2010 school year would be 175. The Department of Education recommends the approval of one additional waiver day.

Presenter: Dr. Tom Kimbrell

C-9 Consideration of Waiver for Two (2) Instructional Days for J.A. Fair High School Due to Storm Damage

On May 25, 2010, a wind storm damaged the building housing the J.A. Fair High School in the Little Rock School District. As a result of damage and subsequent disruption of the electricity and gas to the facility, classes were not in session on May 26 and 27, 2010. The Little Rock School District requests that for students in this facility only that a waiver of two instructional days be approved. This waiver does not impact students attending any of the other schools in the Little Rock School District. If approved, students at J.A. Fair High School would attend school for 176 instructional days. The Department of Education recommends that this waiver be approved.

Presenter: Dr. Tom Kimbrell

C-10 Request Approval of Nominated Members for the Professional Licensure Standards Board to Replace Members Whose Terms are Expiring June 30, 2010.

Pursuant to § 6-17-422 members of the PLSB serve rotating terms. Four (4) members of the Professional Licensure Standards Board will complete their three year terms on June 30, 2010. Another member is ineligible to serve the remaining year of her term due to her appointment as a principal in her district. Nominations to fill these positions are as follows: Don McGohan, Assistant Superintendent of the Bryant School District has been nominated for re-appointment by Arkansas Administrators of School Personnel Association to represent public school administrators. His term will expire June 30, 2013. Dr. Tom Smith, Dean of the College of Education and Health Sciences at the University of Arkansas at Fayetteville has been nominated by the Arkansas Council of Deans to represent Institutions of Higher Education in licensure issues. His term will expire June 30, 2013. Marion Siebert, Secondary Business and English teacher at Greenbrier Middle School in the Greenbrier School District has been nominated by the Arkansas Education Association to represent classroom teachers 7th – 12th grades. Ms. Siebert is currently serving the remainder of a term and has been re-nominated to serve a full term ending June 30, 2013. Kathy Howell, a Library Media Specialist from the Clarksville School District has been nominated for re-appointment by the Arkansas Education Association to represent classroom teachers from all licensure areas. Her term will expire June 30, 2013. Evelyn Thrower, Special Education teacher and Media Center Director at Bearden High School in the Bearden School District. Ms. Thrower has been nominated by the Arkansas Education Association to represent classroom teachers from the 4th through 8th grade. Ms. Thrower will be replacing Mona Moore who will be ineligible to complete her term because she has been promoted to administrator. This term will expire June 30, 2011.

Presenter: Beverly Williams

C-11 Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning on Case #10-038 – Billy Woods.

The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending a written warning to Billy Woods for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Presenter: Judy Kaye Mason

C-12 Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning on Case #10-035B – Yolanda Jones

The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending a written warning to Yolanda Jones for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Presenter: Judy Kaye Mason

C-13 Consideration of Recommendation of the Professional Licensure Standards Board for Probation of License for Two (2) years and a Fine of \$75 for Case #10-043D – Lewis Earnest.

The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending a two (2) year probation of the teaching license of Lewis Earnest and a fine of \$75 for violation of Standard 7: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs while on school premises or at school-sponsored activities involving students.

Presenter: Judy Kaye Mason

- C-14** **Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning for Case #10-069 – Sallie Kieren.**
- The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending a written warning to Sallie Kieren for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom; Standard 2: An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice and Standard 4: An educator entrusted with public funds and property honors that trust with honest, responsible stewardship.*
- Presenter:** Judy Kaye Mason
- C-15** **Consideration of Recommendation of the Professional Licensure Standards Board for Probation of License for Two (2) years and a Fine of \$75 for Case #10-043A – Jeff Hudson**
- The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending a two (2) year probation of the teaching license of Jeff Hudson and a fine of \$75 for violation of Standard 7: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs while on school premises or at school-sponsored activities involving students.*
- Presenter:** Judy Kaye Mason
- C-16** **Consideration of Recommendation of the Professional Licensure Standards Board for Probation of License for Two (2) years and a Fine of \$75 for Case #10-043B – Brian Holifield.**
- The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending a two (2) year probation of the teaching license of Brian Holifield and a fine of \$75 for violation of Standard 7: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs while on school premises or at school-sponsored activities involving students.*
- Presenter:** Judy Kaye Mason
- C-17** **Consideration of Recommendation of the Professional Licensure Standards Board for Probation of License for Two (2) Years and a Fine of \$75 for Case # 10-043C – Ryan Carpenter.**
- The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending a two (2) year probation of the teaching license of Ryan Carpenter and a fine of \$75 for violation of Standard 7: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs while on school premises or at school-sponsored activities involving students.*
- Presenter:** Judy Kaye Mason
- C-18** **Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning for Case #10-063 – Kimberly Sexton.**
- The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending a written warning for Kimberly Sexton for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.*
- Presenter:** Judy Kaye Mason
- C-19** **Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand and Fine of \$50 for Case #10-070 – Jamie George**
- The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending a written reprimand to Jamie George and a fine of \$50 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.*
- Presenter:** Judy Kaye Mason
- C-20** **Consideration of Recommendation of the Professional Licensure Standards Board for Probation of License for Two (2) Years and a Fine of \$75 for Case #10-035A – Tracy Jones.**
- The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending a two (2) year probation of the teaching license of Tracy Jones and a fine of \$75 for violation of **Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.***
- Presenter:** Judy Kaye Mason
- C-21** **Declaration of Critical Academic Shortage Areas as Required by Ark. Code Ann. § 6-81-609**

and Act 605 of 2009.

Pursuant to Ark. Code. Ann. § 6-81-609 and Act 605 of 2009 it is recommended that the State Board of Education declare the attached list of licensure areas as the Critical Academic Shortage Areas for the 2010-2011 school year.

Presenter: Beverly Williams

Action Agenda

A-1 Consideration of ABC 2010-2011 Funding Recommendations

Pursuant to the authority granted the State Board of Education, 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-2 Consideration for Final Approval for Arkansas Department of Education Rules for Special Education and Related Services: Procedural Requirements and Program Standards; and Special Education Eligibility Criterial and Program Guidelines for Children with Disabilities, Ages 3-21

Changes in the Individuals with Disabilities Education Act (IDEA) and implementing federal regulations result in the need to revise present State special education rules and required forms to comply with federal requirements. In addition, updates are needed to reflect present State standards applicable to education provided in residential settings. A 60 day public review period was completed, during which time written comment was taken and a public hearing was held. Minimal public comment was received. No opposition to the proposed rules was expressed. As a result, no changes have been made to the proposed rules other than minor technical changes to the text to correct typographical errors.

Presenter: Marcia Harding

A-3 Consideration of Request for Approval of the Creation of Career and Technical/Vocational Permits in the Areas of Latin and Japanese

Creation of a career and technical/vocational permit in the areas of Latin and Japanese are needed. Neither of these areas are offered by any Institution of Higher Education in Arkansas. There are five (5) districts offering Latin with two (2) teachers retiring generating the need for this permit.

The Professional Licensure Unit has developed appropriate Additional Licensure Plans (ALP) for these two endorsement areas.

The Professional Licensure Standards Board approved creation of these Career & Technical/Vocational permits at the last meeting, May 14, 2010.

Consideration for creation of Career & Technical/Vocational Permits in the areas of Latin P-8; Latin 7-12; Japanese P-8 and Japanese 7-12 is requested.

Presenter: Beverly Williams

A-4 Consideration for Final Approval: Rules Governing Initial and Standard/Professional Administrator and Administrator-Arkansas Correctional School License.

Revisions to this rule reflect the implementation of Act 733 of 2009 and changes made from public comments as well as other changes. These rules were approved for public comment on April 12, 2010. A public hearing was held in the Auditorium of the Arkansas Department of Education on May 18, 2010. There were seven (7) people in attendance and public comments, written and verbal were received and taken into consideration when revising these rules.

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

Presenter: Beverly Williams

A-5 Consideration for Final Approval: Rules Governing Initial, Standard/Professional and Provisional Teacher Licensure.

Revisions to this rule reflect the implementation of Act 1173 of 2009 (Central Registry) and changes made from public comments as well as other changes. These rules were approved for public comment on April 12, 2010. A public hearing was held in the Auditorium of the Arkansas Department of Education on May 18, 2010. There were six (6) people in attendance at the public hearing. Public comments, written and verbal were received and taken into consideration when revising these rules.

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

Presenter: Beverly Williams

A-6 Consideration for Approval for Public Comment: Proposed Revisions of Rules Governing the Code of Ethics for Arkansas Educators

Revisions to this rule reflect changes pursuant to Ark. Code Ann. § 6-17-422, 6-17-425, 6-17-426, as well as other changes to enhance the procedures and practices for implementation.

Presenter: Beverly Williams

A-7 Election of Officers: State Board of Education for Fiscal Year 2010-2011

In accordance with the Operating Guidelines, a Nominating Committee was formed at the March 8, 2010 meeting. Members included Sherry Burrow, Chair, Dr. Ben Mays and Jim Cooper. The Nominating Committee reported their recommended slate of officers on May 10, 2010. Nominations included: Chairman: Dr. Naccaman Williams; Vice-Chairman: Jim Cooper. Election of officers is to occur at the June Board meeting.

Presenter: Dr. Naccaman Williams

Minutes
State Board of Education
Monday, May 10, 2010

The State Board of Education met on Monday, May 10, 2010, in the Auditorium of the State Education Building. Chairman, Dr. Naccaman Williams, called the meeting to order at 9:00 a.m.

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

The following Board members were absent: Jim Cooper, Vice-Chair and Toyce Newton.

Reports and Special Presentations

Wayne Levering, high school social studies teacher from the Arkansas School for the Deaf, was recognized to make a special presentation to the Board and the Department of Education. Mr. Levering stated that the painting being presented is titled Resounding Patriotism and symbolizes an image of the United States Flag. He noted that the project was the result of social studies class investigations in which students explored ways of demonstrating their patriotism. He noted that the project ultimately involved the total student body at the school and resulted in the creation of paintings on canvas utilizing hand prints from the students. In addition to Mr. Levering, students from the school who participated in the creation of the project also attended the presentation.

Chair's Report

Dr. Williams reported his participation, as a parent, in the evaluation study of the Springdale School District. He commended the organization of the study and felt like it was a good exercise for both the district and those who participated.

Ms. Burrow reported her attendance at a regional meeting to present the draft version of the Common Core Standards. She participated in small group sessions and felt that those attending better understood the proposed Standards and offered good observations and comments.

Commissioner's Report

Dr. Kimbrell commented on the following recent activities:

- Conference held in Jonesboro designed to strengthen parent understanding of participation and involvement of students with handicapping conditions in the total school program.

- Participation in the El Dorado Academic Signing Day activities at which he shared the stage with former U.S. President George W. Bush. He noted the enthusiasm among those attending for the opportunity provided by the El Dorado Promise Program.
- Meeting with Michelle Obama and State officials as part of Ms. Obama's visit to Pine Bluff and the University of Arkansas at Pine Bluff commencement address. One topic highlighted was Arkansas' work on childhood obesity and the collaboration with various State agencies to address the problem.
- Work by the administrators from the Marion School District to bring students and parents from the Turrell District into Marion to assure a smooth transition next fall.

Other Reports

Dr. Paul Halverson, Director, Arkansas Department of Health, provided an update of projects and activities of his Department that are shared with the Department of Education pertaining to health and health issues of students in Arkansas schools. Dr. Halverson commended the cooperative relationship between the two agencies and stressed that through these partnerships good programs and good things are happening for Arkansas' children.

Ms. Gullett requested cooperation with a group from the Fayetteville area and Laura McDowell as they address the issues of teen pregnancy.

Ms. Saviers noted the continuing role that Arkansas Children's Hospital plays in addressing health needs of children. She specifically noted the mobile dental clinics.

Dr. Halverson commended the work of Dr. Dee Cox of the ADE staff for being collaborative and providing leadership in health and health education.

Heather Gage provided an update on the development of a proposal that will be submitted to the U.S. Department of Education pursuant to the Race to the Top grant opportunity. Ms. Gage commended the work of ADE staff and the outside writing consultant who provided additional expertise with the writing aspects of the proposal and the linkages that are essential for a successful proposal. She assured the Board that the deadlines for submission, although near, would be met with no problem.

Dr. Mary Ann Duncan provided an update on the closing status of School of Excellence in Humphrey. She informed the Board that the last day of classes would be May 28th and the last day for operation would be June 30. Ms. Duncan stated that work has begun to identify inventory for liquidation and to determine how the liquidation will occur.

Consent Agenda

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

- Minutes – April 12, 2010
- Newly Employed, Promotions and Separations
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. § 6-17-309

Action Agenda

(Deliberations pertaining to the Action Agenda items are reported by the Court Reporter and can be retrieved from the State Board Office of the Department of Education.)

Consideration of Proposed Annexation of the Twin Rivers School District to One or More Contiguous School Districts

Jeremy Lassiter was recognized to present this item. Mr. Lassiter summarized the process for consideration of this item and noted that opposition to the closing of the school would be addressed by attorneys representing parents of students enrolled at the Twin Rivers District.

No one spoke in favor of the annexations.

Attorneys Clay Fendley and Teresa Caldwell and Tony Lowe, a parent of students from Twin Rivers District, spoke in opposition to the schools being closed and annexed to surrounding districts. The primary argument for not closing the school was that the schools in the Twin Rivers District are classified isolated and the Board of Education does not have the authority to close an isolated school without the majority vote of the local school board. Mr. Fendley alluded to funding for isolated schools and the lack of adequate funding to support the needs of small, isolated districts.

Mr. Lassiter spoke to the State's position specifically noting that statutes and rules that govern schools on probationary status having unresolved accreditation issues require the State Board to take action and that all the statutes that apply must be considered together and read in parallel to determine the appropriate course of action.

Mr. Ledbetter commented on the issue of funding for isolated districts and noted that the General Assembly provides additional funds to support isolated districts. Mr. Ledbetter noted that the amount of isolated funding for instructional programs as well as the additional transportation costs were set by the General Assembly and those matters are beyond the purview of the State Board. He stated that the Board is charged with making the decision that is best for kids within the parameters of the law.

Mr. Lowe referred to the possibility of long bus routes for some students – up to between three and four hours per day. Ms. Gullet Questioned if these were estimates based on projected attendance zones. Mr. Fendley responded that the time estimate was based on what new

routes might be; however, he noted the concern of parents for long bus rides to and from school each day.

Dr. Kimbrell outlined the process by which the proposed annexation would take place. He noted that representatives from the six adjacent districts and one open enrollment charter school were present. Each of these entities previously met with Department staff and has agreed to the proposed structure for dissolving the Twin Rivers District. Also, Department staff met with local county officials to work out the process for allocating the land among the receiving school districts. He stated that the districts would work together after June 30 to disburse funds, liquidate assets, close buildings and look for opportunities to sell buildings. He indicated that proceeds from sale of the buildings would be used to cover the costs of closing and moving students into the new districts. He stated that parents of students currently enrolled in the Twin Rivers District would have the opportunity to exercise choice options for the districts or the charter school.

Jeremy Lassiter provided a proposed Resolution that summarized historical events regarding notification of the Twin Rivers District of issues related to the Accreditation Standards and detailing a proposed plan of action for annexing the district to the adjacent districts.

PROPOSED ORDER

WHEREFORE, upon consideration of the facts, documentation and oral testimony made to it by all parties present, a majority of a quorum present of the members of the State Board ORDERS as follows:

1. Effective July 1, 2010, the Twin Rivers School District shall be dissolved.
2. Effective July 1, 2010, the Williford and Oak Ridge Central campuses of the Twin Rivers School Districts shall be closed;
3. It is in the best interest of the Twin Rivers School District, the district's students and contiguous school districts that based upon the Twin Rivers School District's failure to meet standards for accreditation pursuant to Ark. Code Ann. § 6-15-201 et seq., the Twin Rivers School District, together with its territory, shall be annexed into the following receiving districts effective July 1, 2010:
 - a. The Highland School District of Fulton and Sharp Counties;
 - b. The Hillcrest School District of Independence, Lawrence, and Sharp Counties;
 - c. The Mammoth Spring School District of Fulton and Sharp Counties;
 - d. The Maynard School District of Randolph County;
 - e. The Pocahontas School District of Lawrence and Randolph Counties; and
 - f. The Sloan-Hendrix School District of Lawrence and Randolph Counties.

4. The boundaries of the receiving school districts listed in paragraph (2) above shall be as set forth in the map located at Attachment 1 to this Order.
5. The receiving school districts listed in paragraph two (2) above shall have no more than one (1) superintendent per receiving district.
6. The boards of directors of the separate receiving school districts listed in paragraph two (2) above shall be formed and governed in accordance with Ark. Code Ann. § 6-13-1406. Because no agreement exists otherwise, the board of directors of each receiving school district listed in paragraph (2) after annexation shall be the same board of directors of the receiving districts prior to annexation until the next regular school election in September 2010. The boards of directors of the separate receiving school districts shall, at their discretion, be composed of either five (5) or seven (7) board members.
7. The Arkansas Department of Education shall make changes to the maps of the separate receiving school districts to properly show the boundary lines of each receiving school district.
8. The Arkansas Department of Education shall file this order, along with the revised school district maps, with the county clerks of Fulton, Independence, Lawrence, Randolph and Sharp Counties.
9. Prior to July 1, 2010, the State Board hereby authorizes the Arkansas Department of Education to dispose of real and personal property belonging to the Twin Rivers School District in a manner provided by law.
10. On July 1, 2010, all remaining assets and liabilities of the Twin Rivers School District will be transferred into an account or accounts managed by the Northeast Arkansas Educational Cooperative and created for the benefit of the Highland, Hillcrest, Mammoth Spring, Maynard, Pocahontas, and Sloan-Hendrix school districts.
11. Upon waiver of notice and challenges of the surrounding school districts, the State Board of Education hereby authorizes the enrollment capacity of the Imboden Area Charter School to be raised to 150 students, effective July 1, 2010.
12. In collaboration with the Arkansas Department of Education, the Highland, Hillcrest, Mammoth Spring, Maynard, Pocahontas, and Sloan-Hendrix school districts will form interim personnel policy committees in accordance with Arkansas law.
13. Pursuant to Ark. Code Ann. § 6-13-1607, all student and historical records and documents belonging to the Twin Rivers School District will be gathered and retained at the Northeast Arkansas Educational Cooperative.
14. All historical school artifacts belonging to the Twin Rivers School District will be gathered, retained, preserved, and, as appropriate, displayed in accordance with Arkansas law.

Mr. Ledbetter moved adoption of the Proposed Order as presented and adoption of the actions as detailed in the Order. Ms. Gullett seconded the motion. The motion was adopted unanimously.

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

Dr. Mary Ann Duncan was recognized to present this item. Dr. Duncan noted that financial consideration related to preparing the original proposed site caused the charter board to seek an alternate location. Dr. Duncan requested that Jackie Jackson be recognized to present the background information and to identify the proposed new site.

Ms. Jackson stated that required renovation costs, construction costs related to roadway access and other factors caused the Board of the school to abandon the first location and to seek a new facility. Ms. Jackson noted that the services of a local commercial real-estate firm were secured and three alternate sites were identified. The most attractive and where the least amount of work would be needed is the facility that currently houses the Lutheran High School Campus. Ms. Jackson noted that over 500 students were currently registered and those families were contacted to determine if an alternate location would be a limiting factor. She reported that changing location did not appear to be a deciding factor for most parents.

Ms. Burrow asked if an enrollment in the 500 range would be a problem with a budget currently based on the max enrollment of 695. Ms. Jackson stated that she is optimistic that by the time school begins in August the school would have a full enrollment. She noted that she was optimistic because to date these parents have signed up their children with no firm location and no affirmed leadership for the campus. With those factors complete, she believes that additional enrollments will be received.

Dr. Mays noted that there is a significant increase in the lease amount over a ten year period. He asked if she felt the budget would allow this amount of increased payment for the lease agreement. Ms. Jackson responded that it was not her intent for the school to stay at that location for ten years. She envisions a more permanent location after five years.

Ms. Mahony commented that on the City of Little Rock Board Agenda there were comments about the proposed school and its sites. She asked about the reference to a football stadium. Ms. Jackson stated that was just an early question, that there is no intention to have anything on the campus except the classroom facility.

Mr. Ledbetter asked about the proposed lease document with the Lutheran Organization, and the down payment of \$50,000. Ms. Jackson responded that working on the details of the lease has been time consuming given that the owner of the building is located in Missouri and they have been somewhat slow in responding. Ms. Jackson also stated that the down payment of \$50,000 would be paid by an outside source – not identified – but would not be drawn for school budget funds. Mr. Ledbetter also asked about a potential increase in funding for transportation based on the relocation and did she think that the move would increase the need for transportation funds. Ms. Jackson stated that currently only 67 families have indicated the need for transportation assistance. She stated that a maximum of 150 needing transportation might be a high estimate. If that is accurate, she stated, that would be well within the amount budgeted.

Ms. Saviers asked who the newly employed school employee would be. Ms. Jackson stated that it was Darrell Powell, currently an assistant principal at Little Rock Hall High School. Ms. Saviers also asked about membership of the school's board of directors. Ms. Jackson indicated that the Board information was provided at the last meeting and she did not have that list with her today, but it has not changed.

Ms. Burrow asked about funding and salary for a special education supervisor. Ms. Jackson responded that the school would have a full time special education teacher and the school would share in the services of a special education supervisor that would be housed at the resource center.

Clay Fendley, an attorney representing the Little Rock School District, was recognized to speak in behalf of the District. Mr. Fendley stated it was the position of the Little Rock School District that this relocation was a major shift from the proposed location and that it moved the school from an area of the city to the 72204 zip code area, which is primarily comprised of non-minority families. He argued that this change in location potentially further erodes the high performing, non-minority students from the Little Rock School District.

Ms. Burrow asked if Ms. Jackson thought this location would be permanent or if at a later time the school would move perhaps closer to targeted students. Ms. Jackson noted that after five years the lease rate jumps considerably and that it is her intent to be able to move to a more permanent location after the first five years.

Dr. Mays observed that this discussion is limited to location and our deliberations should not be so limited. He noted that unless there is concern for such a move to limit the student participation or the school cannot potentially afford the lease, there is nothing in the discussion that would negate approving the proposal.

Dr. Mays moved to approve the relocation request placing the UCPC open enrollment charter at 6711 West Markham in Little Rock. Ms. Burrow seconded the motion. The motion was adopted on a vote of 4 yes 2 no on a roll-call vote. (Ledbetter and Mahony voted no.)

Arkansas Better Chance 2009-2010 Funding Recommendation

Jamie Morrison was recognized to present this item. Ms. Morrison stated the proposed funding recommendations were reviewed by the ABC staff and found to meet established guidelines. There were no questions.

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

Seventeen proposals were approved totaling \$1,940,460.

Classification of District in Fiscal Distress - Armored School District

Bill Goff was recognized to present this item. Mr. Goff stated that the Department had previously informed the Armored School District of its intent to recommend classification of the district in fiscal distress and there has not been an appeal.

Ms. Gullett moved that the Armored School District be classified in fiscal distress. Ms. Mahony seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment – Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds

Bill Goff was recognized to present this item. Mr. Goff stated that revisions of the Rule previously submitted for public comment were sufficient to warrant that the revised Rule be resubmitted for public comment.

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

Consideration for Final Approval: Rules Governing the Immunization Requirement in Arkansas Public Schools by the Arkansas State Board of Health and Arkansas Department of Education

Dr. Dee Cox was recognized to present this item. Dr. Cox stated that these rules replace current rules and that comments received during the public comment period were considered in preparing the final draft. She noted that the changes were structural not content.

Dr. Mays asked about the procedure should a parent wish to have children exempt from the immunization requirement. Dr. Cox noted that each case is determined separately and that it begins with the parent requesting the form from the Department of Health. Dr. Cox also stated that the process for exemption is much more carefully screened than in the past and it is much harder for a parent to get the exemption.

Ms. Mahony asked if the Rule applies to students who attend school through the virtual charter school. Dr. Cox responded yes. All public schools are under the same regulations.

Ms. Burrow moved for final approval as presented. Ms. Saviers seconded the motion. The motion was adopted unanimously.

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

Dr. Dee Cox was recognized to present this item. Dr. Cox stated that fifteen people attended the public hearing and a number of comments were received. She observed that the comments related to clarification of one or more items in the Rule, but there were no substantial changes.

Ms. Gullett moved final approval of the Rule. Ms. Mahony seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval of Rules for Act 949 of 2009

This item was withdrawn from consideration.

Consideration for Final Approval: Proposed Rules Governing Appeals Involving Student Residency Disputes Between School District

Jeremy Lassiter was recognized to present this item. Mr. Lassiter stated that only one person attended the public hearing and comments at that hearing led to minor revision in two sections. Mr. Lassiter also noted that this Rule when approved will replace the rule as adopted for emergency status by the Board on March 14, 2010.

Mr. Ledbetter moved final approval. Ms. Saviers seconded the motion. The motion was adopted unanimously.

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

Jeremy Lassiter was recognized to present this item. Mr. Lassiter noted that this rule had been submitted for public comment previously and that it had been approved for emergency status. He commented that proposed revisions as a result of new information and additional comments warrant resubmission of the Rule for further public comment.

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

Consideration of Waiver of National Board for Professional Teaching Standards Repayment of State Funds – Nancy Anderson

Dr. Kimbrell presented this item for Beverly Williams. Dr. Kimbrell stated that Rules provide for waiver of repayment of funds when a teacher fails to complete the National Licensure program if there were documented extenuating circumstances. Dr. Kimbrell stated that Ms. Anderson has documented major illness and loss of work due to major illness.

Mr. Ledbetter moved approval of the request for waiver of repayment. Ms. Mahony seconded the motion. The motion was adopted unanimously.

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

Judy Kaye Mason was recognized to present this item. Jeremy Lassiter presented the guidelines under which the hearing would proceed. Those intending to testify were sworn in by the Court Reporter.

Ms. Mason reviewed the situation under which this recommendation was made. She noted that during the 2009 Benchmark testing session that Ms. Curtis was administering the science test to a group of students who qualified for accommodations, i.e. reading the items to the students. It was noted that Ms. Curtis was not present when the test administration manual was distributed on the previous work day and that she received the directions and test documents approximately 20 minutes before testing was scheduled to begin. It was reported that Ms. Curtis administered the wrong science test, which created a condition of breach of test security for the testing sessions.

The school notified the Department of Education – Dr. Gayle Potter – who gave instructions for maintaining security for the test for the remainder of the testing sessions. In turn, as directed, Dr. Potter reported the test security issue to the Professional Licensure Standards Board (PLSB). The Professional Licensure Standards Board (PLSB) considered the item and assessed a penalty. This ruling was appealed by Ms. Curtis with the support of the Fort Smith School District.

Ms. Curtis was represented by attorney Mitch Llewellyn.

The following persons from the Fort Smith School District testified on behalf of Ms. Curtis supporting her tenet that there was no willful wrong doing and that with the actions taken by the district and her school, test security for the other students was not an issue.

Dr. Brenda Sellers, Associate Superintendent, Fort Smith School District
Theresa Dewey, Principal, Tilles Elementary School
Ms. Curtis
Dr. Bennie Gooden, Superintendent, Fort Smith School District

Dr. Gayle Potter testified that any administration of the test outside the structure provided by the test administration manual is considered a breach of security and is cause for action on the part of the one who caused the security issue.

Mr. Ledbetter asked if all agreed that this was an unfortunate event, but not shown that there was willful intent to administer the test inaccurately. He asked if a lesser sanction such as a warning or requirement for additional training would be more appropriate.

Mr. Llewellyn stated that Ms. Curtis and the Fort Smith District would agree to an assessment of more training in the area of test administration, but that the sanction on her licensure and a fine were too harsh for this incident.

Ms. Gullett asked for clarification as to the amount of training for all faculty on test administration. Ms. Dewey stated that the training was provided after school hours on Friday afternoon prior to the onset of testing on the following Monday. Ms. Curtis was not present for that session because she had already left the campus at the time of the training. Dr. Sellers stated that the test administration manual is 90 pages in length and that the entire booklet was not covered in the time provided for the training.

Ms. Mahony moved that this incident be considered as a test violation, but no ethical violation be imposed. As a result of the test violation, Ms. Curtis should be provided additional training on test administration. Mr. Ledbetter seconded the motion. The motion was adopted unanimously on a roll-call vote.

Ms. Burrow was recognized to present the report of the Nominating Committee. Ms. Burrow stated that the proposed slate of officers for 2010-2011 would be Dr. Naccaman Williams, Chairman and Jim Cooper, Vice Chairman.

Dr. Kimbrell reminded Board members of the Work Session on Thursday and Friday, May 20 and 21, at the Crowne Plaza Hotel in Little Rock. He stated that a final agenda would be provided at a later date, but the sessions would begin at 5:00 p.m. on Thursday and end by 3:30 p.m. on Friday.

The meeting adjourned at 2:55 P.M.

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

Minutes
Specially Called Meeting – State Board of Education
Thursday, May 20, 2010

The State Board of Education met for a specially called session on Thursday, May 20, 2010, in the Jackson Room of the Crowne Plaza Hotel in Little Rock. Chairman, Dr. Naccaman Williams called the meeting to order at 5:00 p.m.

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

The following Board member was absent: Jim Cooper, Vice-Chairman

(A complete transcript of the proceedings of the meeting was recorded by the court reporter. That document is available from the State Board Office of the Department of Education.)

Consideration of Recommended Non-Renewal of Certified and Classified Staff of the Twin Rivers School District

Board members requested time to review documents provided in support of the proposed recommendation. The Board recessed for twenty minutes.

Dr. Williams recognized Jeremy Lassiter to present background documentation regarding the proposed recommendation. Mr. Lassiter stated that faculty members and staff employed for the 2009-2010 school year were notified prior to May 1 of non-renewal of their contracts. He noted that the reason for non-renewal did not reflect performance but it was based on the closing of the district as of June 30, 2010. Mr. Lassiter stated that both certified and classified employees requested a hearing, which is provided for in the fair dismissal legislation. He noted that those hearings normally would be before the local school board. Mr. Lassiter stated that in the absence of a local board, which was dismissed upon take-over by the State, Dr. Kimbrell established a three-member panel that included Dr. Laura Bednar, Roger Colbert, and Beverly Williams to hear the appeals from the certified and classified staff. Those hearings were conducted on Tuesday, May 18, 2010, at the Northeast Arkansas Regional Service Cooperative in Walnut Ridge.

Mr. Lassiter noted that one of the documents for review was the recommendation from the Panel that resulted from the hearings. He stated that the purpose of this hearing is to consider the recommendation and that the Board may adopt, deny or revise as it sees fit. (Copy of resolution attached to Minutes.)

Dr. Williams recognized Teresa Caldwell and Clay Fendley, attorneys, representing the certified and classified staff of the Twin Rivers School Districts and patrons of the school district.

Ms. Caldwell argued that the due process for non-renewal was the sole responsibility of the local board of education and in the absence of that board the State should have appointed a local board rather than provide for the hearings with Department staff and a final determination by the State Board of Education.

Mr. Fendley argued that the teachers should be considered as an asset of the Twin Rivers School District much like real property and fixed assets and as such they should be assigned to the receiving districts in proportion to the distribution of tangible assets. He opined that if that were done, then the new district board(s) could determine the future employment of teachers.

Mr. Lassiter responded that teachers should not be treated like “things” and thus there is no way to determine which teacher would or should be assigned to anyone of the receiving districts.

Mr. Fendley cited a proposed comment from Tommy Arant, interim superintendent, that his assignment was to dissolve and close the district, not fix things. Mr. Fendley argued that the State should have appointed a local board to oversee the closing.

Dr. Mays observed that the entire process of annexation where one district is divided into many areas and attached to multiple districts is new and has never been done. However, he stated that he believes under the Lakeview decision that the State has the responsibility to educate kids and as a result has the authority to make these or similar decisions when local districts fail to meet standards.

Ms. Gullett asked about the authority to appoint the hearing panel. Dr. Kimbrell stated that the authority is given to the Department when a local board is dismissed and the local superintendent is dismissed. He noted that none of the panel members were involved in the previous decisions of fact-finding and evaluation of the Twin Rivers District.

Mr. Ledbetter moved to accept the recommendations of the Panel as presented to the Board. Ms. Newton seconded the motion. The motion was adopted unanimously on a roll call vote.

The special meeting was adjourned at 6:35 p.m.

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

**IN THE MATTER OF THE RECOMMENDED NONRENEWAL OF THE CLASSIFIED AND
CERTIFIED STAFFS OF THE TWIN RIVERS SCHOOL DISTRICT:**

WHEREFORE, on May 20, 2010, during a special meeting of the Arkansas State Board of Education (State Board), the State Board considered the recommendation of a three (3) member hearing panel appointed by the Arkansas Department of Education concerning the recommended nonrenewal of contracts belonging to the classified staff and certified staff of the Twin Rivers School District. By a unanimous vote of the members present, the State Board hereby makes the following findings and conclusion:

FINDINGS

1. On February 8, 2010, pursuant to its authority under Ark. Code. Ann. § 6-15-207, the State Board unanimously voted to allow the Arkansas Department of Education to: (1) take over administrative control of the Twin Rivers School District; (2) relieve the Twin Rivers School District Board of Directors of its duties; (3) appoint an individual to administer the affairs of the Twin Rivers School District; (4) work with the surrounding school districts to ensure that students in danger of graduating complete the coursework necessary to graduate; and (5) develop a plan to consolidate/annex the Twin Rivers School District with or to districts surrounding or contiguous to the Twin Rivers School District.

2. In February 2010, the Arkansas Department of Education, through Commissioner Tom Kimbrell, relieved the Twin Rivers School District Board of Directors from its duties and appointed Mr. Tommy Arant to serve as the interim superintendent of the Twin Rivers School District.

3. On April 9, 2010, Mr. Tommy Arant, notified the classified and certified staffs of the Twin Rivers School District of his intent to recommend the nonrenewal of their employment contracts. Mr. Arant's letter provided the following reasons for nonrenewal:

a. Pursuant to Ark. Code Ann. § 6-15-207, the Arkansas State Board of Education has given authority to the Arkansas Department of Education to reconstitute the leadership of the Twin Rivers School District by permanently removing the superintendent and the school board of directors. This action was based upon the Twin Rivers School District's failure to meet standards for accreditation for two consecutive school years.

b. Pursuant to Ark. Code Ann. § 6-15-207, it is likely that the Arkansas State Board of Education will annex the Twin Rivers School District, either in whole or in part, to another receiving district or districts pursuant to Ark. Code Ann. § 6-13-1401. Under Arkansas law, this annexation would be effective by July 1, 2010. In that instance, the Twin Rivers School District, as a separate entity, would cease to exist as of June 30, 2010.

4. On May 10, 2010, pursuant to Ark. Code Ann. § 6-15-207 and Ark. Code Ann. § 6-13-1401 *et seq.*, the State Board unanimously voted to take the following actions with regard to the Twin Rivers School District: (1) Effective July 1, 2010, the Twin Rivers School District shall be dissolved; (2) Effective July 1, 2010, the Williford and Oak Ridge campuses of the Twin Rivers School District shall be closed; and (3) Effective July 1, 2010, the Twin Rivers School District, together with its territory, shall be annexed into the Highland, Hillcrest, Mammoth Spring, Maynard, Pocahontas, and Sloan-Hendrix school districts.

5. On May 10, 2010, several members of the Twin Rivers School District classified and certified staffs appealed Mr. Arant's recommendation of nonrenewal. On May 17, 2010, Commissioner Tom Kimbrell appointed a three-member panel to hear the appeals of the classified and certified staffs.

6. On May 18, 2010, the three-member panel appointed by Commissioner Tom Kimbrell convened at the Northeast Arkansas Educational Cooperative in Walnut Ridge, Arkansas, to hear the appeals brought by the classified and certified staffs of the Twin Rivers School District. Following separate hearings for the classified staff and certified staff, the hearing panel unanimously voted that the reasons for nonrenewal given by Mr. Arant in his April 9, 2010 letter to the classified staff and certified staff were true and that those reasons constituted just and reasonable cause for nonrenewal. The panel further recommended that the State Board approve the nonrenewal of the contracts belonging to the classified and certified staffs.

7. On May 20, 2010, the hearing panel forwarded its written recommendation to the State Board. The recommendation is attached to this document as Exhibit A.

8. On May 20, 2010, the State Board convened a special meeting to consider the matter of the recommended nonrenewal of the classified and certified staffs of the Twin Rivers School District. The classified and certified staffs were represented by legal counsel, Ms. Theresa Caldwell and Mr. Clay Fendley. The Arkansas Department of Education and the Twin Rivers School District were represented by Mr. Jeremy Lasiter.

9. The State Board reviewed exhibits presented by all parties. The State Board also heard arguments from all parties concerning the recommended nonrenewal of the classified and certified staffs of the Twin Rivers School District.

CONCLUSION

10. On May 20, 2010, after considering the exhibits and arguments presented by the parties, the State Board unanimously voted to adopt the findings and recommendation of the hearing panel and approve the nonrenewal of the classified and certified staffs of the Twin Rivers School District.

Signed this 21st day of May, 2010:

A handwritten signature in black ink, appearing to read "Dr. Naccaman Williams", written over a horizontal line.

Dr. Naccaman Williams, Chairman

HAMILTON, COLBERT & SCURLOCK, LLP

Attorneys at Law
401 West Court Street
P.O. Box 638
Paragould, AR 72451-0638

Donis B. Hamilton
Roger U. Colbert
James V. Scurlock, II*

TEL. (870) 236-1500
FAX (870) 236-1592
*Master of Laws in Taxation

May 20, 2010

Arkansas State Board of Education
c/o Dr. Tom W. Kimbrell, Commissioner
Four Capital Mall
Little Rock, Arkansas 72201

By letter dated May 17, 2010, Tom W. Kimbrell, in his capacity as Commissioner of Education for the State of Arkansas, appointed the undersigned, Roger Colbert, an attorney and partner in the law firm of Hamilton, Colbert & Scurlock, LLP, located in Paragould, Arkansas, Ms. Beverly Williams of the Arkansas Department of Education and Dr. Laura Bednar of the Arkansas Department of Education as members of a hearing panel for the purpose of considering appeals filed by the certified and classified staff of the Twin Rivers School District.

The hearings were scheduled on Tuesday, May 18, 2010. The hearing for the classified staff was originally scheduled to begin at 5:00 p.m. and last until 6:00 p.m. with a second hearing for the certified staff to take place beginning at 6:00 p.m. and ending at 7:00 p.m. Due to a travel delay encountered by legal counsel for the classified and certified staff, the hearing for classified staff did not commence until 5:30 p.m. The hearing for the certified staff began shortly after conclusion of the first hearing and did not conclude until approximately 11:15 p.m.

The Arkansas Department of Education was represented by its General Counsel, Mr. Jeremy Lasiter, and by Mr. Mark White. Members of the classified and certified staff were represented by Ms. Theresa Caldwell and Mr. Clay Fendley. Prior to commencement of the hearing for the classified staff, Ms. Caldwell made the following three objections:

- (1) There was no elected Board of Directors of the School District as contemplated by A.C.A. §6-17-1509;



(2) To the recommendations of the superintendent made pursuant to A.C.A. §6-17-1506; and

(3) That Dr. Kimbrell did not have the authority to appoint a hearing panel pursuant to A.C.A. §6-15-206(c)(7).

Legal counsel for both the Arkansas Department of Education and for the classified and certified staff of the Twin Rivers School District submitted exhibits, presented testimony and made closing arguments. Ms. Sharon Hill, a certified court reporter, reported the hearings.

The exhibits introduced by the parties included a letter sent to the members of the classified staff of the Twin Rivers School District by Dr. Tommy Arant in his capacity as Superintendent of the district dated April 9, 2010, and a second letter written by Dr. Arant to the members of the certified staff of the Twin Rivers School District, also dated April 9, 2010. These letters notified members of the classified and certified staff of the school district that Dr. Arant would recommend to the Commissioner of the Arkansas Department of Education that the employees' contracts with the Twin Rivers School District not be renewed. Each letter stated two enumerated reasons for the recommendation. Copies of the letters are attached hereto collectively as Exhibit "1". Each letter notified the recipient of the right to request a hearing.

In accordance with A.C.A. §6-17-1509(c)(5), the panel limited its findings to whether the enumerated reasons/allegations contained in the attached letters written by Dr. Arant in his capacity as Superintendent of the Twin Rivers School District recommending non-renewal are true or not true and, if true, whether the enumerated reasons constitute just and reasonable cause for the non-renewal of the classified and certified staff members. At the conclusion of both the hearing for the classified staff and the hearing for the certified staff, the panel members unanimously found that the enumerated reasons/allegations contained in the letters written and sent by Dr. Arant were true based upon the exhibits and testimony placed in evidence. The panel also unanimously found that the enumerated reasons/allegations contained "just and reasonable cause" for the non-renewal of both the classified and certified staff members. In making this findings, the panel relied in part on the provisions of A.C.A. §6-17-1510. The panel further found that the attached letters sent in accordance with A.C.A.

§6-17-1506, were in "substantial compliance" of the requirements contained in The Teacher Fair Dismissal Act of 1983 codified as A.C.A. §6-17-1501, et seq.

After finding that the enumerated reasons/allegations contained in the attached letters were true and that they constituted "just and reasonable cause" for the non-renewal of the District's classified and certified staff, the panel members unanimously voted to recommend to the Arkansas State Board of Education acceptance of the recommendation of non-renewal with respect to both the classified and certified staff of the Twin Rivers School District.

Sincerely,

HAMILTON, COLBERT & SCURLOCK, LLP

By: Roger Colbert
Roger Colbert

Beverly Williams

Beverly Williams
Assistant Commissioner
Division of Human Resources/Licensure
Arkansas Department of Education

Laura Bednar

Laura Bednar, Ed. D.
Assistant Commissioner
Division of Learning Services
Arkansas Department of Education

RUC:cgt

Oak Ridge Central
5749 Oak Ridge Road
Ravenden Springs

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



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

Williford
423 N. College Avenue
Williford, AR 72482

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

April 9, 2010

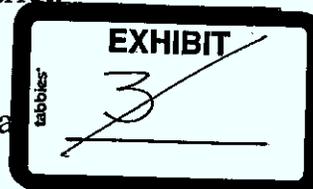
~~CONFIDENTIAL~~
Classified

Dear Mrs.

You are hereby notified that I will recommend to the Commissioner of the Arkansas Department of Education that your contract with the Twin Rivers School District not be renewed. The reasons for this recommendation are as follows:

1. Pursuant to Ark. Code Ann. 6-15-207, the Arkansas State Board of Education has given authority to the Arkansas Department of Education to reconstitute the leadership of the Twin Rivers School District by permanently removing the superintendent and school board of directors. This action was taken based upon the Twin Rivers School District's failure to meet standards for accreditation for two consecutive school years.
2. Pursuant to Ark. Code Ann. 6-15-207, it is likely that the Arkansas State Board of Education will annex the Twin Rivers School District, either in whole or in part, to another receiving district or districts pursuant to Ark. Code Ann. 6-13-1401. Under Arkansas law, this annexation would be effective by July 1, 2010. In that instance, the Twin Rivers School District, as a separate entity, would cease to exist as of June 30, 2010.

Because the Twin Rivers School District no longer exists, you have a right to a hearing before the Commissioner of the Arkansas Department of Education concerning this recommendation. In order to obtain a hearing, you must make a



written request for the hearing, to my office, within twenty-five (25) calendar days of your receipt of this letter. The hearing will take place no fewer than five (5), and no more than ten (10), days from my receipt of your written request, except that you and the Commissioner may agree, in writing, to an earlier or later date.

If you request a hearing, the hearing will be public or private at your request. You also have the right to be represented by an attorney or other person of your choosing. You may call witnesses on your behalf, and you may question any witnesses in the support of the termination recommendation. In addition, if you make a request in writing, a record of the hearing will be preserved and a transcript provided to you at no cost.

Sincerely,

Tommy Arant
Superintendent

hearing in writing, by certified or registered mail, or delivered in person, to me within thirty (30) calendar days from the date you receive this letter.

If you request a hearing, it will take place at an agreed – upon time. If no agreement can be reached, the hearing will take place no sooner than five (5) and no more than twenty (20) calendar days from my receipt of your hearing request. The hearing may be public or private at your request, and if you so request in writing, a record of the hearing will be made and a transcript provided to you at no cost. You may be represented by an attorney or other person(s) of your choosing, and the school district and Arkansas Department of Education may also be represented.

Sincerely,

Tommy Arant
Superintendent

**ADE'S PROJECT MANAGEMENT TOOL EXECUTIVE SUMMARY
MAY 31, 2010**

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

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MAY 31, 2010
<i>I. Financial Obligation</i>	<p>As of April 30, 2010, State Foundation Funding payments paid for FY 09/10 totaled \$45,685,366 to LRSD, \$27,745,641 to NLRSD, and \$35,156,332 to PCSSD. The Magnet Operational Charge for FY 09/10 paid as of April 30, 2010, was \$12,262,036. The allotment for FY 09/10 was \$14,937,425. M-to-M incentive distributions for FY 09/10 as of April 30, 2010, were \$3,543,928 to LRSD, \$5,375,088 to NLRSD, and \$8,491,208 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. Bids were opened on May 7, 2010 for sixteen Magnet and M-to-M buses. The low bid was by Diamond State Bus Sales for a total of \$1,135,960. There are fourteen 65 passenger buses at \$71,210 per unit and two 47 passenger units at \$69,510 per unit. Little Rock will get 8 - 65 passenger buses. Pulaski County Special will get 4 – 65 passenger buses and 2 – 47 passenger buses. North Little Rock will get 2 – 65 passenger buses.</p> <p>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>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MAY 31, 2010
<i>II. Monitoring Compensatory Education</i>	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.
<i>III. A Petition for Election for LRSD will be Supported Should a Millage be Required</i>	Ongoing. All court pleadings are monitored monthly.
<i>IV. Repeal Statutes and Regulations that Impede Desegregation</i>	In July 2007, the ADE sent letters to the school districts in Pulaski County asking if there were any new laws or regulations that may impede desegregation. The districts were asked to review laws passed during the 86 th Legislative Session, and any new ADE rules or regulations.
<i>V. Commitment to Principles</i>	On May 10, 2010, the Arkansas State Board of Education reviewed and approved the PMT and its executive summary for the month of April.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MAY 31, 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>ADE staff conducted instructional facilitating site support visits on April 26 and May 6, 2010 at Harris Elementary in North Little Rock. Discussion focused on implementing instructional facilitating training to build capacity in teachers.</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 MAY 31, 2010																																																																																																																																											
<i>X. Financial Assistance to Minority Teacher Candidates</i>	<p>Ms. Tara Smith of the Arkansas Department of Higher Education reported minority scholarships for Fiscal Year 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:</p> <table data-bbox="652 478 1393 716"> <thead> <tr> <th>STAR</th> <th>Male Count</th> <th>Male Award</th> <th>Female Count</th> <th>Female Award</th> <th>Total Count</th> <th>Total Award</th> </tr> </thead> <tbody> <tr> <td>White</td> <td>38</td> <td>156,000</td> <td>175</td> <td>716,000</td> <td>213</td> <td>872,000</td> </tr> <tr> <td>Black</td> <td>2</td> <td>6,000</td> <td>19</td> <td>78,000</td> <td>21</td> <td>84,000</td> </tr> <tr> <td>Hispanic</td> <td></td> <td></td> <td>3</td> <td>15,000</td> <td>3</td> <td>15,000</td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td>2</td> <td>12,000</td> <td>2</td> <td>12,000</td> </tr> <tr> <td>Totals</td> <td>40</td> <td>162,000</td> <td>199</td> <td>821,000</td> <td>239</td> <td>983,000</td> </tr> </tbody> </table> <table data-bbox="652 747 1393 984"> <thead> <tr> <th>MTS</th> <th>Male Count</th> <th>Male Award</th> <th>Female Count</th> <th>Female Award</th> <th>Total Count</th> <th>Total Award</th> </tr> </thead> <tbody> <tr> <td>Black</td> <td>5</td> <td>22,500</td> <td>30</td> <td>129,544</td> <td>35</td> <td>152,044</td> </tr> <tr> <td>Hispanic</td> <td></td> <td></td> <td>1</td> <td>2,500</td> <td>1</td> <td>2,500</td> </tr> <tr> <td>Asian</td> <td></td> <td></td> <td>1</td> <td>5,000</td> <td>1</td> <td>5,000</td> </tr> <tr> <td>Native Amer</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals</td> <td>5</td> <td>22,500</td> <td>32</td> <td>137,044</td> <td>37</td> <td>159,544</td> </tr> </tbody> </table> <table data-bbox="652 1016 1393 1281"> <thead> <tr> <th>MMF</th> <th>Male Count</th> <th>Male Award</th> <th>Female Count</th> <th>Female Award</th> <th>Total Count</th> <th>Total Award</th> </tr> </thead> <tbody> <tr> <td>Black</td> <td>8</td> <td>38,750</td> <td>33</td> <td>142,500</td> <td>41</td> <td>181,250</td> </tr> <tr> <td>Hispanic</td> <td></td> <td></td> <td>2</td> <td>7,500</td> <td>2</td> <td>7,500</td> </tr> <tr> <td>Asian</td> <td></td> <td></td> <td>2</td> <td>2,500</td> <td>2</td> <td>2,500</td> </tr> <tr> <td>Native Amer</td> <td></td> <td></td> <td>1</td> <td>1,250</td> <td>1</td> <td>1,250</td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals</td> <td>8</td> <td>38,750</td> <td>38</td> <td>153,750</td> <td>46</td> <td>192,500</td> </tr> </tbody> </table>							STAR	Male Count	Male Award	Female Count	Female Award	Total Count	Total Award	White	38	156,000	175	716,000	213	872,000	Black	2	6,000	19	78,000	21	84,000	Hispanic			3	15,000	3	15,000	Other			2	12,000	2	12,000	Totals	40	162,000	199	821,000	239	983,000	MTS	Male Count	Male Award	Female Count	Female Award	Total Count	Total Award	Black	5	22,500	30	129,544	35	152,044	Hispanic			1	2,500	1	2,500	Asian			1	5,000	1	5,000	Native Amer							Totals	5	22,500	32	137,044	37	159,544	MMF	Male Count	Male Award	Female Count	Female Award	Total Count	Total Award	Black	8	38,750	33	142,500	41	181,250	Hispanic			2	7,500	2	7,500	Asian			2	2,500	2	2,500	Native Amer			1	1,250	1	1,250	Other							Totals	8	38,750	38	153,750	46	192,500
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IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MAY 31, 2010
<i>XI. Minority Recruitment of ADE Staff</i>	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.
<i>XII. School Construction</i>	This goal is completed. No additional reporting is required.
<i>XIII. Assist PCSSD</i>	Goal completed as of June 1995.
<i>XIV. Scattered Site Housing</i>	This goal is completed. No additional reporting is required.
<i>XV. Standardized Test Selection to Determine Loan Forgiveness</i>	Goal completed as of March 2001.
<i>XVI. Monitor School Improvement Plans</i>	ADE staff made Extended Comprehensive Outcomes Evaluation (ECOE) visits to schools to review and make recommendations about their school improvement plans. Visits were made on April 26, 2010 to Bale Elementary, Booker Elementary, and Brady Elementary in the LRSD. ECOE visits were made on April 27, 2010 to Fulbright Elementary, Otter Creek Elementary and Rockefeller Elementary in the LRSD. An ECOE visit was made on April 28, 2010 to Western Hills Elementary in the LRSD. An ECOE visit was made on May 17, 2010 to Central High School in the LRSD.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MAY 31, 2010
<p><i>XVI. Monitor School Improvement Plans (Continued)</i></p>	<p>On April 28, 2010, ADE staff met with the principal and the Math and Literacy Instructional Facilitators, JBHM Specialist Dr. Beverly Ruthven, and Kristi Ratliff at Poplar Street Middle School in the NLRSD. Staff discussed the improvements revealed in the school's focus tests, started planning the next leadership team meeting, needs the school may have, and any assistance the leadership needed.</p> <p>On May 12, 2010, ADE staff met with the principal and the Math and Literacy Instructional Facilitators at West High School in the NLRSD. A discussion was held to review the ACSIP. Emphasis was placed on restructuring in NCLB, parental involvement, scholastic audit and academic needs of students. Staff suggested that the school look at making parental involvement a priority in the plan. The agenda for the next leadership team meeting was discussed with an emphasis on reviews of academic and behavioral data.</p> <p>On April 1, 8, and 14, 2010, ADE staff facilitated meetings of the school leadership teams including the principals at Mills, Jacksonville and Robinson High Schools in the PCSSD. During the meetings staff reviewed the latest TLI data (intermittent assessment) of the school, observed presentations on academic progress for the schools, discussed what had been implemented in the ACSIP, and talked about the scholastic audit.</p> <p>On April 22, 2010, ADE staff facilitated a meeting of the school leadership team including the principal at Fuller Middle School in the PCSSD. The team discussed issues in the building and started to look at data that related to some students being in the hall without permission or teachers not giving students passes. Reviewed highlights of the scholastic audit that the school had just received.</p> <p>On May 12, 2010, ADE staff facilitated a leadership team meeting including the principal, instructional facilitators, and teachers at Landmark Elementary in the PCSSD. The team reviewed recent TLI data, implementation of the ACSIP, and discussed the need for culture change in the building based on the scholastic audit. Staff recommended that the team review the restructuring priority in their plan, and begin to become familiar with their audit.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF MAY 31, 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>

Waivers Requests for Teachers Teaching Out of Area for More than 30 Days
June 2010

LEA	District	# of Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs	
							ALP	Granted/ Denied
5401	Barton-Lexa School District	3	Hargraves, Norma	Spanish, English	167	Social Studies 7-12	09-10	Granted
			Jolley, Luther Alan	Social Studies, Driver's Ed	236	Physical Education, Wellness & Leisure 7-12	09-10	Granted
			Jolley, Luther Alan	Social Studies, Driver's Ed	293	Coaching 7-12	09-10	Granted
7302	Beebe School District	1	Grimes, Collin	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	07-08, 08-09, 09-10	Granted
			Cooperstein, Carolett	ECE P-4, 5/6 Endorsement, ESL P-12	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
3301	Calico Rock School District	2	Sanders, Teresa	ECE P-4	232	Sp Education Visual Specialist P-4	08-09, 09-10	Granted
			Sanders, Teresa	ECE P-4	234	Sp Education Visual Specialist 4-12	08-09, 09-10	Granted
			Hardke, Melodie	Social Studies 7-12	295	Library Media Science P-8	08-09, 09-10	Granted
4802	Clarendon School District	2	Endsley, Kimberly	Social Studies	108	Journalism 7-12	09-10	Granted
			Kramar, Nicholas	Instrumental Music P-12	204	Vocal Music 7-12	09-10	Granted
2403	County Line School District	1	Casalman, Ryan	Social Studies, Coaching	236	Physical Education, Wellness & Leisure 7-12	04-05, 05-06, 06-07	Denied
			Killebrew, Robert	Social Studies, Middle Level Educaiton	208	Drama/Speech 7-12	09-10	Granted
2601	Cutter-Morning Star Sch. Dist.	6	Byrd, Lisa	English, Oral Communications	412	Career Preparation 7-12	09-10	Granted
			Hall, Melville	ECE P-4, Industrial Tech 4-12, Career Orientation 7-12	412	Career Preparation 7-12	09-10	Granted
			Hitt, Erica	ECE P-4	203	Vocal Music P-8	09-10	Granted
			Lambert, Dewell	Mathematics 7-12	225	Business Technology 7-12	09-10	Granted
			Neaville, Matthew	Llife/Earth Science	169	Physical /Earth Science 7-12	09-10	Granted
			Webb, Aimee	English 7-12	230	Sp Education Instructional Specialist 4-12	09-10	Granted

Waivers Requests for Teachers Teaching Out of Area for More than 30 Days
June 2010

LEA	District	# of Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs	
							ALP	Granted/ Denied
1802	Earle School District	3	Earl, Sheena	Elementary 1-6	168	Science/Mathematics 4-8	09-10	Denied
			Hermann, Ted	K-12 Vocal Music	2010	Survey of Fine Arts	09-10	Granted
			Hixon, Melonie	Secondary English	203	Vocal Music P-8	09-10	Granted
20-02	Fordyce School District	2	Gordon, Susan	English 7-12	208	Drama/Speech 7-12	09-10	Granted
			Gordon, Susan	English 7-12	108	Journalism 7-12	09-10	Granted
6201	Forrest City School District	2	Bokker, Kristen	Elem P-4	230	Sp Education Instructional Specialist 4-12	08-09, 09-10	Granted
			Bokker, Kristen	Elem P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10	Granted
Friendship Community Care	Friendship Community Care	2	Howard, Stefanie	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
			Wheeler, Camille	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
2304	Guy-Perkins School District	1	Westenhover, David	Bldg. Adm., Health Education, Secondary PE, Coaching, Drivers Ed	311	District Administrator P-12	08-09, 09-10	Granted
			Tackley, Tina	ECE P-4	002	English/Language/Social Studies 4-8	07-08, 08-09, 09-10	Granted
5803	Hector School District	1	Stone, Lucretia	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	09-10	Granted
			Tucker, Lauren	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10	Granted
3840	Imboden Charter School Dist	2	Warren, Judy	Bldg. Adm. ECE P-4, Middle Level Education	209	Algebra I Endorsement 8	08-09, 09-10	Granted
			Wells, Matthew	CE P-4, Middle Level Education	224	Business Technology 4-8	08-09, 09-10	Denied
2606	Lakeside School District	2	Adams, Haley	ECE P-4	107	Grade 5/6 Endorsement (P-4)	09-10	Granted
			Lay, Tara	ECE P-4	166	English/ Language/ Arts 7-12	09-10	Granted
4301	Lonoke School District	1	Cox, Laurel	MS Math/Science	209	Algebra I Endorsement 8	09-10	Granted
			Davenport, David	Health/PE 7-12	167	Social Studies 7-12	09-10	Granted
2305	Mayflower School District	2	Martin, Gerard	English 7-12, Oral Communication	299	Guidance & Counseling P-8	08-09, 09-10	Granted

Waivers Requests for Teachers Teaching Out of Area for More than 30 Days
June 2010

LEA	District	# of Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	# of	
								Requested	Granted/ Denied
6102	Maynard School District	3	Clark, Autumn	Middle Childhood Education	200	Mathematics 7-12	08-09, 09-10		Granted
			Kimble, Cindy	ECE P-4	230	Sp Education Instructional Specialist 4-12	08-09, 09-10		Granted
			Kimble, Cindy	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	08-09, 09-10		Granted
3105	Nashville School District	1	Worthen, Megan	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10		Granted
0304	Norfolk School District	2	Vest, Michael	Middle Childhood Education	200	Mathematics 7-12	09-10		Granted
			Victorella, Nancy	English Arts, Journalism	004	Spanish 7-12	08-09, 09-10		Granted
1203	Quitman School District	1	Hiegel, Kathleen	English	108	Journalism 7-12	09-10		Granted
0405	Rogers School District	1	Rains, Jamie	PE K-12	236	Physical Education, Wellness & Leisure 7-12	09-10		Granted
4706	So. Miss. County School Dist.	1	Coffman, Lowell Jr	General Science, Life/Earth Science	170	Life/Earth Science 7-12	09-10		Granted
7207	Springdale School District	1	Fries, Michelle	English 7-12	009	Mandarin Chinese Endorsement 7-12	09-10		Denied
7009	Strong-Huttig School District	1	Perry, Rhonda	Middle Level Education, Health,	312	Building Administrator P-8	09-10		Granted
5605	Trumann School District	1	Sullivan, Laurie	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10		Granted
7509	Western Yell Co. School Dist.	2	Sumter, Dana	Art P-12	305	Gifted & Talented P-8	08-09, 09-10		Granted
			Sumter, Dana	Art P-12	306	Gifted & Talented 7-12	08-09, 09-10		Granted
# Districts Requesting Waivers this Month		52	# Waivers Requested this Month						
31		52			Total Waivers Granted this Month				
					Total Waivers Denied this Month				
					Total Waivers This Month				
					48				
					4				
					52				

Long Term Substitutes Requested
June 2010

LEA	District	# Waivers Requested	Substitute Name	Subject	Teacher of Record	Granted/ Denied
05-02	Bergman School District	1	Caughron, Heather	4th Grade	Benton, Stephanie	Granted
7006	Norphlet School District	1	Barnhardt, Beth Ann	Special Education	Cranston, Tammy	Granted
	Vista Health - Bentonville	1	Hart, Justin	Special Education	Campbell, Joann	Granted
1803	West Memphis School District	1	Dumas, Tracy	Social Studies	Anthony, Chasity Dean	Granted
1804	Marion School District	2	Brick, Ashley	Social Studies	Smith, Greg	Granted
	Piney Ridge Center	1	Watkins, Nathan	First Grade	Walker, Loretta	Granted
			Morman, Adrian	Special Education	Johnson, Regina	Granted
6	# Districts Requesting Substitute Waivers this Month	7	# Substitute Waivers Requested this Month		Total Substitute Waivers Granted this Month	7

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

*Mary Bryant – Buyer, Grade C116, Division of Fiscal and Administrative Services, Finance, effective 05/24/10.

J. Mark White – Attorney Specialist, Grade C126, Central Administration, Legal Services, effective 05/17/10.

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

Mary Richbourg – from Administrative Analyst, Grade C115, Division of Human Resources/Licensure, to Human Resources Analyst, Grade C117, Division of Human Resources/Licensure, effective 05/31/10. Promotion

Johnie Walters – from Public School Program Advisor, Grade C122, Division of Academic Accountability, Standards Assurance, to Public School Program Manager, Grade C126, Division of Academic Accountability, Standards Assurance, effective 05/31/10. Promotion

Dee Cox – from ADE Special Assistant to Commissioner, Grade N908, Statewide System of Support, Special Programs, to ADE Coordinator Special Programs, N905, Statewide System of Support, Special Programs, effective 05/03/10. Demotion

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

*Alice Simelton – Public School Program Advisor, Grade C122, Division of Learning Services, effective 05/26/10. 33 years, 5 months, 23 days. Code: 01

Nancy Skinkle – Administrative Specialist II, C109, Division Human Resources/Licensure, Professional Licensure, effective 05/14/10. 0 years, 6 months, 16 days. Code: 01

Tripp Walter – Attorney Specialist, C126, Central Administration, Legal Services, effective 05/07/10. 6 years, 7 months, 25 days. Code: 01

*Minority

AASIS Code:-

01 – Voluntary Termination

07- Career Opportunity

Section 1
Second Lien Bonds

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

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

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

**STATE BOARD OF EDUCATION MEETING
JUNE 14, 2010
APPLICATIONS FOR COMMERCIAL BONDS**

COMMERCIAL BOND APPLICATIONS:

2 2nd Lien	\$	5,530,000.00
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**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS
COMMERCIAL BONDS
2ND LIEN
RECOMMEND APPROVAL**

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Alma	Crawford	3,367	5,000,000	55,885,000	Funding the District's portion of the following partnership projects: constructing a safe room at the primary school (\$800,000) and intermediate school (\$800,000), and the following non-partnership projects: funding a portion of the cost of constructing a safe room at the middle school (\$800,000), purchasing land (\$500,000), renovations at the primary school (\$491,000), intermediate school (\$491,000), middle school (\$491,000) and high school (\$491,000), and for costs of issuance and underwriter's discount allowance (\$136,000) with any remaining funds to be used for other capital projects and equipment purchases.
Brookland	Craighead	1,491	530,000	11,370,598	Funding the District's portion of the following partnership project: building and equipping new classrooms at the junior high school (\$500,000) and cost of issuance (\$30,000) with any remaining funds to be used for other capital projects and equipment.

Section 2 Voted Bonds

Arkansas Code Annotated § 6-20-1201 states the following:

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

**STATE BOARD OF EDUCATION MEETING
JUNE 14, 2010
APPLICATIONS FOR COMMERCIAL BONDS**

COMMERCIAL BOND APPLICATIONS:

4 Voted	\$	20,185,000.00
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**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS
COMMERCIAL BONDS**

**VOTED
RECOMMEND APPROVAL**

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Bauxite	Saline	1,385	3,270,000	11,540,000	Funding a portion of the following non-partnership projects: construction of a new road and additional parking at the middle school (\$600,000) and retiring the October 1, 2002 bond issue (\$585,000), the December 1, 2002 bond issue (\$435,000), the May 4, 2006 postdated warrants (\$523,674), and the September 3, 2009 postdated warrants (\$1,095,000), and cost of issuance, underwriter's discount allowance and escrow contingencies (\$31,326) with any remaining funds to be used for other capital projects and equipment purchases.
Drew Central	Drew	970	5,640,000	7,365,000	Refunding the November 1, 2002 bond issue (\$955,000) and the August 1, 2003 bond issue (\$2,675,000), funding the following partnership projects: improvements to auditorium roof library (\$435,000), and high school HVAC (\$275,000), a new high school facility (\$400,000); and a new school road (\$400,000); and the following non-partnership projects: a new athletic dressing room facility with restrooms and concession area (\$215,000), improvements to stadium bleachers (\$50,000), purchasing buses (\$300,000) and costs of issuance and underwriter's discount allowance (\$230,000) with any remaining funds to be used for other capital projects and equipment purchases.
Lincoln Consolidated	Washington	1,240	9,900,000	14,795,000	Refunding the July 1, 2003 bonds (\$2,180,000), erecting and equipping new school facilities, and making additions and improvements to existing facilities (\$7,440,000) and cost of issuance and underwriter's discount allowance (\$280,000).

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Woodlawn	Cleveland	563	1,375,000	3,143,963	Funding the District's portion of the following partnership projects: constructing and equipping additional classrooms at the kindergarten building (\$420,000), a new music/art building (\$250,000), HVAC improvements at the high school south building (\$120,000), and the following non-partnership projects: constructing and equipping a new maintenance/transportation facility (\$100,000), staff and visitor parking at the elementary gym floor (\$205,000), a football weight building (\$100,000), a new gym floor (\$55,000) and improvements to the baseball/softball fields (\$70,000) and cost of issuance and underwriter's discount allowance (\$55,000) with any remaining funds to be used for other capital projects and equipment purchases.

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
KINDERGARTEN THROUGH 12TH 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 12th grade immunization requirements in Arkansas Public Schools.

2.0 REGULATORY AUTHORITY

2.01 The following Rules governing Kindergarten through 12th 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 1st through 12th 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 7th grade: In addition to the vaccines requirements listed under 1st through 12th 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 6.01, 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 6.01, 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 6.01, 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***

Vaccine ► ----- Grade ▼	Diphtheria, Tetanus, Pertussis (DTP/DT/Td/DTaP/ Tdap)	Polio (OPV – Oral or IPV – Inactivated)	MMR***** (Measles, Mumps, and Rubella)	Hep B	Varicella
Kindergarten	4 doses (with 1 dose on or after 4 th birthday)	3 doses (with 1 dose on or after 4 th birthday) A child who has received 4 or more doses of polio vaccine does not have to have a dose after the 4 th birthday.	2 doses (with dose 1 on or after 1 st birthday and dose 2 at least 28 days after dose 1)	3 doses	2 doses (with dose 1 on or after 1 st birthday and dose 2 at least 28 days after dose 1) No history of disease will be accepted in lieu of vaccine.
Grades 1 – 12	3 doses (with 1 dose on or after 4 th birthday)	3 doses (with 1 dose on or after 4 th birthday) A child who has received 4 or more doses of polio vaccine does not have to have a dose after the 4 th birthday.	2 doses (with dose 1 on or after 1 st 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 st birthday) OR A parent/guardian or physician history of disease may be accepted in lieu of receiving vaccine.
Grade 7	3 doses (with 1 dose on or after 4 th birthday) and 1 dose of Tdap, if applicable****	3 doses (with 1 dose on or after 4 th birthday) A child who has received 4 or more doses of polio vaccine does not have to have a dose after the 4 th birthday.	2 doses (with dose 1 on or after 1 st 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.

*** 3rd dose of hepatitis B should be given at least 8 weeks after the 2nd dose, at least 16 weeks after the 1st dose, and it should not be administered before the child is 24 weeks (168 days) of age. (All 3rd 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 12th 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

Critical Academic Licensure Shortage Areas 2010-2011 School Year

Pursuant to A.C.A. § 6-81-609 and Act 605 of 2009 the Arkansas Department of Education has designated the following areas as critical academic teacher licensure/endorsement shortage areas for the 2010-2011 school year.

Licensure Areas:

Mathematics (Secondary)

Mathematics (7-12)

Middle Childhood

Mathematics/Science (4-8)

English/Language Arts/Social Studies (4-8)

Special Education

Deaf Education

Visually Impaired

Speech Language Pathologist/

Speech Therapist

Special Education Instructional

Specialist (P-4 and 4-12) **or**

(Old Licenses: {K-12} Mildly Handicapped,

Moderately/Profound Handicapped

Severely Emotionally Disturbed)

Science (Secondary)

Life/Earth Science (7-12)

Physical/Earth Science (7-12)

or (Old Licenses: Biology/Chemistry/
Physical Science/Physics)

Foreign Language

Spanish

French

Mandarin Chinese

Endorsements:

Library Media

School Counselor

Gifted and Talented

Algebra 1 Middle School (new)

Middle School (5-8)

(Old Licenses by subject:)

English (056)

Math (111)

Social Studies (159)

Science (139)



ARKANSAS'S EQUITY PLAN
Updated May 20, 2010

Goals

Three major strands in the Arkansas systemic plan are interwoven to ensure that we meet our goals for equity: (1) facilities; (2) beginning salaries and school funding; and (3) teacher recruitment and retention. All of these areas and their supporting objectives are examined below after we explain our approach to carrying out, monitoring, and evaluating our plan.

Monitoring and Evaluating the Equity Plan

As will be shown below, data indicate that programs currently in place are promoting equity, but we always strive to do better. Status quo and stagnant won't serve our needs, so plans and actions are constantly fluid. The Arkansas Equity Plan is a living guide to our future.

The effectiveness of our plan will be evaluated through data, collected annually, that includes but isn't limited to the percentage of highly qualified teachers in each school and district, the years of educators' experience, and measurement of student growth. Program advisors within the Office of Teacher Quality will continue to review progress and also survey teachers and administrators about their experiences, ask for their feedback, and court their suggestions. Deliberative dialogue with targeted school districts will continue, as will statewide-inclusive discussions with superintendents and other district administrators. Arkansas's rich data collection system will speed online reporting and aid monitoring and evaluation. These measures will enable us to focus on the big picture as well as capture close-range snapshots.

As we gauge progress and the rate at which our plan is moving us forward, we'll make modifications, add new approaches, drop ideas that fail to meet the mark, and search for those that do. Our goal is to keep children at the center, ensuring their harvest is a superior education under the leadership and support of top-quality educators.

Background

Arkansas has many legislative and research projects that are working to ensure that poor and minority children are not taught by inexperienced teachers or out-of-field teachers at higher rates than other children. The data table below, which shows minority and poor students in relation to the years of experience and the HQT (highly qualified teacher) status of their teachers, indicates that Arkansas's Equity Plan is working. While these populations differ, that difference is small, and most would agree, insignificant.

	2005-2006		2006-2007		2007-2008		2008-2009		2009-2010	
	% HQT	yrs experience								
Hi minority districts	86.22%	13.65 yrs	96.12%	14.58 yrs	98.00%	14.30 yrs	96.88%	14.53 yrs	98.73%	14.44 yrs
Lo minority districts	85.16%	12.55 yrs	98.21%	14.31 yrs	98.36%	13.90 yrs	98.21%	14.03 yrs	98.97%	14.28 yrs

beginning teacher with a bachelor's degree is \$31,899; with a Master's Degree, it's \$35,693. This legislation has promoted parity across the state and particularly in the economically depressed Delta region of the state.

- b. Act 57 of 2003 determined what is needed to fund an adequate education opportunity for children in Arkansas. Beginning with the 2004-05 school year, a report from consultants Picus and Odden determined that districts should be funded at the rate of \$5400 per pupil. For the next biennium, legislators conducted a self-study and determined that the funding rate should be increased as indicated in the table below. A recalibration study was presented by Picus and Odden in an adequacy study approved by legislators in 2007. In that study, findings regarding both salary and staffing needs were presented as equity issues and subsequently addressed by law. The per-pupil funding base is adjusted for each fiscal year and, to maintain equity, certain "categorical" funds and other monies are added. These categories include allotments for staff professional development and for students eligible for free- and reduced-price lunch, those who are learning English, and others in alternative learning environments. Equitable adjustments are also made for districts that are gaining enrollment and for those that are losing it. As a result of amending and continually monitoring the state's funding formula, Arkansas school districts are funded equitably.

School Year	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11
Per-Pupil Base	\$5400	\$5528	\$5662	\$5719	\$5789	\$5905	\$6023

Table 1 State equalization funding per pupil

- c. The Arkansas Teacher Housing Development (A.C.A. §§ 6-26-301 et. seq.) and The Teacher Housing Fund (A.C.A. §§ 6-26-305) were passed in 2003. The mission of the office is to identify reasonably priced housing for highly qualified and experienced teachers to relocate to hard-to-staff areas of the state, particularly the Arkansas Delta region. Since 2007, twenty Arkansas counties and their respective school districts have been designated as eligible under this legislation. In October 2007, that list of counties and school districts was reviewed and the number of eligible counties was reduced to 14. Since then, approximately 130 applications for the housing program have been submitted. Thirty-five teachers have received funds to assist with home ownership via the incentive program, and another 62 teachers have received rental incentive funds.
- d. The Traveling Teacher (A.C.A. §§ 6-13-808) became law in 2007 to help school districts staff their schools with appropriately licensed teachers for required courses in grades 9-12. The Rules Governing the Traveling Teacher Program explain the application process (including the Highly Qualified Status of the teacher), the incentive bonus, and selection procedures, along with general policies and procedures relating to the program. Over the three-year span of the plan, very few teachers have taken advantage of the program, so we're studying how to improve the initiative.

School Year	Number of Districts	Number of Teachers
2007-08	1	1
2008-09	2	2
2009-10	2	2

Table 2 Data on Traveling Teachers

- e. The Alternative Pay Plan (*A.C.A. §§ 6-17-119*) and the Rewarding Excellence in Achievement Program—R.E.A.P. (*A.C.A. §§ 6-15-2601 et. seq.*) are two alternative pay plans that afford school districts and charter schools the opportunity to develop teacher compensation plans tailored to local needs. Those needs may be as simple as recruiting the best teachers to work in the districts, because those teachers can be compensated for advancing student growth. The rules governing both the Alternative Pay and REAP plans describe the purpose and permissions of the two laws. The application process for the REAP plan, which is a competitive program, awards additional money to funded schools and districts according to its rules. The program is only two years old, but its limited success warrants examination to determine where programmatic changes are needed.

School Year	Number of Districts awarded a REAP grant
2008-09	2
2009-10	2

Table 3 Number of Districts Awarded a REAP grant

3. **Teacher Recruitment and Retention** We needed a plan to encourage teachers to move into hard-to-staff areas. In August 2006, the *Bureau of Legislative Research* submitted a report to the Joint Education Committee noting that Arkansas didn't have a teacher shortage problem, but a "sorting problem." In other words, the demographics of where teachers seek employment differ from where jobs are open. ADE has been working via the initiatives described in this section to assist school districts in locating highly qualified teachers. Economic development and housing are issues that need to be addressed to entice teachers to relocate to the economically hard-pressed Delta and southeastern quadrant of the state. The plan includes continued dialogue with business and school leaders in this region, as well as the Arkansas Economic Development Commission and the Arkansas Department of Higher Education, to expand strategies for staffing such areas.
- a. **Pathwise Mentoring to Enhance Arkansas's Retention Data** In spring 2008, the Office of Teacher Quality compiled longitudinal data on the retention rate of new teachers in our public schools. The data indicated that Arkansas's retention rate is much higher than the national average. The research revealed that 25% to 35% of teachers quit their jobs after their first year, and 50% of them quit by the end of five years. The data show that the efforts of our legislators to improve teacher salaries and the Pathwise mentoring program in the state has a major effect on teacher retention for the state. Pathwise ensures that new teachers have a mentoring support system to help orient and guide them throughout the transition into their new positions and

responsibilities. Note that for both retention categories, first year and after five years, Arkansas’s data are considerably better than the national average cited above.

School Year	# of 1 st year teachers	% of first year teachers not returning	% of teachers not returning after five years
2001-02	2262	19.72%	31.17%
2002-03	1886	18.40%	30.49%
2003-04	1863	9.07%	26.25%
2004-05	1789	6.26%	32.92%
2005-06	2304	6.42%	29.86%
2006-07	2504	6.91%	NA
2007-08	2507	13.64%	NA
2008-09	2284	14.71%	NA
2009-10	2413	NA	NA

Table 4 Retention Data on teachers after years one and five

- b. Equity Assistance Center (EAC), *A.C.A. §§ 6-17-1902*, established an Equity Assistance Center at ADE. The center provides technical assistance to school districts in developing an inclusive staff recruitment plan. Some of the specific goals of this statute are that each LEA:
- i. designate an employee to coordinate implementation of its recruitment plan;
 - ii. establish a goal to recruit minority teachers and administrators for the next ten years, including steps and monitoring progress made; and
 - iii. encourage minority students to seek a career in education.
- c. District Minority Recruitment Plans Beginning in the 1992-93 school year, each school district in the state with more than a 5% minority student population was required to prepare a minority teacher and administrator recruitment plan and file it annually with the Equity Assistance Center (EAC) pursuant to *A.C.A. §§ 6-17-1901*. The table below outlines the number of districts in the state with 95% or more white students who were not required to submit a Minority Teacher and Administrator Recruitment Plan. (For the past three years Arkansas has had approximately 244 school districts.)

School Year	2004-2005	2005-06	2006-07	2007-2008	2008-09	2009-10
Number of districts with 95% or more white students	100	91	80	76	79	76

Table 5 Number of Arkansas public school district with 95 percent or more white students

d. Since the 2006-07 school year, ADE has entered into a yearly Memorandum of Understanding (MOU) with the Teach for America Corporation (TFA) to assist the state in placing teachers in the Delta region. However, Arkansas has been a partner with TFA for the past 20 years. During the first nine years, the number of TFA teachers in the state ranged from 3 to 22 teachers per year. As outlined in the table below, that number has grown. For the past 10 years, the number of Highly Qualified Teachers employed in Arkansas through annual contracts with TFA is substantially higher, as illustrated below. The growth in HQT in the Delta is a significant asset and evidence of efforts to ensure equity to students in the region.

Year	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10
1 st Yr	11	18	38	24	38	39	39	35	35	98
2 nd Yr	10	11	18	29	24	37	33	36	41	35
Total in AR	21	29	56	54	62	76	72	71	76	133

Table 6 Data on the number of Teach for America (TFA) teachers in public schools in the Arkansas Delta

e. In 2003, Act 101 established High Priority Districts Bonus Incentives (A.C. A. §§ 6-17-811) as a three-year pilot program. The program met with success, so the statute was changed for full implementation beyond the pilot stage. Presently, the program defines a high priority district as one with fewer than 1,000 students and in which over 80% of the students qualify for the free- or reduced-price lunch program. Teachers in any of the qualifying districts receive \$5,000 as an incentive bonus for the first year of service, then \$4,000 for the second year, and \$3,000 for all teachers in their third year and beyond. The bonus is paid upon completion of the contract for that school year. The state has appropriated over \$4 million each biennium through this incentive program to recruit teachers in high-priority districts. Table 7 illustrates the number of teachers who have benefited from the program for the past five years. Note the jump in the number of current teachers, meaning teachers retained, for the 2007-08 and 2008-09 school years. The data for the incentives paid at the conclusion of the 2009-10 school year will be collected later in June 2010.

Years	# of New Teachers	# of Current Teachers	Total # of Teachers Receiving Incentive funds	Total dollars distributed
2004-05	127	423	550	\$1,282,000
2005-06	90	414	530	\$1,257,558
2006-07	39	335	374	\$ 910,516
2007-08	92	461	553	\$1,415,952
2008-09	88	552	640	\$1,609,388

Table 7 Distribution of the high-priority district bonus incentives

f. The Troops to Teachers (TTT) program in Arkansas is working hand-in-hand with the Office of Teacher Recruitment and Retention. In the spring of 2006, ADE employed a new program advisor to ensure that this program reaches its full potential. Arkansas entered into a MOU with the Dantes Troops to Teachers program, which works to recruit military personnel, who are leaving the service, into teaching. The teachers hired through TTT will all be highly qualified: they must pass the content-knowledge Praxis examination for the licensure area before they are admitted into the program.

School Year	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
Number of military personnel recruited to AR schools through the TTT program each year	6	5	7	17	4

Table 8 Number of Recruits through the TTT program

g. During the 2005-06 school year, the Arkansas Department of Higher Education (ADHE) implemented the Teacher Opportunity Program (TOP) pursuant to *A.C.A. §§ 6-81-610*. Legislation appropriated \$2 million a year to fund this project. The maximum a teacher can receive is \$3,000 a year (\$2,000 from the ADHE and \$1,000 from the local school districts). This dual-licensure incentive program provides loans to teachers who return to college to obtain an additional licensure in a subject matter declared a shortage area by the state. The teacher must be currently employed as a classroom teacher in an Arkansas public school and have been employed by the same district for at least three years immediately preceding the application. ADHE will forgive the loan if the recipient attains the additional license within the first three of receiving the funds *and* teaches in an Arkansas public school for three consecutive years immediately after obtaining the additional license. As evident from Table 9 below, the program that began in 2006-07 needed more publicity the first year; and the publicity worked as evidenced that the number of teachers participating in TOP doubled the second year. This program not only helps teachers achieve full licensure, in many instances it also promotes highly qualified status as teachers increase their content knowledge for the licensure area.

Year	Number of teachers participating in TOP (Dual Licensure)	Number of teachers participating in TOP (Reimbursement)	Funds Expended (Dual Licensure)	Funds Expended (Reimbursement)
2006-07	33	423	\$64,559	\$522,965
2007-08	41	750	\$53,456	\$980,294
2008-09	44	709	\$62,500	\$1,024,462
2009-2010*	35	NA	\$62,064	NA

* preliminary data Table 9 Data on TOP

- h. Since 2004, we have maintained a partnership with Teachers-Teachers.com to recruit teachers and administrators for any school district in Arkansas. The table below illustrates the number of unique ‘hits’ on the Arkansas site. The online application system makes applications and job announcements a viable part of the state’s equity plan. The following statistics illustrate the effect of this program:
- 32,129 users indicated they were licensed educators interested in Arkansas education positions
 - 82 registered as Arkansas users (school districts, education co-ops, ADE, Arkansas Correctional Schools)
 - 2,114 new candidate’s names were added to the prospect lists in all subject areas
 - 3,096 candidate names were added for special education
 - 335 jobs were posted in all subject areas
 - 25 jobs were posted in special education
 - 424,841 e-mails were sent to candidates on behalf of the state’s school districts
 - 4,193 individual candidates viewed at least one Arkansas job posting
 - 387 candidates viewed at least one special education job posting
 - At the end of the year, school districts reported that 32% of their hires used Teachers-Teachers.Com
 - 92% of these candidates were *not* Arkansas teachers during the previous (2008) school year

This last statistic is impressive, reflecting genuine new recruitment rather than mere shuffling of existing Arkansas teachers. The state is optimistic that, through this continued partnership, it will gain mobility data to enter into the warehouse of our Comprehensive Data Plan to help all school districts with recruitment. (The number of participating districts decreased during the last two years due to the loss of grant funding by the special education unit, which resulted in interested districts being asked to pay a prorated fee for using the site.)

- i. The Office of Teacher Recruitment and Retention is a program within ADE designed to address the teacher shortage and increase the pipeline of potential teachers. For persons interested in education careers, the office informs them of available incentives for those who will work in high-demand areas as well as assist school districts in the Delta with recruitment and retention. Note several of the innovative initiatives emanating from the office:
- i. Since 2002, the SEA has held an annual job fair to assist current Arkansas teachers in adding areas of licensure, especially in hard-to-fill and other shortage areas. On May 1, 2010, the job fair was held at a large metroplex in Little Rock, where almost 400 teachers attended, as did 5 universities, and 54 school districts. Turnout was quite high, especially considering the number of tornadoes in the state throughout the previous night.
 - ii. Realistic rules and procedures for reciprocity have allowed 22% of all newly licensed Arkansas teachers, coming from other states, to teach in Arkansas each year.
 - iii. In 2007, the state began providing \$1,000 as an annual recruitment incentive for each College of Education to recruit teacher candidates into its program. Additional grant funds will help us expand the recruitment initiative.

iv. The Office of Recruitment and Retention conducted a unique recruitment campaign in 2009 that included special job fairs centering on 12 selected Delta school districts that had recruitment challenges. Some teacher candidates were hired on the spot. These 12 districts will be able to interview teacher candidates at the Non-Traditional Licensure Program Orientation in June 2010, and all fees for one NTLP candidate from each of the school districts will be waived. Booth fees will be paid by the Office of Recruitment and Retention for every in-state job fair these districts attend at Arkansas colleges and universities. Further, each school district will receive financial incentives: \$1,000 for recruitment advertisements and \$2,500 for recruitment materials to use at job fairs.

...

v. Colorful recruitment billboards, placed prominently on highways and interstates in the Delta, are inviting individuals into the teaching profession. Three of those billboards are shown below:

Help him get from
Point A to Point B.

Point A



Become a
teacher!

Point B



Learn more at
TeachArkansas.org

Want to build better lives?
Become a Teacher!



Learn more at
TeachArkansas.org



APPROVAL: _____
DATE: _____

SECO OUTDOOR ADVERTISEMENT
DESIGN: PAIGE BRADFORD



APPROVAL: _____
DATE: _____

SECO OUTDOOR ADVERTISEMENT
DESIGN: PAIGE BRADFORD

Agency	Purpose of Grant	Amount
15th Street Church of God in Christ	direct services/center	\$ 291,600.00
ABC Children's Academy and Developmental Center, Inc.	direct services/center	\$ 1,117,800.00
Academy of Learning	direct services/center	\$ 291,600.00
ACH Child Enrichment Center	direct services/center	\$ 97,200.00
Amber Lane Precious Ones	direct services/center	\$ 48,600.00
Arch Ford Education Cooperative	direct services/center	\$ 97,200.00
Arkadelphia School District	direct services/center	\$ 291,600.00
ASU Programs for Children and Families in the Delta	direct services/center	\$ 2,993,760.00
Atkins School District	direct services/center	\$ 194,400.00
Augusta School District	direct services/center	\$ 291,600.00
Barton-Lexa School District	direct services/center	\$ 97,200.00
Batesville School District	direct services/center	\$ 631,800.00
Beebe School District	direct services/center	\$ 388,800.00
Benton Co. Sunshine School	direct services/center	\$ 145,800.00
Bentonville School District	direct services/center	\$ 1,166,400.00
Bigelow Assembly of God/Community Christian Academy	direct services/center	\$ 97,200.00
Black River Area Development	direct services/center	\$ 422,820.00
Blevins School District	direct services/center	\$ 72,900.00
Blytheville School District	direct services/center	\$ 194,400.00
BOST	direct services/center	\$ 145,800.00
Bottles to Buses	direct services/center	\$ 194,400.00
Bradford School District	direct services/center	\$ 97,200.00
Bright Beginnings	direct services/center	\$ 97,200.00
Bright Beginnings (Mays)	direct services/center	\$ 77,760.00
Bright Beginnings Childcare Center	direct services/center	\$ 145,800.00
Brinkley School District	direct services/center	\$ 155,520.00
Brookland School District	direct services/center	\$ 296,460.00
Buffalo Island Central School District	direct services/center	\$ 145,800.00
Busy Bee	direct services/center	\$ 97,200.00
Cabot School District	direct services/center	\$ 874,800.00
Camden-Fairview School District	direct services/center	\$ 291,600.00
Carlisle School District	direct services/center	\$ 194,400.00
Carroll Co. Learning Center	direct services/center	\$ 179,820.00
Cave City School District	direct services/center	\$ 291,600.00
Cedar Ridge School District	direct services/center	\$ 359,640.00
Centerpoint School District	direct services/center	\$ 87,480.00
Central Arkansas Development Council	direct services/center	\$ 388,800.00
Child Development, Inc.	direct services/center	\$ 1,885,680.00
Christine's Private Preschool	direct services/center	\$ 29,160.00
Clarendon School District	direct services/center	\$ 116,640.00
Cleveland Co. School District	direct services/center	\$ 136,080.00
Clinton School District	direct services/center	\$ 194,400.00
Community Outreach Partnership Enrichment	direct services/center	\$ 194,400.00
Community Preschool	direct services/center	\$ 97,200.00
Concord School District	direct services/center	\$ 413,100.00
Conway School District	direct services/center	\$ 777,600.00

Cossatot Community College	direct services/center	\$ 184,680.00
Crossett School District	direct services/center	\$ 388,800.00
Crowley's Ridge Education Cooperative	direct services/center	\$ 680,400.00
D.R.E.A.M.	direct services/center	\$ 97,200.00
Danville School District	direct services/center	\$ 194,400.00
Dawson Education Cooperative	direct services/center	\$ 1,944,000.00
Decatur School District	direct services/center	\$ 170,100.00
DeQueen Mena Education Cooperative	direct services/center	\$ 3,304,800.00
Dermott School District	direct services/center	\$ 48,600.00
Des Arc School District	direct services/center	\$ 97,200.00
Dewitt School District	direct services/center	\$ 97,200.00
Dollarway School District	direct services/center	\$ 670,680.00
Drew Central School District	direct services/center	\$ 291,600.00
Dumas Public Schools	direct services/center	\$ 72,900.00
Earle School District	direct services/center	\$ 155,520.00
Early Horizons Child Development Center	direct services/center	\$ 194,400.00
East End (Bigelow) School District	direct services/center	\$ 97,200.00
East Poinsett County School District	direct services/center	\$ 291,600.00
Easter Seals-GPCDC	direct services/center	\$ 97,200.00
Emmanuel Learning Center	direct services/center	\$ 291,600.00
EOA of Washington County	direct services/center	\$ 106,920.00
Ermer's Learning Academy	direct services/center	\$ 97,200.00
Eureka Springs School District	direct services/center	\$ 194,400.00
Exploration Station, The	direct services/center	\$ 194,400.00
Families and Children Together	direct services/center	\$ 972,000.00
Fantastic Children Learning Academy	direct services/center	\$ 97,200.00
Fayetteville School District	direct services/center	\$ 583,200.00
First Baptist Church McGehee	direct services/center	\$ 97,200.00
First Baptist Church/Circle of Love CDC	direct services/center	\$ 97,200.00
First Presbyterian Church Warren	direct services/center	\$ 194,400.00
First Step, Inc.	direct services/center	\$ 97,200.00
Flippin School District	direct services/center	\$ 291,600.00
Focus, Inc.	direct services/center	\$ 194,400.00
Forrest City School District	direct services/center	\$ 972,000.00
Fort Smith Public Schools	direct services/center	\$ 972,000.00
Fouke School District	direct services/center	\$ 286,740.00
Frank C. Steudlein Learning Center	direct services/center	\$ 145,800.00
Friendship Community Care	direct services/center	\$ 588,060.00
Glen Rose School District	direct services/center	\$ 126,360.00
Gram's House	direct services/center	\$ 145,800.00
Grandma's Child Care	direct services/center	\$ 72,900.00
Gravette School District	direct services/center	\$ 194,400.00
Great Beginnings CC & Enrichment Center	direct services/center	\$ 97,200.00
Greenbrier School District	direct services/center	\$ 291,600.00
Greene Co. Tech School District	direct services/center	\$ 680,400.00
Greenwood School District	direct services/center	\$ 291,600.00
Growing God's Kingdom	direct services/center	\$ 534,600.00

Gurdon School District	direct services/center	\$ 194,400.00
Guy-Perkins SD	direct services/center	\$ 72,900.00
Hamburg School District	direct services/center	\$ 680,400.00
Hampton School District	direct services/center	\$ 97,200.00
Happy Day Christian Preschool	direct services/center	\$ 48,600.00
Happyland	direct services/center	\$ 194,400.00
Harrison School District	direct services/center	\$ 97,200.00
Hazen School District	direct services/center	\$ 116,640.00
Head of the Class	direct services/center	\$ 194,400.00
Head Start Child & Family Services	direct services/center	\$ 583,200.00
Helping Hand Preschool	direct services/center	\$ 145,800.00
Hermitage School District	direct services/center	\$ 179,820.00
His Little Lambs	direct services/center	\$ 77,760.00
Hogan's Happy Times	direct services/center	\$ 97,200.00
Hope For the Young-Fort Smith	direct services/center	\$ 189,540.00
Hope School District	direct services/center	\$ 680,400.00
Hot Springs Child Care Center	direct services/center	\$ 631,800.00
Hot Springs School District	direct services/center	\$ 291,600.00
Hours of Joy	direct services/center	\$ 97,200.00
Hoxie School District	direct services/center	\$ 243,000.00
Hugs-N-Tugs	direct services/center	\$ 63,180.00
In His Image Youth Development Center, Inc.	direct services/center	\$ 777,600.00
Izard Co. Consolidated School District	direct services/center	\$ 145,800.00
Jackson Co. School District	direct services/center	\$ 291,600.00
Jellybean Junction	direct services/center	\$ 97,200.00
Johnson & Johnson Learning and Developmental Center	direct services/center	\$ 97,200.00
Jonesboro School District	direct services/center	\$ 388,800.00
Kareer Kids	direct services/center	\$ 291,600.00
Kid to Kid	direct services/center	\$ 97,200.00
Kiddie Kampus	direct services/center	\$ 68,040.00
Kiddie Kollege Day Care Center, Inc.	direct services/center	\$ 218,700.00
Kids 1st	direct services/center	\$ 97,200.00
Kids Place Learning Center, Inc.	direct services/center	\$ 437,400.00
Kids R Kids	direct services/center	\$ 48,600.00
Kidz Kare, Inc.	direct services/center	\$ 194,400.00
Lakeside (Chicot) School District	direct services/center	\$ 486,000.00
Lakeside(Hot Springs) School District	direct services/center	\$ 354,780.00
Lamar School District	direct services/center	\$ 97,200.00
Lavaca School District	direct services/center	\$ 267,300.00
Lead Hill School District	direct services/center	\$ 194,400.00
Leap Forward Academy	direct services/center	\$ 97,200.00
Lee County School District	direct services/center	\$ 534,600.00
Lil' Kim's Playhouse	direct services/center	\$ 72,900.00
Lil Motivators Academy Childcare, Inc.	direct services/center	\$ 97,200.00
Lil Treasures	direct services/center	\$ 97,200.00
Lincoln Child Care Center	direct services/center	\$ 369,360.00
Lincoln Consolidated Schools	direct services/center	\$ 194,400.00

Linden Street Child Care	direct services/center	\$ 291,600.00
Little Angels	direct services/center	\$ 97,200.00
Little Angels Child Care of Prescott	direct services/center	\$ 97,200.00
Little Kids Daycare	direct services/center	\$ 165,240.00
Little Leaps	direct services/center	\$ 194,400.00
Little Ones Learning Academy	direct services/center	\$ 97,200.00
Little Rock School District	direct services/center	\$ 5,321,700.00
Little Scholars	direct services/center	\$ 97,200.00
Little Scholars of Maumelle	direct services/center	\$ 97,200.00
Little Zion Learning Center	direct services/center	\$ 97,200.00
London Bridges Child Care, Inc.	direct services/center	\$ 97,200.00
Love A Lots	direct services/center	\$ 48,600.00
Lucas Daycare and Preschool	direct services/center	\$ 77,760.00
Magnolia School District	direct services/center	\$ 583,200.00
Mainstreet Kids	direct services/center	\$ 291,600.00
Mammoth Spring School District	direct services/center	\$ 126,360.00
Manila School District	direct services/center	\$ 194,400.00
Mansfield ABC, Inc.	direct services/center	\$ 291,600.00
Marion School District	direct services/center	\$ 291,600.00
Marmaduke School District	direct services/center	\$ 136,080.00
Marvell School District	direct services/center	\$ 145,800.00
Mayflower School District	direct services/center	\$ 145,800.00
McCrary School District	direct services/center	\$ 97,200.00
McGehee School District	direct services/center	\$ 291,600.00
Melbourne School District	direct services/center	\$ 97,200.00
Midland School District	direct services/center	\$ 291,600.00
Mineral Springs School District	direct services/center	\$ 218,700.00
Miss Livy's Preschool for Creative Kids, Inc.	direct services/center	\$ 194,400.00
Miss Mary's Preschool	direct services/center	\$ 48,600.00
Mississippi Co. Economic Opportunity	direct services/center	\$ 1,394,820.00
Monticello School District	direct services/center	\$ 194,400.00
Mother Goose	direct services/center	\$ 97,200.00
Mother's Touch FCCH	direct services/center	\$ 77,760.00
Mountain View School District	direct services/center	\$ 291,600.00
Mountainburg School District	direct services/center	\$ 97,200.00
Mrs. Kim's FHDC	direct services/center	\$ 48,600.00
Mrs. Melissa's Preschool	direct services/center	\$ 48,600.00
Mrs. Sha's FCCH	direct services/center	\$ 48,600.00
Ms. Christi's FCCH	direct services/center	\$ 48,600.00
Ms. Linda's FCCH	direct services/center	\$ 14,580.00
Mt. Vernon-Enola School District	direct services/center	\$ 97,200.00
My First School	direct services/center	\$ 97,200.00
Nemo Vista School District	direct services/center	\$ 97,200.00
Nettleton School District	direct services/center	\$ 437,400.00
Nevada Co. ARC	direct services/center	\$ 136,080.00
New Horizons Daycare, Inc.	direct services/center	\$ 72,900.00
Newport School District	direct services/center	\$ 495,720.00

Noah's Ark	direct services/center	\$ 194,400.00
North Central Arkansas Development Council	direct services/center	\$ 97,200.00
North Little Rock School District	direct services/center	\$ 2,643,840.00
Northeast Ark. Education Cooperative	direct services/center	\$ 1,176,120.00
Omaha School District	direct services/center	\$ 194,400.00
One 2 Grow On Childcare	direct services/center	\$ 97,200.00
Open Arms Learning Center	direct services/center	\$ 97,200.00
Osceola School District	direct services/center	\$ 194,400.00
Ouachita Industries, Inc.	direct services/center	\$ 97,200.00
Ouachita School District	direct services/center	\$ 97,200.00
OUR Education Cooperative	direct services/center	\$ 1,521,180.00
Ozark Guidance Center	direct services/center	\$ 77,760.00
Palestine-Wheatley School District	direct services/center	\$ 145,800.00
Pangburn School District	direct services/center	\$ 131,220.00
Paragould School District	direct services/center	\$ 612,360.00
Paris School District	direct services/center	\$ 777,600.00
Parkway Daycare and Learning Center	direct services/center	\$ 97,200.00
Pine Bluff School District	direct services/center	\$ 388,800.00
Play School Day Care Center, Inc.	direct services/center	\$ 607,500.00
Pnuts Playhouse	direct services/center	\$ 24,300.00
Pocahontas School District	direct services/center	\$ 194,400.00
Prekinder Preschool Development Ctr	direct services/center	\$ 97,200.00
Princeton Private Preschool	direct services/center	\$ 19,440.00
Pulaski Co. Special School District	direct services/center	\$ 3,207,600.00
Quality Child Care	direct services/center	\$ 388,800.00
Rainbow of Challenges, Inc./School of Hope	direct services/center	\$ 388,800.00
Riverview School District	direct services/center	\$ 194,400.00
Rogers School District	direct services/center	\$ 1,360,800.00
Rose Bud School District	direct services/center	\$ 87,480.00
Rosie & Jackie's	direct services/center	\$ 486,000.00
Sandy's Day Care	direct services/center	\$ 97,200.00
Sarah's Precious Day Care	direct services/center	\$ 97,200.00
Scholastic Academy	direct services/center	\$ 291,600.00
SEACBEC/Warren	direct services/center	\$ 583,200.00
Searcy Co. School District	direct services/center	\$ 194,400.00
Sheridan School District	direct services/center	\$ 388,800.00
Siloam Springs Academy	direct services/center	\$ 388,800.00
Siloam Springs School District	direct services/center	\$ 583,200.00
Smackover School District	direct services/center	\$ 291,600.00
Small Fry Child Care	direct services/center	\$ 29,160.00
Small World Preschool	direct services/center	\$ 388,800.00
South Ark Dev Center for Children/Families	direct services/center	\$ 194,400.00
South Central Education Cooperative	direct services/center	\$ 1,054,620.00
South Conway Co. School District	direct services/center	\$ 388,800.00
South Mississippi County School District	direct services/center	\$ 184,680.00
Southside Bee Branch School District	direct services/center	\$ 97,200.00
Southside Church of Prescott	direct services/center	\$ 97,200.00

Southside School District	direct services/center	\$ 364,500.00
Springdale School District	direct services/center	\$ 2,624,400.00
Star City School District	direct services/center	\$ 267,300.00
Stepping Stone School for Exceptional Children	direct services/center	\$ 97,200.00
Straightway Preschool Academy	direct services/center	\$ 97,200.00
Stuttgart School District	direct services/center	\$ 170,100.00
Sunrise Learning Academy	direct services/center	\$ 189,540.00
SW Arkansas Community Development	direct services/center	\$ 145,800.00
Tender Loving Care	direct services/center	\$ 291,600.00
Texarkana Arkansas School District #7	direct services/center	\$ 801,900.00
The Learning Center	direct services/center	\$ 63,180.00
Touched By An Angel	direct services/center	\$ 97,200.00
Trumann School District	direct services/center	\$ 388,800.00
Two Rivers School District	direct services/center	\$ 379,080.00
UAM College of Technology-McGehee	direct services/center	\$ 97,200.00
United Methodist Children's Home	direct services/center	\$ 82,620.00
University of Ark at Pine Bluff	direct services/center	\$ 140,940.00
University of Ark Community College	direct services/center	\$ 48,600.00
Valley View School District	direct services/center	\$ 291,600.00
Van Buren School District	direct services/center	\$ 388,800.00
Vilonia School District	direct services/center	\$ 437,400.00
Waldron School District	direct services/center	\$ 486,000.00
Wee Care Learning Center	direct services/center	\$ 48,600.00
West Memphis School District	direct services/center	\$ 437,400.00
Western Arkansas Child Development	direct services/center	\$ 2,259,900.00
Western Yell Co. School District	direct services/center	\$ 145,800.00
Westside (Craighead Co.) School District	direct services/center	\$ 170,100.00
White Co. Central School District	direct services/center	\$ 194,400.00
White River Preschool	direct services/center	\$ 97,200.00
Wonderview School District	direct services/center	\$ 97,200.00
Wynne Community Enlightenment	direct services/center	\$ 121,500.00
York Williams Child Development Center	direct services/center	\$ 63,180.00
ACH-Central Arkansas HIPPY	direct-services/homevisit	\$ 213,500.00
ACH-Eastern Arkansas HIPPY	direct-services/homevisit	\$ 227,500.00
ACH-Lee County HIPPY	direct-services/homevisit	\$ 94,500.00
ACH-Quitman HIPPY	direct-services/homevisit	\$ 94,500.00
Arkansas River Education Cooperative HIPPY	direct-services/homevisit	\$ 1,050,000.00
Arkansas River Education Cooperative PAT	direct-services/homevisit	\$ 105,000.00
Batesville School District PAT	direct-services/homevisit	\$ 98,000.00
Benton Co. Sunshine School PAT	direct-services/homevisit	\$ 47,250.00
Benton School District HIPPY	direct-services/homevisit	\$ 96,250.00
Bentonville School District PAT	direct-services/homevisit	\$ 47,250.00
Boston Mountain Education Cooperative HIPPY	direct-services/homevisit	\$ 525,000.00
Camden-Fairview School District HIPPY	direct-services/homevisit	\$ 245,000.00
Cedar Ridge School District PAT	direct-services/homevisit	\$ 35,000.00
Centers for Youth and Families HIPPY	direct-services/homevisit	\$ 52,500.00
Central Arkansas Development Council HIPPY	direct-services/homevisit	\$ 113,750.00

Dawson Education Cooperative HIPPY	direct-services/homevisit	\$ 175,000.00
DeQueen Mena Education Cooperative HIPPY	direct-services/homevisit	\$ 141,750.00
Earle School District HIPPY	direct-services/homevisit	\$ 105,000.00
Forrest City School District HIPPY	direct-services/homevisit	\$ 189,000.00
Fort Smith Public Schools PAT	direct-services/homevisit	\$ 175,000.00
Greenbrier School District (Faulkner Co) HIPPY	direct-services/homevisit	\$ 330,750.00
Heber Springs School District HIPPY	direct-services/homevisit	\$ 105,000.00
Helena-West Helena School District HIPPY	direct-services/homevisit	\$ 350,000.00
Inspired Communities PAT	direct-services/homevisit	\$ 82,250.00
Jefferson Comprehensive Care PAT	direct-services/homevisit	\$ 141,750.00
Jonesboro Urban Renewal Housing Authority HIPPY	direct-services/homevisit	\$ 379,750.00
Northeast Ark. Education Cooperative HIPPY	direct-services/homevisit	\$ 94,500.00
OUR Education Cooperative HIPPY	direct-services/homevisit	\$ 455,000.00
Pulaski Co. Special School District HIPPY	direct-services/homevisit	\$ 236,250.00
Rogers School District HIPPY	direct-services/homevisit	\$ 147,000.00
Sisters of Our Lady of Charity (St. Michael's) HIPPY	direct-services/homevisit	\$ 157,500.00
Southeast Ark. Education Cooperative HIPPY	direct-services/homevisit	\$ 980,000.00
Southside School District HIPPY	direct-services/homevisit	\$ 148,750.00
Southwest Ark. Education Cooperative HIPPY	direct-services/homevisit	\$ 105,000.00
SW Arkansas Development Council HIPPY	direct-services/homevisit	\$ 236,250.00
West Memphis School District HIPPY	direct-services/homevisit	\$ 262,500.00
West Side (Greers Ferry) School District HIPPY	direct-services/homevisit	\$ 47,250.00
Western Arkansas Child Development HIPPY	direct-services/homevisit	\$ 273,000.00
Wilbur D. Mills Education Cooperative HIPPY	direct-services/homevisit	\$ 1,384,250.00
ASU Families in the Delta	Quality Grant	\$2,200.00
Community Christian Academy	Quality Grant	\$600.00
Focus Inc	Quality Grant	\$600.00
Fouke School District	Quality Grant	\$800.00
Happy Day Christian Preschool	Quality Grant	\$600.00
Lakeside (Chicot) School District	Quality Grant	\$800.00
Mineral Springs School District	Quality Grant	\$600.00
North Little Rock School District	Quality Grant	\$600.00
Sheridan School District	Quality Grant	\$800.00
Van Buren School District	Quality Grant	\$1,600.00
Vilonia School District	Quality Grant	\$1,200.00
Total		\$ 102,389,500.00

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
4.00 REFERRAL
Rev. July 2010

4.01 REFERRAL GENERALLY

4.01.1 If a child is suspected of having a disability which adversely affects educational performance and who by reason thereof, needs special education and related services, a referral may be made at any time to the local educational agency by -

4.01.1.1 The child's teacher;

4.01.1.2 Other educational personnel;

4.01.1.3 The child's parent(s);

4.01.1.4 The child; or

4.01.1.5 Other individuals with relevant knowledge of the child.

4.01.2 A referral is to be made in writing through the completion of the required Referral Form and provided to the principal or designee of the school in which the child is enrolled. Where the referral originates from a parent, an individual not associated with the school, or other agency personnel, an employee of the local educational agency where the child is enrolled must complete the Referral Form and forward it to the principal or designee of the school.

4.01.3 Informal data collection conducted pursuant to § 4.02 of this part must be completed prior to any referral conference.

4.01.4 Where appropriate, a child's parent(s) must be informed of the referral and shall be offered an explanation of its purpose.

4.02 CONTENT OF REFERRAL

Along with the information provided in the Referral Form, any information which may assist in determining whether or not a child is a child with a disability should be submitted, including, but not limited to -

- 4.02.1 The results of hearing and vision screening;
 - 4.02.2 Home or classroom behavior checklists;
 - 4.02.3 Existing medical, social, or educational data;
 - 4.02.4 Examples of the child's academic work; and
 - 4.02.5 Screening inventories.
- 4.03 NOTICE OF REFERRAL CONFERENCE
- 4.03.1 Within seven (7) calendar days of the date the local educational agency receives the written referral, the local educational agency must schedule a referral conference at a time and place agreed upon by the parent(s) and provide the parent(s) with written notification of the referral and referral conference consistent with the notice requirements established in §9.04 of these regulations.
 - 4.03.2 In addition to meeting the requirements of §9.04 of these regulations, notice of a referral conference must be provided to the parent(s) early enough to ensure that they will have an opportunity to attend and must include the time and location of the conference and who will be in attendance.
 - 4.03.3 The agency may provide initial notice to the parent(s) through the use of -
 - 4.03.3.1 Registered mail;
 - 4.03.3.2 Certified mail; or
 - 4.03.3.3 First class mail.
 - 4.03.4 If the parents do not respond to the initial written notice within seven (7) calendar days of its dissemination, a subsequent notice must be issued to the parents by any communication means necessary, specifying that the referral conference will be held seven (7) calendar days from the date of dissemination of the subsequent notice, but in no case more than 21 calendar days from receipt of the written referral.
 - 4.03.4.1 If the parents do not respond to the subsequent notice, the referral conference may be conducted without the parent in attendance.

4.03.4.2 If no parent can be identified or located after reasonable efforts by the agency or if the child is a ward of the State or an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434 a(6)), then a surrogate parent must be assigned to the child pursuant to §15.00 of these regulations.

4.03.5 The public agency shall maintain written documentation of its efforts to ensure that the requirements of §4.00 have been met.

4.04 REFERRAL CONFERENCE

4.04.1 If a child is referred to the local educational agency pursuant to §4.01, a referral conference must be held for the purpose of reviewing all existing information related to the child and to determine the actions to be taken.

4.04.2 The referral conference must be attended by at least three (3) persons, including the principal or a designee and one teacher directly involved in the education of the child. The conference may also be attended by the child, if appropriate, and by other individuals at the discretion of the parents or agency.

4.04.3 Decisions made at the referral conference must be recorded on the required Referral Conference Decision Form and signed by the principal or a designee. The Referral Conference Decision Form shall also include the names of the participants of the conference.

4.04.4 Options for referral conference outcomes include -

4.04.4.1 A decision to conduct a comprehensive evaluation of the child consistent with the eligibility criteria set out in §6.00 of these regulations;

4.04.4.2 A decision to conduct a specialized evaluation of the child consistent with the eligibility criteria set out in §6.00 of these regulations; or

4.04.4.3 A decision not to conduct an evaluation of the child.

4.04.5 Subsequent to the conclusion of the referral conference, the local educational agency must provide the parent written notice of the decision reached at the referral conference, consistent with § 9.04 of these regulations. If the parent was not present at the referral

conference, notice must be given to the parent within seven (7) calendar days after the referral conference by -

4.04.5.1 Registered mail;

4.04.5.2 Certified mail; or

4.04.5.3 First class mail.

4.04.6 If the local educational agency has reason to believe that the parent may require assistance in understanding the decision reached at the referral conference, a representative of the local educational agency must contact the parent by telephone or initiate a home visit to explain the decision.

4.05 TEMPORARY PLACEMENT DURING EVALUATION

4.05.1 If a referral conference results in a decision to evaluate a child, and existing data and educational observations establish the need for immediate intervention or differential diagnostic data gathering, the local educational agency, with the parent's written consent, may initiate a temporary placement for the child to provide special education and related services.

4.05.2 The temporary placement of a child is limited to sixty (60) calendar days, during which time the evaluation must be completed.

4.05.3 If a determination is made to initiate a temporary placement for a child, the reason(s) for such placement must be stated on the Referral Conference Decision Form, and an interim Individualized Educational Program must be developed and implemented for the period of time the student is in the temporary placement, not to exceed sixty (60) calendar days.

4.06 CONSENT TO EVALUATE

4.06.1 The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under 34 CFR 300.8 must, after providing notice consistent with 34 CFR 300.503 and 300.504, obtain informed consent, consistent with 34 CFR 300.1 from the parent of the child before conducting the evaluation.

- 4.06.1.1 Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.
- 4.06.1.2 The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.
- 4.06.2 For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if -
 - 4.06.2.1 Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;
 - 4.06.2.2 The rights of the parents of the child have been terminated in accordance with State law; or
 - 4.06.2.3 The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- 4.06.3 If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation under paragraph 4.06.1 of this section, or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards in subpart E of this part (including the mediation procedures under 34 CFR 300.506 or the due process procedures under 34 CFR 300.507 through 300.516), if appropriate, except to the extent inconsistent with State law relating to such parental consent.
 - 4.06.3.1 The public agency does not violate its obligation under 34 CFR 300.111 and 300.301 through 300.311 if it declines to pursue the evaluation.

4.06.4 Public agency personnel must also provide the parent with a copy of “Information for Parents Regarding Consent,” and must ensure that the parent understands the information it contains.

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
8.00 INDIVIDUALIZED EDUCATION PROGRAM (IEP)
Rev. July 2010

8.01 RESPONSIBILITY OF PUBLIC AGENCIES FOR IEPs

8.01.1 Each public agency shall ensure that -

8.01.1.1 Except as provided in 34 CFR 300.320 - 300.324 and this part of these regulations, an IEP is developed and implemented for each child with a disability served by that agency; and

8.01.1.2 An IEP is developed and implemented for each eligible child placed in or referred to a private school or facility by the public agency.

8.02 DEFINITIONS RELATED TO IEPs

8.02.1 Individualized Education Program. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with 34 CFR 300.320-300.324.

8.02.2 Participating Agency. As used in 34 CFR 300.324(c)(1) and §8.09 of these regulations, participating agency means a State or local agency, other than the public agency responsible for a student's education, that is financially and legally responsible for providing transition services to the student.

8.03 WHEN IEPs MUST BE IN EFFECT

8.03.1 General.

8.03.1.1 At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in 34 CFR 300.320.

8.03.2 Implementation of IEPs. Each public agency shall ensure that -

8.03.2.1 An IEP -

A. Is in effect before special education and

related services are provided to an eligible child under this part; and

- B. As soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

Exceptions to this would be when the meetings occur during the summer or other vacation period, or when there are circumstances which require a short delay, such as working out transportation arrangements. However, unless otherwise specified in the IEP, the IEP services must be provided as soon as possible, but not later than thirty (30) calendar days following the IEP meeting.

8.03.2.2 The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and

8.03.2.3 Each teacher and provider described in § 8.03.2.2 of this part is informed of -

- A. His or her specific responsibilities related to implementing the child's IEP; and
- B. The specific accommodations, modifications, and supports that must be provided for the child in accordance with the child's IEP.

8.03.3 IEPs for children who transfer public agencies in the same State.

8.03.3.1 If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described

in the child's IEP from the previous public agency), until the new public agency either -

- A. Adopts the child's IEP from the previous public agency; or
- B. Develops, adopts and implements a new IEP that meets the applicable requirements in 34 CFR 300.320 through 300.324.

8.03.4 IEPs for children who transfer from another State.

8.03.4.1 If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency -

- A. Conducts an evaluation pursuant to 34 CFR 300.304 through 300.306 (if determined to be necessary by the new public agency); and
- B. Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in 34 CFR 300.320 through 300.324.

8.03.5 Transmittal of records. To facilitate the transition for a child described in paragraph 8.03.3 and 8.03.4 of this section -

8.03.5.1 The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and

8.03.5.2 The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.

8.04 IEP MEETINGS

8.04.1 General.

8.04.1.1 Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability.

8.04.2 Initial IEPs; provision for services .

8.04.2.1 Each public agency must ensure that -

A. As set forth in §6.03.1.1 of these regulations, procedures for initial evaluation of a child must be completed within sixty (60) calendar days of the written parental consent to evaluate.

B. Within thirty (30) calendar days of completing the administration of tests and other evaluation materials, an Evaluation/ Programming Conference must be conducted by a group of qualified professionals and the parent of the child, as set out in §6.05.1.2 of these regulations and 34 CFR 300.321 for the purpose of determining the student's eligibility for special education and related services and the educational needs of the child and, if appropriate, develop an IEP for the child.

8.04.3 Review and revision of IEPs. Each public agency must ensure that the IEP team -

8.04.3.1 Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

8.04.3.2 Revises the IEP as appropriate to address -

- A. Any lack of expected progress toward the annual goals described in 34 CFR 300.320(a)(2) and §8.08.1 of these regulations, and in the general education curriculum, if appropriate;
- B. The results of any reevaluation conducted under 34 CFR 300.303 and §7.01, of these regulations;
- C. Information about the child provided to, or by, the parents, as described in 34 CFR 300.503(a)(2) and §6.05.1.1, of these regulations;
- D. The child’s anticipated needs; or
- E. Other matters.

8.05 IEP TEAM

8.05.1 General.

8.05.1.1 The public agency must ensure that the IEP team for each child with a disability includes -

- A. The parents of the child;
- B. Not less than a regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- C. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- D. A representative of the public agency who -
 - 1. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

- 2. Is knowledgeable about the general education curriculum; and
 - 3. Is knowledgeable about the availability of resources of the public agency.
- E. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in §§8.05.1.1B through 8.05.1.1F of this part;
- F. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- G. Whenever appropriate, the child with a disability.

8.05.2 Transition services participants.

- 8.05.2.1 Under § 8.05.1.1G of this part, the public agency must invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under 34 CFR 300.320(b).
- 8.05.2.2 If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered.
- 8.05.2.3 To the extent appropriate, with the consent of the parents or a child who has reached the age of majority in implementing the requirements of 34 CFR 300.3-321(b)(1) and § 8.08.2.2 of this part, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

- 8.05.2.4 If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with 34 CFR 300.320(b), the public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.
- 8.05.3 Determination of knowledge and special expertise.
 - 8.05.3.1 The determination of the knowledge or special expertise of any individual described in § 8.05.1.1F of this part must be made by the party (parents or public agency) who invited the individual to be a member of the IEP Team.
- 8.05.4 Designating a public agency representative.
 - 8.05.4.1 A public agency may designate a public agency member of the IEP Team to also serve as the agency representative, if the criteria in §8.05.1.1D of this part are satisfied.
- 8.05.5 IEP Team attendance.
 - 8.05.5.1 A member of the IEP Team described in 8.05.1.1B through 8.05.1.1E of this section is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
 - 8.05.5.2 A member of the IEP Team described in 8.05.5.1 of this section may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if -
 - A. The parent, in writing, and the public agency consent to the excusal; and

- B. The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

8.06 PARENT PARTICIPATION

8.06.1 Public agency responsibility.

8.06.1.1 Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including -

- A. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- B. Scheduling the meeting at a mutually agreed on time and place.

8.06.2 Information provided to parents.

8.06.2.1 The notice required under §8.06.1.1A of this part must -

- A. Indicate the purpose, time, and location of the meeting and who will be in attendance; and
- B. Inform the parents of the provisions in 34 CFR 300.321(a)(6) and (c) and §§8.05.1.1F and 8.05.3 of this part relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child.

8.06.2.2 For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger, if determined appropriate by the IEP Team, the notice also must -

- A. Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the child in accordance with 34 CFR 300.320(b) and §8.08.2.1 of this part;

- B. Indicate that the agency will invite the student; and
- C. Identify any other agency that will be invited to send a representative.

8.06.3 Other methods to ensure parent participation.

8.06.3.1 If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls consistent with 34 CFR 300.328 (related to alternative means of meeting participation).

8.06.4 Conducting an IEP Team meeting without a parent in attendance.

8.06.4.1 A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must keep a record of the attempts to arrange a mutually agreed on time and place, such as -

- A. Detailed records of telephone calls made or attempted and the results of those calls;
- B. Copies of correspondence sent to the parents and any responses received; and
- C. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

8.06.5 Use of interpreters or other action, as appropriate.

8.06.5.1 The public agency must take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

8.06.6 Parent copy of child's IEP.

8.06.6.1 The public agency must give the parent a copy of the child's IEP at no cost to the parent.

8.07 DEVELOPMENT, REVIEW, AND REVISION OF IEP

8.07.1 Development of IEP.

8.07.1.1 General. In developing each child's IEP, the IEP Team must consider -

- A. The strengths of the child and the concerns of the parents for enhancing the education of their child;
- B. The results of the initial or most recent evaluation of the child; and the academic, developmental, and functional needs of the child.
- C. As appropriate, the results of the child's performance on any general State or district-wide assessment programs.

8.07.1.2 Consideration of special factors. The IEP Team must -

- A. In the case of a child whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior. Such consideration may include the need to conduct a functional behavioral assessment (FBA) of the child and/or develop a behavior intervention plan (BIP) to address identified behavioral needs of the child. (See §11.00 of these regulations).
- B. In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
- C. In the case of a child who is blind or visually impaired, provide for instruction in

Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

- D. Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
- E. Consider whether the child needs assistive technology devices and services.

8.07.1.3 Additional FAPE considerations. The IEP Team must -

- A. Consider whether the child has available to him the variety of educational programs and services available to nondisabled children, including art, music, industrial arts, consumer and homemaking education, vocational education. This list of program options is not exhaustive and could include any program or activity in which nondisabled children participate.
- B. Consider whether the child is being afforded an equal opportunity for participation in nonacademic and extracurricular services and activities. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs

sponsored by the public agency and assistance in making outside employment available.

8.07.1.4 Agreement.

- A. In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.
- B. If changes are made to the child's IEP in accordance with paragraph A of this section, the public agency must ensure that the child's IEP Team is informed of those changes.

8.07.1.5 Consolidation of IEP Team meetings. To the extent possible, the public agency must encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.

8.07.1.6 Amendments. Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph A of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

8.07.2 Review and revision of IEP.

8.07.2.1 In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP Team shall consider the factors described in §8.07.1 of this part.

8.07.3 Requirement with respect to regular education teacher.

8.07.3.1 The regular education teacher of a child with a disability, as a member of the IEP Team, must, to

the extent appropriate, participate in the development, review, and revision of the IEP of the child, including assisting in the determination of -

- A. Appropriate positive behavioral interventions and supports and other strategies for the child; and
- B. Supplementary aids and services, program modifications, and support for school personnel consistent with 34 CFR 300.320(a)(4) and §8.08.1.3 of these regulations.

8.07.4 Construction.

8.07.4.1 Nothing in this part shall be construed to require the IEP Team to include information under one component of a child's IEP that is already contained under another component of the child's IEP; or

8.07.4.2 That additional information be included in a child's IEP beyond what is explicitly required in section 614 of the Act.

8.08 CONTENT OF IEP

8.08.1 General. The IEP for each child with a disability must include -

8.08.1.1 A statement of the child's present levels of academic achievement and functional performance, including -

- A. How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or meet each of the child's other educational needs that result from the child's disability;
- B. For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

8.08.1.2 A statement of measurable annual goals, including academic and functional goals designed to -

- A. Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
 - B. Meet each of the child's other educational needs that result from the child's disability;
- 8.08.1.3 For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;
- 8.08.1.4 A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child -
- A. To advance appropriately toward attaining the annual goals;
 - B. To be involved and make progress in the general curriculum in accordance with §8.08.1.1 of this part and to participate in extracurricular and other nonacademic activities; and
 - C. To be educated and participate with other children with disabilities and nondisabled children in the activities described in this part;
- 8.08.1.5 An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in §8.08.1.4 of this part;
- 8.08.1.6 A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance

of a child on State and district-wide assessments consistent with section 612(a)(16) of the Act; and

8.08.1.7 If the IEP team determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why -

- A. The child cannot participate in the regular assessment; and
- B. The particular alternate assessment selected is appropriate for the child; and

8.08.1.8 The projected date for the beginning of the services and modifications described in § 8.08.1.3 of this part, and the anticipated frequency, location, and duration of those services and modifications; and

8.08.1.9 A description of -

- A. How the child's progress toward meeting the annual goals described in §8.08.1.2 of this part will be measured; and
- B. When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

8.08.2 Transition services. The IEP must include –

8.08.2.1 Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger, if determined appropriate by the IEP Team and updated annually, thereafter, the IEP must include -

- A. Appropriate measurable post secondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and

- B. The transition services (including courses of study) needed to assist the child in reaching those goals.

8.08.3 Transfer of rights at age of majority.

8.08.3.1 In Arkansas, beginning not later than one year before the child reaches the age of majority under State law [age eighteen (18)], the child's IEP must include a statement that the child has been informed of his or her rights under Part B of the IDEA and §9.00 of these regulations, if any, that will transfer to the child on reaching the age of majority, consistent with 34 CFR 300.520 and §9.07 of these regulations.

8.08.3.2 The LEA must use the procedures established by the State for appointing the parent of a child with a disability, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined not to be incompetent, can be determined to have the ability to provide informed consent with respect to the child's educational program.

- A. In Arkansas, state statute at Arkansas Code Annotated §28-65-101 et seq. and §28-65-202 et seq. provides a mechanism whereby any individual may file a petition for the appointment of himself or herself or some other qualified person as guardian of an incapacitated person. It is appropriate for the LEA to inform the parent of a student who may be determined to not have the ability to provide informed consent with respect to his/her education program to seek to obtain such legal guardianship from an appropriate circuit or juvenile court, dependent upon the age and status of the youth or young adult in question.

8.08.4 Students with disabilities convicted as adults and incarcerated in adult prisons.

8.08.4.1 Special rules concerning the content of IEPs for children with disabilities convicted as adults and incarcerated in adult prisons include requirements that do not apply to these populations, as follows -

- A. The requirements contained in section 612(a)(16) of the Act and 34 CFR 300.320(a)(6) and §§8.08.1.5 and 8.08.1.6 of these regulations, relating to the participation of children with disabilities in general assessments; and
- B. The requirements in 34 CFR 300.320(b) and §8.08.2 of these regulations relating to transition planning and transition services, with respect to children whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

8.08.4.2 Modifications of IEP or placement.

- A. Subject to §8.08.4.2B of this part, the IEP Team of a child with a disability who is convicted as an adult under State law and incarcerated in an adult prison, may modify the child's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.
- B. The requirements of 34 CFR 300.320 and §§8.02.1 and 8.08.1 of these regulations, relating to IEPs, and 34 CFR 300.112 and §13.01.1 of these regulations relating to LRE, do not apply with respect to the modifications described in § 8.08.4.2A.

8.09 AGENCY RESPONSIBILITIES FOR TRANSITION SERVICES

- 8.09.1 If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with 34 CFR 300.320(b) and §8.08.2.1 of these regulations, the public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.
- 8.09.2 Nothing in this part relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency.

8.10 PRIVATE SCHOOL PLACEMENTS BY PUBLIC AGENCIES

- 8.10.1 Developing IEPs.
 - 8.10.1.1 Before a public agency places a child with a disability in, or refers a child to, a private school or facility, the agency must initiate and conduct a meeting to develop an IEP for the child in accordance with 34 CFR 300.320 and 300.324 and §§8.07 and 8.08 of these regulations.
 - 8.10.1.2 The agency must ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the agency must use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.
- 8.10.2 Reviewing and revising IEPs.
 - 8.10.2.1 After a child with a disability enters a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of the public agency.
 - 8.10.2.2 If the private school or facility initiates and conducts these meetings, the public agency must ensure that the parents and an agency representative-

- A. Are involved in any decisions about the child's IEP; and
- B. Agree to any proposed changes in the IEP before those changes are implemented.

8.10.3 Responsibility.

- 8.10.3.1 Even if a private school or facility implements a child's IEP, responsibility for compliance with this part remains with the public agency and the SEA.

REFERRAL FORM

Child: _____ Sex: _____ ID# _____

Race (Check all that apply): Hispanic American Indian/Alaskan Native Asian Black Hawaiian/ Pacific Islander White

Date of Birth: _____ Age: _____ Grade: _____ Public Agency: _____

Name of person(s) referring child: _____ Date: _____

Name and address of parent/guardian: _____ Phone: (Home) _____ (Work) _____

_____ Native Language/Mode of Communication of Parent:

_____ English Other (Specify) _____

_____ Interpreter Needed? Yes No

_____ Native Language/Mode of Communication of Child:

_____ English Other (Specify) _____

Description of academic/developmental, and/or behavioral performance which prompted referral:

Current program: _____

Please summarize and/or attach any additional information which would assist in determining the nature of the child's developmental/learning problems (pre-referral data/early intervening services including, but not limited to response to intervention by scientifically research based evidence; screening inventories; services; programs; home or classroom behavior checklists; existing medical, social, developmental/educational data; and/or samples of the child's work).

Has student repeated a grade? Yes No, Which grade? _____ Attendance: _____ days absent this school year (K-12)

What strategies/methods have been used to improve academic/developmental, and/or behavioral performance?

What are the child's strengths? _____

Hearing Screening: Date: _____ Results: _____ Prior Special Education Referral? Yes No

Vision Screening: Date: _____ Results: _____ When? _____

Public Agency Official/Designee Receiving Referral

(Date)

REVOCAION OF PARENTAL CONSENT FOR PLACEMENT

I, _____, revoke my consent for _____
(Parent or Guardian) (Student's Name)

to receive special education and related services from _____.
(Public Agency)

Parent/Guardian's Signature

Date

CONFIRMATION

Based on your written notice dated _____ to revoke your consent for
_____ to receive special education and related services,
(Student's Name)

the _____ will not continue to provide such
(Public Agency)

services after providing you with prior written notice, as required by the IDEA, before
discontinuing those services.

Public Agency Authorized Representative

Date

TRAUMATIC BRAIN INJURY EARLY CHILDHOOD SPECIAL EDUCATION

I. DEFINITION

“Traumatic brain injury” means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child’s developmental/educational performance. The term applies to open- or closed-head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

II. SCREENING INFORMATION

A. Required

1. Hearing
2. Vision
3. Formal measures of -
 - a. Development (May include the areas of cognition, motor, social/emotional, self-help)
 - b. Speech/language

B. Recommended

1. Informal measures, such as -
 - a. Observation;
 - b. Medical history;
 - c. Anecdotal records; and/or
 - d. Interviews (Parents, teachers, family members).

III. REQUIRED EVALUATION DATA

- C. **Social History** (Emphasis on developmental, family and health/medical history)
- D. **Assessment**
 - 1. Medical (Required)
 - a. Physical examination
 - b. Specialized (Neurological, and others as indicated)
 - 2. Cognitive/Intellectual Abilities (One required)
 - 3. Social/Emotional (One adaptive behavior assessment required)
 - 4. Self-help (May be included in the adaptive behavior, cognitive/intellectual and/or the programming assessments)
 - 5. Communicative Abilities (Both receptive and expressive required)
 - 6. Motor (If indicated)
 - 7. Neuropsychological assessment **or** appropriate medical statement from a licensed physician confirming presence of a traumatic brain injury (Required)
 - 8. Programming (One criterion or curriculum-based measure required)

IV. EVALUATION DATA ANALYSIS

Formal assessment of the child with traumatic brain injury should include a baseline evaluation. Because of the dynamic nature of TBI, it is recommended that the testing format include informal assessment and diagnostic teaching to complement formal testing. It is important to consider the child's pre-injury learning styles and knowledge base. Previous history may serve as a baseline to compare pre-injury skills with postinjury performance. Once baseline levels are obtained, periodic and frequent review/evaluation should occur to document progress and changes in the child's needs.

It is important to note that symptoms following the traumatic brain injury are dependent upon the state of brain function in relation to the environmental

demands upon the child. Therefore, while standardized tests are important, one cannot necessarily rely upon their interpretation to guide teachers toward effective teaching, particularly if that interpretation is used as a predictor of developmental achievement. The scores derived on evaluations administered to children with TBI must be interpreted differently from scores of other children, in that these test results reflect only that the child could perform the task demanded by the specific test items. However, these results do not predict future performance. For example, it is not uncommon for a child to score average or above on a standardized test of cognitive ability in a clinical setting. The child's overt appearances may indicate everything is intact, but upon return to preschool, or shortly thereafter, the child exhibits a variety of problems. This may include changes in social/conduct behaviors; the ability to initiate, sustain and complete mental operations; or to work and learn at the rate that material is presented. The problems are not necessarily in learning pre-academic skills, but pertain to social-emotional changes in addition to the learning and communication processes involved. The more informative assessments will measure social and conduct behaviors and communication skills, as well the child's ability to learn, and to execute or remember a variety of tasks under imposed time limits. Observational and anecdotal data may provide additional information for programming.

- A.** To be eligible for early childhood special education and related services as a child with traumatic brain injury, the following must be present -
 - 1.** A written statement from a physician, to include -
 - a.** Diagnosis of traumatic brain injury consistent with federal definition;
 - b.** Physical and preschool limitations;
 - c.** Medication need;
 - d.** Seizure management (If applicable)
 - 2.** Justification of the adverse affect on developmental/ educational performance which is attributed to the traumatic brain injury resulting in the corresponding need for early childhood special education and related services.

TRAUMATIC BRAIN INJURY

I. DEFINITION

"Traumatic brain injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

II. POSSIBLE REFERRAL CHARACTERISTICS

The effects of a traumatic brain injury (TBI) can be catastrophic or may lead to only slight damage. Characteristics of individuals with traumatic brain injury may be present to varying degrees, range in severity, and may be influenced by environmental changes, changes in task demands and/or the recovery process. These characteristics may include, but are not limited to, the following:

A. Cognitive Behaviors

1. Difficulty in initiating, organizing and completing tasks
2. Inconsistency in recall of information
3. Difficulty in using appropriate judgment
4. Difficulty with long-term memory
5. Difficulty with short-term memory
6. Difficulty in maintaining attention and concentration
7. Difficulty with flexibility in thinking, reasoning and problem-solving
8. Difficulty with orientation to person, places and/or time
9. Difficulty with speed of processing information
10. Exhibits gaps in task analysis

B. Communicative Behaviors (May range from nonspeaking to subtle difficulty in communication)

1. Difficulty in initiating, maintaining, restructuring and terminating conversation
2. Difficulty in maintaining the topic of conversation
3. Difficulty in discriminating relevant from irrelevant information
4. Difficulty in producing relevant speech
5. Difficulty responding to verbal communication in a timely, accurate, and efficient manner
6. Difficulty in understanding verbal information
7. Difficulty with word retrieval
8. Difficulty with articulation (which may include apraxia and/or dysarthria)
9. Difficulty with voice production (such as intensity, pitch and/or quality)
10. Difficulty in producing fluent speech
11. Difficulty in formulating and sequencing ideas
12. Difficulty with abstract and figurative language
13. Difficulty with perseverated speech (repetition of words, phrases, and topics)
14. Difficulty using appropriate syntax
15. Difficulty using language appropriately (such as requesting information, predicting, debating, and using humor)
16. Difficulty in understanding and producing written communication
17. Difficulty with noise overload

18. Difficulty in interpreting subtle verbal and nonverbal cues during conversation

C. Social-Emotional Behaviors

1. Difficulty in perceiving, evaluating and using social cues and context appropriately
2. Difficulty in initiating and sustaining appropriate peer and family relationships
3. Difficulty in demonstrating age-appropriate behavior
4. Difficulty in coping with over-stimulating environments
5. Denial of deficits affecting performance
6. Difficulty in establishing and maintaining self-esteem
7. Difficulty with using self-control (verbal and physical aggression)
8. Difficulty with speaking and acting impulsively
9. Difficulty in initiating activities
10. Difficulty in adjusting to change
11. Difficulty in compliance with requests
12. Difficulty with hyperactivity
13. Intensification of pre-existent maladaptive behaviors and/or disabilities

D. Physical Impairments

1. Exhibits short-term or long-term physical disabilities
2. Displays seizure activity
3. Difficulty in spatial orientation (visual motor/ perceptual)
4. Difficulty with mobility and independence (to include problems in balance, strength, muscle tone, equilibrium and gross motor skills)

5. Difficulty with vision (which may include tracking, blind spots and/or double vision)
6. Difficulty with dizziness (vertigo)
7. Difficulty with auditory skills (which may include hearing loss and/or processing problems)
8. Difficulty with fine motor skills (dexterity)
9. Difficulty in speed of processing and motor response time
10. Difficulty with skills that affect eating and speaking (voluntary and involuntary)
11. Difficulty with bowel and/or bladder control
12. Displays premature puberty
13. Loss of stamina and/or sense of fatigue
14. Difficulty in administering self-care (such as independent feeding, grooming and toileting)

III. SCREENING INFORMATION

A. Required

1. Hearing
2. Vision

B. Recommended

1. Formal (Not applicable)
2. Informal
 - a. Observation
 - b. Medical history
 - c. Anecdotal records
 - d. School records

- e. Interviews (parents, teachers, peers)

IV. REQUIRED EVALUATION DATA

- A. Social History**
- B. Individual Intelligence (One required)**
- C. Individual Achievement (One required)**
- D. Adaptive Behavior (One required)**
- E. Communicative Abilities (Both receptive and expressive required)**
- F. Other**
 - 1. Neuropsychological assessment **or** appropriate medical statement from a licensed physician confirming presence of a traumatic brain injury (Required)
 - 2. Specific subject areas (Required--each suspected area of deficit must assessed)
 - 3. Medical (Required)
 - a. Physical examination
 - b. Specialized (Neurological, and others as indicated)

V. OPTIONAL EVALUATION DATA

(Suggested for acquiring additional baseline functioning and programming information)

- A. Memory (Long- and short-term)**
 - 1. Auditory
 - 2. Visual
- B. Learning Processes**
 - 1. Visual perception
 - 2. Auditory perception

- 3. Perceptual-motor development
- C. **Behavior Assessment (Including observation across a variety of settings)**
- D. **Vocational Assessment**

Traumatic brain injury often results in diverse impairments that may be either temporary or permanent, contributing to partial or total disability. Unfortunately, the injury often intensifies pre-existent maladaptive behaviors or disabilities. To complicate the situation further, the student with traumatic brain injury may experience erratic changes in behaviors, especially during the first five years after the injury occurred. Since symptoms may change, even disappear, periodic reevaluations are necessary to monitor the progress of the brain-injured student.

An individual should be designated as responsible for the coordination of periodic reviews of progress and reevaluation of functional levels and status of needs.

VI. EVALUATION DATA ANALYSIS

Formal assessment of the student with traumatic brain injury should include a baseline evaluation. Because of the dynamic nature of TBI, it is recommended that the testing format include informal assessment and diagnostic teaching to complement formal testing. It is important to consider the student's pre-injury learning styles and knowledge base. Previous history may serve as a baseline to compare pre-injury skills with post-injury performance. Once baseline levels are obtained, periodic and frequent review/ evaluation should occur to document progress and changes in the student's needs.

It is important to note that symptoms following the traumatic brain injury are dependent upon the state of brain function in relation to the environmental demands upon the student. Therefore, while standardized tests are important, one cannot necessarily rely upon their interpretation to guide teachers toward effective teaching, particularly if that interpretation is used as a predictor of classroom abilities.

The scores derived on psychological and academic evaluations administered to students with TBI must be interpreted differently from scores of other students, in that these test results reflect only that the students could perform the task demanded by the specific test items. However, these results do not predict future performance. For example, it is not uncommon for a student to score average or above on standardized tests of intelligence in a clinical setting. The student's overt appearances may indicate everything is intact, but upon return to school or shortly

thereafter, the student exhibits a variety of problems. This may include changes in social/conduct behaviors and the ability to work independently; to initiate, sustain and complete mental operations; or to work and learn at the rate that material is presented. The problems are not necessarily in learning academic content, but pertain to social-emotional changes in addition to the learning and communication processes involved.

The more informative assessments will measure social and conduct behaviors and communication skills, as well as the student's ability to learn and to execute or remember a variety of tasks under imposed time limits. Observational and anecdotal data may provide additional information for programming.

A. To be eligible for special education and related services as a student with traumatic brain injury, the following must be present:

1. A written statement from a physician to include:
 - a. Diagnosis of traumatic brain injury consistent with the federal definition;
 - b. Physical and school limitations;
 - c. Medication needs;
 - d. Seizure management (if applicable)
2. Justification of the adverse affect on educational performance which is attributed to the traumatic brain injury resulting in the corresponding need for special education and related services.

VII. PROGRAMMING CONSIDERATIONS

It is critical to consider each student's needs and environment carefully in order to provide effective services and to develop programming tailored to the student. The nature of TBI is one of change and unpredictability. No two students with traumatic brain injury function alike, because each has a unique profile depending on the location and extent of brain damage and environmental factors. For example, a student with an injury that affects his/her vision will have a very different set of problems and needs than one with an injury that primarily affects the speech areas of the brain. The effects of a brain injury may lead to only slight damage in one or a few areas or it can be catastrophic in nature.

Depending on the effects of the brain injury, students with TBI may require monitoring or direct care for immediate and long-term medical and physical

needs. Physical care and support may be the most crucial consideration for some students with brain injuries.

When there are physical needs, careful planning and coordination are essential. Oversight management of the medical/health care needs of the student remains with the student's primary physician. However, other health care providers, including those at the school, most likely will be part of the team involved in developing and implementing a health care plan which addresses both crisis situations and long-term interventions.

Programming considerations will vary among students with TBI due to the effects of the brain injury. They may change for any one student due to fluctuations in recovery rate, and students may perform various academic skills with different levels of proficiency. TBI may cause problems with all, some or none of the academic skills that the student possessed before the injury. The student may need to continue to develop skills that are intact and to relearn those which are affected.

Students with TBI have specific, sometimes intense, additional needs and often require more time and intensive instruction in order to learn. Thus, modifications in the existing school environment, curriculum, instruction and schedule may be necessary for the student who has sustained a traumatic brain injury to be successful in school. An expanded curriculum may be necessary for effective instruction, including strands such as differentiated academics, life skills and developmental/compensatory skills. In addition, personnel working with this population should be aware that some adjustments in typical outcomes, expectations and instructional activities may be necessary.

GENERAL INFORMATION

PRIOR WRITTEN NOTICE

34 CFR §300.503

Notice

Your school district must give you written notice (provide you certain information in writing), whenever it:

1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; or
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child.

Content of notice

The written notice must:

1. Describe the action that your school district proposes or refuses to take;
2. Explain why your school district is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA;
5. Tell you how you can obtain a description of the procedural safeguards if the action that your school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of the IDEA;
7. Describe any other choices that your child's individualized education program (IEP) Team considered and the reasons why those choices were rejected; and
8. Provide a description of other reasons why your school district proposed or refused the action.

Notice in understandable language

The notice must be:

1. Written in language understandable to the general public; and
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, your school district must ensure that:

1. The notice is translated for you orally by other means in your native language or other mode of communication;
2. You understand the content of the notice; and
3. There is written evidence that 1 and 2 have been met.

NATIVE LANGUAGE

34 CFR §300.29

Native language, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a child, the language normally used by the child's parents;
2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

ELECTRONIC MAIL

34 CFR §300.505

If your school district offers parents the choice of receiving documents by e-mail, you may choose to receive the following by e-mail:

1. Prior written notice;
2. Procedural safeguards notice; and
3. Notices related to a due process complaint.

PARENTAL CONSENT - DEFINITION

34 CFR §300.9

Consent

Consent means:

1. You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.

2. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; and
3. You understand that the consent is voluntary on your part and you may withdraw your consent at anytime.

If you wish to revoke (cancel) your consent after your child has begun receiving special education and related services, you must do so in writing. Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent but before you withdrew it. In addition, the school district is not required to amend (change) your child's education records to remove any references that your child received special education and related services after your withdrawal of consent.

PARENTAL CONSENT

34 CFR §300.300

Consent for initial evaluation

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and obtaining your consent as described under the heading **Parental Consent**.

Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.

Your consent for initial evaluation does not mean that you have also given your consent for the school district to start providing special education and related services to your child.

Your school district may not use your refusal to consent to one service or activity related to the initial evaluation as a basis for denying you or your child any other service, benefit, or activity, unless another Part B requirement requires the school district to do so.

If your child is enrolled in public school or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by utilizing the Act's mediation or due process complaint, resolution meeting, and impartial due process hearing procedures. Your school district will not violate its obligations to locate, identify and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

Special rules for initial evaluation of wards of the State

If a child is a ward of the State and is not living with his/her parent —

The school district does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

1. Despite reasonable efforts to do so, the school district cannot find the child's parent;
2. The rights of the parents have been terminated in accordance with State law; or
3. A judge has assigned the right to make educational decisions to an individual other than the parent and that individual has provided consent for an initial evaluation.

Ward of the State, as used in the IDEA, means a child who, as determined by the State where the child lives, is:

1. A foster child;
2. Considered a ward of the State under State law; or
3. In the custody of a public child welfare agency.

Ward of the State does not include a foster child who has a foster parent.

Parental consent for services

Your school district must obtain your informed consent before providing special education and related services to your child for the first time.

The school district must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent, your school district may not use the procedural safeguards (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) may be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent or later revoke (cancel) your consent in writing and the school district does not provide your child with the special education and related services for which it sought your consent, your school district:

1. Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; and
2. Is not required to have an individualized education program (IEP) meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

If you revoke (cancel) your consent in writing at any point after your child is first provided special education and related services, the school district may not continue to

provide such services, but must provide you with prior written notice, as described under the heading ***Prior Written Notice, before discontinuing those services.***

Parental consent for reevaluations

Your school district must obtain your informed consent before it reevaluates your child, unless your school district can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; and
2. You did not respond.

If you refuse to consent to your child's reevaluation, the school district may, but is not required to, pursue your child's reevaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation. As with initial evaluations, your school district does not violate its obligations under Part B of the IDEA if it declines to pursue the reevaluation in this manner.

Documentation of reasonable efforts to obtain parental consent

Your school must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluation and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; and
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

Other consent requirements

Your consent is not required before your school district may:

1. Review existing data as part of your child's evaluation or a reevaluation; or
2. Give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from all parents of all children.

Your school district may not use your refusal to consent to one of these services or activities as a basis for denying any other service, benefit, or activity unless another Part B requirement requires the school district to do so.

If you have enrolled your child in a private school at your own expense or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, the school district may not use its dispute resolution procedures (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) and is not required to consider your child as eligible to receive equitable

services (services made available to parentally-placed private school children with disabilities).

INDEPENDENT EDUCATIONAL EVALUATIONS

34 CFR §300.502

General

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district.

If you request an independent educational evaluation, the school district must provide you with information about where you may obtain an independent educational evaluation and about the school district's criteria that apply to independent educational evaluations.

Definitions

Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of the IDEA, which allow each State to use whatever State, local, Federal and private sources of support are available in the State to meet the requirements of Part B of the Act.

Parent right to evaluation at public expense

You have the right to an independent educational evaluation of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions:

1. If you request an independent educational evaluation of your child at public expense, your school district must, without unnecessary delay, either: (a) File a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or (b) Provide an independent educational evaluation at public expense, unless the school district demonstrates in a hearing that the evaluation of your child that you obtained did not meet the school district's criteria.
2. If your school district requests a hearing and the final decision is that your school district's evaluation of your child is appropriate, you still have the right to an independent educational evaluation, but not at public expense.
3. If you request an independent educational evaluation of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and

may not unreasonably delay either providing the independent educational evaluation of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district's evaluation of your child.

You are entitled to only one independent educational evaluation of your child at public expense each time your school district conducts an evaluation of your child with which you disagree.

Parent-initiated evaluations

If you obtain an independent educational evaluation of your child at public expense or you share with the school district an evaluation of your child that you obtained at private expense:

1. Your school district must consider the results of the evaluation of your child, if it meets the school district's criteria for independent educational evaluations, in any decision made with respect to the provision of a free appropriate public education (FAPE) to your child; and
2. You or your school district may present the evaluation as evidence at a due process hearing regarding your child.

Requests for evaluations by hearing officers

If a hearing officer requests an independent educational evaluation of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

School district criteria

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an independent educational evaluation).

Except for the criteria described above, a school district may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

Confidentiality of Information

DEFINITIONS

34 CFR §300.611

As used under the heading **Confidentiality of Information**:

- *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

- *Education records* means the type of records covered under the definition of “education records” in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).
- *Participating agency* means any school district, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

PERSONALLY IDENTIFIABLE

34 CFR §300.32

Personally identifiable means information that has:

- (a) Your child's name, your name as the parent, or the name of another family member;
- (b) Your child's address;
- (c) A personal identifier, such as your child's social security number or student number; or
- (d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

NOTICE TO PARENTS

34 CFR §300.612

The State Educational Agency must give notice that is adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the State;
2. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
4. A description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99.

Before any major identification, location, or evaluation activity (also known as “child find”), the notice must be published or announced in newspapers or other media, or

both, with circulation adequate to notify parents throughout the State of the activity to locate, identify, and evaluate children in need of special education and related services.

ACCESS RIGHTS

34 CFR §300.613

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by your school district under Part B of the IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an individualized education program (IEP), or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the participating agency provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; and
3. Your right to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.

RECORD OF ACCESS

34 CFR §300.614

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

RECORDS ON MORE THAN ONE CHILD

34 CFR §300.615

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

LIST OF TYPES AND LOCATIONS OF INFORMATION

34 CFR §300.616

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

FEES

34 CFR §300.617

Each participating agency may charge a fee for copies of records that are made for you under Part B of the IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records.

A participating agency may not charge a fee to search for or to retrieve information under Part B of the IDEA.

AMENDMENT OF RECORDS AT PARENT'S REQUEST

34 CFR §300.618

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information.

The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose as described under the heading ***Opportunity For a Hearing***.

OPPORTUNITY FOR A HEARING

34 CFR §300.619

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

HEARING PROCEDURES

34 CFR §300.621

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the Family Educational Rights and Privacy Act (FERPA).

RESULT OF HEARING

34 CFR §300.620

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must change the information accordingly and inform you in writing.

If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; and
2. If the participating agency discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

34 CFR §300.622

Unless the information is contained in education records, and the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act (FERPA), your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA.

Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

SAFEGUARDS

34 CFR §300.623

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding your State's policies and procedures regarding confidentiality under Part B of the IDEA and the Family Educational Rights and Privacy Act (FERPA).

Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

DESTRUCTION OF INFORMATION

34 CFR §300.624

Your school district must inform you when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child.

The information must be destroyed at your request. However, a permanent record of your child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

STATE COMPLAINT PROCEDURES

DIFFERENCE BETWEEN DUE PROCESS HEARING COMPLAINT AND STATE COMPLAINT PROCEDURES

The regulations for Part B of IDEA set forth separate procedures for State complaints and for due process complaints and hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any Part B requirement by a school district, the State Educational Agency, or any other public agency. Only you or

a school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE) to the child. While staff of the State Educational Agency generally must resolve a State complaint within a 60-calendar-day timeline, unless the timeline is properly extended, an impartial due process hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45-calendar-days after the end of the resolution period, as described in this document under the heading Resolution Process, unless the hearing officer grants a specific extension of the timeline at your request or the school district's request. The State complaint and due process complaint, resolution and hearing procedures are described more fully below.

ADOPTION OF STATE COMPLAINT PROCEDURES

34 CFR §300.151

General

Each State Educational Agency must have written procedures for:

1. Resolving any complaint, including a complaint filed by an organization or individual from another State;
2. The filing of a complaint with the State Educational Agency;
3. Widely disseminating the State complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

Remedies for denial of appropriate services

In resolving a State complaint in which the State Educational Agency has found a failure to provide appropriate services, the State Educational Agency must address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the child; and
2. Appropriate future provision of services for all children with disabilities.

MINIMUM STATE COMPLAINT PROCEDURES

34 CFR §300.152

Time limit; minimum procedures

Each State Educational Agency must include in its State complaint procedures a time limit of 60 calendar days after a complaint is filed to:

1. Carry out an independent on-site investigation, if the State Educational Agency determines that an investigation is necessary;

2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the school district or other public agency with the opportunity to respond to the complaint, including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint; and (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;
4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; and
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; and (b) the reasons for the State Educational Agency's final decision.

Time extension; final decision; implementation

The State Educational Agency's procedures described above also must:

1. Permit an extension of the 60 calendar-day time limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; **or** (b) the parent and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation or alternative means of dispute resolution, if available in the State.
2. Include procedures for effective implementation of the State Educational Agency's final decision, if needed, including: (a) technical assistance activities; (b) negotiations; and (c) corrective actions to achieve compliance.

State complaints and due process hearings

If a written State complaint is received that is also the subject of a due process hearing as described below under the heading ***Filing a Due Process Complaint***, or the State complaint contains multiple issues of which one or more are part of such a hearing, the State must set aside the State complaint, or any part of the State complaint that is being addressed in the due process hearing until the hearing is over. Any issue in the State complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above.

If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties (you and the school district), then the due process hearing decision is binding on that issue and the State Educational Agency must inform the complainant that the decision is binding.

A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by the State Educational Agency.

FILING A COMPLAINT

34 CFR §300.153

An organization or individual may file a signed written State complaint under the procedures described above.

The State complaint must include:

1. A statement that a school district or other public agency has violated a requirement of Part B of the IDEA or its regulations;
2. The facts on which the statement is based;
3. The signature and contact information for the complainant; and
4. If alleging violations regarding a specific child:
 - (a) The name of the child and address of the residence of the child;
 - (b) The name of the school the child is attending;
 - (c) In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending;
 - (d) A description of the nature of the problem of the child, including facts relating to the problem; and
 - (e) A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received as described under the heading ***Adoption of State Complaint Procedures***.

The party filing the State complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time the party files the complaint with the State Educational Agency.

Due Process Complaint Procedures

FILING A DUE PROCESS COMPLAINT

34 CFR §300.507

General

You or the school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child.

The due process complaint must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file a due process complaint within the timeline because:

1. The school district specifically misrepresented that it had resolved the issues identified in the complaint; or
2. The school district withheld information from you that it was required to provide you under Part B of the IDEA.

Information for parents

The school district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, or if you or the school district file a due process complaint.

DUE PROCESS COMPLAINT

34 CFR §300.508

General

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must submit a due process complaint to the other party. That complaint must contain all of the content listed below and must be kept confidential.

You or the school district, whichever one filed the complaint, must also provide the State Educational Agency with a copy of the complaint.

Content of the complaint

The due process complaint must include:

1. The name of the child;
2. The address of the child's residence;
3. The name of the child's school;
4. If the child is a homeless child or youth, the child's contact information and the name of the child's school;
5. A description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; and
6. A proposed resolution of the problem to the extent known and available to you or the school district at the time.

Notice required before a hearing on a due process complaint

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district's attorney), files a due process complaint that includes the information listed above.

Sufficiency of complaint

In order for a due process complaint to go forward, it must be considered sufficient. The due process complaint will be considered sufficient (to have met the content requirements above) unless the party receiving the due process complaint (you or the school district) notifies the hearing officer and the other party in writing, within 15 calendar days of receiving the complaint, that the receiving party believes that the due process complaint does not meet the requirements listed above.

Within five calendar days of receiving the notification the receiving party (you or the school district) considers a due process complaint insufficient, the hearing officer must decide if the due process complaint meets the requirements listed above, and notify you and the school district in writing immediately.

Complaint amendment

You or the school district may make changes to the complaint only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described below; or
2. By no later than five days before the due process hearing begins, the hearing officer grants permission for the changes.

If the complaining party (you or the school district) makes changes to the due process complaint, the timelines for the resolution meeting (within 15 calendar days of receiving the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

Local educational agency (LEA) or school district response to a due process complaint

If the school district has not sent a prior written notice to you, as described under the heading **Prior Written Notice**, regarding the subject matter contained in your due process complaint, the school district must, within 10 calendar days of receiving the due process complaint, send to you a response that includes:

1. An explanation of why the school district proposed or refused to take the action raised in the due process complaint;
2. A description of other options that your child's individualized education program (IEP) Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; and

4. A description of the other factors that are relevant to the school district's proposed or refused action.

Providing the information in items 1-4 above does not prevent the school district from asserting that your due process complaint was insufficient.

Other party response to a due process complaint

Except as stated under the sub-heading immediately above, ***Local educational agency (LEA) or school district response to a due process complaint***, the party receiving a due process complaint must, within 10 calendar days of receiving the complaint, send the other party a response that specifically addresses the issues in the complaint.

MODEL FORMS

34 CFR §300.509

The State Educational Agency must develop model forms to help you file a due process complaint and a State complaint. However, your State or the school district may not require you to use these model forms. In fact, you can use this form or another appropriate model form, so long as it contains the required information for filing a due process complaint or a State complaint.

MEDIATION

34 CFR §300.506

General

The school district must make mediation available to allow you and the school district to resolve disagreements involving any matter under Part B of the IDEA, including matters arising prior to the filing of a due process complaint. Thus, mediation is available to resolve disputes under Part B of the IDEA, whether or not you have filed a due process complaint to request a due process hearing as described under the heading ***Filing a Due Process Complaint***.

Requirements

The procedures must ensure that the mediation process:

1. Is voluntary on your part and the school district's part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights you have under Part B of the IDEA; and
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The school district may develop procedures that offer parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to you, with a disinterested party:

1. Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the State; and
2. Who would explain the benefits and encourage the use of the mediation process to you.

The State must have a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services. The State Educational Agency must select mediators on a random, rotational, or other impartial basis.

The State is responsible for the cost of the mediation process, including the costs of meetings.

Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the school district.

If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
2. Is signed by both you and a representative of the school district who has the authority to bind the school district.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under State law to hear this type of case) or in a district court of the United States.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any Federal court or State court of a State receiving assistance under Part B of IDEA.

Impartiality of mediator

The mediator:

1. May not be an employee of the State Educational Agency or the school district that is involved in the education or care of your child; and
2. Must not have a personal or professional interest which conflicts with the mediator's objectivity.

A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency or school district to serve as a mediator.

THE CHILD'S PLACEMENT WHILE THE DUE PROCESS COMPLAINT AND HEARING ARE PENDING

34 CFR §300.518

Except as provided below under the heading ***PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES***, once a due process complaint is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the State or school district agree otherwise, your child must remain in his or her current educational placement.

If the due process complaint involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process complaint involves an application for initial services under Part B of the IDEA for a child who is transitioning from being served under Part C of the IDEA to Part B of the IDEA and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child has been receiving. If the child is found eligible under Part B of the IDEA and you consent for the child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

RESOLUTION PROCESS

34 CFR §300.510

Resolution meeting

Within 15 calendar days of receiving notice of your due process complaint, and before the due process hearing begins, the school district must convene a meeting with you and the relevant member or members of the individualized education program (IEP) Team who have specific knowledge of the facts identified in your due process complaint. The meeting:

1. Must include a representative of the school district who has decision-making authority on behalf of the school district; and
2. May not include an attorney of the school district unless you are accompanied by an attorney.

You and the school district determine the relevant members of the IEP Team to attend the meeting.

The purpose of the meeting is for you to discuss your due process complaint, and the facts that form the basis of the complaint, so that the school district has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

1. You and the school district agree in writing to waive the meeting; or
2. You and the school district agree to use the mediation process, as described under the heading ***Mediation***.

Resolution period

If the school district has not resolved the due process complaint to your satisfaction within 30 calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting.

If after making reasonable efforts and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that a hearing officer dismiss your due process complaint. Documentation of such efforts must include a record of the school district's attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process complaint or fails to participate in the resolution meeting, you may ask a hearing officer to order that the 45-calendar-day due process hearing timeline begin.

Adjustments to the 30-calendar-day resolution period

If you and the school district agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the school district agree in writing that no agreement is possible, then the 45-calendar-day timeline for the due process hearing starts the next day.

If you and the school district agree to use the mediation process, at the end of the 30-calendar-day resolution period, both parties can agree in writing to continue the mediation until an agreement is reached. However, if either you or the school district

withdraws from the mediation process, then the 45-calendar-day timeline for the due process hearing starts the next day.

Written settlement agreement

If a resolution to the dispute is reached at the resolution meeting, you and the school district must enter into a legally binding agreement that is:

1. Signed by you and a representative of the school district who has the authority to bind the school district; and
2. Enforceable in any State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States or by the State Educational Agency, if your State has another mechanism or procedures that permit parties to seek enforcement of resolution agreements.

Agreement review period

If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

HEARINGS ON DUE PROCESS COMPLAINTS

IMPARTIAL DUE PROCESS HEARING

34 CFR §300.511

General

Whenever a due process complaint is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process hearing, as described in the *Due Process Complaint* and *Resolution Process* sections.

The State Educational Agency is responsible for convening due process hearings, and an appeal from a due process hearing decision is directly to a court.

Impartial hearing officer

At a minimum, a hearing officer:

1. Must not be an employee of the State Educational Agency or the school district that is involved in the education or care of the child. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;

3. Must be knowledgeable and understand the provisions of the IDEA, and Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts; and
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

Each school district must keep a list of those persons who serve as hearing officers that includes a statement of the qualifications of each hearing officer.

Subject matter of due process hearing

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

Timeline for requesting a hearing

You or the school district must request an impartial hearing on a due process complaint within two years of the date you or the school district knew or should have known about the issue addressed in the complaint.

Exceptions to the timeline

The above timeline does not apply to you if you could not file a due process complaint because:

1. The school district specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; or
2. The school district withheld information from you that it was required to provide to you under Part B of the IDEA.

HEARING RIGHTS

34 CFR §300.512

The Following Applies to One-tier States:

General

Any party to a due process hearing (including a hearing relating to disciplinary procedures) has the right to:

1. Be accompanied and advised by a lawyer and/or persons with special knowledge or training regarding the problems of children with disabilities;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;

4. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; and
5. Obtain written, or, at your option, electronic findings of fact and decisions.

Additional disclosure of information

At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing.

A hearing officer may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

Parental rights at hearings

You must be given the right to:

1. Have your child present;
2. Open the hearing to the public; and
3. Have the record of the hearing, the findings of fact and decisions provided to you at no cost.

HEARING DECISIONS

34 CFR §300.513

Decision of hearing officer

A hearing officer's decision on whether your child received a free appropriate public education (FAPE) must be based on substantive grounds.

In matters alleging a procedural violation, a hearing officer may find that your child did not receive FAPE only if the procedural inadequacies:

1. Interfered with your child's right to a free appropriate public education (FAPE);
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a free appropriate public education (FAPE) to your child; or
3. Caused a deprivation of an educational benefit.

Construction clause

None of the provisions described above can be interpreted to prevent a hearing officer from ordering a school district to comply with the requirements in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536).

Separate request for a due process hearing

Nothing in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

Findings and decision to advisory panel and general public

The State Educational Agency or the school district, (whichever was responsible for your hearing) after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing or appeal to the State special education advisory panel; and
2. Make those findings and decisions available to the public.

APPEALS

FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW

34 CFR §300.514

Finality of hearing decision

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision by bringing a civil action, as described below.

TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS

34 CFR §300.515

The State Educational Agency must ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings or, as described under the sub-heading ***Adjustments to the 30-calendar-day resolution period***, not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties.

A hearing officer may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party.

Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

CIVIL ACTIONS, INCLUDING THE TIME PERIOD IN WHICH TO FILE THOSE ACTIONS

34 CFR §300.516

General

Any party (you or the school district) who does not agree with the findings and decision in the due process hearing (including a hearing relating to disciplinary procedures) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

The party (you or the school district) bringing the action shall have 90 calendar days from the date of the decision of the hearing officer to file a civil action.

Additional procedures

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at the school district's request; and
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

Jurisdiction of district courts

The district courts of the United States have authority to rule on actions brought under Part B of the IDEA without regard to the amount in dispute.

Rule of construction

Nothing in Part B of the IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of the IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of the IDEA. This means that you may have remedies available under other laws that overlap with those available under the IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under the IDEA (i.e., the due process complaint, resolution meeting, and impartial due process hearing procedures) before going directly into court.

Attorneys' Fees

34 CFR §300.517

General

In any action or proceeding brought under Part B of the IDEA, if you prevail, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you.

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing State Educational Agency or school district, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; or (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing State Educational Agency or school district, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding.

Award of fees

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or hearing arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of the IDEA for services performed after a written offer of settlement to you if:
 - a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing or State-level review, at any time more than 10 calendar days before the proceeding begins;
 - b. The offer is not accepted within 10 calendar days; and
 - c. The court or administrative hearing officer finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.

Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.

3. Fees may not be awarded relating to any meeting of the individualized education program (IEP) Team unless the meeting is held as a result of an administrative proceeding or court action.

Fees also may not be awarded for a mediation as described under the heading Mediation

A resolution meeting, as described under the heading Resolution meeting, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of the IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;

2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
4. The attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading ***Due Process Complaint***.

However, the court may not reduce fees if the court finds that the State or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of the IDEA.

PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES

AUTHORITY OF SCHOOL PERSONNEL

34 CFR §300.530

Case-by-case determination

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

General

To the extent that they also take such action for children without disabilities, school personnel may, for not more than **10 school days** in a row, remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting (which must be determined by the child's individualized education program (IEP) Team), another setting, or suspension. School personnel may also impose additional removals of the child of not more than **10 school days** in a row in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement (see ***Change of Placement Because of Disciplinary Removals*** for the definition, below).

Once a child with a disability has been removed from his or her current placement for a total of **10 school days** in the same school year, the school district must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading ***Services***.

Additional authority

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see **Manifestation determination**, below) and the disciplinary change of placement would exceed **10 school days** in a row, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under **Services**. The child's IEP Team determines the interim alternative educational setting for such services.

Services

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting.

A school district is only required to provide services to a child with a disability who has been removed from his or her current placement for **10 school days or less** in that school year, if it provides services to a child without disabilities who has been similarly removed.

A child with a disability who is removed from the child's current placement for **more than 10 school days** must:

1. Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not happen again.

After a child with a disability has been removed from his or her current placement for **10 school days** in that same school year, and **if** the current removal is for **10 school days** in a row or less **and** if the removal is not a change of placement (see definition below), **then** school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (see definition below), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

Manifestation determination

Within **10 school days** of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that is for **10 school days** in a row or less and not a change of placement), the school district, the parent, and relevant members of the IEP Team (as determined by the

parent and the school district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. If the conduct in question was the direct result of the school district's failure to implement the child's IEP.

If the school district, the parent, and relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

If the school district, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

Determination that behavior was a manifestation of the child's disability

If the school district, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

1. Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading ***Special circumstances***, the school district must return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

Special circumstances

Whether or not the behavior was a manifestation of the child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child:

1. Carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district;
2. Knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance, (see the definition below), while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district; or

3. Has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district.

Definitions

Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

Weapon has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

Notification

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, the school district must notify the parents of that decision, and provide the parents with a procedural safeguards notice.

CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS

34 CFR §300.536

A removal of a child with a disability from the child’s current educational placement is a **change of placement** if:

1. The removal is for more than 10 school days in a row; or
2. The child has been subjected to a series of removals that constitute a pattern because:
 - a. The series of removals total more than 10 school days in a school year;
 - b. The child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals;
 - c. Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another; and

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

DETERMINATION OF SETTING

34 CFR § 300.531

The individualized education program (IEP) Team must determine the interim alternative educational setting for removals that are **changes of placement**, and removals under the headings **Additional authority** and **Special circumstances**, above.

APPEAL

34 CFR § 300.532

General

The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if he or she disagrees with:

1. Any decision regarding placement made under these discipline provisions; or
2. The manifestation determination described above.

The school district may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Authority of hearing officer

A hearing officer that meets the requirements described under the sub-heading **Impartial Hearing Officer** must conduct the due process hearing and make a decision. The hearing officer may:

1. Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading **Authority of School Personnel**, or that the child's behavior was a manifestation of the child's disability; or
2. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if the school district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Whenever a parent or a school district files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings ***Due Process Complaint Procedures, Hearings on Due Process Complaints***. except as follows:

1. The State Educational Agency or school district must arrange for an expedited due process hearing, which must occur within **20** school days of the date the hearing is requested and must result in a determination within **10** school days after the hearing.
2. Unless the parents and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within **seven** calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within **15** calendar days of receipt of the due process complaint.
3. A State may establish different procedural rules for expedited due process hearings than it has established for other due process hearings, but except for the timelines, those rules must be consistent with the rules in this document regarding due process hearings.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings (see ***Appeals***, above).

PLACEMENT DURING APPEALS

34 CFR §300.533

When, as described above, the parent or school district has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the State Educational Agency or school district agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading ***Authority of School Personnel***, whichever occurs first.

PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

34 CFR §300.534

General

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

Basis of knowledge for disciplinary matters

A school district must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child;
2. The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; or
3. The child's teacher, or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to the school district's director of special education or to other supervisory personnel of the school district.

Exception

A school district would not be deemed to have such knowledge if:

1. The child's parent has not allowed an evaluation of the child or refused special education services; or
2. The child has been evaluated and determined to not be a child with a disability under Part B of the IDEA.

Conditions that apply if there is no basis of knowledge

If prior to taking disciplinary measures against the child, a school district does not have knowledge that a child is a child with a disability, as described above under the sub-headings ***Basis of knowledge for disciplinary matters*** and ***Exception***, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district, and information provided by the parents, the school district must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

34 CFR §300.535

Part B of the IDEA does not:

1. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or
2. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

Transmittal of records

If a school district reports a crime committed by a child with a disability, the school district:

1. Must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and
2. May transmit copies of the child's special education and disciplinary records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

Requirements for Unilateral Placement by Parents of Children in Private Schools at Public Expense

GENERAL

34 CFR §300.148

Part B of the IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made a free appropriate public education (FAPE) available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144.

Reimbursement for private school placement

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school

district, a court or a hearing officer may require the agency to reimburse you for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education (FAPE) available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. A hearing officer or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by the State Educational Agency and school districts.

Limitation on reimbursement

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. If: (a) At the most recent individualized education program (IEP) meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) At least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the school district of that information;
2. If, prior to your removal of your child from the public school, the school district provided prior written notice to you, of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; or
3. Upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if: (a) The school prevented you from providing the notice; (b) You had not received notice of your responsibility to provide the notice described above; or (c) Compliance with the requirements above would likely result in physical harm to your child; and
2. May, in the discretion of the court or a hearing officer, not be reduced or denied for the parents' failure to provide the required notice if: (a) The parent is not literate or cannot write in English; or (b) Compliance with the above requirement would likely result in serious emotional harm to the child.

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
9.00 DUE PROCESS
Rev. July 2010

9.01 GENERAL RESPONSIBILITY OF PUBLIC AGENCIES

It shall be the responsibility of each public agency providing special education and related services to establish, maintain, and implement procedural safeguards that meet the requirements of this part and 34 CFR 300.500 - 300.536.

9.02 OPPORTUNITY TO EXAMINE RECORDS; PARENT PARTICIPATION IN MEETINGS

9.02.1 Opportunity to Examine Records.

9.02.1.1 The parents of a child with a disability must be afforded, in accordance with the procedures of §§16.01 - 16.09 of these regulations and 34 CFR 300.613 - 300.621, an opportunity to -

9.02.1.2 Inspect and review all education records with respect to -

A. The identification, evaluation, and educational placement of the child; and

B. The provision of FAPE to the child; and

9.02.2 Parent participation in meetings.

9.02.2.1 The parents of a child with a disability must have an opportunity to participate in meetings with respect to -

A. The identification, evaluation, and educational placement of the child; and

B. The provision of FAPE to the child.

9.02.2.2 Each public agency must provide notice consistent with § 8.06.1.1A and 8.06.2.1 of these regulations and 34 CFR 300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the

opportunity to participate in meetings described in §9.02.2.1 of this part.

9.02.2.3 A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

9.02.3 Parent involvement in placement decisions.

9.02.3.1 Each public agency must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.

9.02.3.2 In implementing the requirements of § 9.02.3.1 of this part, the public agency must use procedures consistent with the procedures described in §8.06.1.1 and 8.06.2.1 of these regulations and 34 CFR 300.322(a) through (b)(1).

9.02.3.3 If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

9.02.3.4 A placement decision may be made by a group without the involvement of a parent, if the public agency is unable to obtain the parent's participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement.

9.03 INDEPENDENT EDUCATIONAL EVALUATION

9.03.1 General.

9.03.1.1 The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to §§9.03.2 - 9.03.5 of this part.

9.03.1.2 Each public agency must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in § 9.03.5 of this part.

9.03.1.3 For the purposes of this part -

A. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and

B. Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with § 5.02 of these regulations and 34 CFR 300.103.

9.03.2 Parent right to evaluation at public expense.

9.03.2.1 A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraph 9.03.2.2 - 9.03.2.4 of this section.

9.03.2.2 If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either -

- A. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
- B. Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing under §10.00 of these regulations and 34 CFR 300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.

9.03.2.3 If the public agency files a due process complaint notice to request a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

9.03.2.4 If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

9.03.2.5 A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

9.03.3 Parent-Initiated Evaluations.

If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation -

9.03.3.1 Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and

9.03.3.2 May be presented by any party as evidence at a hearing on a due process complaint under these regulations regarding that child.

9.03.4 Requests for evaluations by hearing officers.

If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

9.03.5 Agency Criteria.

9.03.5.1 If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

9.03.5.2 Except for the criteria described in § 9.03.5.1 of this part, a public agency may not impose conditions or time lines related to obtaining an independent educational evaluation at public expense.

9.04 PRIOR NOTICE BY PUBLIC AGENCY; CONTENT OF NOTICE

9.04.1 Notice.

9.04.1.1 Written notice that meets the requirements of §9.04.2 of this part must be given to the parents of a child with a disability a reasonable time before the public agency -

A. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or

B. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

9.04.2 Content of Notice.

The notice required under § 9.04.1 of this part must include -

- 9.04.2.1 A description of the action proposed or refused by the agency;
- 9.04.2.2 An explanation of why the agency proposes or refuses to take the action;
- 9.04.2.3 A description of other options that the IEP Team considered and the reasons why those options were rejected;
- 9.04.2.4 A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- 9.04.2.5 A description of other factors that are relevant to the agency's proposal or refusal;
- 9.04.2.6 A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- 9.04.2.7 Sources for parents to contact to obtain assistance in understanding the provisions of this part.

9.04.3 Notice in understandable language.

- 9.04.3.1 The notice required under § 9.04.1 of this part must be -
 - A. Written in language understandable to the general public; and
 - B. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

- 9.04.3.2 If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure -
- A. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - B. That the parent understands the content of the notice; and
 - C. That there is written evidence that the requirements in §9.04.3.2A and B of this part have been met.

9.05 PROCEDURAL SAFEGUARDS NOTICE

9.05.1 General.

9.05.1.1 A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, only one time a school year, except that a copy also must be given to the parents, at a minimum -

- A. Upon initial referral or parent request for evaluation;
- B. Upon receipt of the first State complaint under 34 CFR 300.151 - 300.153 and upon receipt of the first due process complaint under 34 CFR 300.507 in a school year;
- C. In accordance with the discipline procedures in 34CFR 300.530(h); and
- D. Upon request by a parent.

9.05.2 Internet Web site. A public agency may place a current copy of the procedural safeguards notice on its Internet Web site if a Web site exists.

9.05.3 Contents.

9.05.3.1 The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under §§9.00, 13.00, and 16.00 of these regulations and 34 CFR 300.148, 300.151 through 300.153, 300.300, 300.502 through 300.503, 300.505 through 300.518, 300.520, 300.530 through 300.536 and 300.610 through 300.625 relating to -

- A. Independent educational evaluation;
- B. Prior written notice;
- C. Parental consent;
- D. Access to educational records;
- E. Opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including -
 - 1. The time period in which to file a complaint;
 - 2. The opportunity for the agency to resolve the complaint; and
 - 3. The difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
- F. The child's placement during the pendency of any due process proceedings;
- G. Procedures for students who are subject to placement in an interim alternative educational setting;

- H. Requirements for unilateral placement by parents of children in private schools at public expense;
- I. The availability of mediation under 34 CFR 300.506 and §10.00 of these regulations;
- J. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
- K. Civil actions, including the time period in which to file those actions; and
- L. Attorneys' fees.

9.05.4 Notice in understandable language.

The notice required under § 9.05.1 of this part must meet the requirements of § 9.04.3 of these regulations and 34 CFR 300.503(c).

9.05.5 Electronic mail.

A parent of a child with a disability may elect to receive notices required by 34 CFR 300.503, 300.504, and 300.508 by an electronic mail communication, if the public agency makes that option available.

9.06 PARENTAL CONSENT

9.06.1 Parental consent for initial evaluation.

9.06.1.1 The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under 34 CFR 300.8 must, after providing notice consistent with 34 CFR 300.503 and 300.504, obtain informed consent, consistent with 34 CFR 300.9, from the parent of the child before conducting the evaluation.

9.06.1.2 Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.

9.06.1.3 The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.

9.06.1.4 For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if -

- A. Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;
- B. The rights of the parents of the child have been terminated in accordance with State law; or
- C. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

9.06.2 If the parents of a child with a disability enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by using the due process procedures under §10.00 of these regulations and 34 CFR 300.507 - 300.516, or the mediation procedures under §10.00 and 34 CFR 300.506 if appropriate, except to the extent inconsistent with State law relating to parental consent. The public agency does not violate its obligation under 34 CFR 300.111 and 300.301 through 300.311 if it declines to pursue the evaluation.

9.06.3 Parental Consent for Services.

9.06.3.1 A public agency that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child

before the initial provision of special education and related services to the child.

9.06.3.2 The public agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.

9.06.3.3 If the parent of a child fails to respond or refuses to consent to services under this section, the public agency may not use mediation procedures under 34 CFR 300.506 or due process procedures under 300.507 through 300.516 in order to obtain agreement or a ruling that the services may be provided to the child.

9.06.3.4 If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public agency -

A. Will not be considered to be in violation of the requirement to make available FAPE to the child for the failure to provide the child with the special education and related services for which the public agency requests consent; and

B. Is not required to convene an IEP Team meeting or develop an IEP under 34 CFR 300.320 and 300.324 for the child for the special education and related services for which the public agency requests such consent.

9.06.4 Failure to respond to request for reevaluation.

9.06.4.1 Each public agency must obtain informed parental consent, in accordance with 34 CFR 300.300(a)(1), prior to conducting any reevaluation of a child with a disability.

9.06.4.2 If the parent refuses to consent to the reevaluation, the public agency may, but it is not required to,

pursue the reevaluation by using the consent override procedures described in 34 CFR 300.300(a)(3).

9.06.4.3 The public agency does not violate its obligations under 34 CFR 300.311 and 300.301 through 300.311 if it declines to pursue the evaluation or reevaluation.

9.06.4.4 Informed parental consent need not be obtained for reevaluation if the public agency can demonstrate that it made reasonable efforts to obtain such consent, and the child's parent has failed to respond.

9.06.4.5 To meet the reasonable efforts requirement in §9.06.3.2 of this part, the public agency must document its attempts to obtain parental consent using the procedures in 34 CFR 300.322(d).

9.06.5 Other Consent Requirements.

9.06.5.1 Parental consent is not required before -

- A. Reviewing existing data as part of an evaluation or a reevaluation; or
- B. Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

9.06.5.2 Limitation.

A public agency may not use a parent's refusal to consent to one service or activity under § 9.06.1 to deny the parent or child any other service, benefit, or activity of the public agency, except as required by this part.

9.06.5.3 Parent of a child who is home schooled or placed in a private school by the parents.

- A. If a parent of a child who is home schooled or placed in a private school by the parents

at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the public agency may not use the consent override procedures described in this section; and

- B. The public agency is not required to consider the child as eligible for services under 34 CFR 300.132 through 300.144.

9.07 TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY

9.07.1 General.

9.07.1.1 When a child with a disability reaches the age of majority under State law that applies to all students (age 18 in Arkansas), except for a student with a disability who has been determined to be incompetent or incapacitated under State law -

- A. The public agency must provide any notice required by Part B of the IDEA and these regulations to both the child and the parents; and
- B. All other rights accorded to parents under Part B of the IDEA and these regulations transfer to the child; and
- C. All rights accorded to parents under Part B of the IDEA and these regulations transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution.
- D. Whenever a State provides for the transfer of rights under this part pursuant to §9.07.1 A and B of this part, the agency must notify the child and the parent of the transfer of rights. (See form: Letter of Notification of Transfer of Rights.)

9.07.1.2 The LEA must use the procedures established by the State for appointing the parent of a child with a

disability, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program.

9.07.2 Legal Guardianship

9.07.2.1 In accordance with Arkansas Code Annotated §28-65-101 et seq. and §28-65-201 et seq. any person may file a petition for the appointment of himself or herself or some other qualified person as guardian of an incapacitated person.

9.07.2.2 Arkansas Code Annotated §28-65-101(5)(A) defines an “incapacitated person” to mean a person who is impaired by reason of a disability such as mental illness, mental deficiency, physical illness, chronic use of drugs or chronic intoxication to the extent of lacking sufficient understanding or capacity to make or communicate decisions to meet the essential requirements for his or her health or safety or to manage his or her estate.

9.07.2.3 Arkansas Code Annotated §28-65-101(3) defines a “Guardian” as one appointed by a court to have the care and custody of the person or of the estate, or of both, of an incapacitated person.

9.07.2.4 Jurisdiction of Courts

A. The jurisdiction of the circuit courts over all matters of guardianship, other than guardianships ad litem in other courts, shall be exclusive, subject to the right of appeal. (Arkansas Code Annotated §28-65-107(a))

B. If a juvenile is the subject matter of an open case filed under the Arkansas Juvenile Code of 1989, §9-27-301 et seq., the guardianship

petition shall be filed in that case if the juvenile resides in Arkansas.

9.07.2.5 Rights of Incapacitated Persons

- A. An incapacitated person for whom a guardian has been appointed is not presumed to be incompetent and retains all legal and civil rights except those which have been expressly limited by court order or have been specifically granted by order to the guardian by the court.

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
18.00 REGULATIONS GOVERNING RESIDENTIAL PLACEMENT
Rev. July 2010

18.01 REGULATORY AUTHORITY

- 18.01.1 These regulations shall be known as Arkansas Department of Education regulations allocating public school funds for the education of residentially placed students and defining educational services in such placements.
- 18.01.2 These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. 6-11-105, 6-41-202, 6-18-202, 6-20-104, and 6-20-107.

18.02 PURPOSE

- 18.02.1 It is the purpose of these regulations to allocate public school funds for the education of residentially placed students.
- 18.02.2 It is further the purpose of these regulations to define the educational services in such placements.

18.03 DEFINITIONS

- 18.03.1 ADE - Arkansas Department of Education
- 18.03.2 DHS – Department of Human Services
- 18.03.3 Juvenile - As used in this section, "juvenile" means a person who is eighteen (18) years old or less.
- 18.03.4 Juvenile Detention Facility (JDF) - Any facility operated by a political subdivision of the State for the temporary care of juveniles alleged to be delinquent or adjudicated delinquent, and awaiting disposition, who require secure custody in a physically restricting facility. Under Ark. Code Ann. 9-27-330(a)(11), such facility shall afford opportunities for education, recreation, and other rehabilitative services to adjudicated delinquents who may be ordered by the court to remain in the juvenile detention facility for an indeterminate period not to exceed ninety (90) days.

- 18.03.5 Student without disabilities - For purposes of these regulations, a student who has NOT been identified as disabled in accordance with the IDEA, and Ark. Code Ann. 6-41-202, et seq., shall be considered nondisabled.
- 18.03.6 Student with disabilities - For the purposes of these regulations, a student with a disability means a student identified pursuant to the IDEA and Ark. Code Ann. 6-41-202, et seq., as needing special education and related services (inclusive of those presently receiving services).
- 18.03.7 Residential placement in state - For the purposes of these regulations, such residential placement in state means -
- 18.03.7.1 One of the following licensed facilities -
- A. Inpatient psychiatric treatment facilities licensed by the Arkansas Department of Human Services (DHS);
 - B. Alcohol and drug treatment facilities licensed by the Arkansas Department of Human Services;
 - C. Easter Seals of Arkansas in Little Rock;
 - D. Arkansas Pediatrics Facility in Pulaski County;
 - E. Millcreek ICF-MR in Fordyce;
 - F. Brownwood ICF-MR in Fort Smith.
- 18.03.7.2 The facility has an approved special education component; as granted by the ADE, Special Education Unit on an annual basis. Such placement does not include the Arkansas School for the Blind, the Arkansas School for the Deaf or the Arkansas School for Mathematics and Sciences.
- 18.03.8 Residential Placement Out-of-State - For the purposes of these regulations, when a student with disabilities is placed in a residential treatment facility outside the State of Arkansas, the special education component of such a facility must be approved

by the ADE, Special Education Unit and must be operating under the appropriate licensure of the state in which it is located.

18.03.9 Residency - Ark. Code Ann. 6-18-202 establishes residency requirements for students attending public schools in the State of Arkansas. Students affected by this statute include both those with and without disabilities.

18.04 RESIDENTIAL PLACEMENT IN STATE - STUDENTS WITHOUT DISABILITIES

18.04.1 Assignment of responsibility.

18.04.1.1 When a nondisabled student is placed for non-educational reasons in a residential treatment facility for treatment, the district where the residential treatment facility is located is the student's resident district. This district is responsible for educating the student.

18.04.1.2 When a nondisabled student who is a ward of the State is placed in a residential treatment facility, the district where the facility is located is responsible for educating the student.

18.04.1.3 When a nondisabled student is placed in a residential treatment facility for educational purposes by a parent or agent other than the school district, the parent or agent remains responsible for the education of the student.

18.04.2 Procedures for educational management.

18.04.2.1 Each school district must designate an individual who will be responsible for ensuring compliance with these regulations. This may be the district superintendent or a designee.

18.04.2.2 When a nondisabled student is placed in a residential facility, the facility must notify the responsible school district (superintendent or designee) within seven (7) calendar days of the student's admission. The district's superintendent or designee should also be informed.

Failure of the facility to notify the responsible district in a timely fashion may result in loss of ADE approval of the residential treatment facility's special education program.

- 18.04.2.3 The district superintendent or designee shall convene a conference by a review team within seven (7) calendar days of notice by the residential treatment facility that the student is in a residential program. This conference may be conducted face-to-face or via a telephone call.
- 18.04.2.4 The review team shall be composed of, at a minimum, a representative from the district, a representative from the residential treatment facility, and a DHS representative if the student is receiving services from one or more DHS Divisions.
- 18.04.2.5 The review team shall review information available on the student and determine whether a referral for consideration of eligibility for special education and related services is warranted.
- 18.04.2.6 When the review team determines the student should be referred for consideration of eligibility for special education, a referral form must be completed and a referral conference conducted following the process in §4.00 of State Special Education regulations.
- 18.04.2.7 When the review team determines that the student should not be referred for consideration for special education and related services, it must identify the general educational and non-educational needs of the student.
- 18.04.2.8 Based on the identified needs of the nondisabled student, the review team will determine and document where the educational program of the student will be implemented. The inter-linkage of the treatment program needs and educational programming must be discussed in reaching a decision on an appropriate educational setting.

- 18.04.2.9 Should the local review team be unable to agree upon where the educational program of the student will be implemented, a determination must be requested from the state level review panel. Requests for a determination from the state level review panel shall be submitted in writing to the Administrator, Dispute Resolution, ADE, Special Education Unit.
- 18.04.2.10 From the time of the request for a state level review until a determination is made, the student will remain in his/her present educational setting.
- 18.04.2.11 The state level review panel will be composed of three (3) persons: one (1) from the ADE, one (1) from DHS and the third will be the Coordinator of the Behavior Intervention Consultant Network or other appropriate ADE staff.
- 18.04.2.12 Within 30 calendar days of receipt of the written request, the state level review panel shall convene, review all information and render a final decision as to where the education program of the student will be implemented. The panel may extend the process by an additional 15 days should circumstances warrant.
- 18.04.2.13 The state level review panel's decision will be considered final, will be rendered in writing and will be sent to the local review team for implementation.
- 18.04.3 Assignment of costs.
 - 18.04.3.1 For nondisabled students, "educational costs" are limited to only those costs incurred for direct educational instruction of the student.
 - 18.04.3.2 All other services provided for the student are considered non-educational and are not reimbursable under these regulations. Such other costs will be borne by DHS, Medicaid, private insurance, the parent or by any combination thereof.

- 18.04.3.3 Residential treatment facilities must submit a bill to the school district for educational costs only. The invoice must be itemized to reflect the specific services provided. Invoices must be submitted to the school district in a timely manner in order for the district to seek reimbursement from the ADE, Special Education Unit.
- 18.04.4 Funding.
 - 18.04.4.1 A local school district may access funds through the ADE, Special Education Unit for reimbursement for educational costs on nondisabled students placed in residential treatment facilities.
 - 18.04.4.2 The maximum amount a district may be reimbursed on a per student basis for actual educational costs will be the Formula Foundation Aid times 2.00.
 - 18.04.4.3 The local school district shall not be responsible for educational costs exceeding its maximum reimbursement rate for those nondisabled students receiving educational services in a residential treatment facility.
 - 18.04.4.4 When the requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.
- 18.04.5 Extended School Year Services (ESY).
 - 18.04.5.1 There is no provision for extended school year (educational) services to nondisabled students when schools are not in session. This applies to nondisabled students in residential placements, as well as their nondisabled peers who attend the local public school. Therefore, there is no need for a district to convene a review team during the summer months when school is not in session.
 - 18.04.5.2 Residential treatment facilities cannot bill school districts for educational services provided to nondisabled students during the summer months.

18.05 RESIDENTIAL PLACEMENT IN STATE - STUDENTS WITH DISABILITIES

- 18.05.1 Assignment of responsibility.
 - 18.05.1.1 For students with disabilities in state-operated facilities (such as the Human Development Centers) the facility is responsible for procedural safeguards and the provision of FAPE.
 - 18.05.1.2 When a student with a disability is placed for non-educational reasons in a residential treatment facility for treatment, the district where the facility is located is the student's resident district. The district shall be responsible for procedural safeguards and the provision of FAPE.
 - 18.05.1.3 When a student with a disability who is a ward of the state is placed in a residential treatment facility, the district where the residential treatment facility is located is responsible for educating the student.
 - 18.05.1.4 When a student with a disability is placed in a residential treatment facility for educational purposes by a school district, the placing district remains responsible for procedural safeguards and the provision of FAPE.
 - 18.05.1.5 When a student with a disability is placed in a residential treatment facility for educational purposes by a parent or agent other than the school district, the parent may petition the district where the student permanently resides (home district, usually that of the student's parent or guardian) for provision of procedural safeguards and FAPE.
- 18.05.2 Procedural safeguards.
 - 18.05.2.1 The procedural safeguards specified in §9.00 of these regulations shall be followed.
- 18.05.3 Assignment of costs.
 - 18.05.3.1 The State Department of Education, a public school district, or an open-enrollment charter school shall

not be liable for any education costs associated with the placement of a juvenile in an in-state residential or inpatient facility for any care and treatment, including psychiatric treatment, unless:

- A. The Department authorized public payment for educational costs based on a determination that the educational program and facilities are appropriate for the juvenile and the Department has approved the facility's education program; and
- B. Each program authorization precedes the placement.
- C. If the program is not authorized prior to the placement, the Department, public school districts, or open-enrollment charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs.

18.05.3.2 The liability of the Department, a public school district, or an open-enrollment charter school for the educational costs or other related costs shall be limited to -

- A. The reimbursement rate established by the Department for a juvenile placed in a residential or inpatient facility.

18.05.3.3 For identified students with disabilities, those costs defined as being educational in accordance with the IDEA will be borne by the district responsible for provision of procedural safeguards and FAPE. For students in state-operated facilities, the facility assumes those costs.

18.05.3.4 All other costs will be borne by either DHS, Medicaid, private insurance, the parent or by any combination thereof.

18.05.4 Funding.

- 18.05.4.1 School districts may be reimbursed for the educational costs of students with disabilities, including those in school districts not qualifying for any State Equalization Aid, who have been placed in approved residential treatment facilities, as defined by the ADE, Special Education Unit.
- 18.05.4.2 The maximum amount to be reimbursed to a district on a per student basis is the amount equal to the product of the Formula Foundation Aid times 2.10, regardless of the setting in which the education is provided. (For example, there may be instances where the student resides in a residential treatment facility but attends the public school for educational purposes.)
- 18.05.4.3 When the requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.

18.05.5 Extended School Year Services (ESY).

- 18.05.5.1 Not all students with disabilities receiving educational services in residential placement will be eligible for or in need of ESY services.
- 18.05.5.2 Determination of student eligibility for ESY services is made by the school district based on the regulations governing ESY in §19.00 of these regulations.

18.05.6 This section shall not apply to a juvenile placed in an Arkansas juvenile detention facility as defined in Ark. Code Ann. 6-20-104.

18.06 RESIDENTIAL PLACEMENT OUT-OF-STATE - CHILDREN WITH DISABILITIES

18.06.1 Assignment of responsibility.

- 18.06.1.1 When a student with a disability is placed in a residential treatment facility for educational purposes by a school district, the placing school district remains responsible for procedural safeguards and the provision of FAPE.

18.06.1.2 When a student with a disability is unilaterally placed in a residential facility for educational purposes by a parent or agent other than the school district, the parent may petition the school district where the student permanently resides (home school district, usually that of the student's parent or guardian) for consideration of the provision of procedural safeguards and FAPE.

18.06.1.3 In accordance with the Interagency Agreement between the ADE and DHS, when a child with a disability is a ward of the state and is placed in a residential treatment facility outside the boundaries of the State of Arkansas, the ADE is responsible for procedural safeguards and FAPE.

18.06.2 Procedural safeguards.

18.06.2.1 The procedural safeguards specified in §9.00 of these regulations shall be followed.

18.06.3 Assignment of costs.

18.06.3.1 The Department of Education, a public school district, or an open-enrollment charter school shall not be liable for any educational costs or other related costs associated with the placement of a juvenile in an out-of-state residential or inpatient facility for any care and treatment, including psychiatric treatment, unless:

A. At the time of placement:

1. The juvenile qualifies as disabled under the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.; and
2. Payment is required under the Individuals with Disabilities Education Act;

B. The Department authorizes public payment for educational costs based on a

determination that the educational program and facilities are appropriate for the juvenile and the Department has approved the facility's education program; and

- C. Each program authorization precedes the placement.
 - 1. If the program is not authorized prior to placement, the department, public school districts, or open-enrollment charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs.

18.06.3.2 Nothing in this section shall be construed to require payment by the Department, a public school district, or an open-enrollment charter school for education costs and other related costs associated with the placement of a juvenile in an out-of-state residential or inpatient facility for any care or treatment, including psychiatric treatment, prior to April 7, 2005.

18.06.3.3 For identified students with disabilities, those costs defined as being educational in accordance with the IDEA will be borne by the district/agency responsible for provision of procedural safeguards and FAPE.

18.06.3.4 All other costs will be borne by either DHS, Medicaid, private insurance, the parent or by any combination thereof.

18.06.3.5 The liability of the Department, a public school district, or an open-enrollment charter school for the educational costs or other IDEA related costs shall be limited to the lesser of -

- A. The reimbursement rate established by the Department for a juvenile placed in a residential or inpatient facility; or,

- B. The normal and customary educational cost reimbursement rate of the state in which a juvenile is placed in an out-of-state residential or inpatient facility as determined by the Department.

18.06.4 Funding.

18.06.4.1 School districts may request reimbursement for the educational costs of a student with disabilities placed in an approved residential treatment facility located outside the boundaries of Arkansas. Reimbursement may be used to fund the cost of such placement incurred by a school district.

18.06.4.2 Reimbursement for this cost to the district will be calculated on the basis of Ark. Code Ann. 6-20-107(d)(2).

18.06.4.3 When requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.

18.06.5 Extended School Year Services (ESY).

18.06.5.1 Not all students with disabilities receiving educational services in residential placement will be eligible for or in need of ESY services.

18.06.5.2 Determination of student eligibility for ESY services is made by the school district/agency based on the regulations governing ESY in §19.00 of these regulations.

18.07 JUVENILE DETENTION FACILITIES

18.07.1 General.

18.07.1.1 For the purposes of these regulations, juvenile detention facilities are designated as approved residential treatment facilities.

18.07.1.2 The juvenile detention facility and the district where the juvenile detention facility is located are designated as responsible for educating the student

consistent with federal and state laws for any period of time the student is being detained in the facility.

18.07.1.3 The resident district of a student who is being detained in a juvenile detention facility is designated as responsible for the timely transfer of a student's educational records to the district where the juvenile detention facility is located upon notification by the court or district where the facility is located of the student's placement in a juvenile detention facility.

18.07.2 Educational services for nondisabled students.

18.07.2.1 In order to be eligible for public school funds, each juvenile detention facility must provide the following educational services for nondisabled students -

- A. The teachers employed by the juvenile detention facility must hold a valid teaching license from the Arkansas Department of Education.
- B. The maximum teacher/student caseload must be 1 to 15 without a paraprofessional and 1 to 24 with a full time paraprofessional.
- C. The juvenile detention facility must provide instruction that addresses the State's Curriculum Standards and educational skills needed by students and appropriately address the age ranges and the abilities of the students in the facility.
- D. The juvenile detention facility must provide appropriate instructional and supplemental materials and media as are needed to enhance student instruction. Such materials include, but are not limited to, reference materials, dictionaries, maps, reading materials, and computer enhanced instructional software and/or internet access.

E. The juvenile detention facility must provide planned instructional time in each school day averaging not less than six (6) hours per day or thirty (30) hours per week.

18.07.2.2 A school district which receives a student after attendance at a juvenile detention facility shall not use absences incurred as a result of detention as a basis for denial of credit.

18.07.3 Educational services for disabled students.

18.07.3.1 In order to be eligible for public school funds, each jurisdictional school district and juvenile detention facility must provide the following educational services for disabled students -

A. FAPE consistent with the student's IEP.

B. The teacher, employed by the JDF or local school district, who is implementing the IEP of a student with a disability must either -

1. Hold a valid teaching license as a special education teacher, or

2. Meet the qualifications in §18.07.2.1A above and implement the IEP in collaborative consultation with licensed special education personnel.

C. The procedural safeguards specified in these regulations shall be followed for those students identified as disabled and for those suspected of being disabled.

18.07.4 Funding for students in juvenile detention facilities.

18.07.4.1 The juvenile detention facility may receive reimbursement from the local school district in which the facility is located for the costs of providing educational services to students in the facility, based upon the following -

- A. For nondisabled students, educational costs are costs incurred for direct educational instruction and include salaries and benefits of teachers and paraprofessionals, staff development costs and substitute pay.
- B. For students with disabilities under the IDEA, educational costs include all costs incurred in the provision of FAPE.
- C. For students suspected of having disabilities as defined by the IDEA, educational costs shall include costs incurred in the evaluation process.

18.07.4.2 The juvenile detention facility and the local school district in which the juvenile detention facility is located must jointly determine the education costs incurred by the facility.

18.07.4.3 The local school district in which the juvenile detention facility is located must reimburse the juvenile detention facility for educational costs incurred up to an amount not to exceed the Formula Foundation Aid, times the number of students in the facility.

18.07.4.4 If the juvenile detention facility and the local school district cannot agree on an amount for reimbursement, either entity may appeal to the ADE for a final decision.

18.07.4.5 The ADE must reimburse local school districts which have juvenile detention facilities on a quarterly basis based upon the district requesting such reimbursements.

- A. The quarterly reimbursement amount will be determined by dividing the amount identified in §18.07.4.3 by four (4).
- B. Should costs decrease, the local school district in which the facility is located must notify the ADE, Special Education Unit within thirty (30) days of revised costs.

C. Any adjustments to reimbursements based on cost decreases will be made in the fourth (4th) quarter.

18.07.4.6 The jurisdictional local school district may request reimbursement for the costs of educational services provided to students in juvenile detention facilities and incurred by the local school district.

18.07.4.7 The juvenile detention facility must provide the jurisdictional local school district a quarterly attendance record for each student in the facility, regardless of length of stay.

18.08 JUVENILE TREATMENT CENTERS (FORMERLY KNOWN AS SERIOUS OFFENDER PROGRAMS)

18.08.1 It shall be the responsibility of each juvenile treatment center to report the attendance of its students in the education program by providing quarterly attendance reports to the Department of Human Services, Division of Youth Services (DYS). DYS will provide the quarterly attendance information to the Arkansas Department of Education. Funding will be disbursed to DYS in support of education services within DYS juvenile treatment centers based upon a legislative appropriation for this purpose.

**Arkansas Department of Education Guidelines for Registration, Training,
Scope of Responsibilities, Supervision and Review of Speech-language
Assistants and Aides
(Rev. July 2010)**

I. DEFINITIONS

- A. SPEECH-LANGUAGE PATHOLOGY ASSISTANT** – A speech-language pathology assistant (SLP-Assistant) is an individual who, following academic and on-the-job training, performs tasks as prescribed, directed, and supervised by master’s level speech-language pathologists certificated/licensed by the Arkansas Department of Education (ADE) or licensed by the Arkansas Board of Examiners in Speech-Language Pathology and Audiology (ABESPA).
- B. SPEECH-LANGUAGE PATHOLOGY AIDE** – A speech-language pathology aide (SLP-Aide) is an individual with a high school diploma/equivalent (GED) and on-the-job training who performs tasks as prescribed, directed, and supervised by master’s level speech-language pathologists certificated/licensed by the ADE or licensed by ABESPA.
- C. SUPERVISING SPEECH-LANGUAGE PATHOLOGIST** – A speech-language pathologist who holds a current ABESPA license or a valid certificate/license initially issued by the ADE prior to August 1, 1997 and has two (2) years of full-time professional speech-language pathology experience, after completion of the paid professional experience (CF)* Thereafter, individuals who are issues initial speech-language pathology certification/licensure by the ADE after August 1, 1997, shall be required to hold ABESPA licensure.
- *In geographic areas of the State where there is a documented shortage of speech-language pathologists, school districts must submit a proposal and receive approval to allow a speech-language pathologist who holds the required credentials but does not meet the requirement for professional speech-language pathology experience to supervise speech-language pathology assistants and aides (see requirements for supervising speech-language pathologist).
- D. DIRECT SUPERVISION** – Direct supervision means on-site, in-view observation and guidance by a speech-language pathologist while an assigned clinical activity is performed by a speech-language assistant or speech-language pathology aide.
- E. INDIRECT SUPERVISION** – Indirect supervision means those activities other than direct observation and guidance conducted by a speech-language pathologist that may include demonstration, record review, review and evaluation of audio- or video-tapes sessions, and/or interactive television.
- F. SCREENING** - A pass-fail procedure to identify people who may require further assessment.

II. REQUIREMENT FOR A SPEECH-LANGUAGE PATHOLOGY ASSISTANT/AIDE

A. A speech-language pathology assistant must:

1. Complete a bachelor's degree in speech-language pathology; OR
2. Complete a speech-language pathology assistant training program culminating in an Associates Degree from an institution accredited by the Arkansas Department of Higher Education. Programs must meet the specified curriculum content and fieldwork experience listed below. Applicants from out of state will be reviewed on a case-by-case basis to ensure equivalency.

a. Curriculum Content

The curriculum must be consistent with the ASHA-approved Criteria for the Registration of Speech-Language Pathology Assistants (Section III-A)

The curriculum content must include 60 semester credit hours with the following content:

- 20-40 semester credit hours in general education
- 20-40 semester credit hours in technical content areas
- a minimum of 100 clock hours fieldwork experience*

b. General education (20-40 semester credit hours)

The general education sequence should include, but is not limited to, the following:

- oral and written communication
- mathematics
- computer applications
- social and natural sciences

c. Technical knowledge (20-40 semester credit hours)

Course content must provide students with knowledge and skills to assume the job responsibilities and core technical skills for speech-language pathology assistants, and must include the following:

- overview of normal processes of communication
- overview of communication disorders
- instruction in assistant-level service delivery practices
- instruction in workplace behaviors
- cultural and linguistic factors in communication
- observation
- fieldwork experiences

d. The program describes how course content provides instruction in the following workplace behaviors of the speech-language pathology assistant:

- relating to clients/patients in a supportive manner
- following supervisor's instructions

- maintaining confidentiality and other appropriate workplace behaviors
- communicating in oral and written forms
- following health and safety precautions

*** Fieldwork Experience**

The minimum of 100 hours of field work experience must provide the student with opportunities for carrying out speech-language pathology assistant responsibilities. This training must be supervised by a speech-language pathologist who holds a current and valid license from ABESPA or the ASHA Certificate of Clinical Competence (CCC) in Speech-Language Pathology. These experiences are not intended to develop independent practice.

3. meet continuing education requirements of ten (10) clock hours annually pertaining to the designated duties of the SLP-Assistant

B. A speech-language pathology aide must:

1. hold a high school diploma or equivalent (GED)
2. demonstrate competency in oral and written communication skills
3. complete a minimum of forty (40) clock hours of inservice training during the initial year of employment pertaining to the duties of the SLP-Aide
4. during subsequent years of employment, complete continuing education requirements of ten (10) clock hours annually pertaining to the designated duties of the SLP-Aide.

III. REQUIREMENTS FOR A SUPERVISING SPEECH-LANGUAGE PATHOLOGIST

A. A supervising speech-language pathologist:

1. must hold a Master's Degree in Speech-Language Pathology; have two (2) years of full-time professional speech-language pathology experience, after completion of the paid professional experience (CF)*; and hold a current ABESPA license or a valid certificate/license initially issued by the ADE prior to August 1, 1997. Thereafter, individuals who are issued initial speech-language pathology certification/licensure by the ADE after August, 1997, shall be required to hold ABESPA licensure in order to supervise speech-language pathology assistants and aides.
2. may not supervise more than two (2) full-time or three (3) part-time assistants/aides. Three (3) part-time assistants/aides may not exceed the number of work hours for two (2) full-time assistants/aides or 80 hours.

3. must institute a training program for each assistant/aide encompassing all the procedures to be performed. Documentation of such training in format substance acceptable to the ADE shall be retained in the assistant's or aide's file.
4. must inform the parent or legal guardian about the use of an assistant/aide and document informed consent.
5. must provide and document appropriate supervision of the assistant/aide.
6. is required to maintain original documents related to supervision and training for three (3) years and submit document(s) upon request by the ADE within thirty (30) days of the request.

*In geographic areas of the State where there is a documented shortage of speech-language pathologists, school districts must submit a proposal and receive approval to allow a speech-language pathologist who holds the required credentials but does not meet the requirement for professional speech-language pathology experience to supervise speech-language pathology assistants and aides. The local education agency must document that a good faith effort has been made to recruit and hire appropriately and adequately trained speech-language pathologists. Subsequent to approval by the Arkansas Department of Education, the state consultant for speech-language pathology or a speech-language pathologist who provides training for supervisors and support personnel will monitor and provide additional training for the supervising speech-language pathologist. Monitoring activities will include at least 4 on-site visits and monthly review of supervision documentation:

1. After initial group training for supervisors, the supervising speech-language pathologist will be provided individualized on-site training sessions which address the use of a speech-language pathology assistant/aide.
 2. The supervising speech-language pathologist must provide the following for review monthly:
 - a. direct supervision record
 - b. indirect supervision log
 - c. treatment plans/reliability checks
 - d. summary of training activities for the speech-language pathology assistant/aide
- B.** Although the speech-language pathologist may delegate specific tasks to the speech-language pathology assistant or speech-language pathology aide, the legal (i.e., professional liability) and ethical responsibility to the patient/client for all services provided or omitted cannot be delegated; it must remain the full responsibility of the supervising speech-language pathologist.

IV. SUPERVISION GUIDELINES FOR A SPEECH-LANGUAGE PATHTOLOGY ASSISTANT

- A.** A total of at least 30% direct and indirect supervision is required and must be documented for the first ninety (90) workdays. (For a 40-hour work week, this would be 12 hours for both direct and indirect supervision.) Documented direct supervision shall be required no less than 20% of the actual student contact time weekly for each speech-language pathology assistant. During each week, data on every student seen by the speech-language pathology assistant must be reviewed by the supervisor. In addition, the 20% direct supervision must be scheduled so that all students seen by the assistant are directly supervised in a timely manner. Supervision days and time of day (morning/afternoon) must be alternated to ensure that all students receive direct contact with the speech-language pathologist at least once every two (2) weeks. Information obtained during direct supervision must include data relative to (a) agreement (reliability) between the assistant and the supervisor on correct/incorrect recording of target behavior, (b) accuracy in implementation of screening and treatment procedures, (c) accuracy in recording data, and (d) ability to interact effectively with the student.
- B.** Indirect supervision is required no less than 10% of the actual student contact time and may include demonstration, record review, review and evaluation of audio- or video-taped sessions, interactive television, and/or supervisory conferences that may be conducted by telephone. Treatment data must be reviewed at least weekly or every five (5) sessions for each student. The speech-language pathologist will review each session plan as needed for timely implementation modifications.
- C.** After the initial ninety (90) day work period, the amount of supervision may be adjusted depending on the competency of the assistant, the needs of the students served, and the nature of the assigned tasks. The minimum is 20% documented supervision, with no less than 10% being direct supervision. (For a 40-hour work week, this is 8 hours of supervision, at least 4 of which is direct supervision.) Supervision days and time of day (morning/afternoon) must be alternated to ensure that all students receive direct contact with the speech-language pathologist at lease once every two (2) weeks.
- D.** A supervising speech-language pathologist must be able to be reached by personal contact, phone, pager, or other immediate means at all times when direct student care is being rendered. If, for any reason (i.e., extended leave, illness, change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology assistant may not perform direct student care until a speech-language pathologist has been designated as the speech-language pathology assistant's supervisor and the ADE has been notified.
- E.** Whenever the SLP-Assistant's performance is judged by the supervising speech-language pathologist to be unsatisfactory over two (2) consecutive observations, the SLP-Assistant shall be retrained in the necessary skills and direct observations shall be increased to 50% of all clinical sessions until the SLP-Assistant's performance is judged to be satisfactory over two (2) consecutive observations.

V. SCOPE OF RESPONSIBILITIES OF THE SPEECH-LANGUAGE PATHOLOGY ASSISTANT

- A.** Provided that the training, supervision, documentation and planning are appropriate (i.e., consistent with these guidelines), the following tasks may be designated to a speech-language pathology assistant:
- 1.** Conduct speech-language screenings (without interpretation) following specified screening protocols developed by the supervising speech-language pathologist.
 - 2.** Provide routine maintenance/generalization tasks as prescribed by the supervising speech-language pathologist. The SLP shall be solely responsible for performing all tasks associated with the assessment and diagnosis of communication and swallowing disorders, for design of all intervention plans, and for directly implementing such plans through the acquisition stage of intervention.
 - 3.** Follow documented treatment plans or protocols developed by the supervising speech-language pathologist, not to exceed the activities delineated in #2 above.
 - 4.** Perform pure-tone hearing screenings (without interpretation).
 - 5.** Document student progress toward meeting established objectives as stated in the treatment plan, and report this information to the supervising speech-language pathologist.
 - 6.** Assist the speech-language during assessment of students, such as those judged to be difficult to test.
 - 7.** Assist with informal documentation (e.g., tallying notes for the speech-language pathologist to use), prepare materials, and assist with other clerical duties as directed by the speech-language pathologist.
 - 8.** Perform checks and maintenance of equipment.
 - 9.** Participate with the speech-language pathologist in research project, in-service training, and public relations programs.
- B.** There is a potential for possible misuse of the speech-language pathology assistant, particularly when responsibilities are delegated by administrative staff or nonclinical staff without the knowledge and approval of the supervising speech-language pathologist. Therefore, the speech-language pathology assistant should not perform any task without the express knowledge and approval of the supervising speech-language pathologist.

An individual's communication or related disorder or other factors may preclude the use of services from anyone other than the licensed/certificated speech-language pathologist.

The SLP-Assistant may not:

1. Perform standardized or non-standardized diagnostic tests, formal or informal evaluation, or interpret test results;
2. Perform intervention tasks associated with skill acquisition;
3. Participate in parent conferences, case conferences, or in any interdisciplinary team without the presence of the supervising speech-language pathologist or other ASHA-certified speech-language pathologist designated by the supervising speech-language pathologist;
4. Provide student or family counseling;
5. Write, develop, or modify a student's individualized education program (IEP) in any way;
6. Assist with students without following the IEP as prepared by the speech-language pathologist or without access to supervision (See Supervision Guidelines);
7. Sign any formal documents (e.g., treatment plans, reimbursement forms, or reports). (The assistant may sign treatment notes for review and co-signature by the supervising professional.);
8. Select students for services;
9. Discharge a student from services;
10. Disclose clinical or confidential information either orally or in writing to anyone not designated by the supervising speech-language pathologist;
11. Make referrals for additional services;
12. Communicate with the student, family or others regarding any aspect of the student status regarding diagnosis, prognosis, treatment, and progress;
13. Represent himself or herself as a speech-language pathologist.

VI. SUPERVISION GUIDELINES FOR A SPEECH-LANGUAGE PATHOLOGY AIDE

- A. 100% direct on-site, in-view supervision is required for the first ten (10) hours of direct student contact.
- B. A total of at least 50% direct and indirect supervision is required and must be documented for the next ninety (90) workdays. (For a 40 hour work week, this would be

20 hours for both direct and indirect supervision.) Documented direct supervision shall be required no less than 30% of the actual student contact time weekly for each speech-language pathology aide. During each week, data on every student seen by the speech-language pathology aide must be reviewed by the supervisor. In addition, the 30% direct supervision must be scheduled so that all students seen by the aide are directly supervised in a timely manner. Supervision days and time of day (morning/ afternoon) must be alternated to ensure that all students receive direct contact with the speech-language pathologist at least once every two (2) weeks. Information obtained during direct supervision must include data relative to (a) agreement (reliability) between the aide and the supervisor on correct/incorrect recording of target behavior, (b) accuracy in implementation of screening and treatment procedures, (c) accuracy in recording data, and (d) ability to interact effectively with the student.

- C.** Indirect supervision is required no less than 20% of the actual student contact time and may include demonstration, record review, review and evaluation of audio-or video-taped sessions, interactive television, and/or supervisory conferences that may be conducted by telephone. Treatment data must be reviewed at least weekly for each case. The speech-language pathologist will review each session plan as needed for timely implementation of modifications.
- D.** After the initial ninety (90) day work period, the amount of supervision may be adjusted depending on the competency of the aide, the needs of the students served, and the nature of the assigned tasks. The minimum is 40% documented supervision, with no less than 30% being direct supervision. (For 40-hour work week, this is 16 hours of supervision, at least 12 of which is direct supervision.) Supervision days and time of day (morning/afternoon) must be alternated to ensure that all students receive direct with the speech-language pathologist at least once every two (2) weeks.
- E.** A supervising speech-language pathologist must be able to be reached by personal contact, phone, pager, or other immediate means at all time when direct student care is being rendered. If, for any reason (i.e., extended leave, illness, change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology aide may not perform direct student care until a speech-language pathologists has been designated as the speech-language pathology aide's supervisor and the ADE has been notified.
- F.** Whenever the SLP-Aide's performance is judged by the supervising speech-language pathologist to be unsatisfactory over two (2) consecutive observations, the SLP-Aide shall be retrained in the necessary skills and direct observations shall be increased to 50% of all clinical sessions until the SLP-Aide's performance is judged to be satisfactory over two (2) consecutive observations.

VIII. SCOPE OF RESPONSIBILITIES OF THE SPEECH-LANGUAGE PATHOLOGY AIDE

- A.** Provided that the training, supervision, documentation and planning are appropriate (i.e., consistent with these guidelines), the following tasks may be designated to a speech-language pathology aide:
- 1.** Conduct speech-language screenings (without interpretation) following specified screening protocols developed by the supervising speech-language pathologist.
 - 2.** Conduct routine activities for the purpose of reinforcement of previously learned material/skills, carried out under a plan of treatment developed and monitored by the supervising speech-language pathologist. The SLP shall be solely responsible for performing all tasks associated with the assessment and diagnosis of communication and swallowing disorders, for design of all intervention plans, and for directly implementing such plans through the acquisition stage of intervention.
 - 3.** Follow documented treatment plans or protocols developed by the supervising speech-language pathologist, not to exceed the activities delineated in #2 above.
 - 4.** Perform pure-tone hearing screenings (without interpretation).
 - 5.** Document student progress toward meeting established objectives as stated in the individualized education program (IEP), and report this information to the supervising speech-language pathologist.
 - 6.** Assist the speech-language pathologist during assessment of students, such as those judged to be difficult to test.
 - 7.** Assist with formal documentation (e.g., tallying notes for the speech-language pathologist to use), prepare materials, and assist with other clerical duties as directed by the speech-language pathologist.
 - 8.** Perform checks and maintenance of equipment.
 - 9.** Participate with the speech-language pathologist in research projects, in-service training, and public relations programs.
- B.** There is a potential for possible misuse of the speech-language pathology aide, particularly when responsibilities are delegated by administrative staff or nonclinical staff without the knowledge and approval of the supervising speech-language pathologist. Therefore, the speech-language pathology aide should not perform any task without the express knowledge and approval of the supervising speech-language pathologist.

An individual's communication or related disorder or other factors may preclude the use of services from anyone other than a licensed speech-language pathologist.

C. The SLP-Aide may not:

1. Perform standardized or non-standardized diagnostic tests, formal or informal evaluation, or interpret test results;
2. Perform intervention tasks associated with skill acquisition;
3. Participate in parent conferences, case conferences, or in any interdisciplinary team without the presence of the supervising speech-language pathologist or other ASHA-certified speech-language pathologist designated by the supervising speech-language pathologist;
4. Provide student or family counseling;
5. Write, develop, or modify a student's IEP in any way;
6. Assist with students without following the IEP prepared by the speech-language pathologist or without access to supervision (See Supervision Guidelines);
7. Sign any formal document (e.g., treatment plans, reimbursement forms, or reports). (The aide may sign treatment notes for review and co-signature by the supervising professional.);
8. Select students for services;
9. Discharge a student from services;
10. Disclose clinical or confidential information either orally or in writing to anyone not designated by the supervising speech-language pathologist;
11. Make referrals for additional services;
12. Communicate with the student, family or others regarding any aspect of the student status regarding diagnosis, prognosis, treatment, and progress.
13. Represent himself or herself as a speech-language pathologist.

VIII. EXCLUSIVE RESPONSIBILITIES OF THE SPEECH-LANGUAGE PATHOLOGIST

- A. Complete initial supervision training prior to accepting an assistant/aide for supervision and upgrade supervision training on a regular basis.
- B. Participate significantly in hiring the assistant/aide.

- C.** Document preservice training and credentials of the assistant/aide.
- D.** Inform students and families about the level (professional vs. support personnel), frequency, and duration of services, as well as supervision.
- E.** Represent the speech-language pathology team in all collaborative, interprofessional, interagency meetings, correspondence, and reports. This would not preclude the assistant/aide from attending meetings along with the speech-language pathologist as a team member or drafting correspondence and report for editing, approval, and signature by the speech-language pathologist.
- F.** Make all clinical decisions, including determining a student selection for inclusion/exclusion in the case load, and dismissing students from treatment.
- G.** Communicate with students, parents, and family members about diagnosis, prognosis, treatment, and progress.
- H.** Conduct diagnostic evaluation, assessments, or appraisals, and interpret obtained data in reports.
- I.** Review each treatment plan with the assistant at least weekly or every five (5) sessions. Review each treatment plan with the aide at least weekly.
- J.** Delegate specific tasks to the assistant/aide while retaining legal and ethical responsibility for all student services provided or omitted.
- K.** Prepare an individualized treatment plan and make modifications prior to or during implementation.
- L.** Discuss the case with or refer the students to other professionals.
- M.** Sign all formal documents (e.g., treatment plans, reimbursement forms, reports). The supervisor should indicate on documents that the assistant/aide performed certain activities.
- N.** Review and sign all informal progress notes prepared by the assistant/aide.
- O.** Provide ongoing training to the assistant/aide on the job.
- P.** Provide and document appropriate supervision of the assistant/aide.
- Q.** Ensure that the assistant/aide only perform tasks that are within the scope of responsibility of the speech-language pathology assistant/aide.
- R.** Participate in the performance appraisal of the speech-language pathology assistant/aide.

IX. REGISTRATION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS, AIDES AND SUPERVISING SPEECH-LANGUAGE PATHOLOGIST(S)

- A.** Individuals desiring to register as a speech-language pathology assistant, speech-language pathology aide or supervising speech-language pathologist under these ADE guidelines must submit a completed registration application to the ADE (See Guideline's Attachment), including all required attachments.
- B.** This registration application must be approved in writing by the ADE before any personnel employed for the purposes established in these ADE guidelines may be engaged in activities associated with a program of speech-language pathology services delivery.
- C.** Notification of approval/disapproval of the registration application will be forwarded in writing by the ADE to the chief operating officer of the public agency, as well as to the individual designated on the registration application as the local contact person. In programs where this individual is not the supervising speech-language pathologist, notification of approval/ disapproval of the registration application will also be forwarded to the supervising speech-language pathologist.

X. INSERVICE TRAINING AND CONTINUING EDUCATION OPPORTUNITIES PROVIDED BY OR THROUGH THE ARKANSAS DEPARTMENT OF EDUCATION

- A.** The ADE will ensure that all individuals participating in approved programs for the use of speech-language pathology assistant/aides operating in conjunction with these guidelines shall participate in appropriately designed training prior to the use of support personnel in the delivery of speech-language pathology services. It shall be the responsibility of the public agency to ensure the participation of such personnel in all required training activities. Documentation of each individual's participation must be maintained for review by the ADE.
- B.** The ADE will provide for, or cause to be provided, appropriate training opportunities for individuals employed as speech-language pathology assistants/aides and supervising speech-language pathologists.

XI. OVERSIGHT MONITORING BY THE ADE OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS/AIDES AND SUPERVISING SPEECH-LANGUAGE PATHOLOGISTS

- A.** The ADE shall review and approve all requests by public agencies providing special education services to children and youth to initiate and/or continue to use appropriately supervised SLP Assistant and/or Aides.
- B.** The ADE shall, as a part of its regular schedule of monitoring public agencies' compliance with special education program standards, regulations and guidelines, review

the compliance status of speech-language pathology services (i.e., the use of appropriately supervised SLP-Assistants and/or Aides).

- C. The ADE shall aggressively investigate reports of violations of these guidelines, and shall take appropriate action, consistent with its scope of authority under federal and state statute and regulation, in the event that any individual employed for the purposes of working under these ADE guidelines is found to be acting in a manner which violates these guidelines. Furthermore, if an individual who holds ABESPA licensure as a speech-language is found by the ADE to be in violation of these guidelines, the ADE will notify ABESPA of the complaint and findings for consideration under its investigative process.

INFORMATION FOR PARENTS REGARDING CONSENT

Consent means:

- A. You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.
- B. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; **and**
- C. You understand that the consent is voluntary on your part and that you may withdraw your consent at any time.

If you wish to revoke (cancel) your consent after your child has begun receiving special education and related services, you must do so in writing. Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent but before you withdrew it. In addition, the school district is not required to amend (change) your child's education records to remove any references that your child received special education and related services after your withdrawal of consent.

Confidentiality of Information

- A. This public agency is required to obtain written **consent** before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with paragraph A.1 of this section, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 CFR part 99.
 1. Except as provided in paragraph A.2 and A.3 of this section, parental consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of this part.
 2. Parental consent, or the consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with 34 CFR 300.321(b)(3).
 3. If a child is enrolled, or is going to enroll in a private school that is not located in the LEA of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the LEA where the private school is located and officials in the LEA of the parent's residence.

- B. You have the rights described in the "Confidentiality of Information" section of "Your Rights Under the IDEA" regarding storage, disclosure to third parties, retention and destruction of personally identifiable information.
- C. When a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law):
 - 1. the public agency must provide any notice required by this section to the child and the parents;
 - 2. the public agency must provide notice that all other right accorded to parents under this part transfer to the child;
 - 3. the public agency must notify the child and the parents of the transfer of rights; and
 - 4. the public agency must provide notice that all the rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile State, or local correctional institution.

Consent for Initial Evaluation

- A. The public agency cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and obtaining your consent.
- B. The public agency must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.
- C. Your consent for initial evaluation does not mean that you have also given your consent for the public agency to start providing special education and related services to your child.
- D. Your school district may not use your refusal to consent to one service or activity related to the initial evaluation as a basis for denying you or your child any other service, benefit, or activity, unless another Part B requirement requires the school district to do so.
- E. If your child is enrolled in public school or you are seeking to enroll your child in public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by utilizing the Act's mediation or due process complaint, resolution meeting, and impartial due process hearing

procedures. The public agency will not violate its obligations to locate, identify, and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

Parental Consent for Services

- A. The public agency must obtain your informed consent before providing special education and related services to your child for the first time.
- B. The public agency must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.
- C. If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent, the public agency may not use the procedural safeguards (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) may be provided to your child without your consent.
- D. If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent or later revoke (cancel) your consent in writing and the public agency does not provide your child with the special education and related services for which it sought your consent, the public agency:
 - 1. Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; and
 - 2. Is not required to have an individualized education program (IEP) meeting or develop an IEP for your child for the special education and related services for which your consent was requested.
- E. If you revoke (cancel) your consent in writing at any point after your child is first provided special education and related services, then the public agency may not continue to provide such services, but must provide you with prior written notice before discontinuing those services.

Parental Consent for Reevaluations

- A. The public agency must obtain your informed consent before it reevaluates your child, unless it can demonstrate that:
 - 1. It took reasonable steps to obtain your consent for your child's reevaluation; and

2. You did not respond.
- B. If you refuse to consent to your child's reevaluation, the public agency may, but is not required to, pursue your child's reevaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation. As with initial evaluations, the public agency does not violate its obligations under Part B of the IDEA if it declines to pursue the reevaluation in this manner.
 - C. Your written consent is required before conducting a reevaluation before determining that the child is no longer a child with a disability. However, reevaluation is not required before the termination of a child's eligibility under the IDEA due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.

Documentation of Reasonable Efforts to Obtain Parental Consent

- A. The public agency must maintain documentation of reasonable efforts to obtain your consent for initial evaluations, to provide special education and related services for the first time, to reevaluation and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the public agency's attempts in these areas, such as:
 1. Detailed records of telephone calls made or attempted and the results of those calls;
 2. Copies of correspondence sent to you and any responses received; and
 3. Detailed records of visits made to your home or place of employment and the results of those visits.

Other Consent Requirements

- A. Parental consent is not required before -
 1. Reviewing existing data as part of your child's evaluation or a reevaluation; or
 2. Administering to your child a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.
- B. In addition to the parental consent requirements described in paragraph A of this section, a State may require parental consent for other services and activities under this part if it ensures that each public agency in the State establishes and implements effective procedures to ensure that a parent's

refusal to consent does not result in a failure to provide the child with FAPE.

- C. A public agency may not use your refusal to consent to one of these services or activities under this section as a basis to deny any other service, benefit, or activity of the public agency unless another IDEA Part B requirement requires the public agency to do so.
- D. If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the public agency may not use its dispute resolution procedures (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) and the public agency is not required to consider the child as eligible to receive equitable services (services made available to parentally-placed private school children with disabilities).
- E. To meet the reasonable efforts requirement of this section, the public agency must document its attempts to obtain parental consent using the procedures in 34 CFR 300.322(d).

**NOTIFICATION TO PARENT(S) OF TRANSFER OF RIGHTS UNDER THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

Date: _____

Dear: _____

In accordance with requirements set forth in the *Individuals with Disabilities Education Act (IDEA)*, Part B, this is to notify you that, since your child with a disability has reached the age of majority under State law (age 18) all rights and protections given to you as the parent of a child with disabilities as contained in "Your Rights Under the IDEA" now transfer to _____.

(Name of Child)

However, the IDEA provides that you will retain the right along with your child to receive any notices required under Part B.

Furthermore, such transfer of rights and protections also includes children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

The IDEA provides that an exception to this requirement may be made when a child with a disability has been determined to be incapacitated or incompetent under State law. In Arkansas, the determination of an individual's incapacitation or incompetence and appointment of a legal guardian for that individual must be done by the appropriate court of law.

Principal/Designee

**NOTIFICATION TO YOUTH OF TRANSFER OF PARENTAL RIGHTS UNDER THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

Date: _____

Dear: _____

In accordance with requirements set forth in the *Individuals with Disabilities Education Act (IDEA)*, Part B, this is to notify you that, since you have reached the age of majority under State law (age 18) all rights and protections previously given to your parent(s) as contained in "Your Rights Under the IDEA" now transfer to you. However, the IDEA provides that your parent(s) will retain the right along with you to receive any notices required under Part B of the IDEA.

For your information, the IDEA provides that such a transfer of rights and protections also includes children and youth who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

The IDEA provides that an exception to this requirement may be made when a child or youth with a disability has been determined to be incapacitated or incompetent under State law. In Arkansas, the determination of an individual's incapacitation or incompetence and appointment of a legal guardian for that individual must be done by the appropriate court of law.

Principal/Designee

Teacher/School District	Date
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_____	_____	_____
Legal Name of Child/Student	Child/Student ID	DOB

Permission for Consent Prior to Inviting Agencies Related to Transition

Your permission is required to invite outside agencies to an IEP meeting that, if your child is eligible, may provide or pay for transition services that may be essential or at the very least valuable to your child. Based on the student's needs the school has identified the following agencies which may be able to provide beneficial services pending your student qualifying for such services. These agencies will be invited at the appropriate time to either provide more information regarding their services or to begin the actual process of application/provision of services. Please examine these agencies and indicate whether you either do or do not give consent for the school to invite the agency(s). Please refer to the local agency resource list (attached) which describes various community agencies and their services to indicate any other agency you think is appropriate to invite. It is important to note however that even if your permission is granted to provide an invitation to the identified agencies below, the agency representative may not attend.

This permission shall be valid for the following duration. Beginning _____ and shall terminate _____
(permission period should be not longer than current status to anticipated exit date)

PLEASE CONSIDER THE FOLLOWING AGENCIES THE SCHOOL HAS IDENTIFIED AS POTENTIALLY IMPORTANT TO YOUR CHILD'S TRANSITION AND INDICATE WHETHER YOU CONSENT TO HAVE THE AGENCY(S) INVITED TO YOUR CHILD'S IEP	YES	NO
	<input type="checkbox"/>	<input type="checkbox"/>

Signature of Parent(s)	Date
_____	_____
Signature of Student (if student has reached the age of majority)	Date
_____	_____

LOCAL AGENCY RESOURCE LIST

Below is a list of some of the more common agencies and a brief description of the services within your community. These agencies and their services may vary throughout the state. If you know of a service provided by an agency in your community that is not listed below, please indicate in the "other" section of the consent form. If you need more information regarding services before deciding to provide consent, please contact your child's special education teacher.

<p><u>Arkansas Rehabilitation Services</u> (may provide support for attainment of competitive employment and/or specialized instruction or training)</p>
<p><u>Disability Support Services Representative from college/university/trade school</u> (may provide accommodations for learning)</p>
<p><u>Developmental Disabilities Services</u> (may provide services through independent case management, community providers, integrated day care, Medicaid waiver, and Human Development Centers)</p>
<p><u>Community Health Center</u> (may provide for personal therapy, employment support and other mental health needs)</p>
<p><u>Social Security Administration</u> (may provide for Supplemental Security Income and Medicaid medical coverage)</p>
<p><u>Project Arkansas Work Incentives</u> (provides information on how work will affect SSI and Medicare/Medicaid benefits; may provide self-supporting plan development and linkages to other agencies for vocational training and job placement)</p>
<p><u>Department of Workforce Services</u> (may provide employment related services)</p>
<p><u>Arkansas Work Force Centers</u> (provide locally developed and operated services such as work experience, summer work program and educational opportunities, linking employers and job seekers through a state-wide delivery system.)</p>
<p><u>Local Independent Living Center</u> (may help student develop and independent living plan and provide supports to realize the plan)</p>
<p><u>Division of Volunteerism</u> (provides supportive volunteer activities statewide and promotes volunteerism as a means of community problem-solving)</p>
<p><u>Division of Children and Family Services</u> (may provide services for children who are at risk of being abused, neglected, exploited, and who have serious emotional problems)</p>
<p><u>Division of Services for the Blind</u> (may provide transition services and other vocational rehabilitation services to those persons who are blind or severely visually impaired)</p>
<p><u>Adult Education/Literacy</u> (These free services provide adults with individualized instruction from certified teachers to improve their basic educational skills)</p>
<p><u>Local Guardianship Representative</u> (may be a court employee, Guardianship Alliance representative, or Lawyer familiar with guardianship issues/procedures)</p>
<p><u>Division of County Operations</u> (Responsible for administering many economic programs including ARKids First, Food Stamps and emergency assistance)</p>
<p><u>The Child and Adolescent Service System Program (CASSP)</u> (service teams available throughout the state may provide development of multi-agency plans of care for children with serious emotional disturbance when the current system is not meeting their needs)</p>
<p><u>Other</u> (please identify and describe)</p>
<p><u>Other</u> (please identify and describe)</p>
<p><u>Other</u> (please identify and describe)</p>

**ARKANSAS DEPARTMENT OF EDUCATION
PROPOSED RULES GOVERNING INITIAL AND
STANDARD/PROFESSIONAL ADMINISTRATOR AND ADMINISTRATOR -
ARKANSAS CORRECTIONAL SCHOOL LICENSURE
~~August 2003~~**

1.0 REGULATORY AUTHORITY

1.01 These shall be known as the Arkansas Department of Education Rules Governing Initial and Standard/Professional School Administrator Licensure.

1.02 These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. § 6-11-105, ~~and 6-17-402 (Repl. 1999)~~ and § 25-15-204 Supp., and § 6-17-424.

2.0 PURPOSE

2.01 The purpose of these rules is to establish the requirements and procedures for obtaining an Initial or Standard/Professional Arkansas School Administrator License.

3.0 DEFINITIONS

For the purpose of these Rules

3.01 **Administrator License** - a license, issued by the state, which allows one to serve as an administrator in an Arkansas school district or other agency or organization requiring an administrator license (grade levels indicated). There are three types of administrator licenses available in Arkansas.

3.01.1 **Building Level Administrator** – a principal, assistant principal, or vice principal. (grade levels P-8 and/or ~~7-12~~ 5-12)

3.01.2 **Building Level Administrator/ Arkansas Correctional School** – a principal, assistant principal, or vice principal. (grade levels 5-12) employed in the Arkansas Correctional Schools

3.01.3 **Curriculum/Program Administrator** – a school leader who is responsible for program development and administration, and/or

employment evaluation decisions. Each Curriculum/Program Administrator License is limited to one of the following areas:

3.01.3.1 Special Education (~~grade levels P-4, and/or 4-12, or P-12~~)

3.01.3.2 Gifted and Talented Education (~~grade levels P-8, and/or 7-12, or P-12~~)

3.01.3.3 Career and Technical Education (grade levels 4-8, 7-12 and/or Post-Secondary)

3.01.3.4 Content Area Specialist (grade levels P-12 ~~P-8 and/or 7-12~~)

3.01.3.4.1 The areas of licensure for Content Area Specialist are listed in ~~Appendix A. in the~~ areas and levels of Licensure as approved by the State Board of Education.

3.01.3.5 Curriculum Specialist (grade levels ~~P-8, 4-8 and/or 7-12~~ P-12)

3.01.4 **District Level Administrator** –a superintendent, assistant/associate superintendent, or deputy superintendent. (grade level P-12)

3.02 **Administrator Licensure Completion Program Plan (ALCP)** - a plan filed with the office of Professional Licensure, which is designed to assist an individual who has been offered employment in an administrative position prior to completion of state Administrator Licensure requirements. An ALCP may be requested for any one of the three types of Administrator Licenses Licensure areas.

3.02.1 Administrators on an ALCP must participate in Induction for each year they are employed under an ALCP.

3.03 **Advanced Program of Study** - a state-approved administrator preparation curriculum (inclusive of a portfolio and internship) offered at an Arkansas college or university, which is based on the current leadership standards *Standards for Licensure of Beginning Administrators* as adopted by the Arkansas State Board of Education. The program requires a candidate to demonstrate and document competency in the specific knowledge, skills, and dispositions required of a District Level Administrator.

- 3.04 **Area of Licensure** – a particular content field as identified in Appendix A, Areas and Levels of Licensure as approved by the State Board of Education.
- 3.05 **Level of Licensure-** The grade level parameters of an administrator licensure area such as P-8, 7-12, P-12, P-8, P-12, 4-8, 5-12, or 7-12.
- 3.06 **Beginning Administrator** - an individual in his/her first one-to-three years as a school administrator who holds an Initial Building Level Administrator License, Initial Curriculum/Program Administrator License or is employed under or an ALCP, and is pursuing a Standard Administrator License.
- 3.07 **Classroom Teaching Experience-** Employment as the licensed classroom teacher of record
- 3.07.1 Credit for one (1) year of classroom teaching requires a minimum of fifty percent of each day to be spent as a classroom teacher.
- 3.07.2 One (1) year of classroom teaching experience shall equal a minimum of 120 days within a school year.
- 3.07.3 Experience as an Educational Examiner, Adult Education, Athletic Director/Coaching, School Administrator, Speech Pathology (with the exception of Curriculum Program Administrators for Special Education) & School Psychology Specialist is not recognized as classroom teaching experience.
- 3.07.4 Four (4) years of experience as a school counselor, or school librarian may be counted toward the total of four (4) years of classroom teaching experience for Building Level Administrator ~~only~~ and Curriculum / Program Administrator for Curriculum (only).
- 3.08 **External Evaluator** –a member of the portfolio review committee within an Arkansas college or university program of study, who is a practicing school administrator or a former school administrator holding a current administrator license, and not employed within the college or university department offering the program of study.

3.09 Induction – a period of no less than one year and no more than three years, when a candidate is employed while holding an Initial Administrator License or those candidates employed under an ALCP- the mentoring support and accelerated professional development associated with the Initial Administrator License. The time of induction (minimum of one year, maximum of three years) concludes with the successful completion of the state-mandated assessment.

3.09.1 Induction consists of:

3.09.1.1 Completion of the ADE Mentoring Program for Administrators, including attendance at training sessions and working with a mentor while employed as an Administrator

3.09.1.2 Successful completion of the state-mandated assessment for Administrators

3.10 Initial Administrator License - a license, issued by the state, which allows one to serve as either a beginning Building Level Administrator in a traditional P-12 setting, an Arkansas Correctional School setting, or Curriculum/Program Administrator in an Arkansas school district. This initial license is valid for no less than one, and no more than three years. ~~,during which time the administrator participates in Administrator Induction.~~

3.10.1 **Initial Building Level Administrator/ Arkansas Correctional School** – a licensed issued by the state which allows one to serve as a beginning building level administrator in an Arkansas Correctional School setting. This initial license is valid for no less than one, and no more than three years.

3.11 Internship - a practical administrative and/or curricular experience, within a program of study (based on NCATE standards), which provides the candidate with practice in a traditional P-12 school setting in the specific area of administration being sought. A separate internship is required for every area and level of administration sought.

- 3.12 **Mentor** - a licensed administrator ~~trained~~ certified in the state-adopted mentoring model. Mentors are assigned to assist a beginning administrator by providing support and focused feedback with regard to skills, management, and professional behaviors.
- 3.13 **Mentoring State Mentoring Program for Administrators**- support and focused feedback (~~for professional growth and development~~) provided to a beginning administrator by an experienced licensed administrator that has been trained in the Arkansas mentoring model for administrators. ~~mentor.~~
- 3.14 **Portfolio** - an accumulation of materials and documented experiences reflecting the ~~knowledge, disposition and performance~~ competencies of the candidate with regard to Arkansas Administrator Licensure Standards as required by program of study. A separate portfolio is required for each area and level of administrator licensure sought. The portfolio will be assessed by the program of study faculty and at least one external evaluator to ensure program quality and integrity.
- 3.15 **Program of Study** - a state-approved administrator preparation curriculum (inclusive of a portfolio and internship) offered at an Arkansas college or university, ~~and~~ based on the current leadership standards *Standards for Licensure of Beginning Administrators* as adopted by the Arkansas State Board of Education. The program requires a candidate to demonstrate and document competency in the specific knowledge, skills, and dispositions required of a Building Level, ~~or~~ Curriculum/Program Administrator, and/or District Administrator.
- 3.16 **Standard Administrator License** - a renewable license, valid for five years, issued to candidates who have successfully completed all state-mandated licensure requirements for Building Level, Curriculum/Program or District Level Administrator. ~~This license is valid for five (5) years. , at which time it must be renewed, or it will expire.~~
- 3.17 **State-Mandated Licensure Assessments** – ~~test~~ the required assessment(s) used for the evaluation of administrators who are pursuing Standard administrator licensure.

3.17.1 Successful ~~completion~~ passing of the state-mandated licensure assessments is defined as meeting the state-adopted cut score for the appropriate licensure assessment.

3.18 Professional License- A standard Arkansas Teaching License that is issued upon the request of a teacher who has documented the completion of a Master's Degree and three years of teaching experience or who has documented current National Board Certification.

3.19 Traditional P-12 Setting- Employment in a public, including the Arkansas Correctional Schools, or private school between P-12 grade levels (or) a setting preapproved by the Arkansas Department of Education.

4.0 REQUIREMENTS FOR OBTAINING AN INITIAL ADMINISTRATOR LICENSE

4.01 There are two types of Initial Arkansas school administrator licenses.

4.01.1 Building Level Administrator

4.01.2 Curriculum/Program Administrator (issued in one of five (5) areas)

4.01.2.1 Special Education

4.01.2.2 Gifted and Talented Education

4.01.2.3 Career and Technical Education

4.01.2.4 Curriculum Specialist

4.01.2.5 Content Area Specialist

4.01.2.5.1 The areas of licensure for Content Area Specialist are listed in Appendix A. the Areas and Levels of Licensure as approved by the State Board of Education

4.02 To qualify for an Initial Administrator License a candidate ~~must~~ shall:

4.02.1 Hold a current Arkansas Standard Teaching License,

4.02.1.1 For Curriculum/Program Administrator the license must be in the specialty area where applicable.

4.02.1.1.1 For Special Education, this includes ~~School Psychology Specialist and/or~~ Speech Language

Pathologist (P-12) licenses.

4.02.2 Have a minimum of four years of classroom teaching experience,

4.02.2.1 For Building Level, ~~at least three of the four years of~~ teaching experience must shall be classroom teaching experience, or experience as a school counselor or school librarian at the level at which the candidate is seeking licensure.

4.02.2.2 For Curriculum/Program Administrator, ~~at least three of the four years of~~ teaching experience must shall be as follows: at the level and/or in the area in which the candidate is seeking licensure.

4.02.2.2.1 Special Education- In the area of Special Education. Individuals holding a license in Speech Language Pathology through the ADE shall document a minimum of four (4) years of experience in a traditional P-12 setting.

4.02.2.2.2 Gifted and Talented- In the area of Gifted and Talented.

4.02.2.2.3 Career and Technical- In the area of Career and Technical.

4.02.2.2.4 Content Area Specialist- In the specific content area and level sought.

4.02.2.2.5 Curriculum Specialist- At any level or area as a classroom teacher, school librarian or school counselor.

4.02.3 ~~Have completed hold~~ a graduate degree in Educational Leadership from an Arkansas college or university that is regionally and/or NCATE accredited college or university and whose approved administrator education programs are NCATE accredited.

4.02.3.1 The appropriate program of study shall include an internship and portfolio. Each area and level of administration granted requires a separate internship and portfolio as well as completion of the state mentoring program.

- 4.02.3.1.1 Internships shall be within the grade level of licensure sought and shall be above and/or below the grade levels of teaching experience for the grade level sought.
- 4.02.3.1.2 Candidates with teaching experience and internship in a public or private school setting shall receive the Initial Building Level Administrator license and shall be employable in a public or private school setting.
- 4.02.3.1.3 Candidates whose teaching experience and/or internship was earned within an Arkansas Correctional School (ACS) setting shall receive the Initial Building Level Administrator/ACS license and shall be employable as a Building Level Administrator only in an Arkansas Correctional School setting. Candidates shall be eligible for the Initial Building Level Administrator license that allows employment in a public or private school setting upon completion of the required teaching experience and/or internship within a public or private school setting.

4.02.3.2 For candidates holding a graduate degree in an area other than Educational Leadership, the institution of higher education will review their credentials to determine their individual needs. The candidates will complete a graduate level program of study based on their individual needs inclusive of an internship and portfolio based on the current leadership standards *Standards for Licensure of Beginning Administrators* as adopted by the Arkansas State Board of Education to obtain an initial license.

4.02.3.2.1 A Master's Degree in an area other than

Educational Leadership, shall be a Master's Degree in Education or a Master's Degree in a content/added endorsement/area as identified in the Areas and Levels of Licensure as approved by the State Board of Education.

~~4.02.4 complete the appropriate program of study (inclusive of an internship and portfolio),~~

~~4.03 The Administrator must be prepared through a regionally and/or NCATE accredited college or university whose administrator prep program is NCATE accredited.~~

4.04 The Educational Leadership Chairperson and licensure officer at the regionally and/or NCATE accredited college or university where the candidate was enrolled ~~will~~ shall provide written evidence of degree or program of study completion.

4.05 The Initial Administrator License shall be issued when a completed, appropriately signed, Initial License Application has been submitted to the offices of Professional Licensure ~~and Professional Quality Enhancement~~ at the Arkansas Department of Education. The application provides ADE with verification of:

4.05.1 ~~the~~ current Arkansas Standard teaching license,

4.05.2 ~~the~~ required teaching experience,

4.05.3 ~~the~~ graduate degree,

4.05.4 ~~the~~ level of preparation, and

4.05.5 completion of the program of study (inclusive of an internship and portfolio), verified by the Educational Leadership chairperson and licensure officer at the university attended.

5.0 GENERAL POLICIES AND PROCEDURES RELATING TO AN INITIAL ADMINISTRATOR LICENSE

5.01 The Initial Arkansas Administrator License:

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

5.01.2 becomes effective as of date of issue

~~5.01.3 expires three years from the effective date, unless requirements for a Standard license are met.~~

~~5.01.3.1 If requirements for the Standard License are not met by the end of the third year, a candidate may re-apply for the Initial License.~~

5.02 Candidates who hold an Initial Administrator License, but are not employed as a Beginning Administrator for a period of three years, ~~must~~ shall meet current program of study and assessment requirements for re-issuance of an Initial Administrator License ~~Licensure requirements at the time of re-application.~~

5.03 The Initial Administrator License shall become null and void and shall not be renewed at such time as the Administrator has been employed as an Administrator for three years and has not successfully completed Induction.

5.04 Administrators employed under ~~who hold~~ an Initial Administrator License shall participate in Administrator Induction. ~~which concludes after a minimum of one year and successful completion of the state-mandated assessment.~~

6.0 RULES PERTAINING TO OBTAINING REQUIREMENTS FOR OBTAINING A STANDARD/PROFESSIONAL ADMINISTRATOR LICENSE

6.01 There are three routes for obtaining a Standard/Professional Arkansas Administrator License.

6.01.1 Conversion of an Initial license via Induction

6.01.2 Completion of the requirements of an ALCP

6.01.3 Conversion of an out-of-state Standard administrator license through reciprocity

6.02 There are three types of Standard/Professional Arkansas Administrator Licenses:

6.02.1 Building Level Administrator

6.02.2 Curriculum/Program Administrator, issued in one of five areas

6.02.2.1 Special Education

- 6.02.2.2 Gifted and Talented Education
- 6.02.2.3 Career and Technical Education
- 6.02.2.4 Curriculum Specialist
- 6.02.2.5 Content Area Specialist

6.02.2.5.1 The areas of licensure for Content Area Specialist are listed in Appendix A the Areas and Levels of Licensure approved by the State Board of Education.

6.02.3 District Level Administrator

6.03 The requirements for each of the Standard/Professional Arkansas Administrator Licenses are as follows:

6.03.1 To qualify for the Standard/Professional Building Level Administrator License the candidate ~~shall~~ must:

6.03.1.1 ~~be employed as a Building Level Administrator, must~~ have been employed as a Building Level Administrator for a minimum of at least 50% of the day, in Arkansas for a minimum of one year

6.03.1.1 hold a current Arkansas Initial Building Level Administrator License or have completed all ALCP requirements,

6.03.1.2 ~~participate in Induction,~~ have completed Induction.

6.03.1.2.1 For candidates that meet all licensure requirements for both levels of building level administrator, only one induction shall be required to license at both levels.

6.03.1.3 ~~successfully complete~~ pass the state-mandated licensure assessment.

6.03.2 To qualify for the Curriculum/Program Administrator License the candidate ~~shall~~ must:

6.03.2.1 ~~be employed~~ have been employed as a Curriculum/Program Administrator for a minimum of at least 50% of the day, in Arkansas for a minimum of one year in the area of the initial license,

- 6.03.2.1 hold a current Arkansas Initial Curriculum/Program Administrator License in the license-specific specialty area or have completed all ALCP requirements.
- 6.03.2.2 ~~participate in Induction,~~ have completed Induction.
 - 6.03.2.2.1 A separate induction shall be required for each area of Curriculum / Program Administrator license.
- 6.03.2.3 successfully complete the state-mandated licensure assessment.

6.03.3 To qualify for the District Level Administrator License the candidate ~~shall~~ must:

- 6.03.3.1 hold a current Standard/Professional Arkansas teaching license,
- 6.03.3.2 ~~have at least four (4) years of classroom teaching experience.~~ shall have met the classroom teaching experience requirement for Building Level Administrator and/or Curriculum/Program Administrator
- 6.03.3.3 hold a current Standard Building Level or Curriculum/Program Administrator License, with a minimum of one year experience as a Building Level or Curriculum Program Administrator.
- 6.03.3.4 have or complete ~~an advanced~~ a graduate degree (with a program of study reflective of the standards for District Level Administrator Licensure), or complete an advanced program of study reflective of the standards for District Level Administrator Licensure (both inclusive of an internship and portfolio), from a regionally ~~and/or NCATE~~-accredited college or university whose program of study is NCATE accredited,
- 6.03.3.5 successfully complete the state-mandated licensure assessment.

6.04 The authorized school district representative ~~will~~ shall verify employment as an Administrator ~~and completion of Induction~~ for a Standard Building Level or Curriculum/Program Administrator License candidate.

- 6.05 ~~The Standard Building Level, or Curriculum/Program Administrator, or District Level Administrator License will be issued when a completed, appropriately signed Standard License Application has been submitted to the office of Professional Licensure with verification that all requirements have been met, and Professional Quality Enhancement at ADE. The application provides ADE with verification of:~~
- ~~6.05.1 employment experience as a licensed school administrator,~~
 - ~~6.05.2 the appropriate initial administrator license (or ALCP),~~
 - ~~6.05.3 completion of the Arkansas Administrator Induction Program, and including mentoring and training sessions and successful completion of the State Mandated Assessment.~~
 - ~~6.05.4 successful completion of the state-mandated licensure assessment (documented via a copy of the official score report).~~
- 6.06 ~~The Educational Leadership Chairperson and the Licensure Officer at the regionally and/or NCATE accredited college or university where the candidate was enrolled will shall verify advanced degree or the graduate degree and advanced program of study completion for Standard District Level Administrator License.~~
- ~~6.06.1 The Standard District Level Administrator License will shall be issued when the completed, appropriately signed Standard License Application and official transcript are is submitted to the Office of Professional Licensure, and Professional Quality Enhancement at ADE. The application provides ADE with verification of:~~
 - ~~6.06.1 the Standard Arkansas teaching license,~~
 - ~~6.06.2 the teaching experience,~~
 - ~~6.06.3 the Standard Building Level or Curriculum/Program Administrator license, with a minimum of one year of experience as a Building Level or Curriculum Program Administrator~~
 - ~~6.06.4 the advanced degree or completion of the advanced program of study (both inclusive of an internship and portfolio), and~~
 - ~~6.06.5 successful completion of the state-mandated licensure assessment (documented via a copy of the official score report).~~
- 6.07 ~~The Standard Administrator License will be issued to applicants holding a Standard administrator license from another state who have met all~~

requirements for a Standard Arkansas Administrator License through reciprocity.

~~6.07.1 Building Level and/or Curriculum/Program Administrators, with less than one year administrative experience, will be mentored for one year.~~

~~7 GENERAL POLICIES AND PROCEDURES RELATING TO A STANDARD ADMINISTRATOR LICENSE~~

~~7.03 The Standard Arkansas Administrator license:~~

~~7.03.1 shall be issued only for those areas and levels of licensure that have been approved by the State Board of Education,~~

~~7.03.2 shall be a renewable license, valid for a period of five years,~~

~~7.03.3 shall become effective January 1 of the year it is issued, and shall expire December 31 of the fifth year.~~

~~7.04 The effective dates of the candidate's standard teaching license and standard Administrator License shall coincide.~~

~~7.0 RULES PERTAINING TO AN ADMINISTRATOR LICENSURE COMPLETION PROGRAM PLAN (ALCP)~~

~~7.01 The ALCP is the licensure route for an individual who has been offered employment in an administrative position in an Arkansas school district prior to completion of state Administrator Licensure requirements.~~

~~7.02 The ALCP is a plan filed with the office of Professional Licensure, which describes lists the requirements to be completed for licensure.~~

~~7.03 The ALCP is valid for a maximum of three years and is not renewable.~~

~~7.04 To qualify for an ALCP candidates shall ~~must~~:~~

~~7.04.1 Hold a current AR Standard/Professional teaching license,~~

~~7.04.1.1 For Curriculum/Program Administrator the license must be in the specialty area where applicable.~~

~~7.04.2 have a minimum of four years of classroom teaching experience,~~

7.04.2.1 For Building Level ~~Licensure~~, at least three of the four years teaching experience ~~shall~~ must be classroom teaching experience, or experience as a counselor or school librarian at the level at which the candidate is seeking the ALCP.

7.04.2.2 For Curriculum/Program Administrator ~~Licensure~~, at ~~least three~~ of the four years of classroom teaching experience ~~shall~~ must be at the level and/or in the area in which the candidate is seeking the ALCP as follows:

7.04.2.2.1 Special Education- In the area of Special Education. Individuals holding a license in Speech Language Pathology through the ADE shall document a minimum of four (4) years of experience in a traditional P-12 setting.

7.04.2.2.2 Gifted and Talented- In the area of Gifted and Talented.

7.04.2.1.3 Career and Technical- In the area of Career and Technical.

7.04.2.1.4 Content Area Specialist- In the specific content area and level sought.

7.04.2.2.5 Curriculum Specialist- At any level or area as a classroom teacher, school librarian or school counselor.

7.04.3 be enrolled and participating in the appropriate program of study through a regionally ~~and/or NCATE~~ accredited Arkansas college or university whose Educational Leadership Program is NCATE accredited administrator program

7.04.3.1 When it has been determined that a candidate is no longer attending class and working under an ALCP, the Educational Leadership chair is required to report it to the Office of Professional Licensure.

7.04.3.2 Candidates employed in an Arkansas public school

under an ALCP shall file a waiver request to be employed out of their licensure area and shall make annual yearly progress as defined in section 4.04 through section 4.04.2.3 of the Rules Governing the Addition of Areas of Licensure or Endorsement each year they have been granted a waiver to be employed out of their licensure area.

7.04.3.2.1 The ALCP shall be considered null and void and further waiver requests to work under an ALCP shall be denied at such time as the candidate fails to make annual yearly progress.

7.04.4 be hired as a Beginning Administrator, in a traditional P-12 school setting, in an Arkansas school district. The position must be in the level/area of the license sought.

7.04.5 have or complete a ~~graduate or advanced~~ degree from a regionally ~~and/or NCATE~~ accredited college or university in Arkansas whose Educational Leadership Program is NCATE accredited.

7.04.5.1 For Building Level and/or Curriculum/Program Administrator, that degree shall ~~must~~ be a graduate degree.

7.04.5.2 For District Level, that degree shall ~~must~~ be an ~~advanced degree~~ a graduate degree with a program of study reflective of the standards for District Level Administrator.

7.04.5.3 For candidates holding a graduate degree in an area other than Educational Leadership, the Institution of Higher Education ~~will~~ shall review ~~their~~ the candidate's credentials to determine ~~their~~ individual needs. These candidates ~~will~~ shall complete a an individualized graduate level program of study (inclusive of an internship and portfolio) which meets

~~their individual needs and~~ is based on the AR Standards for Licensure of Beginning Administrators leadership standards as adopted by the Arkansas State Board of Education.

7.04.5.4 In addition, for District Level, the candidate ~~shall~~ must already hold a Standard Building Level or Curriculum/Program Administrator License.

7.04.5.5 A Master's Degree in an area other than Educational Leadership, shall be a Master's Degree in Education or a Master's Degree in a content/added endorsement/ area as identified in the Areas and Levels of Licensure as approved by the State Board of Education.

7.05 ~~Candidates for The ALCP shall~~ must have be enrolled in a Program of Study verified by the Educational Leadership Chairperson at the ~~regionally and/or NCATE accredited Arkansas~~ college or university where the degree or program of study is offered.

7.06 The authorized school district representative where the candidate for the ALCP is employed ~~shall~~ must verify employment and assure the appointment of the Beginning Administrator mentor.

7.07 The employing Arkansas school district ~~must~~ shall file a completed ALCP ~~application~~ with the offices of Professional Licensure ~~and Professional Quality Enhancement~~ within thirty days of hiring the beginning administrator under an ALCP.

7.08 While employed as a Beginning Building Level or Curriculum Program Administrator ~~beginning administrator~~ under an ALCP the candidate ~~must~~ shall:

7.08.1 be assigned an ADE-certified administrator mentor with experience in the area/grade level being sought.

7.08.2 ~~and participate in~~ complete the Administrator Induction Program including attendance at all ADE training sessions for each year employed under the ALCP,

7.08.3 complete the program of study (inclusive of portfolio and internship),

7.08.4 successfully complete the state-mandated licensure assessment.

7.09 Administrator Induction will continue until all requirements are met (no less than one and no more than three years)

8.0 RULES PERTAINING TO BEGINNING ADMINISTRATOR INDUCTION

8.01 All administrators holding an Initial Building Level Administrator License, an Initial Building Level Administrator/Arkansas Correctional School License, Curriculum/Program Administrator License or an ALCP, ~~who~~ and are employed as beginning administrators, shall participate in Induction for no less than one year and no more than three years.

8.01.1 All Building Level and/or Curriculum/Program Administrators, with less than one-year administrative experience, will be mentored for a minimum of one year.

8.02 Induction includes:

8.02.1 participation in all Administrator Induction activities

8.02.1.1 Having an assigned mentor for a minimum of one year

8.02.1.2 Attending all ADE-sponsored training sessions for Administrators

8.02.2 ~~Registering for and~~ Successfully completing the state-mandated assessment.

8.03 All Arkansas school districts shall complete and submit the ADE required School District Mentoring Plan Signature and Assurances Form to the Office of Professional Quality Enhancement Teacher Quality at the Arkansas Department of Education no later than September 15 of each year.

8.04 Arkansas public school districts shall implement, support, and monitor the quality of mentoring as outlined in ADE Beginning Administrator Induction Guidelines. ~~and the district's approved plan for mentoring.~~

- 8.05 All Arkansas School Districts shall:
- 8.05.1 assign an ADE-certified administrator mentor with relevant experience to the Beginning Administrator within three weeks ~~upon~~ of employment of the Beginning Administrator,
 - 8.05.2 release Beginning Administrators and Mentors from the district to attend the mandatory statewide induction orientation and informational follow-up meetings held by ADE,
 - 8.05.3 adhere to mentoring guidelines developed by ADE, including distribution of professional development support funding within the parameters established by ADE,
 - 8.05.4 file annual reports, including:
 - 8.05.4.1 ~~the list of new administrators and mentors~~ Beginning Administrator Mentor Pair Reporting Form submitted to the Office of Teacher Quality no later than September 15 of each year,
 - 8.05.4.2 Professional Learning Plan for each Beginning Administrator
 - 8.05.4.3 the end of year expenditure budget report to be submitted to the Office of Teacher Quality no later than June 30 of each year.
- 8.06 Mentoring allocations for the Beginning Administrator shall follow the administrator to a new employment site if the administrator continues in an Arkansas public school.
- 8.06.1 If the administrator moves to a non-public school, leaves the profession, or leaves Arkansas, materials bought with state mentoring allocations shall remain in the public school district where the administrator was last employed.
- 8.07 School districts that do not comply with these rules shall be placed in accredited-cited status for licensure deficiencies. Licensure deficiencies for these purposes are defined as:
- 8.07.1 failure to submit and implement an approved district mentoring plan,
 - 8.07.2 failure to register all Beginning Administrators with the Office of ~~Professional Quality Enhancement~~ Teacher Quality Enhancement, and/or

8.07.3 failure to comply with established guidelines for assignment, support and monitoring of Beginning Administrators and mentors.

~~9.0 RULES PERTAINING TO ADMINISTRATOR LICENSURE WAIVER~~

~~9.01— A waiver of administrator licensure may be requested by a school district when a district wishes to employ an individual as an Administrator with who has identified expertise but does not possess an administrator license nor a teaching license. This applies to building level and district level administrators only.~~

~~9.01.1— NOTE: This is a district specific, non-transferable waiver request, and does not culminate in an administrator license.~~

~~9.02— A The waiver request shall must be made to the Director Commissioner of the Department of Education.~~

~~9.03— A The waiver request shall must outline the licensure area in which the waiver is being requested, and should include the following:~~

~~9.03.1— the need for the waiver,~~

~~9.03.2— special qualifications of the individual for whom the waiver is being requested,~~

~~9.03.3— outcome expectations,~~

~~9.03.4— an annual accountability plan, and~~

~~9.03.5— a timeline not to exceed three years.~~

~~9.04— The Director Commissioner will rule on the request based on the recommendations of a review team.~~

~~9.04.1— The review team will be comprised of representatives of public education, higher education, the private sector, and ADE.~~

~~9.05— The Director Commissioner will notify the requesting district within thirty days.~~

~~9.05.1— If the request is denied, the school district may appeal to the State Board of Education.~~

~~9.05.2— If the request is approved, the school district shall must file a progress report to the Director Commissioner after six months, and annually thereafter.~~

~~9.06 The Director Commissioner has the authority, based on the progress and annual reports, to revoke the waiver for reasonable cause.~~

10.0 GENERAL POLICIES PERTAINING TO ALL LICENSES

10.01 Administrators who need a duplicate license ~~shall~~ must submit a completed application form (indicating “duplicate”) and pay applicable fee to the office of Professional Licensure.

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

10.02 All information and documentation submitted for an Arkansas Administrator License must be accurate, authentic and unaltered.

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

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

**ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING INITIAL, STANDARD/PROFESSIONAL AND
PROVISIONAL TEACHER LICENSURE
July 2007**

1.0 REGULATORY AUTHORITY

- 1.01** These shall be known as the Arkansas Department of Education Rules Governing Initial, Standard/Professional and Provisional Teacher Licensure.
- 1.02** These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. § 6-11-105 (~~Rep 1999~~), 6-17-410, and § 25-15-204 (~~Supp-1999~~), §6-17-411 and § 6-17-141.

2.0 PURPOSE

- 2.01** The purpose of these rules is to establish the requirements and procedures for obtaining an Initial, Standard/Professional or Provisional Teaching License.

3.0 DEFINITIONS

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

- 3.01 Area of Licensure** - a particular content field as identified in Appendix A, Areas and Levels of Licensure.
- 3.02 Central Registry** - The Child Maltreatment Central Registry established within the Arkansas Department of Human Services, which contains records of cases on all true investigations determination of child maltreatment.
- 3.03 Content/Standard Teaching Area** refer to the specific subject areas listed under Integrated Curriculum Humanities, Integrated Science Curriculum, Integrated Visual and Performance Arts, Integrated Vocational Education, Integrated Physical Education and Health and Special Education as listed in the State Board Approved Levels and Areas of Licensure.
- 3.04 Induction** - the period of time beginning with a teacher's first employment as the teacher of record in an Arkansas public school, cooperative, or agency that requires an Arkansas teaching license. The novice teacher, operating under an Initial License, is provided mentoring support and accelerated professional development during the Initial license period. It concludes with successful completion of the state-mandated performance assessment. Induction shall not be less than one year and no more than three years.

- 3.05 Initial Licensure** - The first teaching license issued to an applicant for teacher licensure. This license may be provisional, initial, or standard teacher license.
- 3.06 Initial Teaching License** - a three-year teaching license, issued by the state, which allows one to teach in traditional P-12 setting.
- 3.07 Level of Licensure** - the grade/age level parameter of the teaching license as identified in Appendix A, Areas and Levels of Licensure.
- 3.08 Mentor** - a licensed master teacher with a minimum of three years successful teaching experience who is trained in the state-adopted mentoring model. Mentors are assigned in their districts to assist a novice teacher by providing focused feedback with regard to instructional skills, classroom management, and professional behaviors.
- 3.09 Mentoring** - the act of a certified mentor providing support and focused feedback to a novice teacher (through the state-adopted mentoring model) with the goal of enhanced instructional skills, competency, and professional development.
- 3.10 Non-Traditional Licensure Program** - the teacher training program approved and administered by the Arkansas Department of Education, whose participants hold a minimum of a baccalaureate degree and are allowed to teach in an Arkansas ~~school~~ traditional P-12 setting via a Non-Traditional Provisional license.
- 3.11 Novice Teacher** - any licensed teacher-of-record with less than one year of public school, or accredited private school, classroom teaching experience, not including student internship or substitute teaching.
- 3.12 Performance Assessment** - an assessment tool used for evaluation of the classroom performance of a novice teacher, conducted by a trained assessor who utilizes a framework of essential teaching skills in which the novice teacher must demonstrate competency in an authentic classroom setting.
- 3.12.1** Successful completion of the performance assessment is defined as meeting the state-adopted cut-score and the cut-score for each of the four Domains.
- 3.13 Professional License**- A standard Arkansas teaching license, that is issued upon request of a teacher who has documented the completion of a Master’s Degree and three years of teaching experience or who has documented current National Board Certification.
- 3.14 Program of Study** - a state-approved teacher preparation curriculum offered at an Arkansas college or university, based on the *Arkansas Licensure Standards*. The program requires a candidate to demonstrate and document competency in the specific knowledge, skills, and dispositions for a particular licensure area and level.

- 3.15 Provisional Teaching License** - A temporary one-year teaching license available to candidates who have not met all requirements for the Initial or Standard/Professional Arkansas teaching licenses.
- 3.16 Standard Non-Instructional Student Services License** - a five-year renewable license, issued by the state, which allows one to practice in Arkansas public schools as a School Psychology Specialist or Speech Language Pathologist.
- 3.17 Standard Teaching License** - a five-year renewable license, issued by the state, which allows one to teach in Arkansas public schools.
- 3.18 Teacher-of-Record** - an instructional teacher employed under contract (in a licensed staff position) by a school district or other Arkansas agency or organization requiring an Arkansas teaching license.
- 3.19 Traditional P-12 Setting - Employment in a public, including the Arkansas Correctional Schools, or private school between P-12 grade levels (or) a setting pre-approved by the Arkansas Department of Education.**

4.0 REQUIREMENTS FOR OBTAINING AN INITIAL TEACHING LICENSE

- 4.01** There are five routes for obtaining an Initial Arkansas teaching license.
 - 4.01.1** Completion of a regionally accredited and NCATE approved, Arkansas college/university teacher preparation program,
OR
 - 4.01.2** Completion of a college/university teacher preparation degree program that holds regional/national accreditation recognized by the U.S. Department of Education or Council for Higher Education Accreditation and whose teacher preparation program is accredited by a national accrediting body that is recognized by the U.S. Department of Education, Council for Higher Education Accreditation or that is state approved.
OR
 - 4.01.3** Completion of the Arkansas Department of Education Approved Non-Traditional Licensure Program,
OR
 - 4.01.4** By Reciprocity
OR
 - 4.01.5** Conversion of a Provisional license
- 4.02** An Initial Arkansas teaching license shall be issued when the following has been submitted to the office of Professional Licensure:
 - 4.02.1** A completed application for Initial licensure.

- 4.02.2** An official score report reflecting current passing scores, as approved by the State Board of Education, on all state required assessments for Initial licensure (the basic skills assessment [all parts], the state required content area assessment(s) for the specific licensure area(s) sought, and the state required pedagogical assessment).
- 4.02.3** Documentation that the candidate has successfully completed the required background checks by the Arkansas State Police and Federal Bureau of Investigation as required by Ark. Code Ann. § 6-17-410.
- 4.02.4** Documentation that the applicant has requested and cleared a child maltreatment central registry check to be conducted by the Department of Human Services as required by law.
- 4.02.5** Documentation reflecting completion of a teacher preparation program. This shall be:

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

 - 4.02.5.1.1** A regionally accredited and NCATE approved, Arkansas college/university teacher preparation program

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

OR
 - 4.02.5.1.3** Verification from the Arkansas Non-Traditional Licensure Program.
- 4.03** The Initial Arkansas Teaching License application must be signed and verified by the Licensure Officer from the Arkansas college or university where the approved teacher preparation program was completed, or by the designated representative of the Non-Traditional Teacher Licensure Program.
- 4.04** The Initial Arkansas teaching license shall be issued only for those areas and levels of licensure that have been approved by the State Board of Education (Appendix A, Areas and Levels of Licensure).

- 4.05 Candidates may obtain concurrent licensure in more than one licensure/endorsement area.
- 4.06 Candidates seeking Initial licensure in Early Childhood Education (P-4), both Middle School integrated areas (4-8) or Secondary Social Studies (7-12), shall complete a three-credit-hour course in Arkansas History in addition to the required testing and program of study when applicable.
- 4.07 Candidates seeking Initial licensure in Special Education must complete concurrent licensure in a general education area at the same level as the Special Education license.
 - 4.07.1 If the Special Education level is 4-12, the individual shall have a choice of concurrent licensure in a general education area at the 4-8 or 7-12 levels.
- 4.08 **Candidates** who completed an Arkansas teacher preparation program but never received a Standard teaching license (when it has been **longer than five years** since program completion) shall meet current requirements for an Initial license.

5.0 GENERAL POLICIES AND PROCEDURES RELATING TO AN INITIAL TEACHING LICENSE

- 5.01 The Initial Arkansas teaching license:
 - 5.01.1 is valid for no less than one and no more than three years;
 - 5.01.2 expires three years from the effective date, unless requirements for a Standard teaching license are met; and
 - 5.01.3 requires that all Novice Teachers participate in Induction.
- 5.02 Additional areas and levels of licensure may be added to the Initial Arkansas teaching license.
- 5.03 The beginning and expiration dates of an Initial teaching license shall not change upon adding additional licensure areas or advanced degrees.
- 5.04 The grade level and license/teaching area are reflected on the Initial Arkansas Teaching license.
- 5.05 The degree a teaching license is based upon shall be reflected on the Initial Arkansas Teaching license.
- 5.06 Advanced degrees shall not be reflected on the Initial teaching license unless that degree is designated on the official transcript as an education degree or a degree in a content teaching area as approved by the State Board of Education. The degree must be from an institution of higher education holding regional/national accreditation recognized by the U.S. Department of Education, or the Council for Higher Education

Accreditation. If the degree is a teacher preparation degree it must be from a program that holds national accreditation recognized by the U.S. Department of Education, the Council for Higher Education Accreditation, or be state approved.

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

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

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

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

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

5.11 A teacher shall have three years while employed as teacher of record to successfully complete Induction (mentoring and Praxis III - performance assessment) and convert the three-year Initial Arkansas teaching license to the Standard/Professional five-year teaching license.

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

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

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

5.12.1.2 The teacher shall provide verification of having been employed as the teacher of record for three years.

5.12.1.3 The application shall not be processed when received later than the registration deadline for the state mandated performance assessment for either the Fall or Spring Semester.

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

6.0 REQUIREMENTS FOR OBTAINING A STANDARD/PROFESSIONAL TEACHING LICENSE

6.01 Requirements for a Standard/Professional teaching license are:

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

OR

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

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For Final Approval
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Council for Higher Education Accreditation or that is state approved.

- 6.01.2** Passing the required basic skills assessment (all parts),
 - 6.01.3** Passing the required content area assessment(s) for the specific licensure area and level sought,
 - 6.01.4** Passing the required pedagogical assessment(s),
 - 6.01.5** Successful completion of Induction (mentoring and performance assessment), and
 - 6.01.6** Successful ~~completion~~ clearance of background checks performed by the Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann. § 6-17-410.
 - 6.01.7** Successful clearance of the child maltreatment central registry check performed by the Arkansas Department of Human Services.
- 6.02** Candidates for a Standard/Professional teaching license in the areas of Early Childhood Education (P-4), both Middle School integrated areas (4-8) or Secondary Social Studies (7-12) must have completed a three-credit-hour course in Arkansas History in addition to the required testing and program of study when applicable.
- 6.03** Candidates for a Standard/Professional teaching license in the Non-Instructional Student Service areas of Speech Language Pathologist shall complete the following requirements:
- 6.03.1** Completion of a Master's Degree in Speech Pathology from a college/university holding regional/national accreditation recognized by the U.S. Department of Education or the Council for Higher Education Accreditation and whose Speech Pathology program holds national accreditation recognized by the U.S. Department of Education or Council for Higher Education Accreditation.
 - 6.03.2** Successful completion of the state required specialty area assessment for Speech Pathology.
 - 6.03.3** Successfully clearing the required State Police, ~~and FBI, background checks.~~ and Child Maltreatment Central Registry background checks as required by law.
 - 6.03.4** Candidates for licensure in Speech Pathology shall not be eligible for a provisional teaching license.

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

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

6.04.2 The School Psychology program shall hold national accreditation recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

6.04.3 Successful completion of the state required specialty area assessment.

6.04.4 Successfully clearing the required State Police, ~~and FBI, background checks,~~ and Child Maltreatment Central Registry background checks as required by law.

6.04.5 Candidates for licensure as a School Psychology Specialist shall not be eligible for a provisional teaching license.

6.05 A content/standard teaching area may be added to the Speech Pathology or School Psychology specialist teaching license by meeting the following requirements.

6.05.1 Completion of a program of study to include an internship in the teaching area.

6.05.2 Successful completion of the required basic skills assessments, the required specialty area assessment(s) & the required pedagogical assessment at the appropriate level of licensure.

7.0 GENERAL POLICIES AND PROCEDURES RELATING TO A STANDARD/PROFESSIONAL TEACHING LICENSE

7.01 The standard/professional teaching license shall be issued only for those areas and levels of licensure that have been approved by the State Board of Education.

7.02 The standard/professional teaching license shall be a renewable teaching license, valid for a period of five years.

7.03 The standard/professional teaching license shall become effective January 1 of the year it is issued and shall expire December 31 of the fifth year.

- 7.04** The standard/professional teaching license will reflect all general education and endorsement areas reflected on the Initial teaching license.
- 7.05** Additional areas and levels of licensure may be added to the Standard/Professional teaching license.
- 7.06** The beginning and expiration dates of a Standard/Professional teaching license shall not change upon adding licensure areas or advanced degrees.
- 7.07** The degree a teaching license is based upon shall be reflected on the Standard/Professional teaching license.
- 7.08** Advanced degrees shall not be reflected on the Standard/Professional teaching license unless that degree is designated on the official transcript as an education degree, or a degree in a content teaching area as approved by the State Board of Education. The degree must be from an institution of higher education holding regional/national accreditation recognized by the U.S. Department of Education, or the Council for Higher Education Accreditation. If the degree is a teacher preparation degree it must be from a program that holds national accreditation recognized by the U.S. Department of Education, the Council for Higher Education Accreditation or be state approved.
- 7.09** ~~Teachers licensing by reciprocity with less than one year of teaching experience who hold a Standard/Professional teaching license shall participate in the Mentoring component of Induction in their first year as the teacher of record.~~
- 7.09.1** ~~The performance assessment is not required of these individuals.~~

8.0 REQUIREMENTS FOR OBTAINING A PROVISIONAL TEACHING LICENSE

- 8.01** A one-year (**1084**) non-renewable provisional teaching license shall be available for graduates of an Arkansas teacher preparation program who have not completed the following requirements:
- 8.01.1** All required subject-specific and pedagogical assessments, and/or
- 8.01.2** A three-credit-hour Arkansas History course when required.
- 8.02** A one-year (**1084**) non-renewable provisional teaching license shall be issued upon providing the following documentation.
- 8.02.1** A completed application reflecting completion of an approved teacher preparation program from an Arkansas college or university;

- 8.02.2 Official transcripts reflecting the completion of a Bachelor's Degree (Master's Degree when required);
- 8.02.3 Successful completion of both parts of the required background checks (Arkansas State Police and Federal Bureau of Investigation);
- 8.02.4 Documentation that the applicant has requested and cleared a child maltreatment central registry check to be conducted by the Department of Human Services as required by law.
- 8.02.5 Score report reflecting successful completion of the state required basic skills assessment (all parts); and
- 8.02.6 Proof of employment on the verification of provisional licensure eligibility form indicating employing school district and hire date.

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

- 9.01 The one-year (1084) non-renewable provisional teaching license shall be converted to the three-year Initial teaching license when the following documentation has been submitted:
 - 9.01.1 A completed application for licensure requesting conversion of the provisional license;
 - 9.01.2 Score reports reflecting successful completion of the required assessment(s), and/or
 - 9.01.3 Official transcript reflecting the successful completion of a three-credit-hour Arkansas History course when required.

10.0 RULES PERTAINING TO NOVICE TEACHER INDUCTION

- 10.01 All **Novice Teachers** employed as teacher-of-record ~~in an Arkansas public school or agency~~ in a traditional P-12 setting shall participate in Induction for no less than one year. ~~and no more than three years.~~
- 10.02 Induction includes mentoring, and successful completion of the state mandated performance assessment.
- 10.03 The School District Induction Assurances Form is to be submitted to the Office of Teacher Quality at the Arkansas Department of Education no later than September 15 of each year.

10.04 All Arkansas public schools or agencies who employ a novice teacher as a licensed teacher-of-record shall:

- 10.04.1** Register all novice teachers in their employ and their mentors with the Office of Teacher Quality using the Induction Pairing Form no later than September 15th of each year,
- 10.04.2** Assign to the novice teacher a mentor teacher who is located in the same building, and who, as much as possible, has a compatible background in content area and level of licensure, is trained and certified in the state adopted mentoring model, and has at least three (3) years of successful teaching experience. Districts shall contact the Induction Program Advisor in the Office of Teacher Quality for consideration of any exceptions to these requirements.
- 10.04.3** Assign the mentor to the novice teacher within three weeks of the novice teacher's first contract day of the school year,
- 10.04.4** Assign only one novice teacher per mentor teacher unless ~~the mentor is given released time from other contract duties (the equivalent of one instructional period per additional novice teacher assigned to a single mentor)~~ preapproved by the ADE to accommodate the additional mentoring responsibility, as approved by the Induction Program Advisor.
- 10.04.5** Contact the Induction Program Advisor and provide information on the Induction Project Director that has been appointed by the school district no later than August 1 of each year, ~~appoint an Induction Project Director at the school district by August 1 of each year,~~ who will act as the liaison for the program to ADE.
 - 10.04.5.1** Project Directors are responsible for coordinating mentor assignments, oversight of mentoring funding appropriations and the district mentoring plan, approval of appropriate professional development expenditures for the novice teacher, and all written and fiscal reporting and communications to the ADE,
- 10.04.6** Release mentors, novice teachers, and/or the Induction Project Director from the district to attend any mandatory statewide orientation or informational meetings held by the ADE,
- 10.04.7** Notify the ADE, Office of Teacher Quality within 15 days of any personnel changes that might affect annual mentoring budget allocations (such as hiring of a novice teacher midyear, or a novice teacher resigning midyear and being replaced by an experienced teacher for whom mentoring is not appropriate); and

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

- 10.07.4** All ~~mentoring~~ observation documents shall be collected by the Project Director.
- 10.07.4.1** At the end of the school year the Professional Growth Plan and Observation forms would become the sole possession of the novice teacher and shall not be utilized for employment decisions or employment evaluation decisions.
- 10.08** Mentoring observational information shall not be utilized in any way for employment decisions unless students are at risk, either physically or emotionally.
- 10.09** School districts shall distribute any associated mentoring support funding within the parameters established by the Arkansas Department of Education.
- 10.10** Mentor teachers shall perform a minimum of three (3) formal classroom observations per school year for novice teachers and provide feedback focused on increased professional growth.
- 10.10.1** All observations, both formal and informal, shall be noted ~~on forms~~ as designated by the Arkansas Department of Education.
- 10.11** Materials purchased by the novice with mentoring funding shall follow the novice teacher to a new teaching assignment if the novice teacher continues teaching in an Arkansas public school.
- 10.11.1** If the novice teacher chooses to teach in a non-public school, leave the profession of teaching, or teach out of the state of Arkansas, materials bought with state mentoring allocations shall remain in the public school district in which the novice teacher was last employed.
- 10.12** Performance Assessment School districts shall:
- 10.12.1** Provide released time for the novice teacher to participate in the performance assessment for Standard licensure.
- 10.12.2** Provide released time for Assessors from the district to attend mandatory statewide meetings required by the Arkansas Department of Education.
- 10.12.3** Provide released time for Assessors from the district to conduct a minimum of two performance assessments per semester.
- 10.12.4** Not dictate when the novice teacher takes the performance assessment; and

- 10.12.5 Not use the performance assessment results for contract renewal or dismissal purposes.
- 10.12.6 ~~Provide released time for the novice teacher to participate in the performance assessment for Standard licensure~~

10.13 Novice

- 10.13.1 A novice teacher applying for the performance assessment must teach in ~~an~~ a traditional Arkansas public or private school in grades P-12
- 10.13.2 Teachers in distance learning labs will follow the protocol for distance learning lab observations.
- 10.13.3 Novice teachers must teach a class or small group of students without any other licensed teacher present (except the Assessor)
- 10.13.4 A novice teacher may have an instructional aide (non licensed teacher-license) present in the room if he or she is normally scheduled to be present and does not contribute to class discipline.
- 10.13.5 Any novice teacher who is unsuccessful in the performance assessment will automatically be assigned a highly trained mentor and will receive mentoring with financial support for another year.
- 10.13.6 A novice teacher may re-take the performance assessment each semester until the three year license expires.
- 10.13.7 Arkansas Department of Education Office of Teacher Quality will fund the first ~~two~~ attempts to pass Praxis III assessment. Any remaining attempts will be paid for by the Novice Teacher.
- 10.13.8 The novice teacher will receive copies of the assessment summary statements and the Superintendent receives the scores by domain.
- 10.13.9 If a novice whose ~~teacher's~~ Initial license expires prior to passing the performance assessment, the novice teacher may apply through the Office of Professional Licensure for a one semester permit.

10.13.9.1 The novice teacher must take the performance assessment within that six month window.

10.13.9.2 The novice teacher will incur the cost of the performance assessment plus a financial penalty.

10.13.9.3 If the novice teacher is not successful at the performance assessment within the six months, the novice

teacher will not be allowed another opportunity. This results in the permanent loss of licensure.

~~10.14 School districts shall release Assessors from the district to attend mandatory statewide meetings required by the Arkansas Department of Education.~~

10.14 School districts that do not comply with these rules shall be placed in accredited-cited status for licensure deficiencies. Licensure deficiencies for these purposes are defined as:

10.14.1 Failure to register all novice teachers with the Office of Teacher Quality, and/or

10.14.2 Failure to comply with established guidelines for assignment, support, and monitoring of mentor teachers and novice teachers.

10.14.3 Failure to submit all appropriate documentation.

10.15 Project Director's Stipend

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

~~10.15.2 Stipends will be issued after there is assurance that the Project Director has completed requirements for submitting the End of Year Budget Report to the ADE Office of Teacher Quality.~~

11.00 GENERAL POLICIES PERTAINING TO ALL LICENSES

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

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

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

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

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

11.04 Teachers holding a provisional or initial teaching license who have never completed a Child Maltreatment Central Registry check shall do so at the conversion, of their provisional or initial teaching license to the standard teaching license.