



## AGENDA STATE BOARD OF EDUCATION

October 10, 2011

Arkansas Department of Education

9:00 AM

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### Reports

#### Report-1 Chair's Report

*Presenter: Dr. Ben Mays*

#### Report-2 Commissioner's Report

*Presenter: Dr. Tom Kimbrell*

#### Report-3 Recognition of Superintendent of the Year

*Dr. Kay Johnson, Greenwood School District superintendent, has been named the 2011-2012 Superintendent of the Year by the Arkansas Association of Educational Administrators.*

*Presenter: Dr. Tom Kimbrell*

#### Report-4 Presentation of Arkansas Department of Education Strategic Plan

*To establish a clear focus for program implementation and agency management, the Commissioner has developed a strategic plan to guide the work in order to achieve goals. This plan provides a basis for monitoring progress, and for assessing results and impact. It establishes a three-year blueprint and enables the Department of Education to look into the future in an orderly and systemic way.*

*Presenter: Dr. Tom Kimbrell*

#### Report-5 Informational Update on Common Core State Standards and PARCC

*This information is provided to keep the State Board of Education apprised of the Department's work and activities associated with college and career readiness.*

*Presenter: Dr. Laura Bednar*

#### Report-6 Progress Report of Year Two Accredited-Probationary Status Schools

*In July, the State Board approved year two accredited-probationary status of Armorel School District and Cutter Morning Star School District. The Board requested a progress report on both districts be given at the October State Board meeting.*

*Presenter: Johnie Walters*

## Consent Agenda

### C-1 Minutes-September 12, 2011

*Presenter: Phyllis Stewart*

### 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 October report summarizes the PMT for September.*

*Presenter: John Hoy and Willie Morris*

### C-3 Newly Employed, Promotions and Separations

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

*Presenter: Dr. Karen Cushman and Clemetta Hood*

### C-4 Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. §6-17-309

*Arkansas Code Annotated §6-17-309 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 166 school districts covering a total of 685 teaching positions. Six school districts requested waivers for six long-term substitutes. These requests have been reviewed, either approved or denied by Department Staff, and are consistent with program guidelines.*

*Presenter: Dr. Karen Cushman*

### 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 –two 2nd Lien Bond Application – Recommend Approval; three Voted Bond Applications – Recommend Approval.*

*Presenter: Cindy Hollowell and Amy Woody*

### C-6 Appointment of Representative to Distance Learning Council

*Arkansas Code Annotated § 6-47-305 requires the State Board to submit to the Governor the names of three individuals employed by an education service cooperative to consider for appointment to the Distance Learning Coordinating Council.*

*It is recommended that the State Board submit the following for consideration: Cathi Swan, Phillip Young and Dennis Martin.*

*Presenter: Dr. Tom Kimbrell*

**C-7 Consideration of Approval of Education Service Cooperatives' Annual Reports**

*Arkansas Code Annotated § 6-13-1020 requires that education service cooperatives file annual reports including policies and procedures with the Department of Education for State Board approval.*

**Presenter:** Dr. Tom Kimbrell

**C-8 Consideration of the State Adoption List and Authorization for Contracts for Computer Science K-12**

*To comply with Ark. Code Ann. §§ 6-21-402 through 413 as amended by Act 288 of 2011, it is recommended that the State Board of Education adopt the list of textbooks and other instructional materials recommended by the State Computer Science Committee. Approval of the recommended State Instructional Materials Adoption List authorizes the Interim Commissioner to execute contracts with publishing companies for the textbooks and instructional materials recommended for state adoption by the selection committees.*

**Presenter:** Dr. Laura Bednar

**C-9 Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50 for Case #11-081 - Paula Calvert**

*The Professional Licensure Standards Board's Subcommittee on Ethics is recommending a written reprimand and a fine of \$50 for Paula Calvert for violation of Standard 1: An Educator maintains a professional relationship with each student, both inside and outside the classroom.*

**Presenter:** Michael Smith

**Action Agenda**

**A-1 Consideration of Adoption of Resolution: Arkansas School Board Member Recognition Month**

*January is the designated month to recognize those who volunteer their services as members of governing boards of school districts throughout Arkansas. It is requested that the State Board adopt the attached resolution declaring January as Arkansas School Board Member Recognition Month.*

**Presenter:** Dan Farley

**A-2 Hearing on Waiver Request for Certified Teacher's License - Larry Traylor**

*Larry Traylor has applied for a provisional teaching license and requests that the Board grant him a waiver of his 1996 felony conviction for violation of the Uniform Controlled Substances Act because this criminal offense makes him ineligible for licensure under Ark. Code Ann. § 6-17-410 in the absence of a waiver.*

**Presenter:** Katherine Dovoven

**A-3 Consideration of Revocation of Certified Teacher's License – Timothy Ballard**

*Timothy Ballard was convicted of four counts of sexual abuse in the second degree and one count of sexual abuse in the first degree on 07/29/2011 for his conduct with students while he was a licensed teacher. According to Ark. Code Ann. § 6-17-410 the State Board of Education shall revoke the license of any person who has been convicted of the noted offenses unless the Board grants the licensee waives the disqualifying offense after a hearing. The Department attempted to notify Mr. Ballard of his right to a hearing by mailing the notice to his last known address and to his attorney of record, all mail to Mr. Ballard was returned as "unclaimed" and "unable to forward." Mail to his attorney was not returned.*

**Presenter:** Katherine Donovan

#### **A-4 Consideration of Waiver of National Board for Professional Teaching Standards Repayment of State Funds – Tammy Deaton**

*As ADE continues to close outstanding NBPTS accounts; unresolved balances are being reviewed. These can not be waived or closed without the approval of the State Board. The recommendation is that the repayment waiver for fees expended by the state for Tammy Deaton be considered and granted due to health and/or extenuating circumstances. The State Board of Education has the authority to waive repayment of State monies in cases of death, disability, or extenuating circumstances as set forth in Ark. Code Ann. § 6-17-413 (b) (4) provides that repayment of moneys contributed by the department is not required if, due to the death or disability of the teacher or other extenuating circumstances as may be recognized by the State Board of Education, the teacher does not complete the certification process of the National Board for Professional Teaching Standards or does not teach in the Arkansas public school system for two (2) continuous school years after completing the certification process of the National Board for Professional Teaching Standards. Ms. Deaton provided medical documentation as well as a letter of explanation. It is the opinion of the ADE that Ms. Deaton be granted a waiver due to the extenuating circumstances referenced.*

**Presenter:** Dr. Karen Cushman

#### **A-5 Consideration of Recommendation for New Praxis II Cut Score for Instructional Facilitator - Effective November 1, 2011**

*To support the decision making process for the Arkansas Department of Education with regards to establishing a passing score, or cut score, for the Praxis™ Instructional Facilitator test, research staff from Educational Testing Service designed and conducted a standard-setting study on August 10, 2011. The study also collected content-related validity evidence to confirm the importance of the content specifications for entry-level instructional facilitators. The Praxis Instructional Facilitator test (1031) recommended cut score is 140. Educational Testing Service will begin the administration of this new Praxis II exam in the fall of 2011. Therefore, the recommended effective date for the exam is November 1, 2011.*

**Presenter:** Dr. Karen Cushman

#### **A-6 Consideration of Recommendation for Dropping Art: Content Knowledge (0134)**

*Educational Testing Service (ETS) provided the following information for a multi-state standard setting study for two new Praxis II tests in art: Art: Content Knowledge (0134). This new test will contain all multiple-choice items and will replace Art: Content Knowledge (0133). Art: Content and Analysis (0135). This new test will contain multiple-choice and constructed-response items. States who currently use Art Making (0131) and/or Art: Content, Traditions, Criticism, & Aesthetics (0132), in conjunction with Art: Content Knowledge (0133) will only need to use this new test.*

*The new tests will be administered in the 2011-12 testing year. Tests 0131, 0132, and 0133 will be discontinued at the end of the 2010-11 testing year. Based on this information, it was the State's understanding that the Art: Content Knowledge (0134) would replace the Art: Content Knowledge (0133) and that the Art: Content and Analysis (0135) would replace the Art Making (0131) and Art: Content, Traditions, Criticism, & Aesthetics (0132). Art teacher candidates would be required to pass two content tests instead of three. The State Board adopted the 0134 and 0135 on April 11, 2011. Test adoption forms were sent to ETS on April 26, 2011. On July 27, 2011, the ADE received an email communiqué from ETS indicating that there is "significant content overlap between Art: Content Knowledge (0134) and Art: Content and Analysis (0135)." In light of this information, the ADE considers the content assessed in the Art: Content and Analysis (0135) to be appropriate for Arkansas teacher licensure in art.*

*The ADE recommends dropping the Art: Content Knowledge (0134) effective immediately. The Art: Content and Analysis (0135) will remain as Arkansas's art content licensure assessment. The Principles of Learning and Teaching (PLT) is the required pedagogy assessment.*

*Presenter: Dr. Karen Cushman*

**A-7 Consideration for Approval for Public Comment: Proposed Revisions of Rules Governing the Code of Ethics for Arkansas Educators**

*Act 1045 of 2011 amends the Arkansas Code concerning the enforcement of ethics violations by Arkansas educators. Revisions to this rule reflect changes pursuant to this Act as well as other changes to enhance the procedures and practices of implementation. Consideration is requested to release these rules for public comment.*

*Presenter: Dr. Karen Cushman and Katherine Donovan*

**A-8 Consideration of Approval for Public Comment: Proposed Rules Governing the Arkansas Department of Education Guidelines for the Development, Review and Revision of School District Student Discipline and School Safety Policies**

*Acts 613, 835 and 907 of 2011 amended Arkansas law related to student discipline and school safety. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in May 2007. Arkansas Department of Education staff respectfully requests that the State Board approve and release the proposed revisions for public comment.*

*Presenter: Jeremy Lasiter*

**A-9 Consideration of Approval for Public Comment: Proposed Rules Governing the Issuance of Subpoenas by the Arkansas State Board of Education**

*Ark. Code Ann. § 6-17-425 provides the State Board with the authority to issue subpoenas. It is advisable for the State Board to have a rule governing the issuance of subpoenas by the State Board. Arkansas Department of Education staff respectfully requests that the State Board approve and release the proposed revisions for public comment.*

*Presenter: Jeremy Lasiter*

**A-10 Consideration of Approval for Public Comment: Proposed Rules Governing Public School End-of-Course Assessments and Remediation**

*Act 989 of 2011 moved the onset of high-stakes EOC assessments for English II from 2013-2014 to 2014-2015. The rule is proposed to be revised to reflect this change, to remove obsolete data references, and to make grammatical and stylistic corrections. Arkansas Department of Education staff respectfully requests that the State Board approve and release the proposed revisions for public comment.*

*Presenter: Mark White*

**A-11 Consideration of Approval for Public Comment: Proposed Rules Governing Supplemental Education Service Providers**

*Act 902 of 2011 instituted new reporting requirements for approved supplemental education service (SES) providers and directed ADE to adopt rules implementing the Act. Revisions have also been made to clarify the status of providers removed from the approved list. Arkansas Department of Education staff respectfully requests that the State Board approve and release the proposed revisions for public comment.*

*Presenter: Mark White*

**A-12 Consideration of Approval for Second Public Comment Period: Proposed Rules Governing Public Charter Schools**

*The State Board first approved these proposed rules for public comment on June 13, 2011. Arkansas Department of Education staff made several revisions to the proposed rules based upon comments received during the public comment period and upon corrections Department staff determined should be made to the proposed rules. Those*

*proposed revisions are highlighted for State Board review. Arkansas Department of Education staff respectfully requests that the State Board place the proposed rules out for a second public comment period.*

**Presenter:** *Dr. Mary Ann Duncan and Jeremy Lasiter*

**A-13**      **Consideration of Approval for Public Comment: Proposed Rules Governing Physical Education Course Credit for Organized Physical Activity Courses**

*Act 1231 of 2011 amended Arkansas law related to physical education course credit. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in July 2005. Arkansas Department of Education staff respectfully requests that the State Board approve and release the proposed revisions for public comment.*

**Presenter:** *Jeremy Lasiter*

**A-14**      **Consideration of Final Approval: Proposed Rules Governing Concurrent College and High School Credit for Students Who Have Completed the Eighth Grade**

*The State Board approved these rules for public comment on August 8, 2011. A public hearing was held in the ADE Auditorium on August 29, 2011. The public comment period expired on September 19, 2011 with no oral or written comments received. Arkansas Department of Education staff respectfully requests that the State Board give final approval to these rules.*

**Presenter:** *Jeremy Lasiter*

**A-15**      **Consideration of Final Approval: Repeal of Current Rules and Regulations Governing Limited English Proficiency Funding**

*The statutes underlying these rules have been repealed by the General Assembly, and these rules have been superseded by the Department's Rules Governing the Distribution of Student Special Needs Funding. A public hearing was held in the ADE Auditorium on August 29, 2011, and no comments were received. Arkansas Department of Education staff respectfully requests that the State Board approve final repeal of this rule.*

**Presenter:** *Mark White*

**A-16**      **Consideration of Arkansas Joining States to Write Next Generation Science Standards**

*Arkansas has been invited to join 20 other states in the development of Next Generation Science Standards to clearly define the content and practices all students will need to learn from kindergarten through high school graduation. State Board approval is requested.*

**Presenter:** *Dr. Tom Kimbrell*

**Minutes**  
**State Board of Education Meeting**  
**Monday, September 12, 2011**

The State Board of Education met Monday, September 12, 2011, in the auditorium of the Department of Education building. Dr. Ben Mays, Chair, called the meeting to order at 9 a.m.

Present: Dr. Ben Mays, Chair; Jim Cooper, Vice Chair; Joe Black; Brenda Gullett; Sam Ledbetter; Alice Mahony; Mireya Reith; Vicki Saviers; and Dr. Tom Kimbrell, Commissioner; Kathy Powers, Teacher of the Year

Absent: Toyce Newton

**Reports**

**Chair's Report:**

Ms. Gullett reported that she and Ms. Newton attended the PARCC meeting September 8-9 in Washington, DC. She said it was exciting to see the collaboration and collective thinking around the Common Core State Standards. She pointed out that Arkansas was complimented several times for the work already underway in the state.

Ms. Mahony said she was part of the El Dorado team to visit the New Tech High School in Ruston, LA where project-based learning was the primary method of instruction.

**Commissioner's Report:**

In announcing the Governor's statewide initiative STEM Works, Commissioner Kimbrell said the focus was to help schools turn out graduates who are better prepared for careers in high-tech fields. He said participating schools would integrate STEM education and project-based learning throughout the curriculum, allowing them to see how the principles they learn in the classroom apply in real world situations.

Dr. Kimbrell said the second component of STEM Works is the UTeach program, which will provide secondary teacher training for STEM majors at Arkansas colleges to ensure the state produces a sufficient number of qualified teachers. Arkansas State University, Arkansas Tech, University of Central Arkansas, UA Fayetteville and the University of Arkansas at Little Rock will participate.

## **AAIMS**

Ms. Tommie Sue Anthony, president of Arkansas Advanced Initiative for Math and Science, provided latest data for the 31 Arkansas high schools in the AP Strategies program.

The participating schools posted significant achievements in test scores for AP math, science and English. The 31 schools in the program took more than 36 percent of the total AP tests given in Arkansas last year and received nearly 40 percent of the qualifying scores of "3 or better." Even more notable, AAIMS schools administered more than 43 percent of the AP tests taken by minority students and received nearly 54 percent of the qualifying scores.

## **2010-2011 Home School Report**

Lisa Crook, Home School Program Coordinator, reported a total of 16,303 Arkansas students were home schooled in the 2010-2011 school year, up from 15,791 students the previous year. According to the report, 84 percent of home school students were tested. Average results ranged from 57th percentile in third and ninth-grade math to the 67th percentile in fourth and fifth-grade reading.

## **Informational Update on Common Core State Standards and PARCC**

In an update on Common Core State Standards, Dr. Laura Bednar, Assistant Commissioner of Learning Services, shared highlights of the PARCC Transition and Implementation Institute held September 8-9. She said the Arkansas team joined other PARCC states in developing strategies and planning next steps to broaden and deepen awareness and support for Common Core.

## **School Improvement Grants Report**

Dr. Bednar gave an update on the progress of the seven cohort 1 recipients of School Improvement Grants (SIG). In the three Little Rock schools—J.A. Fair increased test scores in each of the End of Course areas; Hall's test scores remained at about the same level as the previous year; and Cloverdale's scores dropped slightly from 2010.

In North Little Rock—Rose City Middle's seventh grade scores fell. Eighth grade scores decreased in literacy while remaining flat in math.

Osceola Middle School had double-digit growth in literacy and math at sixth and seventh grade. Osceola High increased test scores in three of four End of Course areas.

Trusty Elementary in Fort Smith had incredible gains and made AYP.

Dr. Bednar announced the four cohort 2 SIG schools—Dollarway High School; Jacksonville High School; Marvell High School; and Central High in Helena West Helena.

### **Consent Agenda**

Mr. Ledbetter moved, seconded by Ms. Mahony, approval of the Consent Agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes of the August 8, 2011, Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Waivers to Educational Agencies for Teachers Teaching Out of Area for Longer than 30 Days
- Arkansas Better Chance Funding Recommendations (18 proposals totaling \$536,856)
- Sanction for Teachers as Recommended by the Professional Licensure Standards Board
  - Linda Mae Gray
  - Lindsay Allison Williams
  - Michael L. Schleiff
  - Anwar Ha' Juan Fairley
  - Steve T. Nelson
  - Maurice Guest

### **Action Agenda**

*(Complete records of the hearings are available in the State Board office.)*

#### **Consideration of Voluntary Surrender of Teaching License of Christopher Brad Parker**

Katherine Donovan, PLSB Counsel, said Christopher Parker wanted to surrender his teaching license, but there was no provision under current law for the voluntary surrender of a license. Accordingly, Mr. Parker asked to surrender his license with the understanding that the State Board of Education's acceptance would result in permanent revocation of his license.

Ms. Saviers moved, seconded by Ms. Gullett, to accept the surrender of Christopher Parker's teaching license resulting in the permanent revocation of the license. The motion carried unanimously.

## **Hearing on Waiver Request for Certified Teacher's License - Larry Traylor**

Ms. Donovan reported that Larry Traylor had applied for a provisional teaching license and requested the Board grant him a waiver of his 1996 felony conviction for violation of the Uniform Controlled Substances Act because the criminal offense made him ineligible for licensure under Ark. Code Ann. § 6-17-410 in the absence of a waiver.

Mr. Traylor told the Board he was in the wrong place at the wrong time but accepted the responsibility of his actions. He said since that time he had worked hard to be the husband and father he should be. He said he did not have a teaching job offer.

Mr. Cooper moved, seconded by Ms. Gullett, to table the item until the October meeting. The motion carried unanimously.

## **Hearing on PLSB Case #10-126 – Emily Alison**

In presenting this case, Ms. Donovan explained that Emily Alison Sullivan was requesting an evidentiary hearing regarding the Professional Licensure Standards Board Ethics Subcommittee's recommendation that the State Board place her standard license on probation for two years and assess a \$75 fine for her violations of the Code of Ethics. She said the Ethics Subcommittee held an evidentiary hearing and found that Ms. Sullivan committed five violations of Standard 1 which states an "educator maintains a professional relationship with each student, both in and outside the classroom."

Ms. Sullivan was represented by her attorney, Greg Alagood.

After all testimony and debate, Ms. Mahony moved, seconded by Mr. Cooper, to accept the recommendation of the PLSB Subcommittee.

Ms. Gullett moved for a substitute motion to consider revocation of Ms. Alison's license. The motion failed for lack of a second.

The original motion carried unanimously.

Mr. Cooper left the meeting at 3:10 p.m.

## **Consideration of Recommendation for New Praxis II Middle School – Multiple Subjects to be Effective November 1, 2011**

Dr. Karen Cushman, Assistant Commissioner for Human Resources and Licensure, recommended the following new Praxis II Assessments and appropriate cut scores: The Praxis Middle School Multiple Subjects test (5141)

comprised of four, separately-timed subtests measuring core content areas: The recommended cut scores are: English Language Arts (5142) is 150; Mathematics (5143) is 143; Social Studies (5144) is 142; and Science (5145) is 143. Dr. Cushman said Educational Testing Service would begin administering the new exams in the fall of 2011. Therefore, the recommended effective date for all five exams is November 1, 2011.

Ms. Gullett moved, seconded by Ms. Reith, approval of the new Praxis II Assessments and cut scores. The motion carried unanimously.

### **Consideration of Approval for Public Comment: Proposed Rules Governing Instructional Materials**

Act 288 of 2011 amended Arkansas law concerning instructional materials. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in July 1995. Arkansas Department of Education staff respectfully requested State Board approval and release of the proposed revisions for public comment.

### **Consideration of Approval for Public Comment: Proposed Rules Governing the School Worker Defense Program and the School Worker Defense Program Advisory Board**

Act 993 of 2011 amended Arkansas law concerning the School Worker Defense Program. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in August 1999. Arkansas Department of Education staff respectfully requested State Board approval and release of the proposed revisions for public comment.

### **Consideration of Approval for Public Comment: Arkansas Department of A-8 Education Rules Governing the Superintendent Mentoring Program**

Act 586 of 2011 created the Superintendent Mentoring Program and required the State Board to establish rules to implement the program. Arkansas Department of Education staff requested State Board approval and release of the proposed rule for public comment.

### **Consideration of Approval for Public Comment: Proposed Rules Governing Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members and Other Parties**

Act 878 of 2011 amended Arkansas law concerning ethical guidelines for educational administrators, employees, board members and other parties. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in July 2005. Arkansas Department of

Education staff requested State Board approval and release of the proposed revisions for public comment.

**Consideration of Approval for Public Comment: Proposed Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act**

Acts 1124 and 1147 of 2011 amended Arkansas law concerning Opportunity School Choice. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in May 2004. Arkansas Department of Education staff requested State Board approval and release of the proposed revisions for public comment.

**Consideration of Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Availability Distance Learning**

This rule duplicates many of the provisions of the Proposed Arkansas Department of Education Rules Governing Distance Learning. For that reason, Arkansas Department of Education recommended this version be repealed and combined, where appropriate, with the Proposed Arkansas Department of Education Rules Governing Distance Learning. Arkansas Department of Education staff requested State Board approval and release of the proposed repeal of these rules for public comment.

**Consideration of Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Distance Learning (August 11, 2003 version)**

This rule duplicates many of the provisions of the Proposed Arkansas Department of Education Rules Governing Distance Learning. For that reason, Arkansas Department of Education recommended this version be repealed and combined, where appropriate, with the Proposed Arkansas Department of Education Rules Governing Distance Learning. Arkansas Department of Education staff requested State Board approval and release of the proposed repeal of these rules for public comment.

**Consideration of Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Grants for Distance Learning**

This rule duplicates many of the provisions of the Proposed Arkansas Department of Education Rules Governing Distance Learning. For that reason, Arkansas Department of Education recommended this version be repealed and combined, where appropriate, with the Proposed Arkansas Department of Education Rules Governing Distance Learning. Arkansas Department of Education staff requested

State Board approval and release for public comment the proposed repeal of these rules.

**Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing Distance Learning**

Act 1075 of 2011 amended Arkansas law concerning distance learning. Additionally, it is necessary to repeal other existing rules concerning distance learning so those rules may be incorporated into the proposed rule. Arkansas Department of Education staff requested State Board approval and release of the proposed revisions for public comment.

**Consideration of Approval for Public Comment: Arkansas Department of Education Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites**

This proposed new rule combines the provisions of two current rules governing district personnel policies and salary schedules. The language of the two current rules has been modified for clarity and to incorporate changes made by Act 989 of 2011. The Board was requested to approve and release for public comment these proposed new rules.

**Consideration of Approval for Public Comment: Repeal of Arkansas Department of Education Rules and Regulations Governing School District Filing Requirements of Personnel Policies**

The provisions of this rule have been rewritten and incorporated into the proposed new Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites. The Board was requested to approve and release for public comment the repeal of these rules.

**Consideration of Approval for Public Comment: Repeal of Arkansas Department of Education Rules Implementing Ark. Code Ann. 6-17-201(b)(1), 6-17-201(b)(2), 6-17- 201(c), 6-20-319(4)(B)**

The provisions of this rule have been rewritten and incorporated into the proposed new Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites. The Board was requested to approve and release for public comment the repeal of these rules.

**Consideration of Approval for Public Comment: Repeal of Arkansas Department of Education Rules Governing Expenditure Requirements by Arkansas School Districts**

The statutes underlying these Rules, Ark. Code Ann. §§ 6-20-305 & 310, were repealed by the General Assembly in Act 59 of the 2nd Extraordinary Session of 2003. Because the underlying statutory authority for these rules has been repealed, the Board was requested to approve and release for public comment the repeal of these rules.

**Consideration of Approval for Public Comment: Proposed Arkansas Department of Education Rules Governing the Distribution of Supplemental Transportation Funds**

Act 1075 of 2011 appropriated \$500,000 to the Department of Education for distribution to school districts as supplemental transportation funds. These proposed new rules prescribe a formula and process for distributing these funds. The Board was requested to approve and release for public comment these proposed rule revisions.

**Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing Loan and Bond Applications**

These rules are amended to clarify and correct the rule language, and to change terminology to reflect changes made by Act 989 of 2011. The Board was requested to approve and release for public comment these proposed rule revisions.

**Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing Publicly Funded Educational Institution Audit Requirements**

These rules are amended to reflect new audit requirements for open-enrollment public charter schools as mandated by Acts 981 and 993 of 2011. The Board was requested to approve and release for public comment these proposed rule revisions.

**Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements**

These rules are amended to clarify and update the rule language, and to reflect changes made by Acts 633 and 701 of 2011. Act 633 clarified statutory language concerning collections and distributions related to the uniform rate of tax, while Act 701 imposed new reporting requirements on districts receiving desegregation

funds from the state. The Board was requested to approve and release for public comment these proposed rule revisions.

**Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing the Calculation of Miscellaneous Funds**

These rules are amended to reflect changes made by Act 266 of 2011, which clarified definitions related to bonded debt assistance for school districts. The Board was requested to approve and release for public comment these proposed rule revisions.

**Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing the Regulatory Basis of Accounting**

These rules are being amended to reflect changes made by Act 871 of 2011, which clarifies the definition of a school district's revenue receipts and eliminates what was known as the "40% Pullback." The Board is requested to approve and release for public comment these proposed rule revisions.

**Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing the Non-Traditional Licensure Program**

Act 1178 of 2011 amends the Non-Traditional Licensure program by allowing experienced professionals to obtain a three-year provisional license to teach on a full-time basis, and then allowing those professionals the opportunity to obtain a standard license at the end of the three years. Act 1178 also allows individuals who complete the Teach for America program, or who obtain a master's degree in teaching (MAT, M.Ed., or MTLL), to receive a standard license. These rule revisions accomplish the following: 1) Implement the changes mandated by Act 1178; 2) Clarify language throughout the rule to make it clearer and more consistent with the Department's other licensure rules; and 3) Remove legally questionable impediments in the current rule affecting individuals receiving degrees from out-of-state colleges and universities.

**Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing Teacher Licensure by Reciprocity**

Act 1178 of 2011 streamlines the licensure reciprocity process by allowing an individual holding a standard license from another state to receive an Arkansas standard or advanced license so long as the individual's license is in good standing with the other state, and the individual meets the educational and background check requirements. These rule revisions accomplish the following:

1) Implement the changes mandated by Act 1178; 2) Clarify language throughout the rule to make it clearer and more consistent with the Department's other licensure rules; and 3) Remove legally questionable impediments in the current rule affecting individuals receiving degrees from out-of-state colleges and universities.

Ms. Saviers moved, seconded by Ms. Reith, approval of Items A-5 through A-25 for public comment. The motion carried unanimously.

**Consideration of Final Approval: Repeal of Current Arkansas Department of Education Rules and Regulations Governing Mobile Phone Usage by School Bus Drivers**

Staff Attorney Mark White said the State Board adopted these rules in 2001, before the Legislature created the Commission on Public School Academic Facilities and Transportation. Since that time, the rules have been superseded by legislation and by rules adopted by the Commission. A public hearing was held in the ADE Auditorium on August 4, 2011, with no oral or written comments received. Because the rules have been superseded, the Board was requested to give final approval to repeal of the rules.

Mr. Ledbetter moved, seconded by Ms. Gullett, final approval to repeal the rules. The motion carried unanimously.

**Consideration of Final Approval: Repeal of Current Arkansas Department of Education Rules and Regulations Identifying and Governing Self-Construction Projects by Public Education Entities**

The State Board adopted these rules in 2001, before the Legislature created the Commission on Public School Academic Facilities and Transportation. Since that time, these rules have been superseded by rules adopted by the Commission. A public hearing was held in the ADE Auditorium on August 4, 2011, with no oral or written comments received. Because the rules have been superseded, the Board was requested to give final approval to repeal the rules.

Mr. Ledbetter moved, seconded by Mr. Black, final approval to repeal the rules. The motion carried unanimously.

**Consideration of Final Approval: Repeal of Current Arkansas Department of Education Rules Governing College Preparatory Enrichment Program**

Act 879 of 2011 repealed the statutes authorizing the Department to operate the College Preparatory Enrichment Program in its present form. A public hearing was held in the ADE Auditorium on August 4, 2011, with no oral or written

comments received. For this reason, the Board was requested to give final approval to repeal of these rules.

Mr. Ledbetter moved, seconded by Ms. Saviers, final approval of the rules. The motion carried unanimously.

### **Consideration of Final Approval: Revisions to Arkansas Department of Education Rules Governing College and Career Readiness Planning Program**

Act 879 of 2011 made significant changes to the postsecondary preparatory programs administered by the Department of Education. These proposed rule revisions implement the changes imposed by Act 879 and create the opportunity for new postsecondary preparatory programs administered by school districts and/or institutions of higher education. A public hearing was held in the ADE Auditorium on August 4, 2011, with no oral or written comments received. The Board was requested to give final approval to these proposed rule revisions.

Ms. Mahony requested that 8.01.2.1 regarding prohibition of incentives for students be stricken.

Ms. Mahony moved, seconded by Mr. Ledbetter, final approval as revised. The motion carried unanimously.

### **Consideration of Final Approval: Repeal of Current Arkansas Department of Education Rules Governing Waivers of Minimum Salaries for Certified Personnel**

The law on which these Rules were based, Ark. Code Ann. § 6-17-1001, was repealed by the Legislature in Act 74 of the 2nd Extraordinary Session of 2003. A public hearing was held in the ADE Auditorium on August 4, 2011, with no oral or written comments received. Because the underlying statute has been repealed, the Board was requested to give final approval to repeal of these rules.

Ms. Gullett, seconded by Ms. Mahony, final approval of the rules. The motion carried unanimously.

### **Adjournment**

The meeting adjourned at 3:35 p.m.

*These minutes were recorded by Phyllis Stewart.*

ADE'S PROJECT MANAGEMENT TOOL EXECUTIVE SUMMARY  
SEPTEMBER 30, 2011

This document summarizes the progress that ADE has made in complying with the provisions of the Implementation Plan during the month of September 2011.

IMPLEMENTATION PHASE ACTIVITY

**I. Financial Obligations**

- A. As of August 31, 2011, State Foundation Funding payments paid for FY 11/12 totaled \$5,627,935 to LRSD, \$3,180,334 to NLRSD, and \$3,910,743 to PCSSD.
- B. As of August 31, 2011, the Magnet Operational Charge paid for FY 11/12 totaled \$1,363,731. The allotment for FY 11/12 was \$15,001,049.
- C. As of August 31, 2011, the M-to-M incentive checks paid for FY 10/11 totaled \$4,458,463 to LRSD, \$5,564,846 to NLRSD, and \$9,761,876 to PCSSD.
- D. ADE pays districts three equal installments each year for their transportation budgets.
  - 1. In September 2010, General Finance made the last one-third payment to the Districts for their FY 09/10 transportation budget. As of September 30, 2010, transportation payments for FY 09/10 totaled \$4,054,730.00 to LRSD, \$1,471,255.67 to NLRSD, and \$2,544,356.20 to PCSSD.
  - 2. In September 2010, General Finance made the first one-third payment to the Districts for their FY 10/11 transportation budget. As of September 30, 2010, transportation payments for FY 10/11 totaled \$1,354,368.33 to LRSD, \$510,218.13 to NLRSD, and \$905,109.15 to PCSSD.
  - 3. In February 2011, General Finance made the second one-third payment to the Districts for their FY 10/11 transportation budget. As of February 28, 2011, transportation payments for FY 10/11 totaled \$2,708,736.66 to LRSD, \$1,020,436.26 to NLRSD, and \$1,810,218.30 to PCSSD.
- E. Bids were released in July, 2011 for sixteen Magnet and M-to-M buses. The bid was awarded to Diamond State Bus Sales for a total of \$1,078,790. There were ten 65 passenger buses at \$67,398 per unit, four 47 passenger busses at \$65,835 per unit and two 47 passenger with lift busses at \$70,735 per unit. Little Rock will get 7-65 passenger busses and 1-47 passenger with lift bus. Pulaski County Special will get 1-65 passenger bus, 4-47 passenger busses and 1-47 passenger with lift bus. North Little Rock will get 2-65 passenger busses.
- F. In July 2011, Finance paid the Magnet Review Committee \$92,500. This was the total amount due for FY11/12.
- G. In July 2011, Finance paid the Office of Desegregation Monitoring \$200,000. This was the total amount due for FY 11/12.

## **II. *Monitoring Compensatory Education***

On July 7, 2011, the ADE Implementation Phase Working Group met to review the Implementation Phase activities for the previous quarter. Mr. Willie Morris, ADE Lead Planner for Desegregation, updated the group on all relevant desegregation issues. Mr. Jeremy Lasiter, ADE General Council for Legal Services, talked about Plan 2000. This is an amended desegregation plan for PCSSD approved in March of 2000. Judge Brian Miller ruled on May 19, 2011 that PCSSD did not successfully meet their plan in the areas of student assignment; advanced placement, gifted and talented and honors programs; discipline; school facilities; scholarships; special education; staff; student achievement; and monitoring. Judge Miller ruled that the NLRSD was in substantial compliance with their desegregation plan except for district staffing. The Attorney General's Office has recommended that the ADE provide more assistance to the PCSSD with the areas of Plan 2000 that have not been fully implemented. The next Implementation Phase Working Group Meeting is scheduled for October 13, 2011 at 1:30 p.m. in the Auditorium at the ADE.

## **III. *A Petition for Election for LRSD will be Supported Should a Millage be Required***

Ongoing. All court pleadings are monitored monthly.

## **IV. *Repeal Statutes and Regulations that Impede Desegregation***

In June 2011, 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 88th Legislative Session, and any new ADE rules or regulations.

## **V. *Commitment to Principles***

On September 12, 2011, the Arkansas State Board of Education reviewed and approved the PMT and its executive summary for the month of August.

## **VI. *Remediation - Evaluate the impact of the use of resources for technical assistance***

On August 26, 29 and 30, 2011 Susan Gray (ADE) and Questar provided "Fall Algebra I Exam Administration Training". This was a web presentation for all school districts on the administration of the Algebra I End-of-Course Exam.

On September 9, 2011 Kathy Mascuilli delivered a set of DVDs, *When Students Write*, to Paula Findley of Pulaski Co. Special School District.

## **VII. *Test Validation***

On February 12, 2001, the ADE Director provided the State Board of Education with a special update on desegregation activities.

### **VIII. In-Service Training**

On August 10, 2011, ADE staff conducted training for Common Core State Standards at the North Little Rock First Assembly of God Church. This professional development was focused on a CCSS overview and an introduction/brief walk-through of the CCSS Resource Guide. In addition, CCSS Orientation A & B for Math and ELA was presented with a focus on how principals can use these resources with their staff.

On August 30, 2011, ADE staff held a Professional Development Planning meeting with North Little Rock School District at the NLRSD Central Office. Items discussed included plans for Ella/Elf training, support for instructional coaches and Common Core Implementation for the district. NLRSD Administration elected not to begin new cycles of Ella and Elf at this time, but rather focus on management for new teachers first. Their coaches will study and plan for Ella and Elf and will contact ADE PD if they have questions, concerns, or support needs.

### **IX. Recruitment of Minority Teachers**

In May 2011, the ADE Office of Professional Licensure requested a list of all spring minority graduates from all Arkansas colleges and universities with teacher education programs.

In June 2011, the ADE Office of Professional Licensure sent a request to the three Pulaski County school districts asking for a list of anticipated teacher shortage areas by grade and subject.

In July 2011, ADE Professional Licensure mailed a list of spring 2011 minority teacher graduates from Arkansas colleges and universities to the three Pulaski County school districts and the Fort Smith School District upon their request.

### **X. Financial Assistance to Minority Teacher Candidates**

Ms. Lisa Smith of the Arkansas Department of Higher Education reported minority scholarships for Fiscal Year 2010-2011 on April 11, 2011. These included the State Teacher Assistance Resource (STAR) Program, the Minority Teacher Scholars (MTS) Program, and the Minority Masters Fellows (MMF) Program. The scholarship awards are as follows:

STAR	Male	Male	Female	Female	Total	Total
Race	Count	Award	Count	Award	Count	Award
White	13	60,000	61	232,500	74	292,500
Black	1	3,000	9	28,500	10	31,500
Hispanic			1	3,000	1	3,000
Other			2	9,000	2	9,000
Totals	14	63,000	73	273,000	87	336,000

MTS	Male	Male	Female	Female	Total	Total
Race	Count	Award	Count	Award	Count	Award
Black	3	12,500	7	27,500	10	40,000
Asian			1	5,000	1	5,000
Native Amer			1	5,000	1	5,000
Totals	3	12,500	9	37,500	12	50,000

MMF	Male	Male	Female	Female	Total	Total
Race	Count	Award	Count	Award	Count	Award
Black	1	3,750	8	21,250	9	25,000
Totals	1	3,750	8	21,250	9	25,000

**XI. *Minority Recruitment of ADE Staff***

The MRC met on August 26, 2011. Fred Hodge stated in the meeting that quarterly, Regina Blevens from the Human Resources Office, sends him the Report of ADE Employees by Grade, Gender, and Race by Division (Between Grades C121 and C130) showing the percentages black and white for each division and section. The information is emailed to MRC members who verify the information for accuracy. Mr. Hodge puts the information in a spreadsheet and creates a graph and a report that is sent to the ADE Commissioner. It was stated in the meeting that it is difficult for the ADE to reach 25 percent black when a teacher's certificate is required for so many positions. Mr. Hodge stated that he thought the percent black at the ADE had gone down some. During the quarters ending March 31, 2011 and June 30, 2011 three of the divisions, Central Administration, Accountability and Research & Technology exceeded the 25% threshold. A committee member asked Mr. Hodge to bring a report from years ago to the next meeting so the committee could see how the percent black has changed. Mr. Hodge thought he would be able to produce a report from 2004. He will present an old chart at the next MRC meeting. The quarterly report is given to the commissioner so that he can share it with his leadership team. There was discussion about the difficulty in hiring and keeping employees because of the pay at the ADE. There is a pay grid based on 2008-09 data. The Federal Government wants the ADE to hire veterans and disabled. There was discussion about rotating the membership in the MRC. The same members have been part of the committee for many years. It was suggested that two people from each division should be in the MRC.

**XII. *School Construction***

This goal is completed. No additional reporting is required.

**XIII. *Assist PCSSD by communicating with local colleges and universities to facilitate lowering the cost of Black History course offerings to its certified staff***

Goal completed as of June 1995.

**XIV. *Scattered Site Housing***

This goal is completed. No additional reporting is required.

**XV. *Standardized Test Selection to Determine Loan Forgiveness***

Goal completed as of March 2001.

**XVI. *Monitor School Improvement Plans - Follow-up and assist schools that have difficulty realizing their school improvement objectives***

On August 25, 2011, ADE staff held an ACSIP meeting at NLRSD. The meeting was held in Kristie Ratliff's office to discuss ACSIP requirements. Diane Gross discussed priorities, interventions, and actions and stressed that actions in the ACSIP plan must be very focused and clear. It was suggested that NLRSD put the budget codes in the action for the Bookkeeper's reference when paying out. The Peer Review Process for approving building plans was discussed. In addition to the ACSIP, discussions were held about Title III and State ELL expenditures and making sure monies are being spent in a way the EL students are being served. The need for spending the dollars in the buildings where the students are located was also pointed out.

### ***XVII. Data Collection***

The ADE Office of Public School Academic Accountability has released the 2010 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 produces a school performance report for each individual public school in the state.

### ***XVIII. Work with the Parties and ODM to Develop Proposed Revisions to ADE's Monitoring and Reporting Obligations***

On August 24, 2011, the ADE held a Desegregation Monitoring and Assistance Plan Meeting. Section H: Facilities, and its areas of non-compliance contained in Judge Miller's Order of the District's Unitary Status Hearing, and Section F: Discipline were discussed. Those in attendance were Margie Powell, ODM, Willie Morris, ADE, Derek Scott, Executive Director of Operations, and Dr. Brenda Bowles, Assistant Superintendent for Equity and Pupil Services. During the meeting the following items were discussed:

- Kahn Plan Study, inequities of facilities within the District, specifically in the Jacksonville area and the Southeast quadrant as compared to Maumelle, and the prioritizing of repairs District-wide.
- Decrease in student enrollment due to inadequate facilities; the District has embarked upon upgrading of facilities at Fuller Middle, Sylvan Hills High, and College Station Elementary.
- Mr. Scott introduced the development of a tool or inspection list to monitor and evaluate the cleanliness of District facilities; Cabinet will conduct the inspections. Cleaning crews will work together cleaning different schools, which will result in a buy-in. Mr. Scott shared that he had provided a proposal for a Facilities Advisory Board to the Cabinet on August 22, 2011.
- Mr. Morris, ADE, pointed out that the parties need to know that it is important that the so called less affluent and the disenfranchised have representation and a voice with reference to facilities.
- Ms. Powell stated that NLRSD has old, but clean facilities, and provides incentives for custodial staff. Incentives included recognition at School Board meetings, dinner tokens, school paraphernalia, plaques, etc.
- Staff members in schools, which have atypically high discipline rates and disparities in the imposition of discipline of African-American students, have been identified. Dr. Bowles asked Mr. Morris if he would speak with the State in assisting with providing professional development and technical assistance to staff members in the area of discipline, classroom management, GESA, Pathwise and interventions for African-American males, etc.
- The next meet of this committee is scheduled for September 21, 2011 at 2:30pm in the Equity and Pupil Services Conference room.

**NEWLY EMPLOYED FOR THE PERIOD OF August 20, 2011– September 16, 2011**

Ronny Brown – Public School Program Coordinator, Grade C123, Division of Public School Academic Facilities and Transportation (DPSAFT), effective 09/12/11.

Jill Brzozowski – Education Investigator, Grade C121, Division of Human Resources/Licensure, Professional Licensure Standards Board (PLSB), effective 09/06/11.

Abby Cress – Administrative Specialist III, Grade C112, Division of Learning Services, Curriculum and Instruction, effective 08/22/11.

\*Dianne Elliott – Administrative Specialist II, Grade C109, Division of Learning Services, Federal Programs, effective 08/22/11.

Martha Harrell – APSCN Division Manager, Grade C126, Division of Fiscal and Administrative Services, Arkansas Public School Computer Network (APSCN), effective 09/06/11.

\*Taffey Smith – Administrative Specialist II, Grade C109, Division of Learning Services, Special Education, effective 09/06/11.

\*Venus Torrence – Public School Program Advisor, Grade C122, Division of Academic Accountability, Federal/State Monitoring, effective 08/22/11. Rehire

**PROMOTIONS/ LATERAL TRANSFERS FOR THE PERIOD OF August 20, 2011– September 16, 2011**

Tammy Harrell – from Public School Program Advisor, Grade C122, Division of Learning Services, Curriculum and Instruction, to Public School Program Coordinator, Grade C123, Division of Learning Services, Curriculum and Instruction, effective 08/22/11.

\*Toya Herndon– from Administrative Specialist III, Grade C112, Division of Human Resources/Licensure, Teacher Quality, to Administrative Specialist II, Grade C109, Division of Human Resources/Licensure, Teacher Quality, effective 08/22/11. Demotion

\*Alisa Jackson – from Administrative Specialist II, Grade C109, Division of Learning Services, Scholastic Audit Administrative Specialist III, Grade C112, Division of Learning Services, Scholastic Audit, effective 09/05/11.

\*Deangela Staples– from Administrative Specialist II, Grade C109, Division of Human Resources/Licensure, Teacher Quality, to Administrative Specialist III, Grade C112, Division of Human Resources/Licensure, Teacher Quality, effective 08/22/11.

Jennifer Wenger – from Administrative Specialist II, Grade C109, Division of Learning Services, Student Assessment, to Administrative Specialist III, Grade C112, Division of Learning Services, Student Assessment, effective 09/05/11.

**SEPARATIONS FOR THE PERIOD OF August 20, 2011– September 16, 2011**

Stephen Brodie – Public School Program Advisor, Grade C122, Division of Learning Services, Professional Development, effective 08/26/11. 3 Years, 1 month, 5 days. Code: 01

Rebecca Cheatham – Administrative Specialist II, Grade C109, Division of Academic Accountability, AYP and Report Card, effective 09/02/11. 0 Years, 2 months, 5 days. Code: 01

\*Ashley Mahomes – Administrative Specialist II, Grade C109, Division Learning Services, Federal Programs, effective 09/06/11. 2 Years, 6 months, 27 days. Code: 01

\*Rosalyn Porter – Administrative Specialist II, Grade C109, Division Learning Services, Charter/Home Schools effective 09/14/11. 1 Year, 0 months, 7 days. Code: 01

\*Minority

**AASIS Code:**

01 – Voluntary Termination

Waivers for Teachers Teaching Out of Area for More Than 30 Days  
October 2011

LEA	District	# Waivers	Teacher	License Areas	ALP		Yrs ALP	Granted/ Denied
					Code	Out of Area		
	ADE Distance Learning Center	1	Laster, Patricia	Mathematics	4546	Transitional College Math	11-12	Granted
1701	Alma School District	2	Alexander, Jamie	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10, 10-11, 11-12	Granted
			Dickerson, Erin	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Beaty, Katrina	ECE P-4, 5th/6th Endorsement	232	Sp Education Visual Specialist P-4	11-12	Granted
6091	Ark. School For The Blind	18	Beaty, Katrina	ECE P-4, 5th/6th Endorsement	234	Sp Education Visual Specialist 4-12	11-12	Granted
			Benedetti, Jennifer	ECE P-4, 5th/6th Endorsement	232	Sp Education Visual Specialist P-4	10-11, 11-12	Granted
			Benedetti, Jennifer	ECE P-4, 5th/6th Endorsement	234	Sp Education Visual Specialist 4-12	10-11, 11-12	Granted
			Geoghegan, Lis	ECE P-4, Vision Specialist P-12, Middle Childhood Education, Secondary Sciences	200	Mathematics 7-12	10-11, 11-12	Denied
			Hall, Samantha	ECE P-4	232	Sp Education Visual Specialist P-4	09-10, 10-11, 11-12	Granted
			Hall, Samantha	ECE P-4	234	Sp Education Visual Specialist 4-12	09-10, 10-11, 11-12	Granted
			Hall, Samantha	ECE P-4	107	Grade 5/6 Endorsement (P-4)	10-11, 11-12	Granted
			Horton, Kelly	ECE P-4	232	Sp Education Visual Specialist P-4	11-12	Granted
			Horton, Kelly	ECE P-4	234	Sp Education Visual Specialist 4-12	11-12	Granted

Waivers for Teachers Teaching Out of Area for More Than 30 Days  
October 2011

LEA	District	# Waivers	Teacher	ALP		Yrs ALP	Granted/ Denied	
				License Areas	Code			
6092	Ark. School For The Blind Continued	4	Mathis, Maggie	PE/Wellness/Leisure P-12	232	Sp Education Visual Specialist P-4	10-11, 11-12	Granted
			Mathis, Maggie	PE/Wellness/Leisure P-12	234	Sp Education Visual Specialist 4-12	10-11, 11-12	Granted
			Smith, Cheryl	ECE P-4, MS Social Studies, Elementary K-6	232	Sp Education Visual Specialist P-4	11-12	Granted
			Smith, Cheryl	ECE P-4, MS Social Studies, Elementary K-6	234	Sp Education Visual Specialist 4-12	11-12	Granted
			Strojek, Shenandoah	Social Studies 7-12	232	Sp Education Visual Specialist P-4	11-12	Granted
			Strojek, Shenandoah	Social Studies 7-12	234	Sp Education Visual Specialist 4-12	11-12	Granted
			Volk, David	Secondary Sciences	232	Sp Education Visual Specialist P-4	11-12	Granted
			Volk, David	Secondary Sciences	234	Sp Education Visual Specialist 4-12	11-12	Granted
			Mobley, Jennifer	Special Ed - Hearing Impaired	001	Early Childhood P-4	11-12	Granted
			Shields, Sheila	ECE P-4, Middle Childhood Education, Elementary K=6	230	Sp Education Instructional Specialist 4-12	11-12	Granted
Arkansas River ESC		1	Shields, Sheila	ECE P-4, Middle Childhood Education, Elementary K=6	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Wooten, Regina	Special Ed - Hearing Impaired	001	Early Childhood P-4	11-12	Granted
			Warren, Barbara	Secondary Principal	311	District Administrator P-12	11-12	Granted
4101	Ashdown School District	3	Cauthron, Brian	PE/Wellness/Leisure, Coaching	167	Social Studies 7-12	11-12	Granted
			Gibson, Nancy	English/Language Arts 7-12	108	Journalism 7-12	11-12	Granted
7401	Augusta School District	4	Madden, Amy	ECE P--4	201	Art P-8	09-10, 10-11, 11-12	Granted
			Greer, Richard	MS Math	200	Mathematics 7-12	11-12	Denied
			Ladd, Laura	ECE P-4	299	Guidance & Counseling P-8	11-12	Granted

Waivers for Teachers Teaching Out of Area for More Than 30 Days  
October 2011

LEA	District	# Waivers	Teacher	ALP		Out of Area	Yrs	
				License Areas	Code		ALP	Granted/ Denied
	Augusta School District Continued		Turner, Roosevelt	PE, Coaching 7-12	235	Physical Education, Wellness & Leisure P-8	10-11, 11-12	Denied
			Whatley, Sandra	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
7301	Bald Knob School District	2	Helms, Anita Reed	Elementary 1-6, MS Social Studies	411	Career Orientation Endorsement 7-12	11-12	Granted
			Patterson, William Craig	Life/Earth Science, Health, PE, Coaching, General Science	169	Physical /Earth Science 7-12	10-11, 11-12	Granted
5401	Barton-Lexa School District	5	Bryant, Catherine	ECE P-4	107	Grade 5/6 Endorsement (P-4)	10-11, 11-12	Granted
			Garrison, Holly	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			Reynolds, Jeremy	ECE P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Sexton, Steven	PE/Wellness/Leisure	167	Social Studies 7-12	10-11, 11-12	Granted
			Turner, Renee	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
3201	Batesville School District	3	Crowder, James Kent	Adm. K-12; Principal 5-12	312	Building Administrator P-8	11-12	Granted
			Mergy, Melissa	ECE P-4	107	Grade 5/6 Endorsement (P-4)	10-11, 11-12	Denied
6301	Bauxite School District	2	Wiles, Kristi	Middle Childhood Education, PE/Wellness/Leisure p-12, coaching	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Peters, Heather	Instructional Music	295	Library Media Science P-8	11-12	Granted
			Peters, Heather	Instructional Music	296	Library Media Science 7-12	11-12	Granted
1601	Bay School District	2	Carmer, Sherry	Art P-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Carmer, Sherry	Art P-12	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted

Waivers for Teachers Teaching Out of Area for More Than 30 Days  
October 2011

LEA	District	# Waivers	Teacher	License Areas	ALP		Out of Area	Yrs	
					Code			ALP	Granted/ Denied
7302	Beebe School District	11	Alexander, Judy	Business Education, Business Technology	296	Library Media Science 7-12	10-11, 11-12	Granted	
			Brown, Melissa	ECE P-4	299	Guidance & Counseling P-8	10-11, 11-12	Granted	
			Brumfield, Lydia	MS English/Social Studies	305	Gifted & Talented P-8	09-10, 10-11, 11-12	Granted	
			Kindrex, Angela	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	11-12	Granted	
			McNeil, Rhonda	Elementary	305	Gifted & Talented P-8	09-10, 10-11, 11-12	Granted	
			Roberson, Hollie	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted	
			Shannon, Sarah	MS Social Studies, Elementary 1-6	312	Building Administrator P-8	11-12	Denied	
			Watkins, Stephanie	ECE P-4	299	Guidance & Counseling P-8	11-12	Granted	
			Williams, Lori	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted	
			Woodard, Jody	English 7-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted	
			Woods, Casey	General Science, Life/Earth Science	306	Gifted & Talented 7-12	11-12	Granted	
Benton Civitan Center		2	Allen, Chrissy	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10, 10-11, 11-12	Granted	
			Calaway, Brittany	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10, 10-11, 11-12	Granted	

Waivers for Teachers Teaching Out of Area for More Than 30 Days  
October 2011

LEA	District	# Waivers	Teacher	ALP		Out of Area	Yrs	
				License Areas	Code		ALP	Granted/ Denied
6302	Benton School District	4	Broach, Tomisha	Middle Childhood Education, Elem K-6, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Coats, Keri	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Coats, Keri	ECE P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Sullivan, Tamara	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
3001	Bismarck School District	1	Smith, Jeremy	Life/Earth Science	169	Physical /Earth Science 7-12	11-12	Granted
4702	Blytheville School District	9	Beck, Justin	English 7-12	105	Grade 5/6 Endorsement (English)	11-12	Granted
			Blankenship, Jennifer	Social Studies 7-12	299	Guidance & Counseling P-8	10-11, 11-12	Granted
			Blankenship, Jennifer	Social Studies 7-12	300	Guidance & Counseling 7-12	10-11, 11-12	Granted
			Bowers, Donna	ECE P-4, Special Ed P-12	299	Guidance & Counseling P-8	09-10, 10-11, 11-12	Granted
			Bowers, Donna	ECE P-4, Special Ed P-12	300	Guidance & Counseling 7-12	09-10, 10-11, 11-12	Granted
			Burnside, Lana	ECE P-4	295	Library Media Science P-8	11-12	Granted
			Burnside, Lana	ECE P-4	296	Library Media Science 7-12	11-12	Granted
			Page, Russell	Socail Studies	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
Wise, Jordan	ECE P-4,Elem	002	English/Language/Social Studies 4-8	11-12	Granted			

Waivers for Teachers Teaching Out of Area for More Than 30 Days  
October 2011

LEA	District	# Waivers	Teacher	ALP		Out of Area	Yrs	
				License Areas	Code		ALP	Granted/ Denied
3701	Bradley School District	2	Brice, Jared	Life/Earth Science, Agricultural Science	169	Physical /Earth Science 7-12	11-12	Granted
			Davenport, Mandy	ECE P-4, Coaching	300	Guidance & Counseling 7-12	11-12	Granted
6303	Bryant School District	11	Bentz, Terry	Middle Childhood Education; English	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Cleveland, Cheryln	MS English/Social Studies	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
			Emerson, Deana	Social Studies	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Moran, Angel	Middle Childhood Education, ECE P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Murillo, Jennifer	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
			Ozbun, Elizabeth	Art P-12	305	Gifted & Talented P-8	10-11, 11-12	Granted
			Sullivan, Keri	Elementary 1-6, MS Social Studies	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Sullivan, Keri	Elementary 1-6, MS Social Studies	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Turbeville, Katy	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			West, Lark	Middle Childhood Education, ECE P-4, Mathematics	295	Library Media Science P-8	11-12	Granted
West, Lark	Middle Childhood Education, ECE P-4, Mathematics	296	Library Media Science 7-12	11-12	Granted			

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LEA	District	# Waivers	Teacher	ALP		Out of Area	Yrs	
				License Areas	Code		ALP	Granted/ Denied
1605	Buffalo Is. Central Sch. Dist.	2	Ivy, Brandy	ECE P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Rowlett, John	Social Studies	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Denied
4304	C.B. King Memorial School Cabot School District	1 21	West, Roger	English 7-12	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Abshire, Alana	ECE P-4, Spec Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
4304	Cabot School District	21	Bryan, Karen	Elementary 1-6, MS Social Studies	305	Gifted & Talented P-8	09-10, 10-11, 11-12	Granted
			Bryan, Karen	Elementary 1-6, MS Social Studies	306	Gifted & Talented 7-12	09-10, 10-11, 11-12	Granted
			Burns, Whitney	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Fox, Melanie	ECE P-4, Special Ed P-4	299	Guidance & Counseling P-8	10-11, 11-12	Granted
			Fox, Melanie	ECE P-4, Special Ed P-4	300	Guidance & Counseling 7-12	10-11, 11-12	Granted
			Frandsen, Ann	ECE P-4, 5th/6th Endorsement	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Garland, Jerry	Elementary 1-6, 5th/6th Endorsement	299	Guidance & Counseling P-8	10-11, 11-12	Granted
			Garland, Jerry	Elementary 1-6, 5th/6th Endorsement	300	Guidance & Counseling 7-12	10-11, 11-12	Granted
			Garrett, Jaime	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted

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LEA	District	# Waivers	Teacher	ALP		Out of Area	Yrs	
				License Areas	Code		ALP	Granted/ Denied
Cabot School District Continued			House, Rita	Elementary 1-6	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Marlin, Kimberly	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Moser, Jessica	English 7-12, Journalism 7-12	299	Guidance & Counseling P-8	11-12	Granted
			Moser, Jessica	English 7-12, Journalism 7-12	300	Guidance & Counseling 7-12	11-12	Granted
			Paterson, Chelsey	ECE P-4, Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Potts, Laura	Social Studies	200	Mathematics 7-12	11-12	Granted
			Thompson, Susan	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Thurman, Tara	Elementary K-6, Mildly Handicapped K-12	305	Gifted & Talented P-8	09-10, 10-11, 11-12	Granted
			Thurman, Tara	Elementary K-6, Mildly Handicapped K-12	306	Gifted & Talented 7-12	09-10, 10-11, 11-12	Granted
			Trammel, Mary	Elementary 1-6, MS Social Studies	305	Gifted & Talented P-8	09-10, 10-11, 11-12	Granted
			Trammel, Mary	Elementary 1-6, MS Social Studies	306	Gifted & Talented 7-12	09-10, 10-11, 11-12	Granted
			Miller, Ginger	Art	224	Business Technology 4-8	11-12	Granted
			Miller, Ginger	Art	225	Business Technology 7-12	11-12	Granted
			Russell-Brightwell, Buff	Special Education K-12, FACS	295	Library Media Science P-8	11-12	Granted
			3301	Calico Rock School District	6			

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LEA	District	# Waivers	Teacher	ALP		Yrs	Granted/ Denied	
				License Areas	Code			Out of Area
5204	Calico Rock School District Continued	9	Russell-Brightwell, Buffy	Special Education K-12, FACS	296	Library Media Science 7-12	11-12	Granted
			Wyatt, Mary E.	General Science, Life/Earth Science	299	Guidance & Counseling P-8	09-10, 10-11, 11-12	Denied
			Wyatt, Mary E.	General Science, Life/Earth Science	300	Guidance & Counseling 7-12	09-10, 10-11, 11-12	Denied
			Briery, Sharrise	ECE P-4, Elementary K-6, Special Ed P-4	203	Vocal Music P-8	10-11, 11-12	Granted
			Briery, Sharrise	ECE P-4, Elementary K-6, Special Ed P-4	205	Instrumental Music P-8	10-11, 11-12	Granted
			Devereux, Donna	Elementary K-8	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Denied
			Diemer, Theresa	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Finley, Nick	PE/Wellness/Leisure	168	Science/Mathematics 4-8	10-11, 11-12	Granted
			Laster, Kristin	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Millican, Leigh	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Roberts, Karen	Drama/Speech	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Roscoe, Derek	PE/Wellness/Leisure, Coaching	167	Social Studies 7-12	11-12	Granted
3212	Cedar Ridge School District	3	McKinney, Lynnette	Reading, Elementary K-6	201	Art P-8	11-12	Granted
			Rounds, Kristine	English/Language Arts Social Studies,	113	Drama Endorsement 7-12	11-12	Granted
			Wheeler, Winfred	PE/Wellness/Leisure	225	Business Technology 7-12	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas		ALP Code	Out of Area	Yrs Granted/ Denied	
				Special Ed :-12, Health, Special Ed Administrator	Special Ed :-12, Health, Special Ed Administrator			ALP	ALP
1702	Cedarville School District	3	Brasher, Sharon	Special Ed :-12, Health, Special Ed Administrator		305	Gifted & Talented P-8	11-12	Granted
				Special Ed :-12, Health, Special Ed Administrator		306	Gifted & Talented 7-12	11-12	Granted
				Social Studies 7-12	Sp Education Instructional Specialist 4-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted
5502	Centerpoint School District	2	Hill, Steven	Middle Childhood Education		230	Sp Education Instructional Specialist 4-12	11-12	Granted
				Social Studies 7-12		299	Guidance & Counseling P-8	11-12	Granted
2402	Charleston School District	1	Rucker, Jason	Health & PE		200	Mathematics 7-12	11-12	Granted
4802	Clarendon School District	8	Askue, Terri Dampflir	ECE P4		168	Science/Mathematics 4-8	10-11, 11-12	Granted
				PE/Wellness/Leisure		167	Social Studies 7-12	11-12	Granted
				Social Studies		108	Journalism 7-12	11-12	Granted
				ECE P-4		295	Library Media Science P-8	11-12	Granted
3601	Clarksville School District	2	McLean, Bobbie	ECE P-4		296	Library Media Science 7-12	11-12	Granted
				ECE P-4		231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
				ECE P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
				Middle Childhood Education		230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
7102	Clinton School District	1	Treece, Stephanie	ECE P-4		231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
				Middle Childhood		230	Sp Education Instructional Specialist 4-12	11-12	Granted
				MS Social Studies, Elementary 1-6		209	Algebra I Endorsement 8	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP		Yrs ALP	Granted/ Denied
					Code	Out of Area		
	Conway County Center for Exceptional Children	2	Blakley, Riva	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Phillips, Christin	Elementary 1-6, MS Social Studies	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
0302	Cotter School District	3	Davenport, Hope	Middle Childhood Education	200	Mathematics 7-12	11-12	Granted
			Franks, Deanna	Elementary, Middle Childhood Education	215	Family & Consumer Sciences 7-12	09-10, 10-11, 11-12	Denied
			Parrish, Ashley	Middle Childhood Education	208	Drama/Speech 7-12	11-12	Denied
0201	Crossett School District	7	Brooks, Elizabeth	English	108	Journalism 7-12	10-11, 11-12	Denied
			Cater, Keri	ECE P-4, English 7-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Harris, Bradley	PE/Wellness/Leisure, Coaching	167	Social Studies 7-12	11-12	Denied
			Ricks, Janet	ECE P-4, Spec Ed P-4, Elem K-6	312	Building Administrator P-8	11-12	Denied
			Sivils, Ashley	English	167	Social Studies 7-12	11-12	Denied
			Stafford, Staci	ECE P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Denied
	Crowley's Ridge ESC	2	Wolcott, Dustin	PE/Wellness/Leisure, Coaching	169	Physical /Earth Science 7-12	11-12	Denied
			Truelove, Julie	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
2601	Cuffer-Morning Star Sch. Dist.	1	Willis, Ashley B.	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Ball, Jamie	PE/Wellness/Leisure, Coaching	167	Social Studies 7-12	11-12	Granted
7503	Danville School District	1	McKibbin, Racheal	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted

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LEA	District	# Waivers	Teacher	ALP		Yrs ALP	Granted/ Denied	
				License Areas	Code			
6701	Dequeen School District	1	Bradshaw, Vivi	Life Science	169	Physical /Earth Science 7-12	11-12	Denied
3102	Dierks School District	2	Bissell, Pat	Elementary Ed K-6	002	English/Language/Social Studies 4-8	10-11, 11-12	Granted
			Neal, Vicky	Middle Childhood Education	166	English/ Language/ Arts 7-12	09-10, 10-11, 11-12	Granted
	Division of Youth Services	1	Nellums, Michael	Secondary Principal, Social Studies	225	Business Technology 7-12	11-12	Granted
3502	Dollarway School District	1	Jones, Jada	Middle Childhood Education	166	English/ Language/ Arts 7-12	11-12	Granted
2202	Drew Central School District	5	Banks, Helen	English 7-12	004	Spanish 7-12	11-12	Granted
			Borse, Sheila	English 7-12/ESL	305	Gifted & Talented P-8	11-12	Granted
			Borse, Sheila	English 7-12/ESL	306	Gifted & Talented 7-12	11-12	Granted
			Curtis, Shawn	Middle Childhood Education	236	Physical Education, Wellness & Leisure 7-12	11-12	Granted
			Graham, Ron	Social Studies	225	Business Technology 7-12	11-12	Granted
2104	Dumas School District	7	Anderson, Tremoine Ta	Social Studies	302	Building Level Administrator 5-12	11-12	Denied
			Anderson, Tremoine Ta	Social Studies	312	Building Administrator P-8	11-12	Denied
			Courtney, Jody	Elementary 106, MS Science	295	Library Media Science P-8	10-11, 11-12	Granted
			Courtney, Jody	Elementary 106, MS Science	296	Library Media Science 7-12	10-11, 11-12	Granted
			Hubbell, Judy	District Adm, Secondary Principal, General Science, English 7-12, Social Studies	229	Adult Education PS	11-12	Granted
			McKnight, Austin	PE P-12, Coaching	169	Physical /Earth Science 7-12	10-11, 11-12	Denied
			Place, Laura Beth	Mathematics 7-12	169	Physical /Earth Science 7-12	10-11, 11-12	Denied

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				License Areas	Code			Out of Area
5301	East End School District	7	Blackburn, April	ECE P-4	305	Gifted & Talented P-8	11-12	Granted
			Blackburn, April	ECE P-4	306	Gifted & Talented 7-12	11-12	Granted
			Ragan, Brenda	ECE P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Squires, Amy	Spanish P-12	307	English As A Second Language P-8	11-12	Granted
			Squires, Amy	Spanish P-12	308	English As A Second Language 7-12	11-12	Granted
			Wiley, Jessica	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Denied
			Yeatman, Julianna	PE/Wellness/Leisure P-12, Gifted & Talented P-12	299	Guidance & Counseling P-8	11-12	Granted
5608	East Poinsett Co. School Dist.	2	Adamson, Misty	ECE P-4, Elem 1-6	305	Gifted & Talented P-8	11-12	Granted
			Adamson, Misty	ECE P-4, Elem 1-6	306	Gifted & Talented 7-12	11-12	Granted
7001	El Dorado School District	9	Boling, Jill	Elementary 1-9	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Dover, London	PE/Wellness/Leisure	168	Science/Mathematics 4-8	11-12	Granted
			Goldberg, Saraj	MS English	166	English/ Language/ Arts 7-12	10-11, 11-12	Granted
			Hallot, Michel	French P12	312	Building Administrator P-8	11-12	Granted
			Pybus, Stacy	Reading/Elementary - Reciprocity	305	Gifted & Talented P-8	11-12	Granted
			Pybus, Stacy	Reading/Elementary - Reciprocity	306	Gifted & Talented 7-12	11-12	Granted
			Sutherland, Johnathan	PE/Wellness/Leisure P-12, Coaching	166	English/ Language/ Arts 7-12	11-12	Granted
			Woods, Brooke	Middle Childhood Education	305	Gifted & Talented P-8	11-12	Granted
			Woods, Brooke	Middle Childhood Education	306	Gifted & Talented 7-12	11-12	Granted
			Otis, Ellen	Middle Childhood Education, ESL P-12	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted

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				License Areas	Code		ALP	Granted/ Denied
1408	Emerson-Taylor School District	1	Cochran, Connie	Business Ed 7-12; School Counselor 7-12	299	Guidance & Counseling P-8	11-12	Granted
	England School District	7	Beck, Andy	Music	2010	Survey of Fine Arts	11-12	Granted
4302	England School District	7	Bramlett, Patricia	Middle School Math	200	Mathematics 7-12	11-12	Granted
			Cloninger, Amy	Elementary K-6	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Morris, Simone	Foreign Language K-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Denied
			Morris, Simone	Foreign Language K-12	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Denied
			Nally, Eddie	Science	302	Building Level Administrator 5-12	09-10, 10-11, 11-12	Granted
			Wagner, James	Social Studies	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Adams, Michael	PE/Wellness/Leisure	167	Social Studies 7-12	11-12	Granted
			Ammons, Cynthia	Middle Childhood Education	003	Spanish P-8	11-12	Granted
			Armendariz, Melissa	MS Social Studies, Elementary 1-6, Special Ed 4-12	201	Art P-8	11-12	Granted
			Arnold, Amy	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
7202	Farmington School District	1	Bartholomew, Kori	ECE P-4, Elementary K-6	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
			Caudle, Elizabeth	PE/Wellness/Leisure, Coaching	169	Physical /Earth Science 7-12	11-12	Granted
			Esry, Eleanor	Language Arts 7-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Garman, Ryan	PE/Wellness/Leisure	200	Mathematics 7-12	11-12	Denied
			Geopfert, Nicole	ECE P-4, 5th/6th Endorsement, Special Ed P-4, Reading P-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted

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				License Areas	Code			Out of Area
Fayetteville School District Continued			Green, Rebecca	ECE P-4, MS Social Studies, Elementary K-6, ESL	002	English/Language/Social Studies 4-8	10-11, 11-12	Granted
			Heil, Lauren	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Kennett, Lori	English/Language Arts	105	Grade 5/6 Endorsement (English)	11-12	Granted
			Lewis, Elizabeth	Comp Ed, Art P-12	295	Library Media Science P-8	10-11, 11-12	Granted
			Lewis, Elizabeth	Comp Ed, Art P-12	296	Library Media Science 7-12	10-11, 11-12	Granted
			Newman, Joey	Middle Childhood Education, PE/Wellness/Leisure	224	Business Technology 4-8	11-12	Granted
			Newman, Joey	Middle Childhood Education, PE/Wellness/Leisure	225	Business Technology 7-12	11-12	Granted
			Parks, Mica	Life/Earth Science 7-12	169	Physical /Earth Science 7-12	11-12	Granted
			Pearcey, JoAnne	Elementary	002	English/Language/Social Studies 4-8	10-11, 11-12	Granted
			Sandven, Martha	Language Arts 7-12	105	Grade 5/6 Endorsement (English)	11-12	Granted
			Selmon, Ludious "Trey"	PE/Wellness/Leisure 7-12, Drama/Speech	235	Physical Education, Wellness & Leisure P-8	10-11, 11-12	Granted
			Shaddy, Kelly	MS English/Social Studies, Elementary, Reading	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Shirey, Jason	Social Studies,Life/Earth Science	236	Physical Education, Wellness & Leisure 7-12	11-12	Granted
			Small, Jessica	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Striegler, Bryan	English/Language Arts	225	Business Technology 7-12	11-12	Granted

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				License Areas	Code			Out of Area
Fayetteville School District Continued			Williams-Young, Katie	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
			Williams-Young, Katie	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10, 10-11, 11-12	Granted
			Yoakum, Andrew	Social Studies 7-12	236	Physical Education, Wellness & Leisure 7-12	11-12	Granted
			Yockey, Zack	PE/Wellness/Leisure	411	Career Orientation Endorsement 7-12	11-12	Granted
			Corbell, Hunter	PE/Wellness/Leisure P-12, Coaching	200	Mathematics 7-12	11-12	Granted
			Hadaway, Kathy	ECE P-4, Elem K-6	299	Guidance & Counseling P-8	11-12	Granted
			Hadaway, Kathy	ECE P-4, Elem K-6	300	Guidance & Counseling 7-12	11-12	Granted
			Hall, Lacey	Art P-12, Middle Childhood Education	293	Coaching 7-12	10-11, 11-12	Granted
			Hall, Lacey	Art P-12, MS English/SS	167	Social Studies 7-12	10-11, 11-12	Granted
			Smith, Brandi	ECE P-4	107	Grade 5/6 Endorsement (P-4)	09-10, 10-11, 11-12	Granted
Stewart, Sara	ECE P-4	002	English/Language/Social Studies 4-8	11-12	Granted			
Walker, Leslie	Life/Earth Science	169	Physical /Earth Science 7-12	11-12	Granted			
Ward, Lacy	Middle Childhood Education, Mathematics	167	Social Studies 7-12	11-12	Granted			

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					Code			ALP	Granted/ Denied
6201	Forrest City School District	2	McKissick, Becky Jacks	ECE P-4		231	Sp Ed Ech Inst Specialist P-4	10-11,	Granted
			Morrison, Angie Gilbreath	ECE P-4, Elem K-6		200	Mathematics 7-12	10-11,	Granted
6601	Fort Smith School District	9	Bale, Nicole	ECE P-4		231	Sp Ed Ech Inst Specialist P-4	11-12	Denied
			Blackard, Chandra	ECE P-4		231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Dlugosh, Emily	Physical/Earth Science, Life/Earth Science		230	Sp Education Instructional Specialist 4-12	11-12	Granted
			McClure, Claire	Social Studies 7-12		230	Sp Education Instructional Specialist 4-12	11-12	Granted
2602	Fountain Lake School District	5	McCutchan, Brittney	ECE P-4		230	Sp Education Instructional Specialist 4-12	10-11,	Granted
			McCutchan, Brittney	ECE P-4		231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Price, Kathy	Elementary 1-6		230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Price, Kathy	Elementary 1-6		231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Remler, Angela	ECE P-4, 5th/6th Endorsement		230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Remler, Angela	ECE P-4, 5th/6th Endorsement		231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Tucker, Tammy	ECE P-4		231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Darin, Kathryn	ECE P-4, Middle Childhood Education		305	Gifted & Talented P-8	11-12	Granted
			Darin, Kathryn	ECE P-4, Middle Childhood Education		306	Gifted & Talented 7-12	11-12	Granted
			Davis, Marc	Physical Science		302	Building Level Administrator 5-12	10-11,	Granted
Richard, Kim	Middle Childhood Education		224	Business Technology 4-8	11-12	Granted			
Shelton, Kenneth	Social Studies		169	Physical /Earth Science 7-12	10-11,	Granted			

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				License Areas	Code			
0403	Gentry School District	5	Fugate, Joe	Social Studies	002	English/Language/Social Studies 4-8	11-12	Granted
			Fugate, Joe	Social Studies	168	Science/Mathematics 4-8	11-12	Granted
			Neal, Wakeeta	ECE P-4, Business Technology, Middle Childhood Education	305	Gifted & Talented P-8	11-12	Granted
			Newlan, Elizabeth	MS Social Studies, Elem 1-6	295	Library Media Science P-8	11-12	Granted
			Smith, Clifford	Social Studies	230	Sp Education Instructional Specialist 4-12	11-12	Granted
4708	Gosnell School District	6	Callewaert, James	PE/Wellness/Leisure	225	Business Technology 7-12	11-12	Granted
			Long, Teri	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			Rouse, Lindsey	ECE P-4, 5th/6th Endorsement	002	English/Language/Social Studies 4-8	11-12	Granted
			Rouse, Lindsey	ECE P-4, 5th/6th Endorsement	305	Gifted & Talented P-8	11-12	Granted
			Rouse, Lindsey	ECE P-4, 5th/6th Endorsement	306	Gifted & Talented 7-12	11-12	Granted
			Smith, Leah	ECE P-4, Elementary K-6, Library Media P-12	002	English/Language/Social Studies 4-8	11-12	Granted
			Hotary, Josh	Social Studies 7-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Matzenbacher, Charisse	Elementary P-8	307	English As A Second Language P-8	11-12	Granted
			Wilson, Tammy	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Michaels, Leah	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
2807	Greene Co. Tech School Dist.	2	Wilkins, Julie	English 7-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted

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LEA	District	# Waivers	Teacher	ALP		Out of Area	Yrs	
				License Areas	Code		ALP	Granted/ Denied
6602	Greenwood School District	18	Benjamin, Karen	ECE P-4, Middle Childhood Education, 5th/6th Endorsement, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Cecil, Fran	ECE P-4, Middle Childhood Education, Elementary K=6	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Cothran, Reiko	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Dean, Lisa	Business Ed/Technology 4-12	300	Guidance & Counseling 7-12	11-12	Granted
			Denson, Dana	ECE P-4, Elem K-6	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Foster, Renee	Elementary K-6, Elementary Guidance	312	Building Administrator P-8	10-11, 11-12	Granted
			Green, Brandi	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Hart, Jennifer	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			Hart, Jennifer	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			King, Amy	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			McKinney, Rachel	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Neal, Trisha	English, Guidance P-12	302	Building Level Administrator 512	11-12	Granted
			Neal, Trisha	English, Guidance P-12	312	Building Administrator P-8	11-12	Granted
			Quillman, Amber	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Quillman, Amber	ECE P-4, Special Ed P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			Stewart, Courtney	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP		Yrs				
					Code	Out of Area	ALP	Granted/ Denied			
1003	Greenwood School District Continued	10	Stewart, Courtney	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted			
			Wisner, Marsha	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted			
			Clark, Randy	Science	168	Science/Mathematics 4-8	11-12	Denied			
			Davis, DeAnne	MS Math	169	Physical /Earth Science 7-12	11-12	Granted			
			Dotson, Michelle	Spanish	307	English As A Second Language P-8	10-11, 11-12	Granted			
			Dotson, Michelle	Spanish	308	English As A Second Language 7-12	10-11, 11-12	Granted			
			Manning, Stephanie	MS Math	305	Gifted & Talented P-8	11-12	Granted			
			Manning, Stephanie	MS Math	306	Gifted & Talented 7-12	11-12	Granted			
			McGrew, Kyle	PE 7-12	167	Social Studies 7-12	11-12	Granted			
			White, Ashley	English 7-12	295	Library Media Science P-8	11-12	Granted			
6603	Hackett School District	2	White, Ashley	English 7-12	296	Library Media Science 7-12	11-12	Granted			
			White, Libby	Administration 5-12	239	Curr/Program Adm/Curriculum P-12	10-11, 11-12	Granted			
			Mickle, Randa Nicole	Business Technology	305	Gifted & Talented P-8	10-11, 11-12	Granted			
			Mickle, Randa Nicole	Business Technology	306	Gifted & Talented 7-12	10-11, 11-12	Granted			
			Baxter, C. Phillip	English 7-12	105	Grade 5/6 Endorsement (English)	10-11, 11-12	Granted			
			Hammond, Billy Christ	PE/Wellness/Leisure, Coaching	167	Social Studies 7-12	11-12	Granted			
			Parkman, David	Social Studies	106	Grade 5/6 Endorsement	10-11, 11-12	Granted			
			Pettiette, Michael	Library Media P-12, ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted			
			0203	Hamburg School District	9						

Waivers for Teachers Teaching Out of Area for More Than 30 Days  
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LEA	District	# Waivers	Teacher	ALP		Yrs ALP	Granted/ Denied			
				License Areas	Code					
				Out of Area						
0701	Hamburg School District Continued	3	Robertson, Summer	English 7-12	108	Journalism 7-12	08-09, 09-10, 10-11	Denied		
			Scott, Juana	ECE P-4	107	Grade 5/6 Endorsement (P-4)	10-11, 11-12	Granted		
			Stahley, Nina	Elementary 1-6	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted		
			Summers, Emily	PE/Wellness/Leisure P-12	001	Early Childhood Education P-4	10-11, 11-12	Granted		
			Wisener, Emily	Social Studies	170	Life/Earth Science 7-12	10-11, 11-12	Granted		
			Malone, Matthew	PE, Health	167	Social Studies 7-12	11-12	Denied		
			Williams, Laura	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted		
			Young, Jana	Special Ed P-12, Principal P-8	320	Curr/Program Adm/Sped P-12	11-12	Granted		
			Berry, Leslie	Elem 1-6	002	English/Language/Social Studies 4-8	10-11, 11-12	Granted		
			Berry, Leslie	Elem 1-6	168	Science/Mathematics 4-8	10-11, 11-12	Granted		
5205	Harmony Grove School District	4	Mynhier, Brandon	PE/Wellness/Leisure	169	Physical /Earth Science 7-12	11-12	Granted		
			Mynhier, Casey	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted		
			Condra, Jamilyn	General Science, Life/Earth Science	002	English/Language/Social Studies 4-8	10-11, 11-12	Denied		
			Condra, Jamilyn	General Science, Life/Earth Science	168	Science/Mathematics 4-8	10-11, 11-12	Denied		
			Smith, Brittany	Life/Earth Science	169	Physical /Earth Science 7-12	10-11, 11-12	Granted		
			5602	Harrisburg School District	3					

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LEA	District	# Waivers	Teacher	ALP		Yrs ALP	Granted/ Denied
				License Areas	Code		
5903	Hazen School District	1	Williams, Clint	Middle Childhood Education	224	11-12	Denied
5803	Hector School District	4	Brock, Charlotte	Business Technology	215	11-12	Granted
			McKinney-Owens, Susan	Elementary K-6	239	11-12	Granted
			Rogers, Darla	English 7-12	114	11-12	Granted
5403	Helena/W.Helena School Dist.	3	Stone, Lucretia	Middle Childhood Education	230	09-10, 10-11, 11-12	Granted
			Lindsey, Diana	ECE P-4, Elementary K-6	168	11-12	Granted
			Taylor, Edward	PE K-12	002	11-12	Granted
			Taylor, Edward	PE K-12	168	11-12	Granted
			Banks, Justin	Middle Childhood Education	296	11-12	Granted
0601	Hermitage School District	3	Woodard, Justin	Middle Childhood Education	305	11-12	Granted
			Woodard, Justin	Middle Childhood Education	306	11-12	Granted
			Helm, Lindsey	Middle Childhood Education	166	11-12	Granted
6804	Highland School District	2	Webb, Tracy	Dist Adm P-12, Elem Prin, MS Math, Elem 1-6	239	11-12	Granted
			Tidwell, Karen	ECE P-4	107	11-12	Granted
3809	Hillcrest School District	3	Wilkins, Jay	Instrumental Music P-12	203	11-12	Granted
			Wilkins, Jay	Instrumental Music P-12	204	11-12	Granted
			Files, Jonathan	English 7-12	114	11-12	Granted
2603	Hot Springs School District	3	Irwin, Karrie	ECE P-4, Middle Childhood Education	230	11-12	Granted
			Kelloms, Sean	PE/Wellness/Leisure, Coaching	167	10-11, 11-12	Granted

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LEA	District	# Waivers	Teacher	ALP		Out of Area	Yrs	
				License Areas	Code		ALP	Granted/ Denied
4401	Huntsville School District	4	Caldwell, Katie	PE/Wellness/Leisure P-12	168	Science/Mathematics 4-8	11-12	Granted
			Graham, Zane	ECE P-4	107	Grade 5/6 Endorsement (P-4)	10-11, 11-12	Denied
			Kimball, Audra	ECE P-4	107	Grade 5/6 Endorsement (P-4)	10-11, 11-12	Denied
			Shepherd, Wanda	Special Ed 4-12	231	Sp Ed Ech Inst Specialist P-4	09-10, 10-11, 11-12	Denied
3840	Imboden Charter School Dist	3	Anderson, Becky	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			Killion, Deborah	Special Ed P-12, Elementary 1-6, English, MS Social Studies	299	Guidance & Counseling P-8	11-12	Granted
			Wells, Matthew	ECE P-4, Middle Childhood Education, Business Technology	411	Career Orientation Endorsement 7-12	11-12	Granted
			Davidson, Casey	ECE P-4	200	Mathematics 7-12	09-10, 10-11, 11-12	Granted
5102	Jasper School District	1	Desambourg, Lydia	Vocal Music P-12	113	Drama Endorsement 7-12	11-12	Granted
			Holick, Susan	Elementary 1-6, Reading Specialist P-12	203	Vocal Music P-8	09-10, 10-11, 11-12	Granted
			Holick, Susan	Elementary 1-6, Reading Specialist P-12	205	Instrumental Music P-8	09-10, 10-11, 11-12	Granted
1608	Jonesboro School District	9	Campbell, Troy	PE/Wellness/Leisure P-12, Driver's Ed, Coaching	169	Physical /Earth Science 7-12	11-12	Granted
			French, Ashley	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Graham, Heather	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted

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LEA	District	# Waivers	Teacher	ALP		Yrs ALP	Granted/ Denied		
				License Areas	Code				
Jonesboro School District Continued			McCrosky, Megan	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12 Granted		
			McVay, Lyndsey	Health/PE	169	Physical /Earth Science 7-12	11-12 Granted		
			Nelson, Tara	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12 Granted		
			Pate, Jennifer	ECE P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12 Granted		
			Russell, Courtney	Social Studies 7-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12 Granted		
			Westmoreland, Jenny	Social Studies 4-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12 Granted		
			Barnes, Rachael	Engish 7-12, Social Studies, Bldg. Adm.	236	Physical Education, Wellness & Leisure 7-12	11-12 Granted		
			Foster, Hope	Art P-12	2010	Survey of Fine Arts	11-12 Denied		
			Drake, Amber	Physical Education	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12 Denied		
			Hudon, Jacque	ECE P-4	002	English/Language/Social Studies 4-8	11-12 Granted		
Lakeside School District			Hudon, Jacque	ECE P-4	168	Science/Mathematics 4-8	11-12 Granted		
			Stoyanov, Juli	ECE P-4	002	English/Language/Social Studies 4-8	11-12 Granted		
			Stoyanov, Juli	ECE P-4	168	Science/Mathematics 4-8	11-12 Granted		
			Meador, William	Secondary English, Journalism, Coaching, Bldg. Admin.	300	Guidance & Counseling 7-12	11-12 Granted		
			Mosier, Malessie	PE/Wellness/Leisure p-12, Coaching, Driver's Ed	224	Business Technology 4-8	11-12 Granted		
			Hudson, Shay	ECE P-4	168	Science/Mathematics 4-8	11-12 Granted		
			Lee, Teresa Beth	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12 Granted		
			3604	Lamar School District	1				
			3810	Lawrence County School District	1				
			0506	Lead Hill School District	2				

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LEA	District	# Waivers	Teacher	License Areas		ALP Code	Out of Area	Yrs	
				ALP Code	License Areas			ALP	Granted/ Denied
7205	Lincoln School District	4	Bailess, Courtney	ECE P-4		002	English/Language/Social Studies 4-8	11-12	Granted
				ECE P-4		168	Science/Mathematics 4-8	11-12	Granted
				ECE P-4		107	Grade 5/6 Endorsement (P-4)	11-12	Granted
				Special Education K-12, ECE P-4, Middle Childhood		299	Guidance & Counseling P-8	11-12	Granted
3003	Magnet Cove School Dist.	3	Johnson, Jessica	ECE P-4, 5th/6th Endorsement		230	Sp Education Instructional Specialist 4-12	11-12	Granted
				ECE P-4, MS Social Studies, Elementary K-6		230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
				ECE P-4, MS Social Studies, Elementary K-6		231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
				ECE P-4, Special Ed P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
1402	Magnolia School District	4	Clark, Jason	PE/Wellness/Leisure		167	Social Studies 7-12	11-12	Granted
				ECE P-4		107	Grade 5/6 Endorsement (P-4)	11-12	Granted
				ECE P-4, MS Social Studies, Elementary K-6		296	Library Media Science 7-12	11-12	Granted
				Special Ed P-4, ECE P-4		230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
				ECE P-4		305	Gifted & Talented P-8	11-12	Granted
				ECE P-4		306	Gifted & Talented 7-12	11-12	Granted
				ECE P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
3004	Malvern School District	7	Callahan, Arrah	ECE P-4		305	Gifted & Talented P-8	11-12	Granted
				ECE P-4		306	Gifted & Talented 7-12	11-12	Granted
				ECE P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
				ECE P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
				ECE P-4		002	English/Language/Social Studies 4-8	11-12	Granted
				PE/Wellness/Leisure P-12		168	Science/Mathematics 4-8	11-12	Granted
				ECE P-4		231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
3004	Malvern School District	7	Callahan, Arrah	ECE P-4		305	Gifted & Talented P-8	11-12	Granted
				ECE P-4		306	Gifted & Talented 7-12	11-12	Granted
				ECE P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
				ECE P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
				ECE P-4		002	English/Language/Social Studies 4-8	11-12	Granted
				PE/Wellness/Leisure P-12		168	Science/Mathematics 4-8	11-12	Granted
				ECE P-4		231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted

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LEA	District	# Waivers	Teacher	ALP			Yrs	
				License Areas	Code	Out of Area	ALP	Granted/ Denied
4712	Manila School District	2	Puckett, Jimmie	General Science 7-12, Social Studies 7-12	168	Science/Mathematics 4-8	11-12	Granted
			Shedd, Trena	Business Education	299	Guidance & Counseling P-8	09-10, 10-11, 11-12	Granted
1804	Marion School District	9	Austin, Angela	Elementary 1-6	305	Gifted & Talented P-8	10-11, 11-12	Granted
			Hallman, Janet	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Denied
			Ledezma, Maria	ECE P-4, ESL P-8	231	Sp Ed Ech Inst Specialist P-4	09-10, 10-11, 11-12	Granted
			Mize, Rachelle	Elem. 1-6, MS Social Studies	299	Guidance & Counseling P-8	11-12	Denied
			Pakman, Pam	Bldg. Level Admin., Middle Childhood, Business, Social Studies	299	Guidance & Counseling P-8	11-12	Denied
5604	Marked Tree School District	8	Pirani, Elizabeth	ECE P-4, 5th/6th Endorsement	305	Gifted & Talented P-8	10-11, 11-12	Denied
			Pirani, Elizabeth	ECE P-4, 5th/6th Endorsement	306	Gifted & Talented 7-12	10-11, 11-12	Denied
			Spence, Sandra	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Denied
			Waddell, Janis	English, Journalism	113	Drama Endorsement 7-12	11-12	Granted
			Clayton, Terri	Business Ed	312	Building Administrator P-8	11-12	Denied
			Dowdy, Karrie	MS English/Social Studies	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Gray, Lisa	Mathematics	302	Building Level Administrator 5-12	11-12	Denied
			Jackson, Allison Kelly, John	Special Ed P-4 Social Studies 7-12	230 305	Sp Education Instructional Specialist 4-12 Gifted & Talented P-8	10-11, 11-12 11-12	Granted Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP		Yrs	
					Code	Out of Area	ALP	Granted/ Denied
	Marked Tree School District Continued		Kelly, John	Social Studies 7-12	306	Gifted & Talented 7-12	11-12	Granted
			Lee, Kristina	English 7-12, Journalism 7-12	114	Speech Endorsement 7-12	11-12	Granted
			Thompson, Annessa	Curriculum Specialist K-12, Principal 5-12, Science 7-12	311	District Administrator P-12	09-10, 10-11, 11-12	Granted
2305	Mayflower School District	1	Sellers, Krisen	ECE P-4	201	Art P-8	09-10, 10-11, 11-12	Granted
2105	McGehee School District	2	Canada, Tawana	ECE P-4, Elementary K-6	230	Sp Education Instructional Specialist 4-12	11-12	Granted
3302	Melbourne School District	2	McGray, John	PE/Health 7-12, MS Social Studies	167	Social Studies 7-12	11-12	Granted
			Wood, Rebecca Jo	English, Library Science	305	Gifted & Talented P-8	10-11, 11-12	Granted
5703	Mena School District	2	Wood, Rebecca Jo	English, Library Science	306	Gifted & Talented 7-12	10-11, 11-12	Granted
			Burton, Brandon	PE	293	Coaching 7-12	11-12	Denied
	Methodist Children's Home	1	Goodnight, Justin	Agricultural Science	411	Career Orientation Endorsement 7-12	11-12	Granted
			Blasengame, Amber	PE/Wellness/Leisure	230	Sp Education Instructional Specialist 4-12	11-12	Granted
	Methodist Family Health	1	Corley, Megan	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
3104	Mineral Springs School District	7	Clemons, Jacque	ECE P-4, Elem K-6	231	Sp Ed Ech Inst Specialist P-4	09-10, 10-11, 11-12	Granted
			Evans, Nick	Social Studies	169	Physical /Earth Science 7-12	11-12	Denied
			Hopson, Sheila	Business Education	168	Science/Mathematics 4-8	10-11, 11-12	Denied

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LEA	District	# Waivers	Teacher	ALP		Out of Area	Yrs		
				License Areas	Code		ALP	Granted/ Denied	
	Mineral Springs School District Continued		House, Jamie	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted	
			Monden, Jake	PE/Wellness/Leisure P-12	169	Physical /Earth Science 7-12	11-12	Granted	
			Scott, Madonna	English, Social Studies	169	Physical /Earth Science 7-12	11-12	Granted	
			Smith, Krisanna	English 7-12	4040	Journalism Approval	11-12	Granted	
			Funderburg, Sandy	Elementary Education	312	Building Administrator P-8	09-10, 10-11, 11-12	Granted	
2203	Monticello School District	5	Hill, Cristal	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted	
4902	Mount Ida School District	2	Holderfield, Deborah	PE, Library Media, Business Ed	235	Physical Education, Wellness & Leisure P-8	11-12	Granted	
			Pieroni, Kelly	Journalism, English, French	002	English/Language/Social Studies 4-8	11-12	Granted	
			Seidel, Kari	Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted	
			Bates, Jonathan	MS Science, PE/Wellness/Leisure	169	Physical /Earth Science 7-12	10-11, 11-12	Denied	
0303	Mountain Home School District	3	Thorworth, Holly	MS Math, Elementary 1-6	168	Science/Mathematics 4-8	11-12	Granted	
			Czeschin, Melissa	Elementary 1-6	295	Library Media Science P-8	10-11, 11-12	Granted	
			Czeschin, Melissa	Elementary 1-6	296	Library Media Science 7-12	10-11, 11-12	Granted	
1703	Mountainburg School District	5	Gladden, Curtis	Secondary PE, Coaching, Secondary Sciences	302	Building Level Administrator 5-12	11-12	Granted	
			Hooten, Terry	Spanish 7-12	108	Journalism 7-12	11-12	Denied	
			Newman, Amy	English 7-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted	

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LEA	District	# Waivers	Teacher	ALP		Out of Area	Yrs	
				License Areas	Code		ALP	Granted/ Denied
1704	Mountainburg School District Continued	5	Sherwin, Michelle	ECE P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Voeller, Diann	ECE K-6	295	Library Media Science P-8	10-11, 11-12	Granted
			Voeller, Diann	ECE K-6	296	Library Media Science 7-12	10-11, 11-12	Granted
			Graham, Angela	ECE P-4, ESL P-12	305	Gifted & Talented P-8	11-12	Granted
			Graham, Angela	ECE P-4, ESL P-12	306	Gifted & Talented 7-12	11-12	Granted
			Hopper, Sheila	Speech Language Pathology	320	Curr/Program Adm/Sped P-12	11-12	Granted
			Raleigh, Cheryl	ECE P-4	299	Guidance & Counseling P-8	10-11, 11-12	Granted
			Raleigh, Cheryl	ECE P-4	300	Guidance & Counseling 7-12	10-11, 11-12	Granted
			Bryan, Debbie	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Gallentine, Heather	English 7-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted
6002	N. Little Rock School District	9	Girdler, Ray	Math 7-12/ ESL P-12	306	Gifted & Talented 7-12	11-12	Granted
			Huston, Kristen	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
			Land, Madelyn	English 7-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Moore, Cassidy	PE/Wellness/Leisure	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Pudephatt, Margie	Elementary 1-6	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Tharp, Genea	Math 7-12, MS Math	306	Gifted & Talented 7-12	11-12	Granted
			Valls, Rolando	Life/Earth Science	169	Physical /Earth Science 7-12	10-11, 11-12	Granted

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LEA	District	# Waivers	Teacher	ALP		Yrs ALP	Granted/ Denied	
				License Areas	Code			
3105	Nashville School District	1	Couch, Holly	English/Language Arts, Oral Communication	306	09-10, 10-11, 11-12	Granted	
						Gifted & Talented 7-12		Granted
1611	Nettleton School District	7	Bell, Phyllis	PE, FACS	230	10-11, 11-12	Granted	
						Sp Education Instructional Specialist 4-12		Granted
				Family & Consumer Science	231	10-11, 11-12	Granted	
				ECE P-4, Special Ed P-4	430		Granted	
				Special Education P-4	230		Granted	
				Special Ed P-4	230		Granted	
				Special Ed P-4	230		Granted	
5008	Nevada School District	1	Browning, Sandra	Elementary 1-6, Special Ed P-12, Guidance P-12	320	11-12	Granted	
						Curr/Program Adm/Sped P-12		Granted
3403	Newport School District	3	Bowen, Lindsey	ECE P-4	230	10-11, 11-12	Granted	
				ECE P-4	305	10-11, 11-12	Granted	
				ECE P-4	231	11-12	Granted	
						Sp Education Instructional Specialist 4-12		Granted
						Sp Education Instructional Specialist 4-12		Denied
0304	Norfolk School District	7	Dillard, Nikki	Middle Childhood Education	231	11-12	Granted	
				Coaching, PE K-12, MS Science, Social Studies	236	11-12	Denied	
				Middle Childhood Education	166	11-12	Granted	
				Middle Childhood Education	108	11-12	Denied	
						Sp Ed Ech Inst Specialist P-4		Granted
						Sp Ed Ech Inst Specialist P-4		Granted
						Physical Education, Wellness & Leisure 7-12		Denied

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LEA	District	# Waivers	Teacher	ALP		Yrs ALP	Granted/ Denied	
				License Areas	Code			Out of Area
7006	Norfolk School District Continued	1	Hudspeth, Shelly	Middle Childhood Education	169	Physical /Earth Science 7-12	11-12	Granted
			Tulgetske, Amanda	Middle Childhood Education	167	Social Studies 7-12	10-11, 11-12	Granted
			Vest, Michael	Middle Childhood Education	200	Mathematics 7-12	09-10, 10-11, 11-12	Denied
			Walker, Dana	Elementary 1-6, Guidance P-12	215	Family & Consumer Sciences 7-12	11-12	Granted
0504	Northwest Arkansas ESC	2	Graf, Darlene	Elementary Ed P-8	231	Sp Ed Ech Inst Specialist P-4	09-10, 10-11, 11-12	Granted
			Young, Lindsey	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Denied
			Hicks, Martha	Middle Childhood Education; Admin P-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			King, Crystal Lovell, Rebekah	Elementary P-6 English 7-12	231 108	Sp Ed Ech Inst Specialist P-4 Journalism 7-12	10-11, 11-12	Denied Granted
4713	Osceola School District	3	Donaldson, Trakis	PE/Wellness/Liesure, Coaching	168	Science/Mathematics 4-8	11-12	Denied
			Graham, Keena	ECE P-4	299	Guidance & Counseling P-8	11-12	Granted
			Graham, Keena	ECE P-4	300	Guidance & Counseling 7-12	11-12	Granted
			Black, Julie	Secondary Science, Life/Earth Science, Special Ed P-12	201	Art P-8	11-12	Granted
7006	Norphlet School District	1	Nelson, Roger	Life/Earth Science	236	Physical Education, Wellness & Leisure 7-12	11-12	Granted

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LEA	District	# Waivers	Teacher	ALP		Out of Area	Yrs	
				License Areas	Code		ALP	Granted/ Denied
3005	Ouachita School District	1	Whitley, Cheryl	Elementary 1-6, MS Mathematics, Library Media P-12	200	Mathematics 7-12	10-11, 11-12	Denied
6505	Ozark Mountain School District	1	Parrish, Michael	Coaching, PE, Administration, Counselor	299	Guidance & Counseling P-8	11-12	Granted
2404	Ozark School District	4	Capp, Eric	PE K-12	169	Physical /Earth Science 7-12	11-12	Granted
			Irvin, Pamela	Spanish P-12	108	Journalism 7-12	10-11, 11-12	Granted
			McLaughlin, Lana	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			Sewart, Kathy	Special Ed P-12	166	English/ Language/ Arts 7-12	11-12	Granted
6205	Palestine-Wheatley Sch. Dist.	2	Teal, Angela	Elementary 1-6	295	Library Media Science P-8	11-12	Granted
			Teal, Angela	Elementary 1-6	296	Library Media Science 7-12	11-12	Granted
4203	Paris School District	8	Baxter, Clint	Mathematics	169	Physical /Earth Science 7-12	10-11, 11-12	Granted
			Greenfield, Heather	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Hudson, Darlene	ECE P-4, 5th/6th Endorsement	305	Gifted & Talented P-8	10-11, 11-12	Granted
			Hudson, Darlene	ECE P-4, 5th/6th Endorsement	306	Gifted & Talented 7-12	10-11, 11-12	Granted
			Knapp, Jessica	PE/Wellness/Leisure P-12	168	Science/Mathematics 4-8	11-12	Granted
			Sikes, Greta	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Skaggs, Deanna	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Trusty, Casey	ECE P-4, Spec Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs		
							ALP	Granted/ Denied	
0407	Pea Ridge School District	3	Fuller, Megan	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted	
				English 7-12		Sp Education Instructional Specialist 4-12		11-12	Granted
				PE/Wellness/Leisure		Mathematics 7-12		11-12	Denied
5303	Perryville School District	1	Mitchell, Jessica	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted	
				PE		Social Studies 7-12		11-12	Denied
3505	Pine Bluff School District	2	Blalock, Maria	English/Language Arts	108	Journalism 7-12	11-12	Granted	
				Social Studies		Grade 5/6 Endorsement		11-12	Granted
6103	Pocahontas School District	5	Kelly, David S.	Middle Childhood Education	170	Life/Earth Science 7-12	11-12	Granted	
				Elementary, Business Technology		Gifted & Talented P-8		11-12	Granted
				Elementary, Business Technology		Gifted & Talented 7-12		11-12	Granted
				ECE P-4, Special Ed P-4		Sp Education Instructional Specialist 4-12		11-12	Granted
				Agricultural Science		Physical /Earth Science 7-12		09-10, 10-11, 11-12	Granted
7206	Prairie Grove School District	3	Washburn, Amanda	Social Studies	299	Guidance & Counseling P-8	11-12	Granted	
				Social Studies		Guidance & Counseling 7-12		11-12	Granted
				Middle Childhood Education; PE		Sp Education Instructional Specialist 4-12		11-12	Granted
5006	Prescott School District	2	Cox, Stephanie	Social Studies	170	Life/Earth Science 7-12	10-11, 11-12	Granted	
				Elementary 1-6, MS Math, District Adm, Elem Principal, Reading P-12		Curr/Program Adm/Curriculum P-12		11-12	Granted
			Jones, Portia		239		11-12	Granted	

Waivers for Teachers Teaching Out of Area for More Than 30 Days  
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LEA	District	# Waivers	Teacher	License Areas	ALP		Yrs ALP	Granted/ Denied
					Code	Out of Area		
6006	Pulaski Co. Spec. School Dist.	20	Barber, Julie Worthen	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
			Brown, Jeremy	Physical/Earth Science , PE -12, Coaching, Health	169	Physical /Earth Science 7-12	11-12	Granted
			Brunson, Toni	English 7-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Davis, Barrett	PE P-12, Coaching	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Dewitt, Dennis	PE P-12, Coaching	004	Spanish 7-12	11-12	Granted
			Erickson, Amanda	Social Studies	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Green-Braswell, Crysta	Middle Childhood Education, Special Ed P-12	305	Gifted & Talented P-8	11-12	Granted
			Harbin, Amber	Middle Childhood Education	305	Gifted & Talented P-8	10-11, 11-12	Granted
			Hill, Amanda	Health, PE, Coaching	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
			Ingram, Teodis	PE P-12, Health, Coaching, Bldg. Adm. P-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Kamanga, Kelli	ECE P-4, Elem, 1-6, Special Ed P-12	305	Gifted & Talented P-8	11-12	Granted
			Larrison, Natalie	English 7-12, ESL P-12	108	Journalism 7-12	11-12	Granted
			Mancuso, Carmela	ECE P-4, Middle Childhood Education	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Mathoney, Rodney	Secondary Principal, MS Social Studies, Special Ed 4-12	311	District Administrator P-12	10-11, 11-12	Granted
			McFadden, Glen	PE 7-12	167	Social Studies 7-12	09-10, 10-11, 11-12	Denied

Waivers for Teachers Teaching Out of Area for More Than 30 Days  
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LEA	District	# Waivers	Teacher	License Areas	ALP		Yrs	
					Code	Out of Area	ALP	Granted/ Denied
1203	Quitman School District	6	Meredith, Keith	PE 7-12, Coaching, Life/Earth Science, General Science	169	Physical /Earth Science 7-12	10-11, 11-12	Granted
			Newson, Jennifer	Elementary 1-6, MS Social Studies	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Pelletier, Danielle	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Penney, Jennifer	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Russell, Jack III	Middle Childhood Education, PE P-12	200	Mathematics 7-12	11-12	Granted
			Bean, Paula	English 7-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Eichelberger, Michelle	English/Language Arts	295	Library Media Science P-8	10-11, 11-12	Granted
			Eichelberger, Michelle	English/Language Arts	296	Library Media Science 7-12	10-11, 11-12	Granted
			Main, Amanda	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
			Sanders, Lou Ann	Health/PE K-12	167	Social Studies 7-12	09-10, 10-11, 11-12	Denied
1106	Rector School District	1	Stacks, Patrick	English 7-12	299	Guidance & Counseling P-8	10-11, 11-12	Granted
			Henderson, Nathan	PE K-12	312	Building Administrator P-8	11-12	Granted
0405	Rogers School District	1	Johnson, Lindi	Special Ed K-12, ESL P-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP		Out of Area	Yrs		
					Code			ALP	Granted/ Denied	
5805	Russellville School District	14	Bynum, Alene	Secondary Principal		311	District Administrator P-12	10-11,	Granted	
			Collins, Pat	Bldg. Level Admin.		229	Adult Education PS	11-12	Granted	
			Edgin, Lori	English 7-12		302	Building Level Administrator 5 12		11-12	Granted
			Hendrix, Dexter	PE/Wellness/Leisure		167	Social Studies 7-12		11-12	Granted
			Livermore, Jaci	ECE P-4		295	Library Media Science P-8		11-12	Granted
			Livermore, Jaci	ECE P-4		296	Library Media Science 7-12		11-12	Granted
			May, Lorianne	ECE P-4		230	Sp Education Instructional Specialist 4-12		09-10, 10-11, 11-12	Granted
			Moudy, Jennifer	ECE P-4		231	Sp Ed Ech Inst Specialist P-4		10-11, 11-12	Granted
			Pipes, Tina	Life/Earth Science		230	Sp Education Instructional Specialist 4-12		10-11, 11-12	Granted
			Reese, Danielle	ECE P-4		231	Sp Ed Ech Inst Specialist P-4		10-11, 11-12	Granted
			Sims, Pamela	ECE P-4		230	Sp Education Instructional Specialist 4-12		11-12	Granted
			Sitkowski, Joseph	Social Studies 7-12		313	Building Administrator 7-12		10-11, 11-12	Granted
			Stanley, Leah	Social Studies 7-12		105	Grade 5/6 Endorsement (English)		10-11, 11-12	Granted
			Turner, Brittany	ECE P-4		230	Sp Education Instructional Specialist 4-12		11-12	Granted
6502	Searcy County School District	2	Farmer, Alyssa	ECE P-4		002	English/Language/Social Studies 4-8	11-12	Granted	
			Macan, Leslie	Health/PE, MS Math/Science		168	Science/Mathematics 4-8	11-12	Granted	

Waivers for Teachers Teaching Out of Area for More Than 30 Days  
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LEA	District	# Waivers	Teacher	ALP			Yrs	
				License Areas	Code	Out of Area	ALP	Granted/ Denied
7311	Searcy School District	2	Hutcherson, Jennifer	ECE P-4, Reading Specialist	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Jones, Dana S.	English 7-12	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Denied
2705	Sheridan School District	5	Allen, Amanda Leigh	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10, 10-11, 11-12	Granted
			Brown, Dawn Marie	Middle Childhood Education	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Chism, Nicole	ECE P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Edwards, Denisha Ann	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Hughes, Anesha Noland	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10, 10-11, 11-12	Granted
7104	Shirley School District	4	Kyle, Brittney	ECE P-4	002	English/Language/Social Studies 4-8	11-12	Granted
			Kyle, Brittney	ECE P-4	168	Science/Mathematics 4-8	11-12	Granted
			Taylor, Shannon	ECE P-4, Library Media P-12	305	Gifted & Talented P-8	09-10, 10-11, 11-12	Granted
0406	Siloam Springs School District	2	Taylor, Shannon	ECE P-4, Library Media P-12	306	Gifted & Talented 7-12	09-10, 10-11, 11-12	Granted
			Asencio-Porter, Shawn	ECE P-4, MS Social Studies, MS Science	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Denied
			Granrud, Michelle	Social Studies 7-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted

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LEA	District	# Waivers	Teacher	ALP		Yrs ALP	Granted/ Denied	
				License Areas	Code			
3806	Sloan-Hendrix School Dist.	4	James, Teresa	English, Reading P-12	108	Journalism 7-12	10-11, 11-12	Denied
			Stephens, Melanie	Middle Childhood Education	305	Gifted & Talented P-8	11-12	Granted
			Stephens, Melanie	Middle Childhood Education	306	Gifted & Talented 7-12	11-12	Granted
			Winston, Burton	Middle Childhood Education	200	Mathematics 7-12	11-12	Granted
4706	So. Miss. County School Dist.	5	Coffman, Lowell	General Science	170	Life/Earth Science 7-12	09-10, 10-11, 11-12	Granted
			Fleming, Tammy	Middle Childhood Education	209	Algebra I Endorsement 8	09-10, 10-11, 11-12	Granted
			Robinson, Ronna	Elementary 1-6, Sp[ecial Ed P-12	295	Library Media Science P-8	11-12	Granted
			Robinson, Ronna	Elementary 1-6, Sp[ecial Ed P-12	296	Library Media Science 7-12	11-12	Granted
			Tomblin, Kimberly	ECE P-4	299	Guidance & Counseling P-8	10-11, 11-12	Granted
			Gleba, Lynn	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
5504	South Pike County School District	5	Hicks, Susan	Special Ed P-12	203	Vocal Music P-8	11-12	Granted
			Hicks, Susan	Special Ed P-12	205	Instrumental Music P-8	11-12	Granted
			Hill, Sheryl	Middle Childhood Education	201	Art P-8	10-11, 11-12	Granted
			Hill, Sheryl	Middle Childhood Education	202	Art 7-12	10-11, 11-12	Granted
7105	South Side School District	1	Story, Heather	ECE P-4	305	Gifted & Talented P-8	10-11, 11-12	Granted
	Southeast Arkansas ESC	1	Hembree, Jaye	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
3209	Southside School District	1	Lorch, Tabatha	General Science, Life/Earth Science, Mathematics	296	Library Media Science 7-12	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP		Out of Area	Yrs	
					Code			ALP	Granted/ Denied
5206	Stephens School District	5	Black, Melinda	ECE P-4		107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			Cathey, Paula	ECE P-4		305	Gifted & Talented P-8	11-12	Granted
			Cathey, Paula	ECE P-4		306	Gifted & Talented 7-12	11-12	Granted
			Easley, Karry	General Science		169	Physical /Earth Science 7-12	11-12	Granted
			Jones, Roger	PE P-12, Coaching		236	Physical Education, Wellness & Leisure 7-12	10-11, 11-12	Granted
7009	Strong-Huttig School District	5	McCaughan, Lisa	English		296	Library Media Science 7-12	09-10, 10-11, 11-12	Granted
			McCaughan, Lisa	English		295	Library Media Science P-8	09-10, 10-11, 11-12	Granted
			Milligen, Sherry	ECE P-4		231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Perry, Rhonda	Middle Childhood Education, MS Science, Health		312	Building Administrator P-8	10-11, 11-12	Granted
			Tassin, Norman	General Science & Biology		169	Physical /Earth Science 7-12	11-12	Granted
0104	Stuttgart School District	11	Clawson, Carol	Special Ed P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Dabbs, Kristen	Spanish 7-12		308	English As A Second Language 7-12	10-11, 11-12	Denied
			McCarty, Cynthia	Elementary		307	English As A Second Language P-8	10-11, 11-12	Denied
			Morgan, Martha	Reading P-12		307	English As A Second Language P-8	11-12	Denied
			Morgan, Martha	Reading P-12		308	English As A Second Language 7-12	11-12	Denied

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LEA	District	# Waivers	Teacher	License Areas	ALP		Yrs		
					Code	Out of Area	ALP	Granted/ Denied	
4605	Stuttgart School District Continued		Nethery, Bonita	MS Math		308	English As A Second Language 7-12	10-11, 11-12	Denied
			Ryan, Charles	MS Math		200	Mathematics 7-12	11-12	Granted
			Sherman, Angie	Elem K-6		299	Guidance & Counseling P-8	10-11, 11-12	Denied
			Sherman, Angie	Elem K-6		300	Guidance & Counseling 7-12	10-11, 11-12	Denied
			Summers, Tia	Elementary 1-6		295	Library Media Science P-8	10-11, 11-12	Granted
			Summers, Tia	Elementary 1-6		296	Library Media Science 7-12	10-11, 11-12	Granted
			Fallin, Ashley	ECE P-4		002	English/Language/Social Studies 4-8	09-10, 10-11, 11-12	Granted
5605	Texarkana School District		Fallin, Ashley	ECE P-4		168	Science/Mathematics 4-8	09-10, 10-11, 11-12	Granted
			Randal, Minnie	Mathematics 7-12		229	Adult Education PS	10-11, 11-12	Granted
			Steward, Rebecca	ECE P-4		231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Gorman, Reita	English 7-12		108	Journalism 7-12	11-12	Granted
			Mink, Kristin	English		295	Library Media Science P-8	10-11, 11-12	Granted
7510	Two Rivers School District	1	Stevens, Kimberly	ECE P-4, Elem K-6		305	Gifted & Talented P-8	11-12	Granted
			Stevens, Kimberly	ECE P-4, Elem K-6		306	Gifted & Talented 7-12	11-12	Granted
			Teague, Natalie	Middle Childhood Education		299	Guidance & Counseling P-8	11-12	Granted
			Kimzey, Patsy	Middle Childhood Education, ESL P-12			Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP		Yrs ALP	Granted/ Denied	
					Code	Out of Area			
0505	Valley Springs School District	1	Mangeum, Clarissa	ECE P-4		231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
1612	Valley View School District	2	Rucker, Jana	ECE P-4		107	Grade 5/6 Endorsement (P-4)	10-11, 11-12	Granted
			Zipfel, Billy	PE 7-12		236	Physical Education, Wellness & Leisure 7-12	11-12	Granted
1705	Van Buren School District	15	Copeland, Caren	ECE P-4		230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Courtney, Stephanie	Middle Childhood Education		230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Cruz, Betha	ECE P-4		002	English/Language/Social Studies 4-8	11-12	Granted
			Cruz, Betha	ECE P-4		168	Science/Mathematics 4-8	11-12	Granted
			Gabriel, Juan	ECE P-4, 5th/6th Endorsement		230	Sp Education Instructional Specialist 4-12	11-12	Denied
			Harrell, Chelsea	Social Studies		230	Sp Education Instructional Specialist 4-12	11-12	Denied
			Harris, Penelope	English, Drama/Speech, FACS, Guidance P-12		230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Denied
			Limbocker, Vicki	ECE P-4		002	English/Language/Social Studies 4-8	11-12	Granted
			Limbocker, Vicki	ECE P-4		168	Science/Mathematics 4-8	11-12	Granted
			McPhate, Sarah	ECE P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Miller, Lynette	ECE P-4, Middle Childhood Education		302	Building Level Administrator 5-12	10-11, 11-12	Denied
			Miller, Lynette	ECE P-4, Middle Childhood Education		312	Building Administrator P-8	10-11, 11-12	Denied
			White, Lalah	Middle Childhood Education		230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Wilcox, Leslie	ECE P-4		305	Gifted & Talented P-8	10-11, 11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP		Yrs ALP	Granted/ Denied	
					Code	Out of Area			
	Van Buren School District Continued		Wilcox, Leslie	ECE P-4		306	Gifted & Talented 7-12	10-11, 11-12	Granted
2307	Vilonia School District	3	Ault, Karla	Health, PE, Coaching		235	Physical Education, Wellness & Leisure P-8	10-11, 11-12	Granted
			Chambers, Brittany	ECE P-4, Special Ed P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Wesbecher, Erin	Middle Childhood Education		230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
2503	Viola School District	2	Kelly, Melanie	Middle Childhood Education, English 7-12		305	Gifted & Talented P-8	10-11, 11-12	Granted
			Kelly, Melanie	Middle Childhood Education, English 7-12		306	Gifted & Talented 7-12	10-11, 11-12	Granted
6401	Waldron School District	5	Black, Jessica	ECE P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Blair, Andrea	ECE P-4, Elem K-6, Middle Childhood Education		200	Mathematics 7-12	11-12	Denied
			Brown, Jessica	ECE P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Morris, Kandi	ECE P-4		107	Grade 5/6 Endorsement (P-4)	09-10, 10-11, 11-12	Granted
			Sikes, Carley	ECE P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
0602	Warren School District	1	Cathey, Cristy	ECE P-4		230	Sp Education Instructional Specialist 4-12	11-12	Granted
3509	Watson Chapel School District	7	Dunn, Natasha	Special Education		320	Curr/Program Adm/Sped P-12	11-12	Granted
			Dutton, Jerod	PE/Health		168	Science/Mathematics 4-8	11-12	Granted
			Givens, Nicole	Social Studies		299	Guidance & Counseling P-8	10-11, 11-12	Granted

Waivers for Teachers Teaching Out of Area for More Than 30 Days  
October 2011

LEA	District	# Waivers	Teacher	ALP		Out of Area	Yrs	
				License Areas	Code		ALP	Granted/ Denied
7208	Watson Chapel School District Continued	7	Givens, Nicole	Social Studies	300	Guidance & Counseling 7-12	10-11,	Granted
			Hendryx, Timothy	Middle Childhood Education	200	Mathematics 7-12	11-12	Granted
			McAfee, Jennifer	ECE P-4	295	Library Media Science P-8	10-11,	Granted
			McAfee, Jennifer	ECE P-4	296	Library Media Science 7-12	11-12	Granted
			Baughman, Paul	Elementary K-6	230	Sp Education Instructional Specialist 4-12	09-10,	Granted
			Harney, Robin	Elementary 1-6	299	Guidance & Counseling P-8	10-11,	Granted
1803	West Fork School District	7	Krekeker, Susan	Social Studies	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Kyle, Melanie	Elementary K-6	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Sims, Stephanie	ECE P-4,	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Stone, Brittany	Life/Earth Science	169	Physical /Earth Science 7-12	11-12	Granted
			Waterson, Melissa	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	09-10,	Granted
			Benderman, Glen	Health & PE	230	Sp Education Instructional Specialist 4-12	10-11,	Granted
1602	Westside Cons. School District	5	Bowen, Kristi	ECE P-4, Elem K-6	201	Art P-8	11-12	Denied
			Bullard, Steven Brian	PE K-12	231	Sp Ed Ech Inst Specialist P-4	10-11,	Granted
			Pratt, Monica	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted

Waivers for Teachers Teaching Out of Area for More Than 30 Days  
October 2011

LEA	District	# Waivers	Teacher	License Areas	ALP		Yrs	
					Code	Out of Area	ALP	Granted/ Denied
7304	Westside Cons. School District Continued	6	Troutt, Tiffany	ECE P-4	305	Gifted & Talented P-8	11-12	Granted
			Watkins, Chelsea	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Denied
			Baird, Alison	ECE P-4, MS English/SS	295	Library Media Science P-8	10-11, 11-12	Granted
			Baird, Alison	ECE P-4, MS English/SS	296	Library Media Science 7-12	10-11, 11-12	Granted
			Jones, Colleen	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Jones, Colleen	Middle Childhood Education	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Morden, Jamie	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Stiller, Amanda	ECE P-4	168	Science/Mathematics 4-8	11-12	Granted
			Sims, Joan	General Science	169	Physical /Earth Science 7-12	11-12	Granted
			Keys, Kellie	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
3510	White Hall School District	1	Shifflett, Henry	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
166	Yell County Special Services York Williams Child Development Center	1						
<b>School Districts Requesting Waivers This Month</b>		<b>685</b>	<b># Waivers Requested This Month</b>					
				<b>Total # Waivers Granted this Month</b>		<b>604</b>		
				<b>Total # Waivers Denied this Month</b>		<b>81</b>		
				<b>Total # Waivers Requested This Month</b>		<b>685</b>		

Long Term Substitutes Requested

October 2011

LEA	District	Substitute Name	Subject	Teacher of Record	Granted / Denied
1402	Magnolia School District	Neill, Melanie	Social Studies	Turner, Cherokee Abbye	Granted
1612	Valley View School District	Muckensturm, Pam	Family & Consumer Science	Wray, Jennifer	Granted
0505	Valley Springs School District	Coker, Tara	Algebra 1	Moore, Stacy	Granted
7310	Rose Bud School District	Crump, Brooke	Computer Technology	Baker, Tami	Granted
	Millcreek of Arkansas	Fort, Emma	Special Education	Baker, Janice	Granted
1803	West Memphis School District	Holcomb, Ann	English	McBride, Amber	Granted

**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  
OCTOBER 10, 2011  
APPLICATIONS FOR COMMERCIAL BONDS**

**COMMERCIAL BOND APPLICATIONS:**

<b>2 2nd Lien</b>	<b>\$ 2,905,000.00</b>
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**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS  
COMMERCIAL BONDS  
2ND LIEN  
RECOMMEND APPROVAL**

<b>DISTRICT</b>	<b>COUNTY</b>	<b>ADM</b>	<b>AMOUNT OF APPLICATION</b>	<b>TOTAL DEBT W/THIS APPLICATION</b>	<b>PURPOSE</b>
Brookland	Craighead	1617	\$1,045,000	\$11,885,489	Building and equipping classrooms, bathrooms, administration office and new foyer at the high school (\$1,000,000), cost of issuance and underwriter's discount allowance (\$45,000).
Jessieville	Garland	892	\$1,860,000	\$16,909,788	Completion of the new fine arts center (\$1,797,360), cost of issuance and underwriter's discount allowance (\$62,640) with any remaining funds to be used for constructing, refurbishing, remodeling and equipping school facilities.

## **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  
OCTOBER 10, 2011  
APPLICATIONS FOR COMMERCIAL BONDS**

**COMMERCIAL BOND APPLICATIONS:**

**3 Voted**

**\$ 16,455,000.00**

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

<b>DISTRICT</b>	<b>COUNTY</b>	<b>ADM</b>	<b>AMOUNT OF APPLICATION</b>	<b>TOTAL DEBT W/THIS APPLICATION</b>	<b>PURPOSE</b>
Dardanelle	Yell	1,940	\$6,995,000	\$10,780,000	Funding the following partnership projects: New K-3 building with cafeteria, PE facility and safe room - Project #1112-7504-002 (\$4,693,143); convert existing elementary school to middle school to include science labs, lockers, dressing facilities with showers for P. E. - Project #1314-7504-003 (\$652,184); renovate and expand high school including cafeteria, band and choir rooms and lobby - Project #1314-7504-001 (\$1,005,738); construct safe rooms at middle school - Project #1112-7504-004 (\$152,856), high school - Project #1112-7504-003 (\$152,856), and elementary school - Project #1112-7504-005 (\$152,856); and cost of issuance and underwriter's discount allowance (\$185,367) with any remaining funds to be used for other capital projects and equipment purchases.
Hope	Hempstead	2,491	\$8,350,000	\$19,285,000	Refunding the June 1, 2003 "A" bond issue (\$800,000), funding the following partnership projects at the high school - Project #1415-2903-001: remodel gym (\$1,197,498) and remodel agri building (\$495,859); funding the following non-partnership projects at the high school - Project #1415-2903-001: constructing and equipping a new field house (\$2,278,347), band/choir/special-ed facility including demolition of existing buildings (\$1,591,264), sports dressing facility (\$937,820), concession facility (\$398,843), storm shelter (\$323,386), and resurface track (\$107,795); and cost of issuance and underwriter's discount allowance (\$219,188) with any remaining funds to be used for other capital projects and equipment purchases.
Westside Consolidated	Craighead	1,621	\$11,110,00	\$12,669,555	Refunding the June 1, 2003, December 1, 2004, and July 1, 2006 bond issues (\$5,715,000); funding the District's portion of the following partnership projects: constructing an addition to the elementary grades K-1 (\$1,500,000) and constructing and equipping four classrooms and an auditorium at the high school (\$3,500,000); and cost of issuance, underwriter's discount allowance and escrow contingency (\$395,000) with any remaining funds to be used for other capital projects and/or equipment purchases.



Goal	Strategic Goals	Projects	Sponsor	Completed by *
<b>Goal 1</b>	<p><b>Learning Standards, Next Generation Assessments and Accountability</b>  <i>Provide resources, tools and services to districts and schools that support the implementation of the common core state standards and a new assessment system.</i></p> <p>A. Analyze and share openly how districts spend money efficiently and effectively on strategies that ensure high levels of teaching and learning and result in enhanced and sustained student success.</p> <p>B. Create an accountability system that will integrate academic and operational performance measures to yield data for determining how resources should be targeted, distributed and managed for increased and sustained high achievement for all students.</p>			
			Bill Goff	Year 3
			Laura Bednar, Jim Boardman, Bill Goff, John Hoy	Year 3
		i. Reconfigure the school report card so that it is more engaging and easier to read for parents and stakeholders.	John Hoy	Legislation possible-Year 2
		ii. Develop a comprehensive project plan for Common Core implementation to ensure that all efforts are identified and coordinated.	Laura Bednar	Year 1
		iii. Align current College and Career Readiness programs with the new assessments.	Laura Bednar	Year 2
		iv. Conduct a complete inventory of all agency monitoring and reporting required of school districts and remove those that are outdated or irrelevant.	John Hoy	Legislation possible-Year 2
		v. Build capacity to include all data within the state's data warehouse and to calculate and validate AYP for schools.	Jim Boardman	Year 2
<b>Goal 2</b>	<p><b>Supporting Persistently Struggling Schools</b> <i>Strengthen strategic initiatives that address graduation rates, achievement gaps and persistently struggling schools.</i></p> <p>A. Identify effective early childhood, elementary, middle school and high school policies, practices and tools targeted to dropout prevention and recovery.</p>			
			Laura Bednar	Year 2

Goal	Strategic Goals	Projects	Sponsor	Completed by *
	B. Identify and promote alternate organizational structures, such as Blended Virtual Charter, to meet the needs of students left unmet by traditional school programs, structures and time frames.		Laura Bednar, Jim Boardman	Year 2
	C. Identify persistently struggling schools and present districts with a focused number of options to be implemented for reform and innovation and develop a comprehensive monitoring system to support schools in their transformation work.		Laura Bednar	Year 2
	D. Keep students engaged and on-track to graduation by increasing personalized support; ensuring multiple pathways are available to help students to stay on track academically and accelerate learning when appropriate; and using data to better identify and respond to those at-risk of failure in a more timely and effective manner.		Laura Bednar	Year 2
	E. Assess and focus on the teaching of essential career skills for all students embedded in as with Common Core, Career Ed, and New Tech.		Laura Bednar	Year 2
	F. Promote a culture of college and career readiness in Arkansas through rigorous and relevant courses.		Tony Wood	Year 2
<b>Goal 3</b>	<b>Improving Educator Effectiveness Enhance state, district and school leadership capacity and support for aligning Arkansas's education systems for early learners, K-12 students and postsecondary learners.</b>			
	A. Develop customizable tools that help leaders at the local level make well-informed decisions.		Karen Cushman	Year 2
		i. Implement a state-wide educator evaluation system.	Karen Cushman	Year 2
	B. Assist districts with technology integration that results in increased use and analysis of data that will inform and improve instruction.		Jim Boardman	Year 2
	C. Identify, develop and disseminate exemplary recruitment, preparation, licensure, mentoring, supervision and evaluation practices.		Karen Cushman	Year 2
		i. Improve, streamline, and develop new routes to alternative licensure.	Karen Cushman	Year 2

Goal	Strategic Goals	Projects	Sponsor	Completed by *
<b>Goal 4</b>	<b>Strengthening Stakeholder Partnerships</b> <i>Deepen essential partnerships with stakeholders through ongoing communication that will result in enhanced educational opportunities for Arkansas students.</i>			
	A. Leverage foundation partnerships to provide input, support and resources for key strategic initiatives of this plan.		Susan Harriman	Year 1
	B. Cultivate relationships with child-serving agencies, such as AEA, AAEA, ASBA, etc., to maximize scarce resources, reduce duplication of efforts and provide a coherent set of services to children and families.		Phyllis Stewart	Year1
	C. Pursue grants to support the mission, vision and strategies of ADE.		Susan Harriman	Year 1
		i. Facilitate foundation grant awards and reporting requirements as opportunities arise.	Susan Harriman	Year 1
<b>All</b>	<b>Additional Projects that Support Goals 1-4</b>			
		ii. Utilize the State Board of Education meetings as a public forum to inform members and the public of strategic issues.	Dr. Kimbrell, Phyllis Stewart	Year 1
		iii. Review current rules and regulations and repeal those that are irrelevant and outdated.	Jeremy Lasiter	Year 1
		v. Structure IT as a provider of systems that support program areas and staff projects.	Jim Boardman	Year 1
		vii. Develop and implement a plan to ensure adequate network bandwidth to deliver assessments and future education delivery.	Jim Boardman	Year 2
		vii. Develop strong internal communication practices.	Seth Blomeley	Year 1

## STATE BOARD OF EDUCATION RESOLUTION

WHEREAS, more than 468,000 students attend public and charter schools in Arkansas; and

WHEREAS, the Arkansas State Board of Education acknowledges the importance of public education and its impact on our communities today and in the future; and

WHEREAS, the Arkansas State Board of Education recognizes the vital role of more than 1,500 elected local school board members who establish the mission and direction for their local districts and approve policies to guide their school systems; and

WHEREAS, school board members contribute countless hours of their time fulfilling their state-mandated roles and responsibilities; and

WHEREAS, school board members must make key decisions regarding the curriculum, instruction, finance and facilities of our public schools; and

WHEREAS, school board members employ and evaluate the superintendent, who has the daily responsibility for the operation of the school district; and

WHEREAS, school board members must participate in professional development every year in order to enhance their knowledge and skills related to their responsibilities;

NOW, THEREFORE, BE IT RESOLVED, That the Arkansas State Board of Education recognizes and salutes the members of local boards of education by proclaiming the month of January, 2012, as Arkansas School Board Member Recognition Month.

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES GOVERNING THE CODE OF ETHICS FOR ARKANSAS EDUCATORS**  
\_\_\_\_\_2011

**1.00 Title**

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators.

**2.00 Regulatory Authority**

- 2.01 These rules are promulgated pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-410, 6-17-422, 6-17-425, 6-17-426, Act 1045 of 2011, and 25-15-201 et seq.
- 2.02 All rules, procedures, hearings and appeals relating to the Code of Ethics complaints shall be promulgated and implemented under the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.

**3.00 Purpose**

- 3.01 The purpose of the Rules Governing the Code of Ethics for Arkansas Educators (Code) is to define standards of ethical conduct and to outline procedures for receiving complaints, authorizing and conducting investigations, and recommending enforcement of the Code of Ethics.
- 3.02 The professional, ethical educator contributes to the development and maintenance of a supportive student-centered learning community that values and promotes human dignity, fairness, care, the greater good and individual rights. These values are the ethical premises for the standards of professional behavior and ethical decision-making established in this *Code of Ethics for Arkansas Educators*. By establishing standards of ethical conduct, this code promotes the health, safety, and general welfare of students and educators and ensures the citizens of Arkansas a degree of accountability within the education profession.

**4.00 Applicability**

- 4.01 The valid Arkansas teaching license of any person shall be subject to the conditions, requirements, and mandates of the code of ethics, procedures, and recommendations for enforcement.

**5.00 Definitions**

- 5.01 **An Authorized Ethical Complaint Investigation** is an ethics complaint that has been: (1) verified by the Chief Investigator of the PLSB as being submitted by an

identifiable person; and (2) authorized for investigation based upon reasonable belief by the Ethics Subcommittee of the PLSB that if the allegation is true, it would constitute a violation of the Code as set forth in these rules committed by an Arkansas educator after September 1, 2008. The Ethics Subcommittee of the PLSB shall investigate an ethics complaint that it determines is credible. (Act 1045 of 2011)

- 5.02 **Code of Ethics or Code** means the code of ethics for educators established by the Professional Licensure Standards Board under Ark. Code. Ann. § 6-17-422.
- 5.03 **Conviction** includes a plea of guilty or a plea of *nolo contendere*, or a finding or verdict of guilty, regardless of whether an appeal of the conviction has been sought, or a criminal conviction has been sealed or expunged; a situation where first offender treatment without adjudication of guilt pursuant to the charge was granted; and a situation where an adjudication of guilt or sentence was otherwise withheld or not entered on the charge or the charge was otherwise disposed of in a similar manner in any jurisdiction.
- 5.04 **Denial** is the refusal to grant a teaching license to an applicant for a teaching license.
- 5.05 **Dispositions** are the values, commitments, and professional ethics that influence behaviors toward students, families, colleagues and communities and affect student learning, motivation, and development as well as the educator's own professional growth. Dispositions are guided by beliefs and attitudes related to values such as caring, fairness, honesty, responsibility and social justice.
- 5.06 **Educator** Means a person holding a valid Arkansas teacher's or administrator's license issued by the State Board of Education.
- 5.07 **Ethics Complaint** means a document that states facts constituting an alleged ethical violation of the code of ethics and is signed under penalty of perjury by the person filing the ethics complaint. An ethics complaint may also be a finding made in an audit report forwarded to the ADE by the Arkansas Joint Legislative Auditing Committee under Ark. Code Ann. § 6-17-426.
- 5.08 **Ethics Subcommittee** means the subcommittee established by the Professional Licensure Standards Board to receive and investigate ethics complaints, enforce the Code of Ethics, including making recommendations to the State Board of Education for a written warning, a written reprimand, or the placement of conditions or restrictions on the activities of the educator or the revocation, suspension, or probation or nonrenewal of a license. The Ethics Subcommittee may issue a Private Letter of Caution. The Ethics Subcommittee may also dismiss an ethics complaint if it finds there is no ethics violation.
- 5.09 **Ethical Violation** is an act or omission on the part of an educator, when the educator knew, or reasonably should have known, that such acts or omissions were in violation of the Code of Ethics as set forth in these rules. An ethical violation does not include a reasonable mistake made in good faith, or acts or omissions taken in

accordance with the reasonable instructions of a supervisor or, an act or omission under circumstances in which the educator had a reasonable belief that failure to follow the instructions of a supervisor would result in an adverse job action against the educator.

- 5.10 **Filed** means the document has been stamped with a date acknowledging when the document arrived at the offices of the PLSB staff.
- 5.11 Private Letter of Caution is a non-punitive communication from the Ethics Subcommittee to an educator in response to an ethics complaint against the educator. Private Letters of Caution may be provided to an educator by the Ethics Subcommittee of the PLSB in lieu of recommending other discipline. private letters of caution remain in the files retained by the PLSB staff, but are not placed in an educator's licensure file at the ADE. A private letter of caution is not submitted to the State Board of Education for approval and it does not constitute a sanction for the purposes of the Code of Ethics for Arkansas Educators. As a result, private letters of caution cannot be basis for a request for an evidentiary hearing before the Ethics Subcommittee or the State Board of Education..
- 5.12 **Conditions or restrictions** may include any actions or alternative sanctions allowed under the Administrative Procedures Act, including at a minimum a semi-annual appraisal of the educator's conduct by the PLSB staff through contact with the educator and his or her employer or other appropriate person. Such conditions or restrictions may include, but are not limited to requiring that an educator submit a new criminal background check or submit other requested information such as current employment, compliance with recommending counseling, treatment, education or training. The Subcommittee may recommend to the length of the monitoring period to the State Board of Education.
- 5.13 **Preponderance of Evidence** is the greater weight of the relevant evidence; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to include a fair and impartial mind to one side of the issue rather than the other. It is determined by considering all of the relevant evidence and deciding which evidence is more credible. A preponderance of the evidence is not necessarily determined by the greater number of witnesses or documents presented. If, on any allegation against an educator, it cannot be determined whether the allegation is more likely true than not true, the allegation cannot be considered to have been proved.
- 5.14 **Probation** is the placing of conditions, requirements or circumstances on the status of a teaching license for a period of time established by the State Board. Generally, an educator whose license is under probation must sufficiently satisfy such conditions, requirements or circumstances in order to maintain or be reinstated to the original non-probationary teaching license status.

- 5.15 **Public Information** for the purpose of these rules is information coming from news media or public record.
- 5.16 **Reasonable belief** is a belief based upon knowledge of facts and circumstances that are reasonably trustworthy, and that would justify a reasonable person's belief that: (1) a violation of the Code as set forth in these rules has been committed; and (2) that the named educator committed such a violation. A reasonable belief is not based upon mere suspicion or conjecture.
- 5.17 **Received** means the date the ethical complaint was presented to the Subcommittee for authorization of an investigation.
- 5.18 **Relevant evidence** (or material evidence) is evidence having any tendency to make the existence of any fact that is of consequence to the determination of the matter more probable or less probable than it would be without the evidence.
- 5.19 **Reprimand** is a written admonishment from the State Board to the named educator for his or her conduct. The written reprimand cautions that further unethical conduct will lead to a more severe action and is associated with a monetary fine of the educator. In the absence of further unethical conduct, a reprimand will remain in the licensure file of the educator for a period of two (2) years from the date the reprimand is imposed by the State Board. The reprimand will remain permanently in the files retained by PLSB staff.
- 5.20 **Revocation** is the permanent invalidation of any teaching or administrator's license held by the educator.
- 5.21 **School-sponsored activity** is any event or activity sponsored by the school or school system which includes but is not limited to athletic events, booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum (i.e., foreign language trips, etc.) whether on school-campus or not.
- 5.22 **Student** is any individual enrolled in the state's public or private schools from pre-kindergarten through grade 12.
- 5.23 **Supervisor** under these rules mean an administrator authorized by the district or school board to administer professional employee discipline up to and including recommending termination or nonrenewal.
- 5.24 **Suspension** is the temporary invalidation of any teaching license for a period of time specified by the State Board.

5.25 **Teaching License** refers to any teaching, service, or leadership certificate, license, or permit issued by the State Board.

5.26 **Warning** is a written communication from the State Board to the named educator that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more severe action. In the absence of further unethical conduct, a warning will remain in the licensure file of the educator for a period of two (2) years from the date the warning is imposed by the State Board. The warning will remain permanently in the files retained by PLSB staff.

## 6.00 **The Code of Ethics for Arkansas Educators**

The Standards of Ethical Conduct are set forth as follows:

6.01 **Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.**

6.02 **Standard 2: An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice.**

6.03 **Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.**

6.04 **Standard 4: An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship.**

6.05 **Standard 5: An educator maintains integrity regarding the acceptance of any gratuity, gift, compensation or favor that might impair or appear to influence professional decisions or actions and shall refrain from using the educator's position for personal gain.**

6.06 **Standard 6: An educator keeps in confidence information about students and colleagues obtained in the course of professional service, including secure standardized test materials and results, unless disclosure serves a professional purpose or is allowed by law.**

6.07 **Standard 7: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs or substances while on school premises or at school-sponsored activities involving students.**

## 7.00 **Recommended Disciplinary Action.**

- 7.01 The PLSB Ethics Subcommittee is authorized to recommend to the State Board probation, suspension, revocation or nonrenewal of a teaching license or the issuance of a reprimand or warning. The PLSB Ethics Subcommittee is also authorized to recommend the placement of conditions or restrictions on the activities of the educator that would assist the educator via training, coursework or rehabilitative treatment. (All costs would be paid by the educator.) The State Board may direct the ADE to monitor progress toward the completion of any corrective action. Any of the following shall be considered cause for recommendation of disciplinary action against the holder of a license:
- a. An initial determination by the Ethics Subcommittee that there is a reasonable belief that a violation of any of the Code of Ethics as set forth in these rules has occurred.
  - b. Following an evidentiary hearing before the Ethics Subcommittee, the Subcommittee finds, by a preponderance of the evidence, that there is a reasonable belief that an educator violated the Code of Ethics as set forth in these rules.
  - c. A failure to comply with the payment of any imposed fines, fees, or other conditions or restrictions imposed by the State Board of Education.
  - d. Audit reports forwarded to the ADE by the Arkansas Legislative Joint Auditing Committee pursuant to Ark. Code Ann. § 6-17-426.
  - e. Disciplinary action against a teaching license/certificate in another state on grounds consistent with unethical conduct specified in Section 6.00 or as stated in this section.
- 7.02 An individual whose license has been revoked, denied or suspended may not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher, official and/or judge of a school-sponsored activity or be employed in any other position during the period of his or her revocation, suspension or denial for a violation of the Arkansas Code of Ethics for Educators.
- 7.03 Suspensions and revocations are reported by the ADE to national officials, including the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse.
- 7.04 In lieu of imposing a disciplinary action as set forth above, the PLSB Ethics Subcommittee may provide the accused educator with a private letter of caution.

## **8.00 Procedures for the Investigative Process and Final Determination of Alleged Ethics Violations**

8.01 In considering and investigating complaints brought before it, the Subcommittee shall follow the procedures set forth in *Appendix A* to these rules, which are hereby fully incorporated into these rules as if fully set forth herein.

## **9.00 Fines and Fees**

9.01 The State Board, for violations of Code in all areas and as authorized by Ark. Code Ann. § 6-17-422(h)(3)(c) and Act 1045 of 2011:

- a. May impose fines up the amounts listed in *Appendix B* to these rules, which is attached and is hereby fully incorporated into these rules as if fully set forth herein.
- b. May impose fees for action taken pertaining to an educator's license as set forth in the attachment *Appendix B*.
- c. Shall use the revenue collected by the State Board of Education from the fees and fines imposed per *Appendix B* of these Rules for the operation of the Professional Licensure Standards Board.
- d. Failure to pay fines and fees may result in the Subcommittee recommending that the State Board suspend the educator's license pursuant to Ark. Code Ann. § 25-15-217. The Department will not renew a license or until all fines and fees have been paid.

## **10.00 Disclosure of Records**

10.01 When the State Board has disciplined an educator for violation of the Code of Ethics by placing the educator on probation, or suspension, or non-renewing or revoking the educator's license, these actions will be reported by the Office of Professional Licensure and may be posted in its electronic database such that the records are viewable to school districts and other authorized personnel. In addition, these actions may be reported to other national education organizations or agencies such as the NASTDEC clearinghouse.

10.02 When the State Board has issued a warning or reprimand for violation of the Code of Ethics, these will be reported to the Office of Professional Licensure but are not posted in its electronic database. The Office of Professional Licensure will report reprimands or warnings if requested.

10.03 Records of the PLSB Ethics Subcommittee shall be retained in accordance with the Arkansas General Records Retention Schedule.

10.04 In accordance with Act 1045 of 2011, all records and all hearings, meetings, and deliberations of the Professional Licensure Standards Board and its Ethics Subcommittee

relating to an ethics complaint are confidential and exempt from the Freedom of Information Act of 1967, Ark. Code Ann. § 25-19-101 et seq.

- 10.05 In accordance with Ark. Code Ann. § 25-15-208, disclosure shall not be required of the research or records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the attorney for the agency or members of his or her staff or other state agents.

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## **Procedures for the Investigative Process and Final Recommendation for Disposition of an Ethics Complaint**

### **1. Applicability of the Administrative Procedure Act**

All rules, procedures, hearings and appeals relating to the Code of Ethics shall be promulgated and implemented under the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.

### **2. Freedom of Information Act (FOIA):**

All records, hearings, meetings, and deliberations of the PLSB relating to an ethics complaint against an administrator or teacher are confidential and exempt from the Freedom of Information Act. All records pertaining to an ethics complaint are open for inspection and copying by the person against whom the complaint is lodged. The person against whom the complaint is lodged and his or her representative are entitled to be present during all hearings. A hearing before the State Board to consider the possible revocation, suspension, or other sanction of an administrator's or a teacher's license based on a recommendation of the PLSB for enforcement of an alleged ethics violation, including without limitation an informal disposition by the State Board of an ethics complaint by stipulation, settlement, consent order, or default is open to the public. All records on which the State Board relies during such a hearing to make its decision are subject to public disclosure under the Freedom of Information Act.

### **3. Allegations:**

Any person or party wishing to submit an allegation must use the appropriate allegation of violation form as developed by the PLSB. It may be filed with the PLSB through the Department of Education, a public school district, or a public school superintendent. If an allegation form is filed with a public school district or a public school superintendent, the public school district or superintendent must forward all signed allegations directly to the Department of Education. Failure to forward an allegation of violation form may be considered a violation of the Code of Ethics.

### **4. Allegations Received by the PLSB Ethics Subcommittee:**

An allegation will become a complaint once it has been: (1) verified by the Chief Investigator of the PLSB as being submitted by an identifiable person; and (2) is credible and if true, would constitute a violation of the Code as set forth in these rules, committed by an Arkansas educator after September 1, 2008. An allegation shall be processed as follows:

- i. **Initial Review:** The Chief Investigator of the PLSB will thoroughly review the allegation and verify that the allegation has been submitted by an identifiable person and was signed under penalty of perjury.
- ii. **Authority to Investigate:** The Ethics Subcommittee will determine whether to grant authority to the PLSB investigative staff to investigate the allegation. Authority to investigate the allegation will be based upon a reasonable belief that the allegation, if true, constitutes a violation of the Code as set forth in these rules and was committed by the alleged educator after September 1, 2008. Any member of the Ethics Subcommittee of the PLSB who works with or for the educator against whom the allegation is submitted shall recuse himself/herself from any discussion, hearing, or

deliberations concerning the accused educator. The Subcommittee is not limited to the standard alleged on the form but may consider all of the evidence submitted with the allegation in determining which, if any, standard may have been violated

- a) Authority to Investigate Denied: If the Ethics Subcommittee votes not to grant authorize investigation, the allegation shall be dismissed and the matter shall be closed without further action against the educator.
  - b) Authority to Investigate Granted: If the Ethics Subcommittee votes to authorize investigation of the allegation, the allegation becomes an authorized ethical complaint. The PLSB staff shall notify the named educator in writing concerning the initiation of the investigation and provide the educator with a copy of the complaint within ten (10) calendar days of authorization. The PLSB staff shall provide to the educator under investigation 1) written notice of the investigation and nature of the alleged ethical violation and, 2) a copy of the documents and evidence concerning the facts alleged in the ethical complaint, provisions of Act 1045 of 2011 or other state statutory law applicable to an ethical violation and the applicable rules in effect at the time the ethics complaint is filed.
  - c) Automatic Investigation: The following will automatically go to the Ethics Sub-Committee of the PLSB for the opening of an investigation:
    - (1) Public information that an educator may have committed a violation the Code of Ethics. In the event that PLSB staff or PLSB Subcommittee members discover public information that an educator may have committed a violation of the Code of Ethics, the PLSB staff or any member of the Subcommittee may request that the Subcommittee Chair file an allegation form with the Department. If the Subcommittee votes that the Chair should file an allegation form, the Chair will recuse herself or himself from any further consideration of the newly filed complaint. If necessary, the PLSB may appoint a board member to the Subcommittee for the limited purpose of resolving the newly filed complaint.
    - (2) Audit reports forwarded to the ADE by the Arkansas Joint Auditing Committee pursuant to Ark. Code Ann. § 6-17-426.
- iii. Requesting additional authority to investigate: If, in the course of an authorized investigation, PLSB staff discovers credible information that the named educator has committed additional violations of the Code, the PLSB staff may request additional authority to investigate from the Subcommittee. In the event that PLSB staff discovers credible information that another educator has violated the Code of Ethics, the PLSB staff may request that the Subcommittee Chair file an allegation form with the Department. If the Subcommittee votes that the Chair should file an allegation form, the Chair will recuse herself or himself from any further consideration of the

newly filed complaint. If necessary, the PLSB may appoint a board member to the Subcommittee for the limited purpose of resolving the newly filed complaint.

- iv Completion of the Investigation: The Ethics Subcommittee shall complete its investigation of an ethics complaint and take action within one hundred fifty (150) days of authorizing the investigation. Upon completion of the investigation and final report of investigation, the PLSB staff will send the final report of investigation to the accused educator or his/her attorney via certified and regular mail. The educator shall be provided with:
1. A copy of the documents and evidence concerning the investigation of the ethics complaint and,
  2. Written notice that the Ethics Subcommittee will consider taking action against the named educator and,
  3. A copy of Act 1045 of 2011 or other state statutory law applicable to the ethical violation authorized for investigation, and
  4. A copy of the rules in effect at the time the ethics complaint is filed.
  5. The named educator or his/her attorney will be allowed thirty (30) calendar days from receipt of the notice, documentation, and evidence from the Ethics Subcommittee or its staff to submit any further response in writing. At the conclusion of the thirty (30) calendar days or upon receiving the written response from the educator, the PLSB staff will send the final report of investigation and educator's response to the members of the Ethics Subcommittee.
- vi. Initial Recommendation of the Ethics Subcommittee: At the next scheduled meeting of the Ethics Subcommittee, the Subcommittee shall review the results of the investigation including the PLSB staff's final report of investigation and any written response from the educator who is the subject of the ethics complaint. Following such a review, if the Ethics Subcommittee finds that a reasonable belief exists that the educator violated the Code as set forth in these rules, the Subcommittee shall issue an initial decision and may recommend any appropriate action as set forth in Appendix B.
- a) Notification of the Educator: The PLSB staff will notify the named educator in writing of the recommendation of the Ethics Subcommittee. The named educator may accept in writing the recommendation of the Ethics Subcommittee of the PLSB or request in writing an evidentiary hearing before the Ethics Subcommittee. The PLSB staff will inform the educator that following an evidentiary hearing, the Ethics Subcommittee may find that no reasonable belief that a violation of the Code exists, or could find that a reasonable belief that violation of the Code exists and recommend any appropriate action as set forth in Appendix B.
  - b) Private Letter of Caution: The Ethics Sub-Committee of the PLSB may also issue a private letter of caution in lieu of recommending an action set forth in Appendix B.

- v. Waiver of Evidentiary Hearing: If an educator fails to respond to notification of the initial recommendation of the Ethics Subcommittee within thirty (30) days, the initial recommendation will become a final recommendation without an evidentiary hearing and will be forwarded to the State Board for consideration.
- vi. If the educator accept the Subcommittee's recommendation or waives a response, the PLSB staff shall notify the educator that the final recommendation will be submitted to the State Board as part of its consent agenda.

## 5. Waiver or Request of a Subcommittee Evidentiary Hearing

- i. If the educator requests a hearing, an evidentiary hearing will be held before the Ethics Subcommittee one hundred eighty (180) days of receiving the complaint at is defined in these rules. Either party may request additional time. Such a request shall be in writing and shall set forth the reason(s) for which additional time is needed. The time limitations may be waived when reasonable under the circumstances, including without limitation, inclement weather, state or national emergencies, or other unforeseeable events by the:
  - a. Educator if the time limitation is imposed up the Ethics Subcommittee; or
  - b. Ethics Subcommittee if the time limitation is imposed upon the educator; or
  - c. A written stipulation between the educator and the PLSB staff attorney with the approval of the Subcommittee.
- i. Within ten (10) calendar days following the findings recommendation of the Ethics Subcommittee , the PLSB staff will notify the educator in writing of the Subcommittee's evidentiary hearing findings and recommendations. The educator may accept the evidentiary recommendation or request a hearing before the State Board.
- iii. Waiver of State Board Evidentiary Hearing: If an educator fails to respond to notification of the Subcommittee's evidentiary hearing recommendation within thirty (30) days, the evidentiary hearing recommendation will become a final recommendation and will be forwarded to the State Board.

## 6. Motions

- a. An educator or his or her representative who has requested an evidentiary hearing may file a motion by serving it on the attorney for the PLSB who shall record the date it is received and promptly transmit the motion(s) to the Subcommittee for its consideration at the next available Subcommittee meeting.
- b. Filing a motion that requests that the Subcommittee take action prior to the requested or scheduled evidentiary hearing tolls the time limits set out in these rules and Act 1045 of 2011

- c. Requests regarding procedural matters, including requests for additional time for the hearing or for continuation of a hearing, or proposed stipulated settlements may be considered on the motions or papers submitted. The PLSB attorney and the educator may enter a stipulation to dispose of any procedural or substantive matters at any time subject to final approval by the Subcommittee.

## **7. Evidentiary Hearing Procedures of the PLSB Ethics Sub-committee**

- i. The educator and the PLSB may be represented by representatives of their choosing.
- ii. The educator shall be notified in writing of the date, time and location of the Ethics Subcommittee meeting at which his/her case will be considered. The notice will also state a deadline by which the educator must submit items to the Subcommittee for consideration. Items submitted may be rejected. Educators and PLSB staff are encouraged to submit all documentary evidence by the deadline so that the Subcommittee will be prepared to expeditiously address the case at the evidentiary hearing.
- iii. A representative of the PLSB and the educator (or his/her attorney) shall have up to twenty-five (25) minutes each to present their cases to the Subcommittee. The chairperson of the Subcommittee, may grant additional time to either or both parties, if necessary.
- iv. Each party will have the opportunity, should it so choose, to make an opening statement. The statement shall be no longer than five (5) minutes in length. The chairperson of the Subcommittee may grant additional time to either or both parties, if necessary.
- v. The representative of the PLSB shall present its case (and opening statement, if it so chooses) to the Subcommittee first.
- vi. Any written documents, photographs or any other items of evidence may be presented to the hearing Subcommittee with the permission of the Chairperson. The items of evidence shall be marked as either "PLSB Exhibit Number 1(et seq. )" or "Educator's Exhibit Number 1 (et seq. )" After an item of evidence has been allowed to be presented to the Sub-committee by the chairperson, the introducing party shall give one (1) copy to the court reporter for the record and one (1) copy to the chairperson.
- vii. After one party has questioned a witness, the other party shall have the same opportunity.
- viii. Members of the hearing Subcommittee shall also have the opportunity to ask questions of any witness or any party at any time.

- ix. While the scope of each party's presentation ultimately lies within the chairperson's discretion, case presentation should be arranged in such a way as to avoid redundant testimony.
- x. After the educator has presented his/her case, the chairperson may allow each party to present limited rebuttal testimony.
- xi. After the rebuttal evidence has been presented, the educator shall have up to five (5) minutes to present a closing statement, if desired. The chairperson of the Subcommittee may grant additional time if necessary.
- xii. After the educator has made a closing statement, or waived the opportunity for the same, the representative of the PLSB shall have up to five (5) minutes to make his/her closing statement, if desired. The chairperson of the Sub-committee may grant additional time if necessary.
- xiii. After closing statements have been made (or the opportunity to make them has been waived), the hearing Subcommittee may orally announce its decision. Alternatively, the hearing Subcommittee may take the case under advisement and render a written decision at a later time.
- xiii. During an evidentiary hearing, the "preponderance of the evidence" standard shall be used by the Ethics Subcommittee to determine whether a violation of the Code occurred. If the Ethics Subcommittee finds that a violation occurred, it may issue a recommendation for appropriate sanction to the Arkansas State Board of Education. The representative of the PLSB will have the burden of proving each fact of consequence to the determination by a preponderance of the evidence. The Ethics Sub may also issue a non-punitive private letter of caution ..
- xiv. A written decision reflecting the hearing Subcommittee's final finding and recommendation shall be promptly prepared by the PLSB staff attorney for the chairperson's signature. A copy of the findings and recommendation s shall be transmitted in a timely manner to the educator.
- xiv. The educator shall have fourteen (14) days from the receipt of the final findings and recommendation to request l a State Board hearing. Should the educator not request a hearing before the SBE within the above-referenced fourteen (14) day time period, the findings and recommendations of the Subcommittee shall become final.

## **7. Subpoena Power:**

- i. At the request of a party to a proceeding pending before the PLSB or the Ethics Subcommittee or the State Board of Education, the Chair of the PLSB or the Ethics Subcommittee or the State Board of Education may, as appropriate, issue a subpoena and bring before the PLSB, the Ethics Subcommittee or the State Board as a witness any person in this state. The PLSB, the Ethics Subcommittee or the State Board may, on their own motion, issue a subpoena at any time.

- ii. A party requesting a subpoena must make the request in writing to either the PLSB staff attorney or the State Board attorney, as appropriate. Requests for subpoenas made to the PLSB shall be delivered to the Office of the PLSB Attorney no later than ten (10) calendar days prior to the PLSB hearing for which the subpoena is requested. Requests for subpoenas made to the State Board shall be delivered to the Office of General Counsel of the ADE no later than ten (10) calendar days prior to the State Board hearing for which the subpoena is requested.
- iii. The subpoena shall:
  - a) Be in the name of either the PLSB, the Ethics Subcommittee or the State Board;
  - b) State the name of the board hearing the proceeding and the name of the proceeding; and
  - c) Command each person to whom it is directed to give testimony at the time and place specified in the subpoena in one (1) of the following ways:
    - (i) In person;
    - (ii) Before a certified court reporter under oath at the place of the witness' residence or employment;
    - (iii) By video-taped deposition at the place of the witness' residence or employment; or
    - (iv) By live video communications from the witness' residence, place of employment, or a nearby facility capable of providing video transmission to the board hearing the proceeding that has subpoenaed the witness.
  - d) The manner of providing testimony under the subpoena shall be conducted by video conference testimony unless another manner is agreed upon by the board or commission and the person who is the subject of the subpoena.
- iv. The subpoena may require the witness to bring with him or her any book, writing, or other thing under his or her control that he or she is bound by law to produce in evidence.
- v. Service of the subpoena shall be in the manner as provided by law or rule for the service of subpoenas in civil cases.
- vi. A witness who has been served by subpoena and who appears in person to testify at the trial or case pending before the PLSB, the Ethics Subcommittee or the State Board shall be reimbursed for travel and attendance as provided by law.

- vii. If a witness is served with a subpoena and fails to provide testimony in obedience to the subpoena, the PLSB, the Ethics Subcommittee or the State Board may apply to the circuit court of the county in which the PLSB, the Ethics Subcommittee or the State Board is holding the proceeding for an order causing the arrest of the witness and directing that the witness be brought before the court.
- viii. The court will have the power to punish the disobedient witness for contempt as provided by the Arkansas Rules of Civil Procedure.
- ix. A witness who has been served with a subpoena may challenge the validity of the subpoena in the circuit court of the county in which the witness resides or is employed.

## **8. Hearing Procedures of the Arkansas State Board of Education**

- i. The agenda item will be introduced by staff of the PLSB or the ADE, as appropriate.
- ii. The representative of the PLSB staff will present an opening statement.
- iii. The educator or the educator's representative will present an opening statement.
- iv. The representative of the PLSB staff will present its case-in-chief.
- v. The educator or the educator's representative will present its case-in-chief.
- vi. The representative of the PLSB staff will present a closing argument.
- vii. The educator or the educator's representative will present a closing argument.
- vii. The State Board will discuss the matter. During the discussion phase, any member of the State Board may question any party, any party's representative, any witness, or any other person whose testimony may be found useful by the State Board in determining an appropriate resolution of the case.
- viii. The State Board will vote on whether to accept, reject, or modify the recommendation of the PLSB. The State Board may vote to approve no sanction at all, the same sanction recommended by the PLSB, a lesser sanction than that recommended by the PLSB, or a more severe sanction than that recommended by the PLSB. The State Board may also issue a letter of concern. Any vote of the State Board must be by a majority of the quorum present.
- ix. Other Procedures Applicable to the State Board Hearing
  - a) The Chair of the State Board shall serve as presiding officer for the hearing.

- b) All members of the State Board shall conduct themselves in an impartial manner and may at any time withdraw from the proceedings if they deem themselves disqualified.
- c) The representative of the PLSB staff will have the burden of proving each fact of consequence to the determination by a preponderance of the evidence.
- d) Irrelevant, immaterial, and unduly repetitious evidence shall be excluded.
- e) Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs.
- f) Objections to evidentiary offers may be made and shall be noted of record. When a hearing will be expedited and the interests of the parties will not be substantially prejudiced, any part of the evidence may be received in written form.
- g) Parties shall have the right to conduct such cross examination as may be required for a full and true disclosure of the facts.
- h) Official notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties must be notified of material so noticed, including any staff memoranda or data, and shall be afforded a reasonable opportunity to show the contrary.

**LIST OF ACTIONS & APPLICABLE FINES**

<b>Action Taken</b>	<b>Maximum Fine Amount</b>
Complaint is not substantiated – No action taken; Case closed.	\$0
Educators who violate testing procedures of the state and for whom the Ethics Sub-Committee of the PLSB believes the violation does not rise to the level of an ethical violation may be recommended for additional training in the approved testing procedures by the state.	All expenses paid by the educator.
Compliance with conditions or restrictions or recommended treatment or rehabilitation with periodic monitoring.	All expenses paid by the educator.
Private Letter of Caution	\$0
Written Warning	\$0
Written Reprimand	\$50
Probation of License	\$75
Suspension of License	\$100
Permanent Revocation of License	\$0

## LIST OF APPLICABLE FEES

License Issued	New or Renewal	Fee Amount
One-Year Provisional Teacher's License	New	\$0.00
	Renewal	\$0.00
Three-Year Initial Teacher's License	New	\$0.00
Five-Year Standard or Advanced Teacher's License	New	\$100.00
	Renewal	\$100.00
Five-Year Vocational Permit	New	\$100.00
	Renewal	\$100.00
One-Year Professional Teaching Permit	New	\$35.00
Lifetime Teacher's License <b>(Must be 62 years of age.)</b>	New	\$0.00
Adding Area or Level to Existing License	Not Applicable	\$0.00
Adding Degrees to Existing License (If not occurring at the time of renewal)	Not Applicable	\$50.00
Duplicate License	Not Applicable	\$50.00

## **Explanations and Guidelines to Clarify the Intent of The Code of Ethics**

The purpose of Appendix C is to provide greater clarity and intent of each ethical standard listed in Section 6.00 of this rule. Therefore, Appendix C is not designed to supersede the required standard of ethical conduct but rather to provide some rationale of the intent and purpose and thus the proper application of each ethical standard of conduct. It is recognized that Appendix C is a general application of the intent and purpose of each ethical standard and is considered a guide and not all inclusive of each and every interpretation and application of Code as required in Section 6.00.

Moreover, it is recognized that unless specifically stated in a standard of conduct listed in Section 6.00 of these rules or specifically required in Appendix C's interpretation of a particular standard of conduct, the alleged unethical conduct by a licensed educator may be considered by the Professional Licensure Standards Board regardless of the mental intent related to the alleged unethical action or omission. However, the Professional Licensure Standards Board may consider the mental intent or capacity of the licensed educator, along with other relevant factors, when determining whether a violation exists and what, if any, disciplinary action to recommend to the Arkansas State Board of Education for alleged violations of this code of ethics.

Furthermore, it is recognized that the Code of Ethics is designed as a model of minimum standards for maintaining the public's respect for, and support of, those holding a license issued by the State Board of Education. It is not intended to regulate the employer/employee or contract relationship between any public school district and its educators. The Code is an overarching and superior set of standards and rules intended to establish and contribute to the development and maintenance of a supportive student-centered learning community that values and promotes human dignity, fairness, care, the greater good, and individual rights.

### **Standard 1 An educator maintains a professional relationship with each student, both in and outside the classroom.**

This standard goes to the core of a professional educator's expected conduct and relationship with all students and transcends criminal behavior or other actions which violate law. The professional relationship with students is such behavior and action which promotes at all times the mental, emotional, and physical health and safety of students. An educator should show respect for and not demean, embarrass, or harass students absent some reasonable educational or disciplinary purpose and never as prohibited by law. A professional relationship is one where the educator maintains a position of educator/student authority with students even while expressing concern, empathy, and encouragement for students. In that position of authority, an educator may nurture the student's intellectual, physical, emotional, social and civic potential. An educator may display concern and compassion for a student's personal problems and, when appropriate, refer the student for school counseling or other help.

### **Standard 2 An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice.**

This standard addresses the professional educator's obligation to implement best practices and maintain competence in skills and knowledge. An educator has many dispositions that are required in the course of instruction such as ensuring that students have access to varying points of view and that instruction reflects current subject matter.

**Standard 3 An educator honestly fulfills reporting obligations associated with professional practices.**

This standard covers those situations where there is an intentional or knowing attempt to deceive or mislead an educational entity. Honest errors or mistakes or inaccuracies are not intended to be encompassed by this standard. To uphold this standard an educator should be honest when reporting data and information to the Arkansas Department of Education, the Arkansas Bureau of Legislative Audit, the Arkansas State Board of Education, and other state and federal governmental agencies. Honestly reporting grades is also a part of this standard. It is also important that an educator honor this standard when giving information to recommend an individual for employment promotion or licensure as well as when reporting professional qualifications, criminal history, college credits and degrees, awards, and employment history. Similarly the failure to timely submit information covers those situations where there is a knowing failure to submit or provide information. However, it is important to note that the State Board of Education may take direct action to revoke, suspend, or place on probation an educator whose conduct violates Ark. Code Ann. § 6-17-410(d)(1)(A)(vii) and (viii) without submission of an ethics complaint. It is important to note that noncompliance with mandated child abuse reporting laws also falls with this standard.

**Standard 4 An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship.**

An educator must be a good steward of public funds, personnel and property dedicated to school related purposes. The use and accounting for these resources under the educator's control must comply with state and federal laws that regulate the use of public funds and property. The use of such resources for personal gain, other than incidental personal benefit for which there is no public education purpose would not be in keeping with the intent of this standard.

**Standard 5 An educator maintains integrity regarding acceptance of any gratuity, gifts, compensation or favor that might impair or appear to influence professional decision or actions and shall refrain from using the educator's position for personal gain.**

The standard is intended to prohibit that conduct which is solely for personal gain and creates an appearance of a conflict of interest in the role as an educator. The standard of conduct called for by this section involves an examination of the total circumstances surrounding the gratuity, gift, compensation, or favor. Factors to consider include the value of the gratuity, gift or favor, the reasonableness of any compensation; the timing of the gratuity, gift, compensation, or favor; and the relationship between the educator and the person from whom the gratuity, gift, compensation, or favor comes. Pursuant to Ark. Code Ann. § 6-24-113 an educator may accept awards and grants as provided for therein. Ark. Code Ann. § 6-24-112 contains some specific prohibited transactions involving gratuities or offers of employment. The second part of this standard requires that the educator does not use the position for personal gain.

**Standard 6**

**An educator keeps in confidence information about students and colleagues obtained in the course of professional service, including secure standardized test materials and results, unless disclosure serves a professional purpose or is allowed or required by law.**

At times educators are entitled to and/or for professional reasons need access to certain student records, other educators' records, and standardized testing materials. Much of this information is confidential, and the educator should maintain that confidence unless the disclosure serves some legitimate educational purpose as allowed or required by law. The Federal Education Rights and Privacy Act (FERPA) addresses the confidentiality of certain student records. Such federal and state laws permit disclosure of some student information and restrict the disclosure of other student information. Educators should respect and comply with these and other similar confidentiality laws. Confidential student information may include student academic and disciplinary records, health and medical information, family status and/or income, assessment/testing results, and Social Security information. When standardized tests are administered, educators should maintain the confidentiality of those parts of the standardized test materials that are to remain confidential such as actual test items and test booklets in accordance with state law, regulation, and testing policy. Supervisors may be entitled to access to other educators' personnel records and should maintain the confidentiality of those records. Educators should be reminded that this standard is in addition to conduct prohibited under Ark. Code Ann. § 6-17-410(d)(1)(A)(iii). The State Board may take direct action against an educator to revoke, suspend, or place on probation, the license of an educator whose conduct violates this section without the filing of an ethical complaint.

**Standard 7 An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs or substances while on school premises or at school-sponsored activities involving students.**

This standard sets forth the expectation of the professional educator concerning using, possessing, or being under the influence of the listed substances while on school premises or at school-sponsored activities involving students or being in violation of state law governing the using, possessing or being under the influence of alcohol, tobacco, or unauthorized/illegal drugs while on school property or at school-sponsored activities involving students.

### Code of Ethics for Arkansas Educators Allegation of Violation Form

Allegation made against:

Name of Licensed Educator \_\_\_\_\_ Date of Incident \_\_\_\_\_

Educator's Address \_\_\_\_\_

Educator's Phone (w) \_\_\_\_\_ (c) \_\_\_\_\_ (h) \_\_\_\_\_ Email \_\_\_\_\_

Educator's Work/School \_\_\_\_\_ Phone \_\_\_\_\_

School Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Name of School District \_\_\_\_\_ Phone \_\_\_\_\_

District Office Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

\* If this is a Standard 1 Allegation and you are a mandated reporter who believes suspected child maltreatment has occurred pursuant to A.C.A. § 12-12-501 et. seq, did you report it to the Arkansas State Police Child Abuse Hotline? Yes \_\_\_\_\_ No \_\_\_\_\_

*(See the attached instruction page for a listing of the each of the Standards of Conduct.)*

Brief Statement Describing the Alleged Conduct: (Please be as specific as possible; attach additional pages as needed.)

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List the names and contact information of any witnesses and list any documents, photographs or other evidence you have to support your allegation(s) \_\_\_\_\_

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Allegation is being made by (check appropriate box)  Educator  Administrator  Parent  Other

Complainant's Name \_\_\_\_\_ E-mail: \_\_\_\_\_

Address \_\_\_\_\_ Daytime Phone \_\_\_\_\_

City, State, Zip \_\_\_\_\_ Other Phone/Cell \_\_\_\_\_

**By signing below, I swear or affirm that the foregoing statements are true to the best of my knowledge and belief under penalty of perjury.**

Complainant's Signature: \_\_\_\_\_ Date \_\_\_\_\_

**Send to:** Dr. Karen Cushman, Assistant Commissioner for HR/Licensure  
Arkansas Department of Education  
Four Capitol Mall, Room 102  
Little Rock, AR 72201

Allegation Validated by: _____ Date: _____ (FOR DEPARTMENT OF EDUCATION/PLSB USE ONLY)
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**DIRECTIONS FOR COMPLETING ALLEGATION FORM**

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***This form should be used to submit an allegation of a violation of the Code of Ethics against a currently licensed Arkansas educator or administrator.***

Name of Educator: Means the name of the person whose conduct is alleged to have violated the Code of Ethics.

Date of Incident: Be specific if a date specific is known. If there is a date range/school year/event, list that date range.

- 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.
- Standard 3:** An educator honestly fulfills reporting obligations associated with professional practices.
- Standard 4:** An educator entrusted with public funds and property honors that trust with honest, responsible stewardship.
- Standard 5:** An educator maintains integrity regarding the acceptance of any gratuity, gift, compensation or favor that might impair or appear to influence professional decisions or actions and shall refrain from using the educator’s position for personal gain.
- Standard 6:** An educator keeps in confidence secure standardized test material as well as information about students and colleagues obtained in the course of professional service unless disclosure serves a professional purpose or is allowed or required by law.
- 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.

Brief Statement Describing the Alleged Conduct: Please write a short, factual, description of the events or conduct that you believe violates the Code of Ethics. Be specific with regard to the names of person involved, the names of the students, and the names of any witnesses. If you have documents or photographs that you wish the Board to consider, please include them with your form. Please use dates, even if approximate, wherever appropriate.

Witnesses, Documents, and Photographs: List the name and contact information for any person you believe may have additional information regarding the unethical conduct. Please submit copies of the documents and/or copies of the photographs with your form or list them.

Complainant’s Name: Means the name of the person who is making the allegation. If it is on behalf of a school district, it means the district’s contact for this complaint such as the superintendent, or the superintendent’s designee.

Perjury: Act 1045 of 2011 requires that complainants sign the allegation form under penalty of perjury. It means that you believe that the facts and circumstances alleged are true, it does not mean that they will ultimately be proven to be true.

**ARKANSAS DEPARTMENT OF EDUCATION  
GUIDELINES FOR THE DEVELOPMENT,  
REVIEW AND REVISION OF SCHOOL DISTRICT STUDENT  
DISCIPLINE AND SCHOOL SAFETY POLICIES**

*Adopted May 14, 2007*

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**1.00 TITLE**

- 1.01 These guidelines shall be known as the Arkansas Department of Education Guidelines for the Development, Review and Revision of School District ~~s~~Student ~~d~~Discipline and School Safety Policies.

**2.00 REGULATORY AUTHORITY**

- 2.01 The State Board of Education enacts these guidelines pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-18-502, 6-18-503, 6-18-504, and 25-15-201 et seq.

~~These guidelines are authorized pursuant to the Department of Education's authority under Ark. Code Ann 6-18-502 (Repl. 1993).~~

**3.00 PURPOSE**

- 3.01 These guidelines are designed to assist local school districts with the development, review and revision of student discipline and school safety policies.

**4.00 ~~Development, Review and Revision of Policies~~ GENERAL GUIDELINES AND MINIMUM REQUIREMENTS**

- 4.01 Parents, students, and school district personnel, including teachers, shall be involved in the development of school district student discipline policies.

4.01.1 School districts should strive to ensure that those involved with the development of school district student discipline policies come from diverse racial, gender, and socioeconomic backgrounds and that the group consist of a sufficient number of individuals to provide broad representation within the district.

4.01.2 School districts may elect to have separate policies for different organizational levels and may have policy development teams for each organizational level or use one team for all organizational levels.

- 4.02 The student discipline policies shall be reviewed annually by the school district's committee on personnel policies. The committee may recommend changes in the policies to the board of directors of the local school district.

4.03 Student discipline policies shall include, but not be limited to, the following offenses:

4.03.1 Willfully and intentionally assaulting or threatening to assault or abuse any student or teacher, principal, superintendent, or other employee of a school system;

4.03.2 Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board of directors;

4.03.3 Using, offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;

4.03.4 Possession by a student of any paging device, beeper, or similar electronic communication device, including cell phones, on the school campus, however:

4.03.4.1 The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons; and

4.03.4.2 The policy may exempt possession of such a device after normal school hours for extracurricular activities.

4.03.5 Willfully or intentionally damaging, destroying, or stealing school property by students.

4.04 The school discipline policies shall:

4.04.1 Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies;

4.04.2 Prescribe expulsion from school for a period of not less than one (1) year for possession of any firearm or other weapon prohibited upon the school campus by law, provided, however, that the superintendent shall have discretion to modify such expulsion requirement for a student on a case-by-case basis.

4.04.3 Establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board of directors;

- 4.04.4 Include prevention, intervention, and conflict resolution provisions; and
- 4.04.5 Set forth the role and authority of public school employees and volunteers.
- 4.05 Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and the types of corrective actions that may be imposed.
- 4.06 Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and for documentation of the receipt of the policies by all parents and students.
- 4.07 Teachers and administrators, classified school employees, and volunteers shall be provided with appropriate student discipline training.
- 4.08 If a school employee believes that any action taken by the school district to discipline a student referred by that employee does not follow school district discipline policies, the school employee may appeal under the district's grievance procedure as provided under § 6-17-208.
- 4.09 Each school district in this state shall develop written student discipline policies in compliance with these guidelines and shall file such policies with the Department of Education.
- 4.10 School district discipline policies shall include provisions for placement of a student with disciplinary, socially dysfunctional, or behavioral problems not associated with a handicapping condition in an alternative learning environment provided by the district. Behavioral problems shall include those at risk of not satisfactorily completing a high school education.
- 4.11 A school district that authorizes the use of corporal punishment in its discipline policy shall include provisions for administration of the punishment, including that it be administered only for cause, be reasonable, follow warnings that the misbehavior will not be tolerated, and be administered by a teacher or a school administrator and only in the presence of a school administrator or his or her designee, who shall be a teacher or an administrator employed by the school district.
- 4.11.1 "Teachers and administrators" means those persons employed by a school district and required to have a state-issued certificate as a condition of their employment.
- 4.11.2 Any teacher or school administrator in a school district that authorizes use of corporal punishment in the district's written student discipline policy may use corporal punishment, provided only that the punishment is administered in accord with the

district's written student discipline policy, against any pupil in order to maintain discipline and order within the public schools.

- 4.12 A school district shall include in its student discipline policies a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day and school-sponsored activities and events, clothing that exposes underwear, buttocks, or the breast of a female. This policy shall not apply to a costume or uniform worn by a student while participating in a school-sponsored activity or event.
- 4.12.1 A school district shall specify in its student discipline policies the disciplinary actions that will be taken against a student for a violation of Section 4.12 of these rules.
- 4.12.2 Section 4.12 of these rules shall not be enforced in a manner than discriminates against a student on the basis of his or her race, color, religion, sex, disability, or national origin.
- 4.13 Any amendments or revisions to a school district's student discipline policies shall be developed and adopted in the same manner as the original policies as required by law and shall be submitted to the Department of Education within thirty (30) days after the adoption of such amendment or revision.
- 4.14 The Department of Education shall monitor compliance with the requirements of these rules and of Ark. Code Ann. §§ 6-18-502 and 6-18-503. Any school district failing to file the disciplinary policy required by Ark. Code Ann. § 6-15-503 and Section 4.09 of these rules with the Department of Education shall have all state aid funds withheld until such disciplinary policy is filed with the Department of Education.
- 4.15 Every school district board of directors shall adopt and file with the Department of Education written policies concerning the violation of school standards such as disrespect for teachers and classified school employees, vandalism, and other undesirable behavioral patterns. Such written policies may be a part of the school district's student discipline policies. These policies may be revised at any time by filing an updated policy with the Department of Education.
- 4.16 Every school district board of directors shall hold its pupils strictly accountable for any disorderly conduct in school, on the school grounds, in a school bus, or at any school function.
- 4.17 The principal of each school shall report within a week to the Department of Education the name, current address, and social security number of any student who is expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence.
- 4.17.1 The expulsion shall be noted on the student's permanent school record.

4.17.2 Nothing in Section 4.17 of these rules shall be construed to limit a superintendent's discretion to modify the expulsion requirement for a student on a case-by-case basis.

4.17.3 The Department of Education shall establish and maintain a registry of students who are expelled for possessing a firearm or other prohibited weapon on school property or for committing other acts of violence. The names, addresses, and social security numbers of all students listed in the registry shall be available by phone, facsimile, or mail to any school principal in the state, so long as the provision of such information does not otherwise violate state or federal law.

4.18 The board of directors of every school district shall adopt policies to prevent bullying and file such policies with the Department of Education. Such policies may be a part of the school district's student discipline policies. The State Board of Education shall review the policies provided by the school districts and may recommend changes or improvements to the districts if the State Board of Education determines that the policies need improvement.

~~4.01~~ All school districts should complete the initial development of school district student discipline and school safety policies consistent with legal guidelines set forth in these regulations during the 1995-96 school year.

~~4.01.01~~ Districts may elect to have a single policy encompassing all organizational levels or may develop separate policies for each organizational level.

~~4.02~~ All school districts shall include in the above referenced policies, a procedure for annually reviewing the policies to ensure that they are consistent with state and federal law, developing case law and Department of Education guidelines.

~~4.03~~ All school districts shall include in the above referenced policies a procedure by which parents, teachers or students may request and receive a hearing to consider revision of the policies or particular provisions of the policies

## **5.00 OTHER STATUTORY REQUIREMENTS**

5.01 School district leaders are advised of the following statutory requirements pertaining to school district discipline policies:

5.01.1 Ark. Code Ann. §§ 6-18-209 and 6-18-222 concerning student attendance policies;

5.01.2 Ark. Code Ann. § 6-5-201 et seq. concerning the prohibition of hazing;

- 5.01.3 Ark. Code Ann. § 6-18-507 concerning suspension and expulsion procedures;
- 5.01.4 Ark. Code Ann. § 6-18-511 concerning the removal of students from the classroom by teachers;
- 5.01.5 Ark. Code Ann. § 6-18-512 concerning policies pertaining to the seizure of hand-held laser pointers;
- 5.01.6 Ark. Code Ann. § 6-18-513 concerning parental notification of certain incidents involving law enforcement personnel; and
- 5.01.7 Ark. Code Ann. § 6-18-514 concerning the requirement to adopt anti-bullying policies.

5.02 The above list is non-exhaustive in nature and is provided for informational purposes only. School district leaders are advised to consult with locally-retained legal counsel concerning other applicable state and federal laws as well as developments in case law pertaining to student discipline.

## ~~5.00 PERSONS PARTICIPATING IN POLICY DEVELOPMENT, REVIEW AND REVISION~~

- ~~5.01 Parents, teachers, students, school district administrative personnel, community representatives, and at least one school counselor shall be involved initial development and an annual review and revision of school district student discipline and school safety policies.~~
- ~~5.01.01 The development team shall be equitably balanced by race, gender, social economic level and shall be sufficient number to provide broad representation within the district.~~
- ~~5.01.02 Districts may elect to have separate policies for different organizational levels and may have development teams for each level or may use one team for all levels.~~

## ~~6.00 POLICY CONTENT~~

- ~~6.01 Student discipline and school safety policies shall include provisions, which cover required areas of Arkansas Code Annotated 6-18-502 while other areas shall be optional with the local school district. All policies shall include provisions, which cover the required areas in a form consistent with legal commentary. If optional issues are included in the district's policies, they shall be in a form consistent with the legal commentary. However, a school district may change its policy if new laws or new case law dictate such a change.~~
- ~~6.02 Required Areas: Students discipline policies shall include, but are not limited to Ark. Code Ann. 6-18-502~~

~~6.02.01 Willfully and intentionally assaulting or threatening to assault or abuse any teacher, principal, superintendent, or other employee of a school system;~~

~~6.02.02 Possession by students of any firearm or other weapon prohibited upon the school campus by law or by policies adopted by the school board.~~

~~**COMMENTARY:** Act 567 of 1995 requires expulsion for a period of not less than one year for possession of any firearm or other weapon prohibited upon the school campus by law; however, the superintendent shall have discretion to modify such expulsion requirement for a student on a case-case basis.~~

~~6.02.03 Using offering for sale, or selling beer, alcoholic beverages, or other illicit drugs by students on school property;~~

~~**COMMENTARY:** Recipients of federal grant funds distributed through the Arkansas Department of Education must ensure a drug free workplace. District policies should be consistent with this guarantee.~~

~~6.02.04 Possession by a student of any paging device, beeper, or similar Electronic communication device on the school campus; however, The policy may provide an exemption for possession of such a device by a student who is required to use such a device for health or other compelling reasons;~~

~~**COMMENTARY:** Ark. Code Ann. 6-18-502 (b) (2) (D) (Repl.1993) prohibits the possession by students of pagers or beepers on school campuses except when they are required for health or another compelling reason.~~

~~6.02.05 Willfully or intentionally damaging, destroying, or stealing of school property by students.~~

~~6.02.06 The school discipline policies shall: Prescribe minimum and maximum penalties, including students' suspension or dismissal from school, for violations of each of the aforementioned offenses and for violations of other practices prohibited by school discipline policies.~~

~~**COMMENTARY:** Notice in writing of the district's discipline policies, specific enough to put students on notice of proscribed behavior, is a necessary component of due process. Failure to adequately provide notice may render a policy unenforceable in a specific instance.~~

~~6.02.07 The school discipline policies shall establish procedures for notice to students and parents of charges, hearings, and other due process proceedings to be applicable in the enforcement and administration of such policies by the school administrator and by the school board.~~

~~**COMMENTARY:** Due process is at a minimum, (1) notice of charge; (2) opportunity for denial; (3) evidence against him/her (if denies) (4) opportunity to tell his/her side; (5) decision, and timely notice and an opportunity for a fair hearing. The degree of due process required is directly proportional to the degree of loss to the student. Any penalty which effectively denies a student's education will require the greatest degree of due process. This means notice in writing at a time sufficient for the student to prepare for a full hearing before the local school board.~~

~~6.02.08 The school discipline policies shall include prevention, Intervention and conflict resolution provisions.~~

~~6.02.09 Student discipline policies shall provide that parents and students will be advised of the rules and regulations by which the school is governed and will be made aware of the behavior that will call for disciplinary action and types of corrective actions that may be imposed.~~

~~6.02.10 Each school district shall develop a procedure for written notification to all parents and students of the district's student discipline policies and documentation of the receipt of the policies by all parents and students.~~

~~6.02.11 Teachers and administrators shall be provided with training as needed in classroom management and in other skills relevant to student discipline.~~

~~6.02.12 District's policy regarding student attendance, required by Ark. Code Ann. 6-18-209 and 6-18-222 (Repl.1993), as amended by Act 572 of 1995.~~

~~**COMMENTARY:** Each school district's attendance policy must state a certain number of unexcused absences, which the district considers excessive. Excessive absences may be used as a basis for denial of course credit, promotion or graduation by law although the Department of Education does not recommend this and urges districts to devise ways in which students can regain credits lost through nonattendance. Excessive absences may not be used as a basis for expulsion or dismissal of a student. State law requires that students who miss school because of illness, accident, or other unavoidable reasons should be given assistance in obtaining credit for their courses. Ark. Code Ann. 6-18-222 (Repl. 1993), as amended by Act 572 of 1995.~~

~~Districts should ensure that any student who a run afoul of the district's attendance policy because of illness or health problems has been evaluated Under Section 504 of the Rehabilitation Act of 1974.~~

~~All children, ages 5 through 17 on October 1, must attend school unless an appropriate exception applies under Ark. Code Ann. 6-18-201 (Repl. 1993). All children admitted to the public schools must show proof of age by either a birth~~

~~certificate, a statement by the local registrar or a county recorder certifying the child's date of birth, an attested baptismal certificate, a passport, an affidavit of the date and place of birth by the child's parent or guardian or previous school records. Each Child shall either furnish his social security number or request the district to assign him a nine digit number. Ark. Code Ann. 6-18-208 (Repl. 1993).~~

~~Prior to a child's admission to an Arkansas public school, the parent, guardian, or other responsible person shall indicate on school registration forms whether the child has been expelled from school in any other school district or is a party to an expulsion proceeding. Ark. Code Ann. 6-18-208 (Repl. 1993), as amended by Act 574 of 1995.~~

~~A copy of the school district's attendance policy should be provided to the student's parents, guardians or persons in loco parentis at the beginning of the school year. Ark. Code Ann. 6-18-222.~~

~~Whenever a student exceeds the number unexcused absences provided for in the district's attendance policy, the district shall notify the prosecuting authority. Ark Code Ann. 6-18-222.~~

~~Each local school district must notify the Department of Finance and Administration whenever a student 14 years or older is no longer in school. Ark. Code Ann. 65-18-222, as amended by Act 572 of 1995.~~

#### ~~6.02.13~~      **Crisis Intervention Plans**

~~**COMMENTARY:** School districts should formulate crisis intervention plans for the following situations: fire, tornado, earthquake, death, suicide, and intruder(s) on the school campus. These plans should name a coordinator, consider demographics and designate a response team.~~

#### ~~6.02.14~~      **Distribution of Literature**

~~Each school board shall adopt rules and regulations in the form of a written student publications policy developed in conjunction with the student publication advisor (s) and the appropriate school administrator (s), which shall include reasonable provision for the time, place, and manner of distributing student publications.~~

~~**COMMENTARY:** Act 1109 of 1995 allows students to exercise their right of expression within the district's regulations regardless of whether such publications are supported financially by the school or by use of school facilities or are produced in conjunction with a class. However, the following publications are not authorized:~~

- ~~(1)      publications that are obscene as to minors, as defined by state law;~~
- ~~(2)      publications that are libelous or slanderous, as defined by state law;~~

- (3) ~~publications that constitute an unwarranted invasion of privacy, as defined by state law,~~
- (4) ~~publications that so incite students as to create a clear and present danger of the commission of unlawful acts on school premises or the violations of lawful school regulations or the material and substantial disruption of the orderly operation of the school.~~

~~Publications that are a product of the school curriculum should have printed in the published material a statement like: "This publication is published as a part of the curriculum and is a non-public forum under the supervision of the District Board of Directors."~~

## 6.03 Optional Areas

### ~~6.03.01 Appearance and Dress Code~~

~~**COMMENTARY:** Districts may adopt rules regarding personal appearance and grooming if they are required to prevent disruption or interference in the educational process and if such rules do not reflect mere taste or fashion. See Tinker v. Des Moines Indep. Comm. School Dist., 393 U.S. 503 (1969)~~

### 6.03.02 School Organizations

~~**COMMENTARY:** No state or federal law prohibits student organizations at the elementary or secondary level. Students have the right to join an existing club and should not be restricted from membership on the basis of race, sex, national origin or other arbitrary criteria.~~

~~School fraternities and secret societies are banned in Arkansas public schools. See Ark. Code Ann. 6-18-603 (Repl. 1993). (This could be a good "gang" related policy.)~~

### 6.03.03 Search and Seizure

~~**COMMENTARY:** School personnel may legally search lockers, automobiles, and students using the following guidelines.~~

~~A. **Student Lockers:** School policy on the search of student lockers by school personnel should be set within the following legal framework:~~

- ~~1. A search shall be conducted upon receipt of information that the search would produce evidence indicating the student has violated the law or school rules.~~
- ~~2. Students should be informed at the beginning of school each year school authorities have equal access to lockers and may inspect them at any time.~~

## **B. Personal Search**

~~A search of a student's person should be limited to a situation in which the administration has reasonable suspicion that the search would produce evidence indicating that the student has violated the law or school rules.~~

~~School districts are encouraged to develop written guidelines indicating how personal searches of students will be conducted. These written guidelines should be given to students and parents prior to each school year. The following minimum guidelines should be incorporated into a district's search policy:~~

- ~~1. An adult witness should be present when a personal search is conducted.~~
- ~~2. A pat down search of a student's person should be done by a school official of the same sex.~~
- ~~3. A search must be based on a reasonable suspicion that the student has violated the law or school rules, and the scope of the search must be "reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction." New Jersey v. T.L.O. 469 U. S. 325, 342 (1985)~~

## **C. Automobiles**

- ~~1. Warrantless searches of student automobiles by school personnel are generally valid if there is reasonable suspicion that the search would produce evidence indicating the student has violated the law or school rules.~~

## **D. Sniff Dogs**

- ~~1. No Arkansas case has been litigated in federal district court, the Eight Circuit Court of Appeals, or United States Supreme Court on "sniff dog" searches.~~
- ~~2. "Sniffing" by trained dogs in public hallways or autos in public lots is not a search. (The Fourth Amendment requirements do not apply.)~~
- ~~3. "Sniffing" of a student's person is a search and the legality of such sniffing can only be defended if there is reasonable suspicion that the search will produce evidence that the student is violating the law or school rules.~~

~~E. The school district may elect to use a metal detector at the entrance of all schools.~~

~~**COMMENTARY:** School districts have broad authority to control student conduct and adopt all rules reasonably necessary to maintain proper discipline among their students. Each district should define both permissible and impermissible conduct and describe appropriate punishment for impermissible conduct. These definitions should be distributed to district personnel, students and parents at the beginning of the school year.~~

#### ~~6.04—Administrative Responses~~

~~Each school district should clearly define all possible administrative responses to impermissible student behavior. In drafting these guidelines, districts should remember that every student is entitled to due process in every instance of response. However, the amount of due process to which the student is entitled is directly proportional to the nature of the student's right, which is affected. The following categories represent disciplinary actions by the administration for which a student is entitled to due process and, roughly speaking, what kind of due process is required.~~

~~A. Corporal Punishment: Any teacher or school administrator in a school district that authorizes use of corporal punishment in the district's written student discipline policy may use corporal punishment in the presence of an administrator or his designee, provided only that the punishment is administered in accord with the district's written student discipline policy, against any pupil in order to maintain discipline and order within the public schools.~~

~~See Ark. Code Ann. 6-18-503 (Repl. 1993), as amended by Act 333 of 1995. The following guidelines are recommended:~~

- ~~1. Before corporal punishment is administered, the student should be advised of the rule and infraction for which the student may be punished. The student should be allowed time to respond, and then the school administrator should take the action it deems is most appropriate. A formal hearing is not required prior to administering corporal punishment.~~
- ~~2. Parents may choose an option whether their child is given corporal punishment.~~

~~B. Suspension: Schools may suspend students from school. A suspension is defined as dismissing the student from school for any time period not exceeding 10 days. For a suspension, the United States Supreme Court in Goss v. Lopez required that a student be accorded the minimum due process requirements under the United States Constitution. Districts should only use suspension and/or expulsion from school when all other alternatives fail. Districts should afford suspended students the following rights:~~

- ~~1. Prior to any suspension, the school principal or his/her designee, shall advise the student in question of the particular misconduct of which he/she is accused, as well as the basis for the accusation.~~
- ~~2. The pupil shall be given an opportunity at that time to explain his/her version of the facts to the school principal or his/her designee.~~

- ~~3. Written notice of suspension and the reason(s) for the suspension shall be given to the pupil.~~
  - ~~4. Any parent, legal guardian, or person acting as a parent shall have the right to appeal to the superintendent or his/her designee.~~
- C. ~~Expulsion: School districts may expel students from school using the following guidelines. An expulsion is defined as dismissing the student from school for the remainder of the current semester or for one year where the infraction involves a weapon. Expulsion should only be used in those instances in which serious bodily harm occurred or reasonably could have occurred to another person or where the student possesses drugs or weapons. Expulsion should only be used in rare cases. Prior to expulsion, the following must occur:~~
- ~~1. The student should immediately be advised of the particular conduct in question.~~
  - ~~2. The district should immediately notify in writing the student's parents, legal guardian or person acting as a parent and state the charges against the student and the district's intended action.~~
  - ~~3. The district shall hold a full evidentiary hearing before the school board to consider whether or not the student should be expelled.~~
  - ~~4. At the hearing, the student may represent himself/herself or he/she may select a representative.~~
  - ~~5. The student/representative may hear all testimony, and the student and /or representative may cross-examine all witnesses.~~
  - ~~6. The student/representative is entitled to offer evidence in his/her favor.~~
- D. ~~Discipline for Eligible Students with Disabilities Under the Individuals with Disabilities Education Improvement Act (IDEA), Public Law (PL) 108-466 and implementing regulations found at 34 Code of Federal Regulations Part 300~~
- ~~1. Students with disabilities who engage in misconduct are subject to normal school disciplinary rules and procedures so long as such treatment does not abridge the right to a free appropriate public education (FAPE).~~
  - ~~2. For students whose disabilities have behavioral aspects, preventive measures, such as behavioral intervention plans, should be considered and can be facilitated through the individualized education program (IEP) and placement processes required by IDEA. In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.~~
  - ~~3. Where a child with a disability who violates a code of student conduct is removed by school personnel from his or her current placement to an~~

~~appropriate interim alternative education setting, another setting, or suspension for ten (10) consecutive school days or less, to the extent those alternatives are applied to children without disabilities, no change of placement is considered to have occurred, and IDEA's parent notification provisions would not apply. Also, there is no requirement for a prior determination of whether the student's misconduct was a manifestation of the student's disability.~~

~~Schools may remove any student with disabilities for a disciplinary infraction for up to ten (10) school days per offense during the same school year as long as those removals do not constitute a change of placement. During a period of short-term exclusion, schools are not required to provide any educational services to the student until such time as the student has been suspended or removed for a total of more than ten (10) school days in the same school year.~~

~~A district is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for ten (10) school days or less in that school year, if it provides services to a child without disabilities who is similarly removed in accordance with provisions of the IDEA.~~

- ~~4. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with other discipline requirements is appropriate for a child with a disability who violates a code of student conduct.~~
  
- ~~5. For a student with disabilities, an exclusion from school for more than 10 consecutive school days (long term exclusion) constitutes a change in placement and is subject to procedural safeguards. IDEA requires, among other things, that parents be given written notice before a change in placement can be implemented. Within ten (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, it must be determined:
  - ~~(i) If the conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or~~
  - ~~(ii) If the conduct in question was the direct result of the District's failure to implement the IEP.~~~~

~~The conduct must be determined to be a manifestation of the child's disability if the district, parent and relevant members of the child's IEP Team determine the condition described above was met. If so, the district must take immediate steps to remedy those deficiencies. If the district, the parent and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must either conduct a functional behavioral assessment, and implement a behavioral intervention plan for the child; or if a behavioral intervention plan has already been developed, review the behavioral intervention plan, and modify it in accordance with the provisions of the IDEA.~~

- ~~6. A series of short-term suspensions totaling more than ten (10) school days in the same school year could constitute a change in placement. Factors such as the length of each suspension, the total amount of time that the student is excluded from school, the proximity of the suspensions to each other, and whether the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals should be considered in determining whether the student has been excluded from school to such an extent that there has been a change in placement. This determination must be made on a case-by-case basis.~~
- ~~7. For a student with disabilities, a suspension or other disciplinary removal for more than 10 consecutive school days may not be considered without the school district first determining whether the student's misconduct was a manifestation of the student's disability or direct failure to implement the student's IEP. This determination must be made by a group of persons knowledgeable about the student (such as his/her IEP committee), and may not be made unilaterally by one individual.~~
- ~~(i) If the student's misconduct WAS NOT caused by, or did not have a direct and substantial relationship to the child's disability nor was the direct result of the district's failure to implement the IEP, the school district may expel or suspend the student from school for more than ten school days, in the same manner and for the same duration as the procedures would be applied to children without disabilities, subject to conditions set forth in the procedural safeguards of IDEA.~~
- ~~(ii) If the student's misconduct WAS a manifestation of his/her disability or was the direct result of the district's failure to implement the IEP, the student may not be expelled or suspended from school for more than ten school days for the misconduct. However, other procedures may be used to address the student's misconduct. A change in placement, if determined appropriate, could be implemented subject to applicable procedural safeguards. The school district would also have the option of suspending the student from school for ten days or less, or seeking a court order at any time to remove the student from school or to change the student's placement if it believes that maintaining the student in the current placement is substantially likely to result in injury to the student or to others.~~
- ~~8. If the suspension or other disciplinary removal of the student is for more than 10 school days, within the first 10 days of suspension the district must convene the student's IEP committee to review: (1) the relationship between the student's disability and the student's misconduct; (2) the relationship between the student's IEP and the misconduct; and (3) the student's IEP and determine whether implementation of a behavioral intervention plan and/or a change in the educational placement of the student is appropriate. The district should seek to obtain parental agreement to a change in the student's IEP and/or educational placement. The student's parents must be provided with written prior notice a reasonable time before the school implements any changes in the student's IEP and corresponding placement, including their right to a due process hearing.~~

9. ~~If the student's parents request a due process hearing on the proposal to change the student's IEP or placement or the manifestation determination, the school district may seek to persuade the parents to agree to an interim placement for the student while expedited due process proceedings are pending. If the district believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, the district may appeal the decision of the IEP team by requesting an expedited hearing in accordance with provisions of the IDEA.~~
10. ~~If a student's parents initiate an impartial due process hearing in connection with a proposed disciplinary exclusion or other change in placement, and the misconduct does not involve the bringing of a firearm to school, the "pendency" or "stay put" provision of IDEA requires that the student must remain in his or her current educational placement until the completion of all proceedings. If the parents and school district can agree on an interim placement, the student would be entitled to remain in that placement until the completion of all proceedings.~~
11. ~~For a student not previously identified by the school district as a student potentially in need of special education, a parental request for evaluation or a request for a due process hearing or other appeal AFTER disciplinary suspension or expulsion has commenced DOES NOT obligate the school district to reinstate the student's prior in-school status. This is because in accordance with the "stay put" provision of IDEA, the student's "then current placement" is the out of school place. After the disciplinary sanction is completed, if the resolution of the due process hearing is still pending, the student must be returned to school as would a nondisabled student in similar circumstances.~~

~~**COMMENTARY:** It should be noted that, pending the resolution of the due process hearing or other appeal, a court could enjoin the suspension or expulsion and direct the school district to reinstate the student if the court determines that the school district knew or reasonably should have known that the student is a student in need of special education.~~

12. ~~A school district may seek a court order at any time to remove any student with disabilities from school or to change the student's current educational placement if the school district believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.~~
13. ~~Under IDEA, school districts must ensure that FAPE is made available when a student is suspended for more than ten school days or expelled for misconduct that was not a manifestation of his/her disability therefore, educational services must continue for these students during periods of disciplinary removal that exceed 10 school days.~~

~~**COMMENTARY:** IDEA does not specify the particular setting in which continued educational services must be provided to these students. During the period of disciplinary exclusion from school, each disabled student must continue to be offered a program of appropriate educational services that is individually designed to meet his/her~~

unique learning needs. Such services may be provided in the home, in an alternative school, or in another setting.

~~Special Provisions of IDEA applicable to students with disabilities who bring a “weapon” to school as defined in federal and state statutes [The Gun-Free Schools Act (GFSA), enacted as Title XIV (Part F) of Title I of the Improving America’s Schools Act, and Arkansas Act 567 of 1995 (Arkansas Code Annotated 6-15-502)]~~

~~**COMMENTARY: The Gun-Free Schools Act (GFSA) applies to students with disabilities. However, this Act must be implemented consistent with IDEA and Section 504 of the Rehabilitation Act of 1973.** Federal statutes define “weapon” to mean “firearm.” State statute addresses possession by students of any “firearm or other weapon” prohibited upon the school campus by law or by policies adopted by the school board. Consistent with the requirements of the GFSA, Arkansas Act 567 of 1995 (Arkansas Code Annotated 6-15-502) requires that local educational agencies (school districts) expel from school for not less than one year a student who brings a weapon to school, except that the local educational agency’s chief administering officer may modify the expulsion requirement for a student on a case-by-case basis. **Compliance with the GFSA can be achieved consistent with the requirements that apply to students with disabilities as long as the discipline of such students is determined on a case-by-case basis in accordance with IDEA and Section 504.**~~

- ~~1. Under the IDEA, school personnel may remove a student to an interim alternative educational setting for not more than forty five (45) school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child—
  - ~~(i) carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the district or the Arkansas Department of Education;~~
  - ~~(ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the district or the Arkansas Department of Education; or~~
  - ~~(iii) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the district or the Arkansas Department of Education.~~~~
  
- ~~2. The student’s educational placement cannot be changed beyond the 10 school days until the student’s IEP committee has been convened. As with any meeting of the IEP committee, the parent must be an invited participant. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents with a procedural safeguards notice under the IDEA. The school district may place the student in an interim alternative educational placement that the committee believes would be appropriate for the student. Such an alternative educational placement could then be implemented for up to 45 school days. If either the student’s parents or the district initiate an expedited~~

~~due process hearing, and if the parties cannot agree on another placement, the student must remain in the interim alternative educational placement during authorized review proceedings or until the time period specified, whichever occurs first.~~

- ~~3. Section 504 requires a determination by a group of persons knowledgeable about the student, on whether the bringing of the weapon to school was a manifestation of the student's disability. Under Section 504, a student with a disability may be expelled only if this group of persons determines that the bringing of a weapon to school was not a manifestation of the student's disability, and after applicable procedural safeguards have been followed.~~
- ~~4. All of the procedural safeguards and other protections of IDEA and Section 504 must be followed. Once it is determined by an appropriate group of persons that the student's bringing of a weapon to school was not a manifestation of the student's disability, the school district's chief administering officer may exercise his/her decision-making authority under the GFSA in the same manner as with nondisabled students in similar circumstances. However, **for students with disabilities identified under IDEA who are expelled in accordance with the expulsion provisions of GFSA, educational services must continue during the expulsion period.** Nothing in the GFSA may be construed to prevent a State from allowing a school district that has expelled a student with disabilities from the regular educational program/setting from providing educational services to that student in an alternative educational setting.~~
- ~~5. If it is determined by the IEP committee (or other knowledgeable group of individuals in the case of a Section 504 review) that the student's behavior of bringing a weapon to school was a manifestation of the student's disability, the chief administering officer must exercise his/her authority under the GFSA to determine that the student may not be expelled for the behavior. This is when other immediate steps may be taken, including temporary removal.~~
- ~~6. For students with disabilities who are not eligible for services under IDEA, but who are covered by Section 504 and are expelled in accordance with the above conditions, educational services may be discontinued during the expulsion period if nondisabled students in similar circumstances do not receive continued educational services.~~

~~**COMMENTARY:** In summary, a student with a disability who brings a weapon to school may be removed from school for 10 school days or less, and placed in an interim alternative educational setting by the IEP committee for up to 45 school days. However, if the parents initiate an expedited due process proceeding, the student must remain in the interim alternative placement during these authorized review proceedings — which may exceed 45 school days — unless the parents and school district can agree on a different placement. In addition, school districts may initiate change in placement procedures for such a student, subject to the parents' right to due process. A school district also could seek a court order if the school district believes that the student's continued presence in the classroom is substantially likely to result in injury to the student or to others.~~

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING THE ISSUANCE OF SUBPOENAS BY THE  
ARKANSAS STATE BOARD OF EDUCATION**

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**1.00 REGULATORY AUTHORITY**

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Issuance of Subpoenas by the Arkansas State Board of Education.

1.02 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-17-425 and 25-15-201 et seq.

**2.00 GENERAL REQUIREMENTS**

2.01 The State Board of Education, through its Chairperson or the Commissioner of Education, may issue subpoenas and bring before the State Board of Education as a witness any person in this state.

2.02 At the request of a party to a proceeding before the State Board of Education, the Chairperson of the State Board of Education or Commissioner of Education may issue a subpoena and bring before the State Board of Education as a witness any person in this state. However, it shall be the duty of the party requesting the subpoena to properly serve the subpoena.

2.03 The subpoena shall:

2.03.1 Be in the name of the State Board of Education;

2.03.2 State the name of the proceeding; and

2.03.3 Command each person to whom it is directed to give testimony at the time and place specified in the subpoena in one (1) of the following ways:

2.03.3.1 In person;

2.03.3.2 Before a certified court reporter under oath at the place of the witness's residence or employment;

- 2.03.3.3 By videotaped deposition at the place of the witness's residence or employment;
- 2.03.3.4 By live video communications from the witness's residence, place of employment or nearby facility capable of providing video transmission to the proceeding for which the witness has been subpoenaed.
- 2.03.3.5 The manner of providing testimony under the subpoena shall be conducted by video conference testimony unless another manner is agreed upon by the State Board of Education and the person who is the subject of the subpoena.
- 2.04 The subpoena may require the witness to bring with him or her any book, writing or other thing under his or her control that he or she is bound by law to produce in evidence.
- 2.05 Service of the subpoena shall be the responsibility of the party requesting the subpoena and shall be in the manner as provided by law or rule for the service of subpoenas in civil cases.
- 2.06 A witness who has been served by subpoena and who appears in person to testify at the trial or case pending before the State Board of Education shall be reimbursed by the party requesting the subpoena for travel and attendance as provided by law.
- 2.07 If a witness is served with a subpoena pursuant to these rules and Ark. Code Ann. § 6-17-425 and fails to appear or to provide testimony in obedience to the subpoena, the State Board of Education may apply to the circuit court of the county in which the State Board of Education is holding the proceeding for an order causing the arrest of the witness and directing that the witness be brought before the court. The court shall have the power to punish the disobedient witness for contempt as provided by the Arkansas Rules of Civil Procedure.
- 2.08 A witness who has been served with a subpoena under these rules and Ark. Code Ann. § 6-17-425 may challenge the validity of the subpoena. Any motion to quash or limit the subpoena shall first be filed with the State Board of Education through the Office of the Commissioner of Education and must include the legal grounds relied upon by the witness challenging the validity of the subpoena.

Should the State Board of Education deny the relief requested, a witness who has been served with the subpoena may challenge the validity of the subpoena in the circuit court of the county in which the witness resides or is employed.

**ISSUED BY THE ARKANSAS STATE BOARD OF EDUCATION**  
**Little Rock, Pulaski County, Arkansas**

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**SUBPOENA IN AN ADMINISTRATIVE PROCEEDING**  
**Issued Pursuant to the Authority of Ark. Code Ann. § 6-17-425**

**RE: In the matter of:** \_\_\_\_\_  
\_\_\_\_\_

**TO:** \_\_\_\_\_

- YOU ARE COMMANDED to appear before the State Board of Education at the place, date, and time specified below to testify in the above case.

Place of Testimony:	Room:
	Date and Time:

- YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

Place of Deposition:	Date and Time:
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- YOU ARE COMMANDED, at the time of the hearing or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects).

- YOU ARE COMMANDED, no more than \_\_\_\_\_ business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents or objects).

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Any organization not a party to this matter that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Arkansas Rules of Civil Procedure 30(b)(6).

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Issuing Officer Signature and Title (Indicate Party)

Date

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Issuing Officer's Name, Address, and Phone Number

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**PROOF OF SERVICE**

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SERVED

Date:

Place:

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Served On: (Print Name)

Manner of Service:

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Served By: (Print Name)

Title:

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**DECLARATION OF SERVER**

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I declare, under penalty of perjury under the laws of the State of Arkansas that the foregoing information contained in the Proof of Service is true and correct:

Executed on:

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of Server

\_\_\_\_\_ Address of Server

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**NOTICE TO PERSONS SUBJECT TO SUBPOENAS**

Regardless of his or her county of residence, a witness subpoenaed for examination at a hearing must be properly served with the subpoena at least two days prior to the hearing, or within a shorter time if a court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of \$30.00 per day for attendance and \$0.25 per mile for travel from the witness' residence to the place of the hearing. Rule 45(d), Ark. R. Civ. P.

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if a court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of \$30.00 per day for attendance and \$0.25 per mile for travel from the witness' residence to the place of the deposition. Rule 45(e), Ark. R. Civ. P.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask a court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Rule 45(b), Ark. R. Civ. P. The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the court. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Rule 45(e), Ark. R. Civ. P.

When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the court may issue a warrant for arresting and bringing the witness before the court to give testimony and answer for contempt. Rule 45(g), Ark. R. Civ. P. For further information pertaining to the nature of this subpoena and your rights pertaining to this subpoena, please consult Ark. Code Ann. § 6-17-425.

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING PUBLIC SCHOOL  
END-OF-COURSE ASSESSMENTS AND REMEDIATION**

~~October 2009~~

1.0 AUTHORITY

- 1.01 These Rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-419, 6-15-433, 6-15-2009 (~~as amended by Act 1307 of 2009~~) and § 25-15-201 et seq.

2.0 PURPOSE

- 2.01 The purpose of these Rules is to execute the requirements of the Arkansas End-Of-Course Assessments and Remediation Program as required by Ark. Code Ann. § 6-15-2009.

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

- 3.01 ACT means the ACT assessment for college placement administered by ACT, Inc;
- 3.02 Advanced placement test means the test administered by the College Board for a high school preparatory course that incorporates the topics specified by the College Board on its standard syllabus for a given subject area and is approved by the College Board;
- 3.03 Arkansas Department of Education (ADE) —~~That means that~~ certain state agency, established pursuant to Ark. Code Ann. § 25-6-102, that is responsible for administering the statewide assessment system in Arkansas K-12 grade public schools, including but not limited to those assessments set forth in Ark. Code Ann. §§ 6-15-419,6-15-433, 6-15-2009, and 6-15-2010.
- 3.04 Assessment —~~An~~ means an examination instrument designed to measure certain levels of knowledge; as measured by established requisite scale-scores, for those academic courses that are the subject of End-of-Course testing as required by these Rules.
- 3.05 General end-of-course assessment means a criterion-referenced assessment taken upon successful completion of a course of study set by the State Board of Education (SBE):
- 3.05.1 To determine whether a student demonstrates, according to a requisite scale score established by ADE Rules, attainment of

sufficient knowledge and skills to indicate a necessary and satisfactory mastery of the subject level content in that end-of-course assessment; and

3.05.2 For which failure to meet that requisite scale score requires sufficient remediation before a student is entitled to receive full academic credit for the course.

3.06 High-stakes end-of-course assessment means a criterion-referenced assessment taken upon the successful completion of both the Algebra I and the English II course of study under § 6-15-433 (b)(3)(A)(iii):

3.06.1 To determine whether a student demonstrates, according to a requisite scale score established by rule of the SBE, attainment of sufficient knowledge and skills to indicate a necessary and satisfactory passing standard of the subject level content in that particular end-of-course assessment; and

3.06.2 For which failure to meet the requisite scale score requires that the student shall not receive academic credit for the course of study for which the assessment was taken until the student meets the requisite scale score on the initial, a subsequent, or an alternative high-stakes end-of-course assessment as allowed or required by Arkansas law or by ADE Rules.

3.07 Individualized Education Program (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.

3.08 Individualized Academic Improvement Plan (IAIP) means a written plan detailing supplemental or intervention and remedial instruction, or both, in deficient areas for any student who has not met the requisite scale score on a high-stakes end-of-course assessment. The requirements for an IAIP are set forth in detail in §§ 5.12 and 5.15 of these Rules.

3.09 International Baccalaureate assessment means an assessment administered by the International Baccalaureate Organization for a course offered under the International Baccalaureate Diploma Program;

3.10 SAT means the standardized college entrance examination ~~known as the "Scholastic Assessment Test"~~ administered by ~~the~~ The College Board.

#### 4.0 GENERAL END-OF-COURSE ASSESSMENTS

4.01 Each and every student attending an Arkansas public school shall participate in the statewide program of educational assessments required

in §§ 6-15-419, 6-15-433, 6-15-2009 and 6-15-2010 and established by the SBE.

- 4.02 Each and every student shall participate in the actual course and the statewide program of general end-of-course assessments as designated by the SBE.
  - 4.03 ~~Beginning with the 2009-2010 school year and each school year thereafter, each~~ Each and every student required to participate in the statewide program of educational assessments required by § 6-15-2009 shall not receive credit on his/her transcript for Biology, Geometry, or any other course that requires a general end-of-course assessment under §§ 4.01 and 4.02 of these Rules for which that student has not received the requisite scale score on a general end-of-course assessment(s), until the student is identified as having participated in remediation through an individual academic improvement plan.
  - 4.04 The individualized academic improvement plan shall include remediation activities focused on those areas of need for students who failed to meet the requisite score on a general end-of-course assessment.
  - 4.05 For the purpose of a general end-of-course assessment, remediation does not require that a student retake a subsequent end-of-course assessment in order to receive academic credit for a course.
- 5.0 HIGH-STAKES END-OF-COURSE ASSESSMENTS – DISTRICT OBLIGATIONS
- 5.01 ~~Beginning with the 2009-2010 school year and each school year thereafter, all~~ All initial high-stakes end-of-course assessments for Algebra I shall be administered by grade ten (10).
  - 5.02 Beginning with the ~~2013-2014~~ 2014-2015 school year and each school year thereafter, all initial high-stakes end-of-course assessments for English II shall be administered by grade ten (10).
  - 5.03 A student from an Arkansas public school who completed and received academic credit on an end-of-course assessment for Algebra I before the 2009-2010 school year or for English II before the ~~2013-2014~~ 2014-2015 school year is not required to participate in and receive academic credit from a high-stakes end-of-course assessment on or after the 2009-2010 school year for Algebra I or on or after the ~~2013-2014~~ 2014-2015 school year for English II.
  - 5.04 A student transferring into an Arkansas public school on or after 2009-2010 for Algebra I or ~~2013-2014~~ 2014-2015 for English II whose official

transcript from an out-of-state public, private, or home school, or an Arkansas private or home school demonstrates that he or she has previously obtained academic credit for Algebra I or English II is not required to participate in and receive academic credit from an initial high-stakes end-of-course assessment unless the public school district assesses the student's educational status and determines that the student does not possess the requisite passing knowledge of Algebra I or English II.

- 5.05 ~~Beginning with the 2009-2010 school year, an~~ An Arkansas public school student who is not in grade ten (10), grade eleven (11), or grade twelve (12) in an Arkansas public school, and has not previously received proper academic credit on his or her transcript for Algebra I but has successfully completed an Algebra I course, is required to complete and successfully meet the requisite passing level scale score on the high-stakes end-of-course assessment for Algebra I before the student is entitled to receive academic credit on his or her transcript for Algebra I.
- 5.06 Only a student who is in grade ten (10), grade eleven (11), or grade twelve (12) in an Arkansas public school in the 2009-2010 school year is exempt from the requirement of taking a high-stakes Algebra I end-of-course assessment under § 5 of this rule, but the student shall meet appropriate general end-of-course assessment requirements for Algebra I in § 4 of this rule.
- 5.07 Any other student, regardless of the school year or the grade level in which he or she completes an Algebra I course or, beginning with the ~~2013-2014~~ 2014-2015 school year, the English II course shall successfully complete an Algebra I and English II high-stakes end-of-course assessment and meet the requisite passing scale score in order to be entitled to receive academic credit for Algebra I or English II on the student's transcript, unless ~~exempted under an~~ because of the nature of his or her disabilities the student demonstrates alternative levels of competency as contained in the student's IEP.
- 5.08 The Arkansas public school providing course instruction in Algebra I and English II shall ensure that such instruction is provided in complete compliance with all required and approved frameworks, and shall be prepared to provide documentation of such compliance to the ADE upon request.
- 5.09 A student transferring into an Arkansas public school district without having obtained academic credit on his or her transcript in or after the 2009-2010 school year for Algebra I and in or after the ~~2013-2014~~ 2014-2015 school year for English II is not exempt from the requirements of § 5.07 of these Rules.

- 5.10 Beginning with the ~~2013-2014~~ 2014-2015 school year, an Arkansas public school student who is in grade ten (10) and who has not previously received academic credit under §§ 5.01 through 5.04 of these Rules for English II shall successfully complete the course and meet the requisite passing scale score on the English II high-stakes end-of-course assessment in order for the student to be entitled to receive academic credit for English II on the student's transcript.
- 5.11 A student who does not meet the requisite scale score on the relevant high-stakes end-of-course assessment shall participate in an IAIP.
- 5.12 An IAIP shall include research-based remediation activities and multiple opportunities for the student to take and pass subsequent high-stakes end-of-course assessments as long as the student remains enrolled in an Arkansas public school and has not reached twenty-one (21) years of age.
- 5.13 If after two subsequent high-stakes end-of-course assessments a student does not meet the requisite passing scale score on the high-stakes end-of-course assessment, the student shall participate in strand analysis or formative analysis remediation provided and supported by the ADE before taking a third subsequent high-stakes end-of-course assessment.
- 5.14 Subsequent high-stakes end-of-course assessments and associated remediation programs may be administered in an electronic format.
- 5.15 For a student required to participate in an IAIP in § 5.11 of these Rules, the IAIP shall identify the student's specific areas of deficiency on the high-stakes end-of-course assessment, the desired levels of performance necessary for the student to meet the requisite passing scale score established by rule of the SBE, and the instructional and support services to be provided to meet the desired levels of performance. The IAIP is to be provided in an electronic format of a type specified by the ADE at a site specified by the ADE.
- 5.16 A public school shall also provide frequent monitoring of the student's progress in meeting the desired levels of performance.
- 5.17 Remedial activities and instruction provided during high school shall not be in lieu of English, mathematics, science, history, or other core courses required for graduation.
- 5.18 Beginning with the 2009-2010 school year for Algebra I and the ~~2013-2014~~ 2014-2015 school year for English II, a student identified as not passing an initial high-stakes end-of-course assessment shall not receive an academic credit on his or her transcript for the course related to the

end-of-course assessment and is not entitled to graduate from an Arkansas public high school until:

- 5.18.1 The student has received remediation and is identified as meeting the requisite passing scale score on a subsequent high-stakes end-of-course assessment; or
- 5.18.2 The student has received remediation and is identified as meeting the requisite score established by state board rule on an alternative assessment.
  - (i) An alternative assessment shall be limited to ACT assessment, SAT assessment, advanced placement test, or International Baccalaureate test.

5.19 A student identified as having not met the satisfactory pass levels for a high-stakes end-of-course assessment shall not receive academic credit on his or her transcript for the related course until the student meets the requirements of § 5.18 of these Rules.

6.0 HIGH-STAKES END-OF-COURSE ASSESSMENT - STATE OBLIGATIONS

- 6.01 If a student does not meet the requisite scale score on an end-of-course assessment and does not satisfy the remedial requirements of § 4.0 of these Rules for general end-of-course assessments and § 5.18 of these Rules for high-stakes end-of-course assessments, the student shall not be entitled to graduate with a high school diploma from an Arkansas public high school or public charter school.
- 6.02 The SBE shall establish the high-stakes end-of-course assessment program required in §§ 5.01 through 5.17 of these Rules for Algebra I beginning in the 2009-2010 school year and for English II beginning in the ~~2013-2014~~ 2014-2015 school year.
- 6.03 Throughout this process, the end-of-course assessment program shall be maintained in such a manner as to meet the requirements of state and federal law, including the full range of students with disabilities.
- 6.04 The superintendent of each public school district shall be responsible for the proper administration of § 6-15-2009 and these Rules promulgated by the ADE to implement the requirements of § 6-15-2009.
- 6.05 To the extent that a public school district is determined to have knowingly failed to administer these provisions of applicable law or these

Rules, the superintendent's license shall be subject to probation, suspension, or revocation under § 6-17-410.

- 6.06 Each year the ADE shall make public at least fifty percent (50%) of the test questions on the most recent initial end-of-course assessments.

## 7.0 END-OF-COURSE & ALTERNATIVE EXAM TESTING CYCLE

- 7.01 The ADE shall establish and publish by Commissioner's Memo each school year an end-of-course assessment cycle for general end-of-course assessments and high-stakes end-of-course assessments that shall be strictly followed by school districts unless a district has received a written waiver from the ADE because of a catastrophic occurrence.
- 7.02 The end-of-course assessment cycle published by the ADE shall include an assessment cycle for those students who do not meet the requisite scale score for high-stakes end-of-course assessment and are required by § 6-15-2009 to take and pass a subsequent end-of-course assessment before receiving academic credit on the student's transcript for the course that corresponds to the initial end-of-course assessment.
- 7.03 The ADE shall prepare and develop the form of the end-of-course assessments and subsequent end-of-course assessments, along with any and all documents, manuals, forms and protocols necessary for the proper administration, completion, submission and scoring of the assessment. The assessment shall be composed of sections that may include both multiple choice and open-response test items.
- 7.04 Any and all Arkansas laws and ADE Rules covering test administration, security and confidentiality that apply to examinations given in Arkansas public schools from K-12 grade shall apply in full to all end-of-course assessments and Alternative Assessments set forth under § 6-15-2009.
- 7.05 ~~Starting with the school year 2009-2010 and each school year thereafter,~~ The ADE shall take steps to ensure that the end-of-course assessments are properly aligned with state standards and that professional development training is available for teachers teaching courses for which an end-of-course assessment is required.
- 7.068 In administering the assessments under § 6-15-2009, the district shall provide state-approved accommodations for students with state-recognized disabilities and for English language learners as allowed by law and ADE Rules.

## 8.0 END-OF-COURSE & ALTERNATIVE ASSESSMENT PASS REQUIREMENTS

- 8.01 Each school year the ADE shall establish and promulgate by way of these Rules the requisite scale score requirement for any Arkansas public school student taking each general or high-stakes end-of-course assessment and Alternative Assessment.
- 8.02 The requisite scale score for any high-stakes end-of-course assessment and Alternative Assessment shall be set only at the cut score necessary to demonstrate the minimum satisfactory passing level of the subject assessed.
- 8.03 Upon the failure of a student to meet the requisite scale score on an initial or subsequent end-of-course assessment required by § 6-15-2009, the school district that the student attends shall provide written notice of such failure to the student's parent or guardian within fifteen (15) business days from the date that the district receives the student's score.
- 8.04 If a student with disabilities identified under the Individuals with Disabilities Act, 20 U.S.C. §1400 et seq., is unable to meet the requirements of § 6-15-2009 because of the nature of his/her disabilities, the student may graduate from high school by demonstrating alternative levels of competency as contained in the student's IEP.

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES GOVERNING SUPPLEMENTAL EDUCATION SERVICE PROVIDERS**  
~~November 8, 2010~~

**1.00 Regulatory Purpose & Authority.**

- 1.01 These Rules shall be known as the Arkansas Department of Education Rules Governing Supplemental Education Service Providers.
- 1.02 The State Board of Education enacts these Rules pursuant to its authority under Arkansas Code Annotated §§ 6-11-105, 6-15-2011, & 25-15-201 *et seq.*; Section 1116 (e)(4)(D) of the No Child Left Behind Act of 2001, 20 U.S.C. § 6316; and 34 C.F.R. § 200.47.
- 1.03 The purposes of these Rules is are to:
- 1.03.1 ~~provide~~ Provide standards and techniques for monitoring the quality and effectiveness of the services offered by approved Supplemental Education Service (SES) providers; and
- 1.03.2 Establish procedures for withdrawing approval from such providers;
- 1.03.3 Increase academic performance of students and reduce student remediation rates;
- 1.03.4 Ensure that students who qualify for supplemental educational services receive the services they need;
- 1.03.5 Assist parents in making informed decisions when selecting supplemental educational service providers; and
- 1.03.6 Assist policy makers in reviewing the effectiveness of supplemental educational service providers.

**2.00 Monitoring Standards**

- 2.01 The instructional program provided by a Supplemental Education Service provider must:

- 2.01.1 Be consistent with the instruction provided and the content used by the school(s) served and by the Arkansas Department of Education;
  - 2.01.2 Address students' individual needs as described in students' supplemental education services plans under 34 C.F.R. § 200.46 (b)(2)(i);
  - 2.01.3 Contribute to increasing students' academic proficiency; and
  - 2.01.4 Be aligned with the Arkansas Department of Education's academic content and student academic achievement standards.
- 2.02 The Arkansas Department of Education shall monitor the services offered by approved providers in order to inform the renewal or the withdrawal of approval of the providers.
- 2.03 In monitoring an approved provider, the Department shall examine:
- 2.03.1 The provider's compliance with the standards set forth in Section 2.01 of these Rules;
  - 2.03.2 Parent recommendations or results from parent surveys, if any, regarding the success of the provider's instructional program in increasing student achievement;
  - 2.03.3 Evaluation results, if any, demonstrating that the instructional program has improved student achievement;
  - 2.03.4 The annual report submitted by the provider pursuant to section 5.00;
  - 2.03.5 School district recommendations or results from school district surveys, if any; and
  - 2.03.6 Any other fact or consideration relevant to the quality and effectiveness of the services offered by the provider.

### 3.00 Grounds for Withdrawal of Approval

3.01 The Arkansas Department of Education may place a Supplemental Education Service provider on probation or withdraw approval of a provider for any of the following reasons:

3.01.1 Failure to contribute to increased student proficiency relative to Arkansas academic content and student academic achievement standards for two consecutive years;

3.01.2 Failure to provide supplemental educational services consistent with applicable health, safety, and civil rights requirements;

3.01.3 Violation of any federal or state statutes, regulations, or policies;

3.01.4 Violation of any provision contained in the ~~statement of assurance, as included in the~~ Request for Proposals and application signed by each provider, specifically including the Statement of Assurance, Code of Ethics, and Arkansas Incentive Policy;

3.01.5 Failure to comply with the standards set forth in Section 2.01 of these Rules; or

3.01.6 Failure to abide by the terms and commitments contained in the provider's application.

### 4.00 Investigation Procedure

4.01 A Supplemental Education Service provider may be investigated for possible probation or removal from the Approved SES Provider list as a result of a written and signed complaint submitted to the Arkansas Department of Education's Assistant Commissioner for Learning Services by a local education agency (LEA), individual, or any other entity, or as a result of any potential impropriety or issue discovered by the Department during evaluation, ~~or~~ monitoring, or review of the provider's annual report under section 5.00. Written complaints shall state the specific claims against the provider and the facts upon which the claims are based.

- 4.02 If a complaint or potential impropriety warrants investigation, the Department shall notify the provider in writing of the allegations and seek a response. The notification shall state in detail the claims against the provider and the facts and evidence offered in support of the claims, and shall inform the provider that removal from the Approved SES Provider list is a possibility if the allegations are found to be true. The provider shall have thirty (30) calendar days from the date of the notice to issue a response. The Department may in exceptional circumstances grant extensions of this time limit.
- 4.03 The Department may conduct such investigation as it deems necessary to substantiate the complaint or potential impropriety, and may make a recommendation for corrective action to the Assistant Commissioner of Learning Services. The Assistant Commissioner may:
  - 4.03.1 Remove the provider from the Approved SES Provider List;
  - 4.03.2 Place the provider on probation for a specified period of time under such terms as the Assistant Commissioner deems appropriate; or
  - 4.03.3 Take no action against the provider.

The provider shall be notified by certified mail within seven (7) days of the date of the Assistant Commissioner's decision. ~~If the Assistant Commissioner removes the provider from the Approved SES Provider List, the provider must cease all services within the state of Arkansas within a timeframe identified by the Assistant Commissioner.~~

- 4.05 A Supplemental Education Service provider removed from the Approved SES Provider list pursuant to these Rules shall:
  - 4.05.1 Cease all services within the State of Arkansas within a timeframe identified by the Assistant Commissioner;
  - 4.05.2 No later than thirty (30) days after the date of removal, complete all invoicing of schools and school districts for services provided prior to the date of removal; and
  - 4.05.3 Be ineligible to apply for reinstatement or approval for a minimum of two (2) calendar years after the date of removal.

- 4.06 During the two-year time period defined in section 4.05.3, no application for approval will be accepted or approved from any other provider or applicant owned by or employing any individual who was an owner, principal, partner, shareholder, or corporate officer of the removed provider.
- 4.047 Any provider aggrieved by a decision of the Assistant Commissioner under these rules may within thirty (30) calendar days of the date of the decision file a complaint against the Department pursuant to the Department's Rules Governing Federal Program Complaint Resolution.
- 4.058 In computing any period of time described in these Rules, the last day of the period so computed shall be included, unless it is a Saturday, Sunday, legal holiday, or other day the Department is closed, in which event the period runs until the end of the next day that the Department is open.

## **5.00 Required Annual Reporting**

- 5.01 No later than January 15 of each year, a provider approved at any time during the prior school year shall prepare an annual report and:
- 5.01.1 Submit the report to the Arkansas Department of Education;
- 5.01.2 Submit the report to any school district with which the provider is contracted to provide supplemental education services;
- 5.01.3 Submit the report to the House Committee on Education and Senate Committee on Education of the Arkansas General Assembly; and
- 5.01.4 Post a copy of the report on the provider's website.
- 5.01.4.1 The provider shall redact any personally-identifiable student or parent information prior to posting the report on its website.
- 5.01.5 The annual report shall be submitted in electronic format as an Adobe Acrobat (PDF) or Microsoft Word (.DOC) file. Before submitting the report, the provider shall scan the file(s) with anti-virus software to certify that the file is free of any virus or malware.

- 5.02 The annual report shall be prepared utilizing data from the prior school year and shall include without limitation the following information:
- 5.02.1 The total number of students served by the provider in Arkansas in the prior school year;
- 5.02.2 The name of each public school district and each public school whose students the provider served during the prior school year, and the number of students served in each district and school;
- 5.02.3 The aggregate improvement in student achievement for students served by the provider in Arkansas based on the statewide benchmark tests and any other statewide assessment of student achievement administered to students served by the provider;
- 5.02.3.1 Improvement shall be disaggregated into score improvement for literacy, mathematics, and/or science;
- 5.02.4 The student achievement data required in section 5.02.3, disaggregated for the following subpopulations: Females, Males, African-Americans, Caucasians, and Hispanics;
- 5.02.5 Student attendance rates, defined as the cumulative number of days attended by all students enrolled in the provider's program at any point during the school year in Arkansas, divided by the sum of (the cumulative number of days attended by all students enrolled in the provider's program at any point during the school year in Arkansas plus the cumulative number of days absent by all students enrolled in the provider's program at any point during the school year in Arkansas);
- 5.02.6 The amount of funds the provider received per student statewide, defined as the total funds received by the provider from every Arkansas public school or school district divided by the total number of students enrolled in the provider's programs in Arkansas at any point during the school year;
- 5.02.7 The amount of funds the provider received per student per district, defined as the total funds received by the provider from each Arkansas public district in which the provider operates, divided by the total number of that district's students enrolled in the provider's programs at any point during the school year;

- 5.02.8 The total number of years the provider has offered supplemental educational services in Arkansas;
  - 5.02.9 The total number of years the provider has offered supplemental educational services in any state;
  - 5.02.10 The total number of students served in Arkansas for all years by that provider;
  - 5.02.11 The total number of students served nationwide for all years by that provider; and
  - 5.02.12 The aggregate, numerical results of parent satisfaction surveys.
- 5.03 No later than February 15 of each year, each school district shall place on its website the reports submitted by providers pursuant to section 5.01.2.
- 5.04.1 The district shall redact any personally-identifiable student or parent information prior to posting the report on its website.

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING PUBLIC CHARTER SCHOOLS**

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**1.00 REGULATORY AUTHORITY AND PURPOSE**

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Public Charter Schools.

1.02 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-23-101 et seq., 25-15-201 et seq., and Acts 987, 989, and 993 of 2011.

**2.00 LEGISLATIVE AND REGULATORY INTENT**

2.01 It is the intent of the Arkansas General Assembly, and of these rules, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain public schools that operate independently from the existing structure of local school districts as a method to accomplish the following:

2.01.1 Improve student learning;

2.01.2 Increase learning opportunities for all students, with special emphasis on expanding learning experiences for students who are identified as low-achieving;

2.01.3 Encourage the use of different and innovative teaching methods;

2.01.4 Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;

2.01.5 Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system; and

2.01.6 Hold the schools established under this chapter accountable for meeting measurable student achievement standards.

*Source: Ark. Code Ann. § 6-23-102*

### **3.00 DEFINITIONS**

3.01 “Academic Eligibility” means qualified for selection or admission based upon academic performance.

3.02 “Affected School District” means each public school district from which an open-enrollment public charter school is expected to draw students for the purposes of enrollment; the public school district in which the open-enrollment public charter school will be located; and each public school district that is contiguous to the public school district in which the open-enrollment public charter school will be located.

3.03 “Athletic Eligibility” means qualified for selection or admission based upon athletic performance or upon athletic eligibility requirements set forth by the Arkansas Activities Association.

3.04 “Application” means the proposal by a public school district or eligible entity for obtaining or renewing conversion public charter school status, open-enrollment public charter school status, or limited public charter school status. “Application” also includes a request made by an existing conversion public charter school, open-enrollment public charter school, or limited public charter school to change the physical location of the school, to amend the school’s charter, or to seek approval for licenses to open more schools. Source: Ark. Code Ann. § 6-23-103(1)

3.05 “Average daily membership” means the total number of days of school attended plus the total number of days absent by students in kindergarten through grade twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth. Open-enrollment public charter school students who are enrolled in a curriculum that fulfills the requirements established by the State Board of Education under the Standards for Accreditation of Arkansas Public Schools and School Districts may be counted for average daily membership. Source: Current rule as modified by Ark. Code Ann. § 6-20-2303(3).

3.06 “Charter,” or “charter contract” means a performance-based contract for an initial five-year period between the State Board of Education and an approved applicant for public charter school status that exempts the public charter school from state

and local rules, regulations, policies, and procedures specified in the contract and from the provisions of Title 6 of the Arkansas Code specified in the contract.  
*Source: Ark. Code Ann. § 6-23-103(2).* For the purposes of these rules, the initial five-year period of a charter begins to run on the July 1 following approval of the charter unless otherwise specified by the State Board. The period for any subsequent renewal of an initial charter shall begin to run on the July 1 following approval of the renewal.

3.07 “Conversion public charter school” means a public school that has converted to operating under the terms of a charter approved by the local school board and the State Board of Education. *Source: Ark. Code Ann. § 6-23-103(3).*

3.08 “Debt” means any financial obligation incurred by a public charter school which will not be paid in full by the end of the same fiscal year in which the financial obligation is incurred. For the purposes of this rule, “debt” also includes any short term line-of-credit. A “line of credit” is defined as any agreement by a lender or potential creditor to advance funds in the form of a loan. *Source: Current rule as modified herein.*

3.09 “Eligible entity” means:

3.09.1 A public institution of higher education;

3.09.2 A private nonsectarian institution of higher education;

3.09.3 A governmental entity; or

3.09.4 An organization that:

3.09.4.1 Is nonsectarian in its program, admissions policies, employment practices, and operations, and

3.09.4.2 Has applied for tax-exempt status under § 501(c)(3) of the Internal Revenue Code of 1986. The eligible entity must obtain status as a tax-exempt organization under § 501(c)(3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.

*Source: Ark. Code Ann. § 6-23-103(4).*

3.10 “Founding member” means any individual who is either:

3.10.1 A member or an employee of the eligible entity applying for the initial charter for an open-enrollment public charter school; or

3.10.2 A member of the initial governing nonadvisory board of the open-enrollment public charter school.

Source: Ark. Code Ann. § 6-23-103(5).

3.11 “Letter of Intent” means a written notice submitted to the Department of Education Charter School Office that a public school district or an eligible entity intends to file a charter school application. The letter of intent shall be submitted by the established deadline on forms provided by the Department of Education.

Source: Current rule.

3.12 “Limited Public Charter School” means a public school that has converted to operating under the terms of a limited public charter approved by the local school board and the State Board. Source: Ark. Code Ann. § 6-23-103(6).

3.13 “License” means the authority granted by the State Board of Education to an already-existing open-enrollment public charter sponsoring entity for the purpose of establishing another open-enrollment public charter school(s) with a limit of only one charter license to be approved for each additional open-enrollment public charter school to be established under an already existing open-enrollment charter provided the applicant for a charter license(s) meets the following minimum conditions: (1) maintains an existing open-enrollment public charter school charter from the State Board of Education; and (2) meets the requirements of Section 6.05 of these rules. Source: Current rule and Ark. Code Ann. § 6-23-304.

3.14 “Local school board” means a board of directors exercising the control and management of a public school district. For the purposes of these rules, “local school board” also refers to the board of directors of a school district where a public charter school will be physically located. Source: Current rule and Ark. Code Ann. § 6-23-103(7).

3.15 “Net assets” refers to the status of particular items upon the occurrence of the dissolution, nonrenewal, or revocation of the charter, with the purpose being to

identify publicly-funded unencumbered assets as property of the state at that point. Source: Attorney General Opinion No. 2007-204

3.16 “Open-enrollment public charter school” means a public school that:

3.16.1 Is operating under the terms of a charter granted by the State Board of Education on the application of an eligible entity;

3.16.2 May draw its students from any public school district in this state; and

3.16.3 Is a local educational agency under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7801, as it existed on April 10, 2009.

3.16.4 “Open-enrollment public charter school” also possesses the same meaning as given the term “charter school” in the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7221i, as it existed on April 10, 2009.

Source: Ark. Code Ann. § 6-23-103(8).

3.17 “Parent” means any parent, legal guardian, or other person having custody or charge of a school-age child. Source: Ark. Code Ann. § 6-23-103(9).

3.18 “Public school” means a school that is part of a public school district under the control and management of a local school board. Source: Ark. Code Ann. § 6-23-103(10).

3.19 “Public charter school” means a conversion public charter school, an open-enrollment public charter school, or a limited public charter school. Source: Ark. Code Ann. § 6-23-103(11).

3.20 “Sectarian” means of or relating to a particular religious sect. Source: Black’s Law Dictionary, 8<sup>th</sup> Ed., 2004.

#### **4.00 RULES APPLICABLE TO ALL PUBLIC CHARTER SCHOOLS**

4.01 Charter Form for Public Charter Schools – Requirements – Revision

4.01.1 A charter for a public charter school shall:

- 4.01.1.1 Be in the form of a written contract signed by the Chair of the State Board of Education and the chief operating officer of the public charter school;
- 4.01.1.2 Satisfy the requirements of Title 6, Chapter 23 of the Arkansas Code and of these rules; and
- 4.01.1.3 Ensure that the information required under Ark. Code Ann. § 6-23-404 is consistent with the information provided in the application and any modification that the State Board of Education may require.

4.01.2 Any revision or amendment of the charter for a public charter school may be made only with the approval of the State Board.

*Source: Ark. Code Ann. § 6-23-104*

#### 4.02 State Board Hearing Notice Requirements

- 4.02.1 For initial applications for a public charter school, the public charter school applicant shall submit its initial application according to a schedule set forth by the State Board of Education.
- 4.02.2 For renewal applications for a public charter school, the public charter school applicant shall submit its renewal application according to a schedule set forth by the State Board of Education.
- 4.02.3 For applications seeking State Board approval for a change in the physical location of a public charter school, the public charter school applicant shall submit such an application not later than forty-five (45) days prior to the date of the State Board meeting at which the application will be heard. For open-enrollment public charter schools, each such application shall be contemporaneously sent by the applicant to the superintendent of the local school district in which the public charter school is located.

4.02.3.1 *For the purposes of these rules, a change in the physical location of a public charter school means a relocation of a public charter school from its present location.*

4.02.3.2 Applications for a change in the physical location of a public charter school shall include maps of the present and proposed future locations of the charter school, and shall identify the local public school district in which the proposed future location will be located.

4.02.3.4 Not later than seven (7) days after receipt of the application to change the physical location of a public charter school, the Commissioner of Education may, in writing, require the public charter school, the local school district and the Department of Education to submit additional information, including without limitation a desegregation analysis, concerning the proposed change in the physical location of the public charter school. Should the Commissioner of Education require the submission of such additional information, he or she shall modify the deadlines contained in Sections 4.04.4, 4.04.5, 4.04.6 of these rules accordingly.

4.02.4 For applications seeking State Board approval for other amendments to a public school charter, the public charter school applicant shall submit such an application not later than forty-five (45) days prior to the date of the State Board meeting at which the application will be heard. For open-enrollment public charter schools, each such application shall be contemporaneously sent by the applicant to the superintendent of the local school district in which the public charter school will be located.

4.02.5 For applications seeking State Board approval for licenses for an existing open-enrollment public charter school, the open-enrollment public charter school applicant shall submit such an application for license not later than forty-five (45) days prior to the date of the State Board meeting at which the application will be heard. Each such application shall be contemporaneously sent by the applicant to the superintendent of the local school district in which the public charter school will be located.

4.02.6 Under circumstances involving imminent peril to the health, welfare, or safety of students, or under circumstances that may negatively impact the continuation of educational services offered by the public charter school, and upon written request from the public charter school, the Commissioner of Education or his or her designee may waive the forty-

five (45) day deadline set forth in Sections 4.02.2 through Sections 4.02.5 of these rules. The decision of whether to grant such a waiver is within the sole discretion of the Commissioner of Education or his or her designee. If the Commissioner of Education, or his or her designee, grants such a waiver, he or she shall also adjust the resulting deadlines for local school districts and Department of Education staff contained in Sections 4.04.5 and 4.04.6 of these rules.

4.03 Basis and Procedure for Public Charter School Probation or Charter Modification, Revocation or Denial of Renewal

4.03.1 The State Board of Education may place a public charter school on probation or may modify, revoke, or deny renewal of its charter if the State Board determines that the persons operating the public charter school:

4.03.1.1 Committed a material violation of the charter, including failure to satisfy accountability provisions prescribed by the charter;

4.03.1.2 Failed to satisfy generally accepted accounting standards of fiscal management;

4.03.1.3 Failed to comply with this Title 6, Chapter 23 of the Arkansas Code or other applicable law or regulation; or

4.03.1.4 Failed to meet academic or fiscal performance criteria deemed appropriate and relevant for the public charter school by the State Board.

4.03.1.5 Pursuant to the federal mandate contained in P.L. 111-117, 123 Stat. 3264, the State Board will consider increases in student academic achievement for all groups of students described in Section 1111 (b)(2)(C)(v) of the Elementary and Secondary Education Act as a primary factor in determining whether to non-renew or revoke a public charter school's charter. However, any one of the circumstances listed in Sections 4.03.1.1 through 4.03.1.4 of these rules may be reason enough to non-renew or revoke a public charter school's charter.

4.03.2 Any action the State Board may take under Ark. Code Ann. § 6-23-105 and Section 4.02 of these rules shall be based on the best interests of the public charter school's students, the severity of the violation, and any previous violation the public charter school may have committed.

4.03.3 The State Board's procedures for placing a public charter school on probation or modifying, revoking, or denying renewal of the school's charter can be found in these rules as follows:

4.03.3.1 Conversion public charter schools: Section 5.07

4.03.3.2 Open-enrollment public charter schools: Section 6.24

4.03.3.3 Limited public charter schools: Section 7.12

4.03.4 There is no further right of appeal beyond the determination of the State Board.

4.03.5 The Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall not apply to any hearing concerning a public charter school.

Source: Ark. Code Ann. § 6-23-105.

#### 4.04 Impact on School Desegregation Efforts

4.04.1 The applicants for a public charter school, local school board in which the proposed public charter school would be located, and the State Board shall carefully review the potential impact of an application for a public charter school on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

4.04.2 The State Board shall attempt to measure the likely impact of a proposed public charter school on the efforts of public school districts to achieve and maintain a unitary system.

4.04.3 The State Board shall not approve any public charter school under Title 6, Chapter 23, or any other act or any combination of acts that hampers,

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

4.04.4 A public charter school or applicant shall provide to the Department of Education, with a copy to the local school board for the school district in which the public charter school will be located, a desegregation analysis carefully reviewing the potential impact of the public charter school's application or request on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools:

4.04.4.1 In its initial application for a public charter school charter;

4.04.4.2 In its renewal application for its existing public charter school charter;

4.04.4.3 In its application to change the physical location of its existing charter school *if required by the Commissioner of Education in accordance with Section 4.02.3 of these rules*;

4.04.4.4 In any application to amend its existing charter to increase its enrollment cap or add grade levels; and

4.04.4.5 For an existing open-enrollment public charter school, in any application for a license.

4.04.5 The local school board of the school district in which the proposed public charter school is or will be located may provide to the Department of Education, with a copy to the public charter school applicant, a desegregation analysis carefully reviewing the potential impact of an application for a public charter school on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools:

4.04.5.1 Not later than twenty (20) days prior to the State Board's consideration of an initial application of a public charter school;

- 4.04.5.2 Not later than twenty (20) days prior to the State Board's consideration of a renewal application of a public charter school;
- 4.04.5.3 Not later than twenty (20) days prior to the State Board's consideration of a change in the physical location of a public charter school *if required by the Commissioner of Education in accordance with Section 4.02.3 of these rules*;
- 4.04.5.4 Not later than twenty (20) days prior to the State Board's consideration of a proposed amendment to a public charter that includes an increased enrollment cap or the addition of grade levels; and
- 4.04.4.5 Not later than twenty (20) days prior to the State Board's consideration of a proposed license for an existing open-enrollment public charter school.
- 4.04.5.6 Failure of the local school board of the district in which the proposed public charter school will be located to submit to the Department of Education a desegregation analysis as set forth above shall result in a waiver of the local school board's right to submit such a desegregation analysis to the State Board.
- 4.04.6 In accordance with Section 4.04 of these rules, the Department of Education staff shall submit to the State Board, with copies to the public charter school or applicant and the local school board of the school district in which the public charter school is or will be located, a desegregation analysis:
- 4.04.6.1 Not later than ten (10) days prior to the State Board's consideration of an initial application of a public charter school;
- 4.04.6.2 Not later than ten (10) days prior to the State Board's consideration of a renewal application of a public charter school;

- 4.04.6.3 Not later than ten (10) days prior to the State Board's consideration of a change in physical location of a public charter school *if required by the Commissioner of Education in accordance with Section 4.02.3 of these rules*.
- 4.04.6.4 Not later than ten (10) days prior to the State Board's consideration of a proposed amendment to a public charter that includes an increased enrollment cap or the addition of grade levels;
- 4.04.6.5 Not later than ten (10) days prior to the State Board's consideration of an application for a license for an existing open-enrollment public charter school; and
- 4.04.6.5 At any other time as directed by the State Board or the Commissioner of Education.
- 4.04.6.6 The Department of Education's desegregation analysis will include as attachments the desegregation analyses provided by the applicant for a public charter school and the local school board in which the public charter school will be located.

*Source: Ark. Code Ann. § 6-23-106.*

#### 4.05 Observance of Anti-Discrimination Laws

- 4.05.1 All public charter schools shall observe and comply with all anti-discrimination laws, both federal and state, except where otherwise exempted under federal charter school law.
- 4.05.2 All public charter schools are responsible for meeting the requirements of the Individuals with Disabilities Act (IDEA) and these rules.
- 4.05.3 All public charter schools are responsible for meeting the requirements of Section 504 of the Rehabilitation Act.

*Source: Current rules as modified.*

#### 4.06 Reporting Requirements

4.06.1 Within ten (10) calendar days of the close of the first quarter of each school year, a public charter school shall submit a written report to the Department of Education that contains the following information for the current school year:

4.06.1.1 The number of applications for enrollment received;

4.06.1.2 The number of applicants with a disability identified under the Individuals with Disabilities Act, 20 U.S.C. § 1400 et seq.; and

4.06.1.3 The number of applications for enrollment the public charter school denied and an explanation of the reason for each denial.

4.06.2 Within ten (10) calendar days of the close of the fourth quarter of each school year, a public charter school shall submit a written report to the Department of Education that contains the following information for the current school year:

4.06.2.1 The number of students in each of the following categories:

4.06.2.1.1 Students who dropped out of the public charter school during the school year;

4.06.2.1.2 Students who were expelled during the school year by the public charter school; [and](#)

4.06.2.1.3 Students who were enrolled in the public charter school but for a reason other than those cited under Sections 4.06.2.1.1 and 4.06.2.1.2 did not complete the school year at the public charter school; [and](#)

[4.06.2.1.4 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to another open-enrollment public charter school;](#)

4.06.2.1.5 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a private school;

4.06.2.1.6 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a home school;

4.06.2.1.7 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a school outside of Arkansas; and

4.06.2.1.8 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a traditional public school district within Arkansas.

4.06.2.1.9 The report shall identify the dates of transfer for all students identified in Section 4.06.2.1.8.

4.06.2.2 For all students enrolled in the public charter school, the scores for assessments required under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., including without limitation benchmark assessments and end-of-course assessments

4.06.2.3 If there is any discrepancy in the number of students for whom scores are reported under Section 4.06.2.2 of these rules, and the number of students enrolled at the beginning of the school year, the public charter school shall explain in the report the reason for the discrepancy.

4.06.3 The Department of Education shall not exempt a public charter school from the reporting required under Section 4.06 of these rules.

4.06.4 The Department of Education shall publish a copy of each report on the department's website.

4.06.5 If a public charter school fails to comply with Ark. Code Ann. § 6-23-107 and Section 4.06 of these rules, the Department of Education shall note the failure in the annual evaluation of the public charter school.

4.06.6 Every public charter school shall furnish any other information, record, or report requested by the Department of Education Charter School Office unless disclosure of the information, record, or report is explicitly prohibited by court order or by federal or state law.

4.06.7 The Department of Education Charter School Office shall, at least annually, post on the Department of Education’s website a list of deadlines for which legally required reports are due from the public charter school to the Department of Education.

Source: Ark. Code Ann. § 6-23-107 – Act 993 of 2011.

4.07 Public Charter Schools Receiving Federal Dissemination Grants from the Arkansas Department of Education

4.067.1 Public Charter Schools that receive federal dissemination grant funds from the Department of Education shall, by July 1 of each year, provide the Department of Education Charter School Office with a list of the public charter school’s best or promising practices **in accordance with their approved dissemination grant applications.**

4.067.2 By August 1 of each year, the Department of Education Charter School Office will post a link of each public charter school’s best or promising practices on the Department of Education’s website.

4.08 Application Process, Schedule and Forms

4.08.1 A procedure for establishing a public charter school shall be published by the Department of Education as approved by the State Board.

4.08.2 All dates and requirements listed in the procedures for establishing a public charter school shall be strictly followed by the public charter school applicant.

4.08.3 If all dates and requirements listed in the procedures for establishing a public charter school are not strictly followed by the public charter school applicant, the State Board may refuse to consider the application.

4.08.4 Application forms and other documents needed for the public charter school application process shall be provided by the Arkansas Department of Education Charter School Office and are incorporated into these rules as if fully set forth herein.

4.08.5 Any requests for technical assistance by a charter applicant shall be made to the Arkansas Department of Education Charter School Office.

4.08.6 Letter of Intent: Each public charter school letter of intent shall be submitted by the potential applicant by certified mail or hand delivery and must be received by the Department of Education Charter School Office on or before the established deadline. The Department of Education Charter School Office may refuse to process or review any letter of intent not received by the established deadline.

4.08.7 Charter Application: Each public charter school application shall be submitted by the applicant by certified mail or hand delivery and must be received by the Department of Education Charter School Office on or before the established deadline. The Department of Education Charter School Office may refuse to process or review any application not received by the established deadline.

4.08.8 The Department of Education shall review the application for a public charter school and present to the State Board a written evaluation of the application. The Department's evaluation shall be sent to the public charter school applicant.

4.08.9 The public charter school applicant shall be allowed an opportunity to submit a written response to the Arkansas Department of Education's evaluation by an established deadline.

4.08.10 The Department of Education may require additional information from a charter applicant to be delivered by the charter applicant in oral or written form, or both.

## **5.00 RULES APPLICABLE TO CONVERSION PUBLIC CHARTER SCHOOLS**

5.01 Application for Conversion Public Charter School Status

5.01.1 Any public school district may apply to the State Board for conversion public charter school status for a public school in the public school district in accordance with a schedule approved by the State Board. The State Board shall not approve an application for conversion public charter school status that has not first been approved by the school district's board of directors.

5.01.2 A public school district's application for conversion public charter school status for the public school may include, without limitation, the following purposes:

5.01.2.1 Adopting research-based school or instructional designs, or both, that focus on improving student and school performance;

5.01.2.2 Addressing school improvement status resulting from sanctions listed in Ark. Code Ann. §§ 6-15-207(c)(8) and 6-15-429(a) and (b); or

5.01.2.3 Partnering with other public school districts or public schools to address students' needs in a geographical location or multiple locations.

5.01.3 An application for a conversion public charter school shall:

5.01.3.1 Describe the results of a public hearing called by the local school board for the purpose of assessing support of an application for conversion public charter school status.

5.01.3.2 Notice of the public hearing shall be:

5.01.3.2.1 Distributed to the community, licensed personnel, and the parents of all students enrolled at the public school for which the public school district initiated the application; and

- 5.01.3.2.2 Published in a newspaper having general circulation in the public school district at least three (3) weeks prior to the date of the meeting;
- 5.01.3.3 Describe a plan for school improvement that addresses how the conversion public charter school will improve student learning and meet the state education goals;
- 5.01.3.4 Outline proposed performance criteria that will be used during the initial five-year period of the charter to measure the progress of the conversion public charter school in improving student learning and meeting or exceeding the state education goals;
- 5.01.3.5 Describe how the licensed employees and parents of the students to be enrolled in the conversion public charter school will be involved in developing and implementing the school improvement plan and identifying performance criteria;
- 5.01.3.6 Describe how the concerns of licensed employees and parents of students enrolled in the conversion public charter school will be solicited and addressed in evaluating the effectiveness of the improvement plan; and
- 5.01.3.7 List the specific provisions of Title 6 of the Arkansas Code and the specific rules and regulations promulgated by the State Board from which the public charter school will be exempt.
- 5.01.4 A licensed teacher employed by a public school in the school year immediately preceding the effective date of a charter for a public school conversion within that public school district may not be transferred to or be employed by the conversion public charter school over the licensed teacher's objection, nor shall that objection be used as a basis to deny continuing employment within the public school district in another public school at a similar grade level.
- 5.01.5 If the transfer of a teacher within the public school district is not possible because only one (1) public school exists for that teacher's certification

level, then the local school board shall call for a vote of the licensed teachers in the proposed conversion public charter school site and proceed, at the local school board's option, with the conversion public charter school application if a majority of the licensed teachers approve the proposal.

Source: Ark. Code Ann. § 6-23-201.

## 5.02 Authorization for Conversion Public Charter School Status

5.02.1 As requested by the conversion public charter school applicant, the State Board shall review the application for conversion public charter school status and may approve any application that:

5.02.1.1 Provides a plan for improvement at the school level for improving student learning and for meeting or exceeding the state education goals;

5.02.1.2 Includes a set of performance-based objectives and student achievement objectives for the term of the charter and the means for measuring those objectives on at least a yearly basis;

5.02.1.3 Includes a proposal to directly and substantially involve the parents of students to be enrolled in the conversion public charter school, as well as the licensed employees and the broader community, in the process of carrying out the terms of the charter; and

5.02.1.4 Includes an agreement to provide a yearly report to parents, the community, the local school board, and the State Board that indicates the progress made by the conversion public charter school in meeting the performance objectives during the previous year.

Source: Ark. Code Ann. § 6-23-202.

## 5.03 Resubmission of Conversion Public Charter School Applications

5.03.1 The State Board may allow applicants to resubmit applications for conversion public charter school status if the original application was, in the opinion of the State Board, deficient in one (1) or more respects.

5.03.2 The Department of Education may provide technical assistance to the conversion public charter school applicants in the creation or modification of these applications.

*Source: Ark. Code Ann. § 6-23-203*

5.04 Public Conversion Charter School Renewal: The State Board is authorized to renew charters of conversion public charter schools on a one-year or multiyear basis, not to exceed five (5) years, after the initial five-year period if the renewal is approved by the local school board.

*Source: Ark. Code Ann. § 6-23-204*

5.05 Teacher Hires when Charter Revoked: If a licensed teacher employed by a public school district in the school year immediately preceding the effective date of the charter is employed by a conversion public charter school and the charter is revoked, the licensed teacher will receive a priority in hiring for the first available position for which the licensed teacher is qualified in the public school district where the licensed teacher was formerly employed.

5.06 State Board Hearing Procedures Related to Conversion Public Charter Schools (Initial Application, Renewal, or Application for Charter Amendment)

5.06.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.

5.06.2 The conversion public charter school applicant shall have twenty (20) minutes to present its case to the State Board for approval of the proposed conversion public charter school. The Chair of the State Board may grant additional time, if necessary.

5.06.3 Parties opposed to the conversion public charter school application, if any, shall have twenty (20) minutes to present their case to the State Board for

disapproval of the proposed conversion public charter school. The Chair of the State Board may grant additional time, if necessary.

5.06.4 The conversion public charter school applicant shall have five (5) minutes to respond to any arguments in opposition to the conversion public charter school application. The Chair of the State Board may grant additional time, if necessary.

5.06.5 The State Board will follow the presentation with discussion of the conversion public charter school application and questions, if any, to the conversion public charter school applicant, opposing parties, or both.

5.06.6 The State Board may issue a final decision at the hearing or take the matter under advisement until a future scheduled board meeting.

5.06.7 The State Board may defer the vote to approve or disapprove a charter application in order to allow a charter applicant to make modifications or receive technical assistance to correct deficiencies in the application.

5.07 State Board Hearing Procedures Related to Conversion Public Charter Schools (State Board Modification, Probation or Revocation of Charter)

5.07.1 Not later than twenty (20) days prior to the State Board meeting at which the matter of modification, probation or revocation will be considered, the Department of Education shall provide written notice of the reason(s) for the proposed action, as well as of the time and location of such hearing, to the conversion public charter school.

5.07.2 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.

5.07.3 Arkansas Department of Education staff shall have twenty (20) minutes to present its case to the State Board for modification, probation, or revocation of a conversion public charter school charter. The Chair of the State Board may grant additional time, if necessary.

5.07.4 The conversion public charter school shall have twenty (20) minutes to present its case to the State Board for regarding the proposed modification.

probation, or revocation of the conversion public charter school charter. The Chair of the State Board may grant additional time, if necessary.

5.07.5 The State Board will follow the presentation with discussion of the matter and questions, if any, to representatives from the Department of Education, the conversion public charter school, or both.

5.07.6 The State Board may issue a final decision at the hearing or take the matter under advisement until a future scheduled board meeting.

## **6.00 RULES APPLICABLE TO OPEN-ENROLLMENT PUBLIC CHARTER SCHOOLS**

### 6.01 Application for an Open-Enrollment Public Charter School

6.01.1 Pursuant to Title 6, Chapter 23 of the Arkansas Code and these rules, an eligible entity may apply to the State Board to grant a charter for an open-enrollment public charter school to operate in a facility of a commercial or nonprofit entity or a public school district.

6.01.2 The State Board shall adopt an application form, schedule, and a procedure that must be used to apply for an open-enrollment public charter school.

6.01.3 The State Board shall adopt criteria to use in selecting a program for which an open-enrollment public charter may be granted.

6.01.4 The application to the State Board for an open-enrollment public charter school shall be made in accordance with a schedule approved by the State Board.

6.01.5 The application form must provide space for including all information required under Title 6, Chapter 23 and these rules to be contained in the charter.

6.01.6 The application for an open-enrollment public charter school shall:

6.01.6.1 Describe the results of a public hearing called by the applicant for the purpose of assessing support for an application for an open-enrollment public charter school.

6.01.6.1.1 Notice of the public hearing shall be published one (1) time a week for three (3) consecutive weeks in a newspaper having general circulation in the public school district in which the open-enrollment public charter school is likely to be located.

6.01.6.1.1.1 The last publication of notice shall be no less than seven (7) days prior to the public meeting.

6.01.6.1.1.2 The notice shall not be published in the classified or legal notice section of the newspaper.

6.01.6.1.2 Within seven (7) calendar days following the first publication of notice required under Section 6.01.6.1.1 of these rules, letters announcing the public hearing shall be sent to the superintendent of each of the public school districts from which the open-enrollment public charter school is likely to draw students for the purpose of enrollment and the superintendent of any public school district that is contiguous to the public school district in which the open-enrollment public charter school will be located.

6.01.6.1.3 An affected school district may submit written comments concerning the application to the State Board to be considered at the time of the State Board's review of the application.

6.01.6.2 Describe a plan for academic achievement that addresses how the open-enrollment public charter school will

improve student learning and meet the state education goals;

6.01.6.3 Outline the proposed performance criteria that will be used during the initial five-year period of the open-enrollment public charter school operation to measure its progress in improving student learning and meeting or exceeding the state education goals;

6.01.6.4 List the specific provisions of Title 6 of the Arkansas Code and the specific rules and regulations promulgated by the State Board from which the open-enrollment public charter school seeks to be exempted;

6.01.6.5 Describe the facility to be used for the open-enrollment public charter school and state the facility's current use.

6.01.6.5.1 If the facility to be used for an open-enrollment public charter school is a public school district facility, the open-enrollment public charter school must operate in the facility in accordance with the terms established by the local school board of the public school district in an agreement governing the relationship between the open-enrollment public charter school and the public school district.

6.01.6.5.2 If the facility that will be used for the open-enrollment public charter school is owned by or leased from a sectarian organization, the terms of the facility agreement must be disclosed to the State Board.

6.01.6.6 Include a detailed budget and a governance plan for the operation of the open-enrollment public charter school.

6.01.7 Review and Approval by the Local School Board:

6.01.7.1 The application may be reviewed and approved by the local school board of the public school district in which the proposed open-enrollment public charter school will operate.

6.01.7.2 Any decision by the local school board approving or disapproving the application must be made within forty-five (45) days of the local school board's receipt of the application.

6.01.7.3 The applicant may submit to the State Board for expedited review an application approved by the local school board under Section 6.01.7.1 of these rules.

6.01.7.4 *If the local school board disapproves the application, the applicant shall have an immediate right to proceed with a written notice of appeal to the State Board.*

6.01.7.5 *The State Board shall hold a hearing within forty-five (45) calendar days after receipt of the notice of appeal or a request for review, unless the applicant and the local school board agree to a later date.*

6.01.7.6 *All interested parties may appear at the hearing and present relevant information regarding the application.*

6.02 A licensed teacher employed by a public school district in the school year immediately preceding the effective date of a charter for an open-enrollment public charter school operated at a public school facility may not be transferred to or be employed by the open-enrollment public charter school over the licensed teacher's objections.

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*Source: Ark. Code Ann. §§ 6-23-301 and 6-23-302 as amended by Act 9393 of 2011*

6.03 Authorization for an Open-Enrollment Public Charter School

6.03.1 As requested by the applicant for an open-enrollment public charter school, the State Board shall review the application for an open-enrollment public charter school and may approve any application that:

- 6.03.1.1 Provides a plan for academic achievement that addresses how the open-enrollment public charter school proposes to improve student learning and meet the state education goals;
- 6.03.1.2 Includes a set of performance criteria that will be used during the initial five-year period of the open-enrollment public charter school’s operation to measure its progress in meeting its academic performance goals;
- 6.03.1.3 Includes a proposal to directly and substantially involve the parents of students to be enrolled in the open-enrollment public charter school, the licensed employees, and the broader community in carrying out the terms of the open-enrollment charter;
- 6.03.1.4 Includes an agreement to provide an annual report to parents, the community, and the State Board that demonstrates the progress made by the open-enrollment public charter school during the previous academic year in meeting its academic performance objectives;
- 6.03.1.5 Includes a detailed budget, a business plan, and a governance plan for the operation of the open-enrollment public charter school; and
- 6.03.1.6 Establishes the eligible entity’s status as a tax-exempt organization under § 501(c)(3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.

Source: Ark. Code Ann. § 6-23-303

#### 6.04 Other Application Requirements – Preference for Certain Districts

6.04.1 The State Board may approve or deny an application based on:

- 6.04.1.1 Criteria provided by law or by rule adopted by the State Board;

6.04.1.2 Findings of the State Board relating to improving student performance and encouraging innovative programs;

6.04.1.3 Written findings or statements received by the State Board from any public school district likely to be affected by the open-enrollment public charter school.

6.04.2 The State Board shall give preference in approving an application for an open-enrollment public charter school to be located in any public school district:

6.04.2.1 When the percentage of students who qualify for free or reduced-price lunches is above the average for the state;

6.04.2.2 When the district has been classified by the State Board as in academic distress under Ark. Code Ann. § 6-15-428; or

6.04.2.3 When the district has been classified by the Department of Education as in some phase of school improvement status under Ark. Code Ann. § 6-15-426 or some phase of fiscal distress under the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., if the fiscal distress status is a result of administrative fiscal mismanagement, as determined by the State Board.

6.04.3 The State Board may grant no more than a total of twenty-four (24) charters for open-enrollment public charter schools except as provided under Section 6.04.3.1 below.

6.04.3.1 If the cap on the number of charters available for an open-enrollment public charter schools is within two (2) charters of meeting any existing limitation or cap on available open-enrollment charters, the number of available charters shall automatically increase by five (5) slots more than the most recent existing limitation or cap on open-enrollment charters.

6.04.3.2 By March 1 each year, the Department of Education shall issue a Commissioner's Memo stating the existing

limitation on the number of charters available for open-enrollment public charter schools and the number of charters available for open-enrollment public charter schools during the next application cycle.

6.04.4 An open-enrollment public charter applicant's school campus shall be limited to a single open-enrollment public charter school per charter except as allowed in Section 6.05 of these rules.

6.04.5 An open-enrollment public charter school shall not open in the service area of a public school district administratively reorganized under Ark. Code Ann. § 6-13-1601 et seq., until after the third year of the administrative reorganization.

6.04.6 A private or parochial elementary or secondary school shall not be eligible for open-enrollment public charter school status.

| Source: Ark. Code Ann. § 6-23-30~~34~~ as amended by Act 99~~387~~ of 2011

#### 6.05 Open-Enrollment Public Charter School Licenses

6.05.1 A charter applicant that receives an approved open-enrollment public charter may petition the State Board for additional licenses to establish an open-enrollment public charter school in any of the various congressional districts in Arkansas if the applicant meets the following conditions:

6.05.1.1 The approved open-enrollment public charter applicant has demonstrated success in student achievement gains, as defined by the State Board;

6.05.1.2 The approved open-enrollment public charter applicant has not:

6.05.1.2.1 Been subject to any disciplinary action by the State Board;

6.05.1.2.2 Been classified as in school improvement or academic or fiscal distress;

6.05.1.2.3 Had its open-enrollment public charter placed on charter school probation or suspended or revoked under Ark. Code Ann. § 6-23-105 or Section 4.03 of these rules; and

6.05.1.2.4 The State Board determines in writing by a majority of a quorum of the State Board present that the open-enrollment public charter applicant has generally established the educational program results and criteria set forth in Section 6.05 of these rules.

*Source: Ark. Code Ann. § 6-23-304 as amended by Act 993 of 2011*

#### 6.06 Resubmission of Open-Enrollment Public Charter School Applications

6.06.1 If the State Board disapproves an application for an open-enrollment public charter school, the state board shall notify the applicant in writing of the reasons for such disapproval.

6.06.2 The State Board may allow the applicant for an open-enrollment public charter school to resubmit its application if the original application was found to be deficient by the State Board.

6.06.3 The Department of Education may provide technical assistance to the applicant for an open-enrollment public charter school in the creation or modification of its application.

*Source: Ark. Code Ann. § 6-23-305*

#### 6.07 Contents of Open-Enrollment Public Charters

6.07.1 An open-enrollment public charter granted by the State Board shall:

6.07.1.1 Describe the educational program to be offered;

6.07.1.2 Specify the period for which the open-enrollment public charter or any renewal is valid;

- 6.07.1.3 Provide that the continuation or renewal of the open-enrollment public charter is contingent on acceptable student performance on assessment instruments adopted by the State Board and on compliance with any accountability provision specified by the open-enrollment public charter, by a deadline, or at intervals specified by the open-enrollment public charter;
- 6.07.1.4 Establish the level of student performance that is considered acceptable for the purposes of Section 6.07.1.3 of these rules;
- 6.07.1.5 Specify any basis, in addition to a basis specified by Title 6, Chapter 23 of the Arkansas Code or Section 4.03 of these rules, on which the open-enrollment public charter school may be placed on probation or its charter revoked or on which renewal of the open-enrollment public charter school may be denied;
- 6.07.1.6 Prohibit discrimination in admissions policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility, except as follows:
- 6.07.1.6.1 The open-enrollment public charter school may adopt admissions policies that are consistent with federal law, regulations, or guidelines applicable to charter schools;
- 6.07.1.6.2 Consistent with the requirements of Section 6.07.1.14.3 of these rules, the open-enrollment public charter school may allow a weighted lottery to be used in the student selection process when necessary to comply with Title VI of the federal civil rights act of 1964, Title IX of the federal Education Amendments of 1972, the equal protection clause of the Fourteenth Amendment to the United States Constitution, a court order, or a federal or state law requiring desegregation; and

- 6.07.1.6.3     The open-enrollment public charter may provide for the exclusion of a student who has been expelled from another public school district in accordance with Title 6 of the Arkansas Code.
  
- 6.07.1.7       Specify the grade levels to be offered;
  
- 6.07.1.8       Describe the governing structure of the program;
  
- 6.07.1.9       Specify the qualifications to be met by professional employees of the program;
  
- 6.07.1.10     Describe the process by which the persons providing the program will adopt an annual budget;
  
- 6.07.1.11     Describe the manner in which the annual audit of the financial and programmatic operations of the program is to be conducted, including the manner in which the persons providing the program will provide information necessary for the public school district in which the program is located to participate;
  
- 6.07.1.12     Describe the facilities to be used, including the terms of the facility utilization agreement if the facility for the open-enrollment public charter school is owned or leased from a sectarian organization;
  
- 6.07.1.13     Describe the geographical area, public school district, or school attendance area to be served by the program;
  
- 6.07.1.14     Specify the methods for applying for admission, enrollment criteria, and student recruitment and selection processes.
  - 6.07.1.14.1    Except as provided in Section 6.07.1.14.2 of these rules, if more eligible students apply for a first-time admission than the open-enrollment public charter school is able to

accept by the annual deadline that the open-enrollment public charter school has established for the receipt of applications for the next school year, the open-enrollment public charter must require the open-enrollment public charter school to use a random, anonymous student selection method that shall be described in the charter application.

6.07.1.14.1.1 If there are still more applications for admissions than the open-enrollment public charter school is able to accept after the completion of the random, anonymous student selection method, then the open-enrollment public charter school shall place the applicants on a waiting list for admission.

6.07.1.14.1.2 The waiting list is valid until the next time the open-enrollment public charter school is required to conduct a random, anonymous student selection.

6.07.1.14.2 However, an open-enrollment public charter school may allow a preference for:

6.07.1.14.2.1 Children of the founding members of the eligible entity. The number of enrollment preferences granted to children of founding members shall not exceed ten percent (10%) of the total number of students

enrolled in the open-enrollment public charter school; and

6.07.1.14.2 Siblings of students currently enrolled in the open-enrollment public charter school.

6.07.1.14.3 The open-enrollment public charter may use a weighted lottery in the student selection process only when necessary to comply with a:

6.07.1.14.3.1 Federal court order; or

6.07.1.14.3.2 Federal administrative order issued by an appropriate federal agency having proper authority to enforce remedial measures necessary to comply with Title VI of the federal Civil Rights Act of 1964, Title IX of the *federal* Education Amendments of 1972 and the equal protection clause of the Fourteenth Amendment to the United States Constitution.

6.07.1.15 Include a statement that the eligible entity will not discriminate on the basis of race, sex, national origin, ethnicity, religion, age, or disability in employment decisions, including hiring and retention of administrators, teachers, and other employees whose salaries or benefits are derived from any public moneys.

Source: Ark. Code Ann. § 6-23-306 as amended by Act 993 of 2011

6.08 Renewal of an Open-Enrollment Charter: After the initial five-year period of an open-enrollment public charter, the State Board of Education may renew the open-enrollment public charter on a one-year or multiyear basis, not to exceed twenty (20) years.

Source: Ark. Code Ann. § 6-23-307 as amended by Act 993 of 2011

6.09 Priority Hiring for Teachers: If a licensed teacher employed by a public school district in the school year immediately preceding the effective date of the open-enrollment public charter is employed by an open-enrollment public charter school and the open-enrollment public charter is revoked, the licensed teacher will receive a priority in hiring for the first available position for which the licensed teacher is qualified in the school district where the licensed teacher was formerly employed.

Source: Ark. Code Ann. § 6-23-308

6.10 Status Report: The State Board shall report on the status of the open-enrollment public charter school programs to the General Assembly each biennium and to the House Interim Committee on Education and the Senate Interim Committee on Education during the interim between regular sessions of the General Assembly.

Source: Ark. Code Ann. § 6-23-310

6.11 Authority under a Charter for Open-Enrollment Public Charter Schools

6.11.1 An open-enrollment public charter school:

6.11.1.1 Shall be governed by an eligible entity that is fiscally accountable under the governing structure as described by the charter;

6.11.1.2 Shall provide instruction to students at one (1) or more elementary or secondary grade levels as provided by the charter;

6.11.1.3 Shall retain the authority to operate under the charter contingent on satisfactory student performance as provided by the charter in accordance with Title 6, Chapter 23 of the Arkansas Code and these rules;

6.11.1.4 Shall have no authority to impose taxes;

6.11.1.5 Shall not incur any debts without the prior review and approval of the Commissioner of Education;

6.11.1.5.1 Requests for approval of debt must be submitted to the Commissioner of Education by the open-enrollment public charter school no later than thirty (30) days prior to the date upon which the debt will be incurred.

6.11.1.5.2 *Under circumstances involving imminent peril to the health, welfare, or safety of students, or under circumstances that may negatively impact the continuation of educational services offered by the public charter school, and upon written request from the public charter school, the Commissioner of Education may waive the thirty (30) day deadline set forth in Section 6.11.1.5.1 of these rules. The decision of whether to grant such a waiver is within the sole discretion of the Commissioner of Education.*

6.11.1.6 Shall not charge students tuition or fees that would not be allowable charges in the public school districts; and

6.11.1.7 Shall not be religious in its operations or programmatic offerings.

6.11.2 An open-enrollment public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code and any rule and regulation promulgated by the State Board under Title 6 of the Arkansas Code relating to:

6.11.2.1 Monitoring compliance with Title 6 of the Arkansas Code, as determined by the Commissioner;

- 6.11.2.2 Public school accountability under Title 6 of the Arkansas Code;
- 6.11.2.3 High school graduation requirements as established by the State Board;
- 6.11.2.4 Special education programs as provided by Title 6 of the Arkansas Code;
- 6.11.2.5 Conducting criminal background checks for employees as provided by Title 6 of the Arkansas Code;
- 6.11.2.6 Health and safety codes as established by the State Board and local governmental entities; and
- 6.11.2.7 Ethical guidelines and prohibitions as established by Ark. Code Ann. § 6-24-101 et seq., and any other controlling state or federal law regarding ethics or conflicts of interest.

Source: Ark. Code Ann. § 6-23-401

6.12 Enrollment Numbers and Deadline:

- 6.12.1 An open-enrollment public charter school may enroll a number of students not to exceed the number of students specified in its charter.
- 6.12.2 Any student enrolling in an open-enrollment public charter school shall enroll in that school by [July 30 the deadline established in Ark. Code Ann. § 6-23-402](#) for the upcoming school year during which the student will be attending the open-enrollment public charter school.
- 6.12.3 However, if a student enrolled by [July 30 the deadline established in Ark. Code Ann. § 6-23-402](#) should no longer choose to attend the open-enrollment public charter school or if the open-enrollment public charter school has not yet met its enrollment cap, the open-enrollment public charter school may enroll a number of replacement or additional students not to exceed the enrollment cap of the open-enrollment public charter school.

6.12.4 Open-enrollment public charter schools shall keep records of attendance in accordance with the law and submit quarterly attendance reports to the Department of Education.

Source: Ark. Code Ann. § 6-23-402 as amended by Acts 989 and 993 of 2011

6.13 Annual Audit of Open-Enrollment Public Charter School Required:

6.13.1 Any other provision of the Arkansas Code or these rules notwithstanding, an open-enrollment public charter school shall be subject to the same auditing and accounting requirements as any other public school district in the state.

6.13.2 An open-enrollment public charter school shall prepare an annual certified audit of the financial condition and transactions of the open-enrollment public charter school as of June 30 each year in accordance with auditing standards generally accepted in the United States and Government Auditing Standards issued by the Comptroller General of the United States, and containing any other data as determined by the State Board.

6.13.3 If the school is an open-enrollment public charter school in its first year of operation, the Legislative Auditor shall ~~be~~ prepare the required annual financial audit for the school unless:

6.13.3.1 The open-enrollment public charter school chooses to retain the services of a licensed certified public accountant in public practice in good standing with the Arkansas State Board of Public Accountancy; and

6.13.3.2 The State Board of Education approves the open-enrollment public charter school's use of an entity other than the Legislative Auditor to prepare the annual financial audit.

6.13.4 No open-enrollment public charter school shall engage an accountant or accounting firm to conduct any audit if the accountant or accounting firm is listed on any ineligibility list maintained by the Department of Education or the Division of Legislative Audit.

Source: Ark. Code Ann. §§ 6-23-403, 6-23-505, and 10-4-413 as amended by Act 993 of 2011.

6.14 Evaluation of Open-Enrollment Public Charter Schools:

6.14.1 The Department of Education shall cause to be conducted an annual evaluation of open-enrollment public charter schools.

6.14.2 An annual evaluation shall include, without limitation, consideration of:

6.14.2.1 Student scores under the statewide assessment program described in Ark. Code Ann. § 6-15-433;

6.14.2.2 Student attendance;

6.14.2.3 Student grades;

6.14.2.4 Incidents involving student discipline;

6.14.2.5 Socioeconomic data on students' families;

6.14.2.6 Parental satisfaction with the schools;

6.14.2.7 Student satisfaction with the schools; and

6.14.2.8 The open-enrollment public charter school's compliance with Ark. Code Ann. § 6-23-107 and Section 4.065 of these rules.

6.14.3 The State Board may require the charter holder to appear before the State Board to discuss the results of the evaluation and to present further information to the State Board as the Department of Education or the State Board deems necessary.

Source: Ark. Code Ann. § 6-23-404 as amended by Act 993 of 2011

6.15 Monthly Reports: An open-enrollment public charter school in its initial school year of operation shall provide monthly reports on its enrollment status and compliance with its approved budget for the current school year to the Department of Education.

Source: Ark. Code Ann. § 6-23-405 as added by Act 993 of 2011

6.16 Department of Education Review: The Department of Education shall:

6.16.1 Conduct an end-of-semester review of each open-enrollment public charter school that is in its initial school year of operation at the end of the first semester and at the end of the school year; and

6.16.2 Report to the State Board on the open-enrollment public charter school's:

6.16.2.1 Overall financial condition; and

6.16.2.2 Overall condition of student enrollment.

*Source: Ark. Code Ann. § 6-23-406 as added by Act 993 of 2011*

6.17 Funding for Open-Enrollment Public Charter Schools

6.17.1 An open-enrollment public charter school shall receive funds equal to the amount that a public school would receive under Ark. Code Ann. § 6-20-2305(a) and (b) as well as any other funding that a public charter school is entitled to receive under law or under rules promulgated by the State Board.

6.17.2 For the first year of operation and any year the open-enrollment public charter school adds a new grade, the foundation funding for an open-enrollment public charter school is determined as follows:

6.17.2.1 The initial funding estimate shall be based on enrollment as of [the deadline established by Ark. Code Ann. § 6-23-501](#) ~~July 1~~ of the current school year;

6.17.2.2 In December, funding will be adjusted based upon the first quarter average daily membership; and

6.17.2.3 A final adjustment will be made after the current three-quarter average daily membership is established.

6.17.3 For the second year and each school year thereafter, the previous year's average daily membership will be used to calculate foundation funding amounts.

6.17.4 National school lunch state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4) shall be provided to an open-enrollment public charter school as follows:

6.17.4.1 For the first year of operation and in any year when a grade is added, free or reduced-price meal eligibility data as reported by October 1 of the current school year will be used to calculate the national school lunch state categorical funding under the State Board rules governing special needs funding; and

6.17.4.2 For the second year and each school year of operation thereafter, the previous year's October 1 national school lunch student count as specified in State Board rules governing special needs funding will be used to calculate national school lunch state categorical funding for the open-enrollment public charter school.

6.17.5 Professional development funding under Ark. Code Ann. § 6-20-2305(b)(5) shall be provided to an open-enrollment public charter school for the first year of operation and in any year in which a grade is added as follows:

6.17.5.1 In the first year of operation and in any year when a grade is added, the open-enrollment public charter school shall receive professional development funding based upon the initial projected enrollment student count as of ~~July 1~~ the date required by Ark. Code Ann. § 6-23-501 of the current school year multiplied by the per-student professional development funding amount under Ark. Code Ann. § 6-20-2305(b)(5) for that school year.

~~6.17.5.2 In December of the first year of operation or year when a grade is added, professional development funding will be adjusted based upon the first quarter average daily membership, and a final adjustment will be made after the current three-quarter average daily membership is established.~~

6.17.5.2 23 For the second year and each school year thereafter, professional development funding will be based upon the previous year's average daily membership multiplied by the per-student professional development funding amount for that school year.

6.17.6 The Department of Education shall distribute other categorical funding under Ark. Code Ann. § 6-20-2305(a) and (b) for which an open-enrollment public charter school is eligible as provided by state law and rules promulgated by the State Board.

6.17.7 An open-enrollment public charter school shall not be denied foundation funding or categorical funding in the first year or any year of operation provided that the open-enrollment public charter school submits to the Department of Education the number of students eligible for funding as specified in applicable rules.

6.17.8 Foundation funding for an open-enrollment public charter school shall be paid in twelve (12) installments each fiscal year.

6.17.9 An open-enrollment public charter school may receive any state and federal aids, grants, and revenue as may be provided by law.

6.17.10 Open-enrollment public charter schools may receive gifts and grants from private sources in whatever manner is available to public school districts.

6.17.11 An open-enrollment public charter school shall have a right of first refusal to purchase or lease for fair market value a closed public school facility or unused portions of a public school facility located in a public school district from which it draws students if the public school district decides to sell or lease the public school facility.

6.17.11.1 The public school district may not require lease payments that exceed the fair market value of the property.

6.17.11.2 The application of this Section 6.17.11 is subject to the rights of a repurchase under Ark. Code Ann. § 6-13-103 regarding property taken by *eminent* domain.

6.17.11.3 A public school district is exempt from the requirements of this Section 6.17.11 if the public school district, through an open bid process, receives and accepts an offer to lease or purchase the property from a purchaser other than the open-enrollment public charter school for an amount that exceeds the fair market value.

6.17.11.4 The purposes of this Section 6.17.11 are to:

6.17.11.4.1 Acknowledge that taxpayers intended a public school facility to be used as a public school; and

6.17.11.4.2 Preserve the option to continue that use.

6.17.11.5 Nothing in this Section 6.17.11 is intended to diminish the opportunity for an Arkansas Better Chance program to bid on the purchase or lease of the public school facility on an equal basis as the open-enrollment public charter school.

*Source: Ark. Code Ann. § 6-23-501 as amended by Acts 989 and 993 of 2011*

#### 6.18 Source of Funding for Open-Enrollment Public Charter Schools

6.18.1 Open-enrollment public charter schools shall be funded each year through funds set aside from funds appropriated to state foundation funding aid in the Public School Fund.

6.18.2 The amount set aside shall be determined by the State Board.

*Source: Ark. Code Ann. § 6-23-502*

#### 6.19 Use of Funding by Open-Enrollment Public Charter Schools

6.19.1 An open-enrollment public charter school may not use the moneys that it receives from the state for any sectarian program or activity or as collateral for debt.

6.19.2 No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the state or its

political subdivisions, and no indebtedness of the open-enrollment public charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions.

6.19.3 Every contract or lease into which an open-enrollment public charter school enters shall include the wording of Section 6.19.2 of these rules.

Source: Ark. Code Ann. § 6-23-503

6.20 Employee Benefits: Employees of an open-enrollment public charter school shall be eligible to participate in all benefits programs available to public school employees.

Source: Ark. Code Ann. § 6-23-504

#### 6.21 Deposit and Management of Charter School Funds

6.21.1 All charter school funds, including state foundation funding, other state funding, federal funding, and grants and private donations made directly to a charter school, shall be deposited into a bank account titled in the name of the charter school.

6.21.2 Non-charter school funds of the sponsoring entity shall be deposited in a separate bank account titled in the name of the sponsoring entity and shall not be commingled with charter school funds.

6.21.3 If the charter school operates an approved federal child nutrition program, food service revenues shall be deposited and managed as required by federal law and by any regulations promulgated by the Arkansas Department of Education Child Nutrition Unit or the Arkansas Department of Human Services.

6.21.4 Charter schools may, but are not required to, secure bank accounts as detailed in Ark. Code Ann. § 6-20-222.

#### 6.22 Assets of Open-Enrollment Public Charter School as Property of State

6.22.1 Upon dissolution of the open-enrollment public charter school or upon nonrenewal or revocation of the charter, all net assets of the open-enrollment public charter school, including any interest in real property, purchased with public funds shall be deemed the property of the state, unless otherwise specified in the charter of the open-enrollment public charter school.

6.22.2 If the open-enrollment public charter school used state funds to purchase or finance personal property, real property, or fixtures for use by the open-enrollment public charter school, the State Board may require that the property be sold.

6.22.3 The state has a perfected priority security interest in the net proceeds from the sale or liquidation of the property to the extent of the public funds used in the purchase.

*Source: Ark. Code Ann. § 6-23-506*

6.23 State Board Hearing Procedures Related to Open-Enrollment Public Charter Schools (Initial Application, Renewal, or Application for Charter Amendment)

6.23.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.

6.23.2 The open-enrollment public charter school applicant shall have twenty (20) minutes to present its case to the State Board for approval of the proposed open-enrollment public charter school. The Chair of the State Board may grant additional time, if necessary.

6.23.3 Parties opposed to the open-enrollment public charter school application, if any, shall have twenty (20) minutes to present its case to the State Board for disapproval of the proposed open-enrollment public charter school. The Chair of the State Board may grant additional time, if necessary.

6.23.4 The open-enrollment public charter school applicant shall have five (5) minutes to respond to any arguments in opposition to the open-enrollment public charter school application. The Chair of the State Board may grant additional time, if necessary.

6.23.5 The State Board will follow the presentation with discussion of the open-enrollment public charter school application and questions, if any, to the open-enrollment public charter school applicant, opposing parties, or both.

6.23.6 The State Board may issue a final decision at the hearing or take the matter under advisement until a future scheduled board meeting.

6.23.7 The State Board may defer the vote to approve or disapprove a charter application in order to allow a charter applicant to make modifications or receive technical assistance to correct deficiencies in the application.

6.23.8 During the roll call vote on each open-enrollment public charter initial application, if a particular State Board member votes against the initial application, that State Board member should state his or her reasons for disapproval as necessary to comply with Ark. Code Ann. § 6-23-305.

6.24 State Board Hearing Procedures Related to Open-Enrollment Public Charter Schools (State Board Modification, Probation or Revocation of Charter)

6.24.1 Not later than twenty (20) days prior to the State Board meeting at which the matter of modification, probation or revocation will be considered, the Department of Education shall provide written notice of the reason(s) for the proposed action, as well as of the time and location of such hearing, to the open-enrollment public charter school.

6.24.2 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.

6.24.3 Arkansas Department of Education staff shall have twenty (20) minutes to present its case to the State Board for modification, probation, or revocation of an open-enrollment public charter school charter. The Chair of the State Board may grant additional time, if necessary.

6.24.4 The open-enrollment public charter school shall have twenty (20) minutes to present its case to the State Board for regarding the proposed modification, probation, or revocation of the open-enrollment public charter school charter. The Chair of the State Board may grant additional time, if necessary.

6.24.5 The State Board will follow the presentation with discussion of the matter and questions, if any, to representatives from the Department of Education, the open-enrollment public charter school, or both.

6.24.6 The State Board may issue a final decision at the hearing or take the matter under advisement until a future scheduled board meeting.

## **7.00 RULES APPLICABLE TO LIMITED PUBLIC CHARTER SCHOOLS**

7.01 Any public school may apply to the State Board for limited public charter school status for alternative comprehensive staffing and compensation programs designed to enhance student and teacher performance and improve employee salaries, opportunities, and incentives, to be known as a “limited public charter school.” The State Board shall not approve an application for limited public charter school status that has not first been approved by the school district’s board of directors.

7.02 A limited public charter school shall be for the purpose of instituting alternative staffing practices in accordance with a schedule approved by the State Board.

7.03 A limited public charter school shall be initially established for no more than five (5) years and may be renewed on a one-year or multiyear basis, not to exceed five (5) years per charter renewal.

7.04 The application for a limited public charter school shall:

7.04.1 Contain the provisions of Title 6 of the Arkansas Code and the specific rules and regulations promulgated by the State Board from which the limited public charter school will be exempt.

7.04.1.1 The provisions from which the public school district may be exempt for the limited public charter school only shall be limited to the following:

7.04.1.1.1 The duty-free lunch period requirements set forth in Ark. Code Ann. § 6-17-111;

7.04.1.1.2 The daily planning period requirements set forth in Ark. Code Ann. § 6-17-114;

- 7.04.1.1.3     The committee on personnel policies requirements set forth in Ark. Code Ann. § 6-17-201 et seq., and
- 7.04.1.1.4     Standards for accreditation set forth in the Arkansas Code, set forth by the Department of Education, or set forth by the State Board.
- 7.04.1.2     No limited public charter school may be allowed an exemption that would allow a full-time licensed employee to be paid less than the salary provided in the public school district's salary schedule for that employee;
- 7.04.2     Describe a plan for school improvement that addresses how the limited public charter school will improve student learning and meet the state education goals;
- 7.04.3     Describe how the licensed employees at the limited public charter school will be involved in developing and implementing the school performance plan set forth in Section 7.04.2 of these rules and in identifying performance criteria;
- 7.04.4     Outline proposed performance criteria that will be used during the initial five-year period of the charter to measure the progress of the limited public charter school in improving student learning and meeting or exceeding the state education goals; and
- 7.04.5     Be reviewed as a regular agenda item and approved after sufficient public comment by the local school board and the State Board.
- 7.05     Any application to obtain limited public charter school status approved by a local school board shall be forwarded by the local school board to the State Board.
- 7.06     If a local school board does not approve a public school's application, the local school board shall inform the applicants and faculty of the public school of the local school board's reasons for not approving the application.
- 7.07     A licensed teacher employed by a public school in the year immediately preceding the effective date of a limited public charter for a limited public charter school within that public school district may not be transferred to or be employed

by the limited public charter school over the licensed teacher's objections, nor shall that objection be used as a basis to deny continuing employment within the public school district in another public school at a similar grade level.

7.08 If the transfer of a teacher within a public school district is not possible because only one (1) public school exists for the teacher's certification level, then the local school board shall call for a vote of the licensed teachers in the proposed limited public charter school site and proceed, at the local school board's option, with the limited public charter school application if a majority of the licensed teachers approve the proposal.

7.09 A licensed teacher choosing to join the staff of a limited public charter school shall be employed by the district by a written contract as set forth in Ark. Code Ann. § 6-13-620, with the contract being subject to the provisions of the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.

7.09.1 The licensed teacher shall also enter into a separate supplemental contract specifically for the teacher's employment in the limited public charter school, with the supplemental contract being exempt from the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq., and from Ark. Code Ann. § 6-17-807.

7.09.2 Termination of the supplemental contract shall not be used as a basis to deny continued employment of the teacher within the public school district in another public school at a similar grade level.

7.10 Limited public charter schools shall be evaluated annually by the Department of Education based on criteria approved by the State Board, including without limitation:

7.10.1 Student performance data in order to determine progress in student achievement that has been achieved by the limited public charter school; and

7.10.2 The limited public charter school's compliance with Ark. Code Ann. § 6-23-107 and Section 4.05 of these rules.

7.10.3 The Department of Education shall annually report its evaluation to the State Board.

7.10.4 Based upon that evaluation, the State Board may revoke a limited public charter.

Source: Ark. Code Ann. § 6-23-601 as amended by Act 993 of 2011

7.11 State Board Hearing Procedures Related to Limited Public Charter Schools (Initial Application, Renewal, or Application for Charter Amendment)

7.11.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.

7.11.2 The limited public charter school applicant shall have twenty (20) minutes to present its case to the State Board for approval of the proposed limited public charter school. The Chair of the State Board may grant additional time, if necessary.

7.11.3 Parties opposed to the limited public charter school application, if any, shall have twenty (20) minutes to present its case to the State Board for disapproval of the proposed limited public charter school. The Chair of the State Board may grant additional time, if necessary.

7.11.4 The limited public charter school applicant shall have five (5) minutes to respond to any arguments in opposition to the limited public charter school application. The Chair of the State Board may grant additional time, if necessary.

7.11.5 The State Board will follow the presentation with discussion of the limited public charter school application and questions, if any, to the limited public charter school applicant, opposing parties, or both.

7.11.6 The State Board may issue a final decision at the hearing or take the matter under advisement until a future scheduled board meeting.

7.12 State Board Hearing Procedures Related to **Limited** Public Charter Schools (State Board Modification, Probation or Revocation of Charter)

7.12.1 Not later than twenty (20) days prior to the State Board meeting at which the matter of modification, probation or revocation will be considered, the Department of Education shall provide written notice of the reason(s) for

the proposed action, as well as of the time and location of such hearing, to the limited public charter school.

7.12.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.

7.12.2 Arkansas Department of Education staff shall have twenty (20) minutes to present its case to the State Board for modification, probation, or revocation of a limited public charter school charter. The Chair of the State Board may grant additional time, if necessary.

7.12.3 The limited public charter school shall have twenty (20) minutes to present its case to the State Board for regarding the proposed modification, probation, or revocation of the limited public charter school charter. The Chair of the State Board may grant additional time, if necessary.

7.12.4 The State Board will follow the presentation with discussion of the matter and questions, if any, to representatives from the Department of Education, the conversion public charter school, or both.

7.12.5 The State Board may issue a final decision at the hearing or take the matter under advisement until a future scheduled board meeting.

## **8.00 RULES APPLICABLE TO THE CLOSURE OR DISSOLUTION OF PUBLIC CHARTER SCHOOLS**

### 8.01 Required Notices

8.01.1 No later than seven (7) days after the State Board votes to non-renew or revoke the charter, or the charter otherwise dissolves, the charter school or sponsoring entity shall furnish to the Department of Education:

8.01.1.1 A complete inventory of all personal property, real property, equipment, and fixtures owned or financed by the charter school, with documentation showing a description of each asset, serial number, tag number, location, estimated value, any encumbrance on the asset including recorded security interest or lien, and the source of funds for each purchase;

8.01.1.2 The account number and financial institution contact information for every account in which the charter school or sponsoring entity deposited any state or federal funds at any time, and complete bank statements for the twelve (12) months preceding the effective date of closure;

8.01.1.3 A complete list of all debts or obligations owed by the charter school and still outstanding as of the effective date of closure, including all outstanding checks or warrants;

8.01.1.4 A complete list of all accounts receivable owed to the charter school and still outstanding as of the effective date of closure; and

8.01.1.5 Complete contact information for every member of the charter school's board or governing entity.

8.01.2 No later than seven (7) days after the State Board votes to non-renew or revoke the charter, or the charter otherwise dissolves, the charter school or sponsoring entity shall send written notice of closure to:

8.01.2.1 The parents and legal guardians of all students;

8.01.2.2 All employees of the charter school;

8.01.2.3 All creditors of the charter school; and

8.01.2.3 Every school district in which any students of the charter school reside.

8.01.3 Every notice sent pursuant to Section 8.01.2 above must include:

8.01.3.1 The effective date of closure and last day of regular instruction; and

8.01.3.2 Contact information of the person employed or retained by the charter school or sponsoring entity to handle inquiries regarding the closure.

8.01.4 Parental notices sent pursuant to Section 8.01.2 must additionally include:

8.01.4.1 The student's school district of residence, and the contact information for that district's enrollment office;

8.01.4.2 A statement that parents should contact the resident school district or any charter school where the student intends to enroll and should ask that school or district to request transfer of the student's educational records from the closing charter school; and

8.04.4.3 Contact information for the individual or entity charged with storage of student records after the school's closure.

8.01.5 Employee notices sent pursuant to Section 8.01.2 must additionally include the date of termination of all employee benefits (health insurance, etc.), along with any COBRA or other documentation required by law.

8.01.6 The deadline for any notice required by this Section may be extended by the Department of Education Charter School Office for good cause.

8.02 Assets of Open-Enrollment Public Charter School as Property of State

8.02.1 Upon the dissolution, non-renewal, or revocation of an open-enrollment public charter, all net assets of the open-enrollment public charter school purchased with public funds, including any interest in real property, shall be deemed the property of the state, unless otherwise specified in the charter or by federal law.

8.02.2 The Commissioner of Education or his or her designee shall take all steps necessary to protect and recover any and all state assets in the possession or control of the former charter school or the sponsoring entity.

8.02.2.1 If any state or federal funds remain in any bank account(s) titled in the name of the charter school or sponsoring entity, the Commissioner of Education or his or her designee shall notify the financial institution that the account(s) holds state or federal funds and shall direct that the account(s) be immediately frozen, subject to further direction by the Commissioner or his or her designee.

8.02.2.2 Any funds remaining in any bank account(s) titled in the name of the charter school shall be presumed to be state or federal funds until such time as the sponsoring entity furnishes documentation showing otherwise.

8.02.2.3 The Commissioner or his or her designee shall secure and arrange for the recovery and storage of all personal property, equipment, and fixtures purchased or financed in whole or in part with any state or federal funds. Any personal property or equipment contained within the charter school facility shall be presumed to have been purchased or financed in whole or in part with state or federal funds until such time as the sponsoring entity furnishes documentation showing otherwise.

8.02.2.4 At all times, the charter school, the sponsoring entity, and their officers, agents, and employees, must protect the school's assets against theft, misappropriation, and deterioration.

### 8.03 Distribution of Property

8.03.1 Upon the dissolution, non-renewal, or revocation of an open-enrollment public charter, the following property shall be sold, unless the Commissioner of Education determines otherwise:

8.03.1.1 Real property or fixtures purchased or financed in whole or in part by the open-enrollment public charter school with state funds;

8.03.1.2 Real property or fixtures purchased or financed in whole or in part by the sponsoring entity with federal grant funds administered by the Department of Education, unless federal law requires some other method of distribution;

8.03.1.3 Personal property encumbered by a recorded security interest or lien and purchased or financed by the open-enrollment public charter school in whole or in part with state funds;

8.03.1.4 Personal property purchased or financed in whole or in part with state funds by an open-enrollment public charter school that never received federal funds and never directly benefited from a federal grant administered by the Department of Education; and

8.03.1.5 Any other personal property not distributed as provided by Sections 8.03.3 and 8.03.4 below.

8.03.2 The state has a perfected priority security interest in the net proceeds from the sale or liquidation of property sold pursuant to Section 8.03.1 above to the extent of the public funds used in the purchase. *For the purpose of this section, "net proceeds" means the sale proceeds remaining after the satisfaction of all lien, security, ownership, or other interests that supersede the state's interest.*

8.03.3 If the open-enrollment public charter school at any time operated an approved federal child nutrition program, all commodities and foodservice equipment purchased in whole or in part with federal funds or with nutrition program revenues shall be sold or transferred as directed by the Arkansas Department of Education Child Nutrition Unit.

8.03.4 If the open-enrollment public charter school or its sponsoring entity received a federal grant administered by the Department of Education, then all other personal property, including furniture, equipment and supplies, purchased with state or federal funds may be redistributed to other Arkansas public charter schools or traditional public schools as allowed by federal law.

#### 8.04 Distribution of Funds

8.04.1 Upon the dissolution, non-renewal, or revocation of an open-enrollment public charter, the Commissioner of Education or his or her designee shall assert control over any funds deemed the property of the state under Section 8.02 above.

8.04.2 In order to comply with federal and state law, the Commissioner of Education shall use such funds to satisfy the following obligations of the charter school in the order listed:

- 8.04.2.1 Domestic support obligations withheld from an employee's wages in compliance with a court order prior to the effective date of dissolution, non-renewal, or revocation;
- 8.04.2.2 Federal tax liens imposed by the Internal Revenue Code for taxes or payroll tax withholding owed;
- 8.04.2.3 Any state tax lien or certificate of indebtedness issued by the Arkansas Department of Finance and Administration for taxes or payroll tax withholding owed;
- 8.04.2.4 Any debt owed to the Arkansas Department of Education Child Nutrition Unit for penalties or reimbursement of overpayments;
- 8.04.2.5 Any debt owed to the Department of Education or other state agency for reimbursement of any other overpayment of federal funds;
- 8.04.2.6 Unpaid contributions to the Arkansas Teacher Retirement System accrued prior to the effective date of dissolution, non-renewal, or revocation;
- 8.04.2.7 Unpaid contributions to the Employee Benefits Division of the Arkansas Department of Finance & Administration accrued prior to the effective date of dissolution, non-renewal, or revocation; and
- 8.04.2.8 Unpaid employee wages accrued prior to the effective date of dissolution, non-renewal, or revocation in accordance with the school's salary schedule in effect as of the beginning of the current school year.
- 8.04.3 Any remaining funds deemed the property of the state under Section 8.02 above shall be deposited into the State Treasury to the credit of the Department of Education Public School Fund Account.

8.05 Distribution of Records

8.05.1 The charter school or sponsoring entity must promptly submit all student records to the transfer school, including:

8.05.1.1 Individualized Education Programs (IEPs) and all records regarding special education and supplemental services;

8.05.1.2 Student health / immunization records;

8.05.1.3 Attendance records;

8.05.1.4 Testing materials, including scores, test booklets, etc. required to be maintained by the School; and

8.05.1.5 All other student records.

8.05.1.6 All end-of-school-year grades and evaluations must be completed and made part of the student records, including any IEP, Committee on Special Education meetings, or progress reports.

8.05.1.7 To the extent that testing scores, etc. are schedule to arrive after the school closure, arrangements should be made with the testing agent to forward such material to the transfer school.

8.05.2 No later than thirty (30) days after closure or dissolution of the charter, the charter school or sponsoring entity shall send each employee of the charter school:

8.05.2.1 Copies of his or her contracts, evaluations, recommendation letters, and any other proof of employment and/or termination;

8.05.2.2 Documentation of staff development hours; and

8.05.2.3 Notice that employees must keep this documentation for their records as the state will have no way of providing proof of employment after the school is closed.

8.05.3 If the charter school operated an approved federal child nutrition program, all child nutrition records shall be delivered to the Arkansas Department of Education Child Nutrition Unit on a schedule established by the Unit.

8.05.4 Any student records remaining in the possession of the charter school or sponsoring entity, or in the possession of any other entity or individual designated by the charter school or sponsoring entity, shall be maintained in a manner sufficient to protect student privacy rights in accordance with the Federal Educational Rights and Privacy Act of 1974, as amended.

8.05.5 The sponsoring entity shall maintain all relevant corporate or governance records for at least five (5) years after the effective date of closure, specifically including but not limited to:

8.05.5.1 All board minutes, policies, and bylaws of the charter school board or governing entity;

8.05.5.2 Bonds, mortgages, loan agreements, and all other financing instruments;

8.05.5.3 Lease agreements;

8.05.5.4 Accounting and bank records;

8.05.5.5 Payroll and tax records as required by federal law;

8.05.5.6 Grant records as specified by 34 C.F.R. § 80.42 or other relevant federal or state law; and

8.05.5.7 Any other document required by law to be maintained.

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING PHYSICAL EDUCATION COURSE CREDIT FOR  
ORGANIZED PHYSICAL ACTIVITY COURSES**

July 2005

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**1.00 REGULATORY AUTHORITY**

- 1.01 These State Board of Education enacts these ~~regulations~~ rules are enacted pursuant to its authority as set forth in Arkansas Code Annotated Ark. Code Ann. §§ 6-11-105, 6-16-137, 6-16-141, and 25-15-2041 et seq. and Act 660 of the 85<sup>th</sup> General Assembly.

**2.00 DEFINITIONS**

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

- 2.01 “Content standards” means those curriculum course content standards identified and set out in the Department of Education Curriculum Frameworks. The term also includes any content standards developed under the Common Core State Standards and approved by the Department of Education.
- 2.02 “Curriculum frameworks” means those content-specific requirements identified and mandated pursuant to § 6-15-1501~~2~~ et seq. and the ~~Arkansas Standards of Accreditation~~ Standards for Accreditation of Arkansas Public Schools and School Districts. The term also includes any curriculum frameworks developed under the Common Core State Standards and approved by the Department of Education.
- 2.03 ~~“Declared school day and/or m~~Master schedule” means the official class schedule as required for students and staff in a specific Local Education Agency (LEA) location.
- 2.04 “Organized physical activity course” means a school course taught by an instructor ~~that~~ who is licensed or qualified in physical education pursuant to the rules of the State Board of Education and is a course that involves body movement produced by skeletal muscles resulting in energy expenditures through organized group or class activities.
- 2.05 “Qualified physical education instructor” means a person licensed to teach secondary physical education by the Arkansas Department of Education or those persons who hold the appropriate licensure to teach a Junior Reserve Officer Training Corps (JROTC) high school course as approved by the Arkansas Department of ~~Workforce~~ Career Education.

2.06 “Statement of assurance” means a written statement to be filed by the superintendent or chief academic officer by October 1 of each year with the Department of Education which ensures that the organized physical activity course is in compliance with the physical education course content standards and curriculum frameworks as required pursuant to § 6-15-1505 and the requirements of ~~subdivision~~ § 6-16-137(b)(2).

### 3.00 ELIGIBILITY

3.01 ~~Beginning in 2005-06 school year,~~ A student in grades nine through twelve (9-12) who participates in and successfully completes a an organized physical activity course in his or her school shall be eligible to receive the one-half (1/2) unit of course credit for physical education credit required for graduation provided if:

3.01.1 The organized physical activity course is aligned to the Department of Education’s physical education course content standards and curriculum frameworks; and

3.01.2 The organized physical activity course is verified by the superintendent of the school district or the chief administrative officer of an open-enrollment charter school who files a written statement of assurance with the Department of Education by October 1 of the school year as required by § 6-15-1505 stating that:

3.01.2.1 The instructor of the organized physical activity course is licensed or qualified in physical education pursuant to the rules of the State Board of Education;

3.01.2.2 The organized physical activity course is aligned to the Department of Education’s physical education course content standards and curriculum frameworks; and

3.01.2.3 The organized physical activity course is subject to the provisions of § 6-18-501 et seq.

3.02 The organized physical activity course shall take place during the regular school day to qualify for physical education credit, except for those organized physical activity courses outside the regular school day that are listed on the district’s master schedule.

- a. ~~The organized physical activity course is taught by a teacher currently employed by the school district who is licensed in physical education by the Arkansas Department of Education;~~
- b. ~~The organized physical activity course is aligned with the Department of Education's Physical Education course content standards and curriculum frameworks;~~
- e. ~~The superintendent of the school district or the chief administrative officer of the open enrollment charter school files a written statement of assurance with the Department of Education by October 1 of each school year certifying that the organized physical activity course meets all the requirements of law and this rule; and~~
- d. ~~The organized physical activity course shall take place during the declared school day or be listed on the school district's master schedule in order for the physical activity course to qualify for physical education credit.~~

#### **4.00 GRADUATION CREDIT**

- 4.01 A student is limited to only the one-half (1/2) ½ unit of physical education credit for graduation for the organized physical activity course and cannot use this course for any other physical education credit toward graduation.
- 4.02 A student must complete the entire semester and must receive a passing grade for the physical activity course to receive the one-half (1/2) ½ unit of physical education credit required for graduation.

#### **5.00 MONITORING**

- 5.01 The Department of Education is authorized to monitor, review documentation, request information, or require additional reports from public schools, school districts, open-enrollment charter schools, or school personnel in order to enforce compliance with this rule.

#### **6.00 SANCTIONS**

- 6.01 If it is determined by the Department of Education that any organized physical activity course allowed to be used for physical education credit by a student does not meet the Department of Education's physical education course content standards and curriculum frameworks, the school district or open-enrollment charter school may be cited or placed in probationary violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

~~Any organized physical activity course allowed to be used by a student that does not meet the Department of Education's physical education course content standards and curriculum frameworks may result in that school district or that open enrollment charter school's being cited or placed in probationary violation of the Standards for Accreditation of Arkansas Public Schools under the Quality Education Act of 2003, § 6-15-201 et seq.~~

- 6.02 If it is determined by the Department of Education that a superintendent or chief academic officer or any other certified personnel has knowingly provided false or misleading information in the statement of assurance required pursuant to § 6-16-137 and these rules, the State Board of Education may take appropriate action on the license of that individual pursuant to § 6-17-410. The Commissioner of Education, at his or her discretion, may also refer the superintendent or chief academic officer to the Professional Licensure Standards Board.

~~Any superintendent or chief academic officer or any other certified personnel that knowingly provides false or misleading information in the statement of assurance required under this rule may have appropriate action taken on the license of that individual pursuant to § 6-17-410.~~

## **7.00 PHYSICAL ACTIVITY COURSES NOT REQUIRED FOR ADEQUATE EDUCATION**

Notwithstanding the provisions of these rules, it is recognized by the General Assembly and the State Board of Education that organized physical activity courses as set forth in these rules are not a requirement for an adequate education and shall not be construed a core academic requirement of the State of Arkansas or of public school districts.

## **8.00 CREDIT FOR COMPLETING JUNIOR RESERVE OFFICER TRAINING CORPS**

A student who completes two (2) semesters of a Junior Reserve Officer Training Corps program shall receive credit for both of the following requirements for graduation from high school:

8.01 One-half (1/2) unit of physical education; and

8.02 One-half (1/2) unit of health and safety education.

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES GOVERNING CONCURRENT COLLEGE AND HIGH SCHOOL CREDIT FOR**  
**STUDENTS WHO HAVE COMPLETED THE EIGHTH GRADE**  
**December 13, 2010**

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**1.0 PURPOSE**

- 1.01 The purpose of these rules is to establish the requirements and procedures concerning concurrent college and high school credit for students who have completed the eighth grade.

**2.0 REGULATORY AUTHORITY**

- 2.01 These rules shall be known as the Arkansas Department of Education Rules Governing Concurrent College and High School Credit for Students Who Have Completed the Eighth Grade.
- 2.02 These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. § 6-11-105 and Ark. Code Ann. § 6-18-223.

**3.0 DEFINITIONS**

- 3.01 A student who “has successfully completed the eighth grade” is a student who has been promoted to the ninth grade.
- 3.02 A student in grades 9-12 is considered "enrolled" in a public secondary school so long as he/she is counted for average daily membership of the school pursuant to Ark. Code Ann. § 6-20-2303(3)(C).
- 3.03 “Private institution” is defined as an institution of higher education accredited by the Western Association of Schools and Colleges, Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Northwest Association of Schools and Colleges, or North Central Association of Colleges and Schools.

**4.0 ENROLLMENT GUIDELINES FOR STUDENTS WHO HAVE COMPLETED THE EIGHTH GRADE**

- 4.01 Any student who is enrolled in grades 9-12 in an Arkansas public school shall be eligible to enroll in a publicly supported community college, technical college, four-year college or university, or private institution in accordance with the rules and regulations adopted by the college or university.
- 4.02 Any public school student in grades 9-12 who enrolls in and successfully completes a course(s) offered by a publicly supported community college,

technical college, four-year college or university, or private institution shall be entitled to receive both high school and college grades and credit (credit earned by CLEP examination may not be counted as high school credit) toward graduation, as outlined in these regulations.

- 4.03 Students must comply with applicable enrollment or graduation requirements of the public high school.
- 4.04 Three semester hours of college credit taken by a student in grades 9-12 at a publicly supported community college, technical college, four-year college or university, or private institution shall be the equivalent of one-half unit of high school credit.
- 4.05 College credit earned at a publicly supported community college, technical college, four-year college or university or private institution by an eligible student shall be counted by the high school toward graduation, including credit earned through summer terms.
- 4.06 The student shall be responsible for all costs of higher education courses taken for concurrent college credit.

## **5.0 ~~2010-2011~~ 2011-2012 PILOT PROJECT**

- 5.01 For the ~~2010-2011~~ 2011-2012 school year only, three semester hours of college credit taken by a public school student in grade 12 at a publicly supported community college, technical college, four-year college or university, or private institution shall be the equivalent of one unit of high school credit in the same subject area which shall count toward high school graduation.
- 5.02 For the ~~2010-2011~~ 2011-2012 school year, a student in grade 12 who possesses an ACT score of 17 or 18 may enroll in developmental education courses in English, reading or mathematics at a publicly supported community college, technical college, four-year college or university, or private institution.
  - 5.02.1 A three-semester hour developmental education course shall be the equivalent of one-half unit of credit for a high school career focus elective.
  - 5.02.2 Public school students in grade 12 who successfully complete developmental education courses in English, reading and/or mathematics and who have an exit exam score of **19 or higher** on the ACT or an equivalent measure in that subject area will meet minimum state requirements for placement in college-level courses upon admission to a publicly supported community college, technical college, four-year college or university, or private institution.

- 5.02.3 If an Arkansas public college or university or private institution requires a course placement score greater than a score of 19 on the ACT or an equivalent measure, the public school student in grade 12 must meet that institution's admissions/placement requirements.
- 5.02.4 Public school students in grade 12 who are enrolled in developmental education courses will not be counted for higher education funding purposes.
- 5.03 Participation in this pilot program is voluntary. Nothing in this subsection shall be construed to require Arkansas public schools, publicly supported community colleges, technical colleges, four-year colleges or universities, or private institutions to participate in this pilot program.
- 5.04 This pilot program will be reviewed by the Arkansas Department of Education and the Arkansas Department of Higher Education. In July ~~2011~~ 2012, the Arkansas Department of Education and the Arkansas Department of Higher Education shall present its findings to the Arkansas State Board of Education.

**ARKANSAS DEPARTMENT OF EDUCATION**  
**Rules and Regulations Governing**  
**Limited English Proficiency Funding**  
Revised April 2000

**1.00—Regulatory Authority**

1.01— These regulations shall be known as the Arkansas Department of Education Rules and Regulations Governing Limited English Proficiency Funding.

1.02— These regulations are enacted pursuant to the State Board of Education's authority under Arkansas Code Annotated 6-11-105 (Repl. 1999) and 6-20-301 et seq. (Repl. 1999).

**2.00—Purpose of Regulations**

2.01— The purpose of these regulations is to provide funding for services to Limited English Proficient (LEP) students enrolled in public schools across the state.

**3.00—Definitions**

3.01— ADE: Arkansas Department of Education

3.02— LEP: Limited English Proficient

3.03— ESL: English as a Second Language

3.04— Eligible LEP student: Student currently identified as LEP under section 4.02

**4.00—Funding Procedures**

4.01— Funds will be distributed based on the number of students that have been identified as LEP.

4.02— Identification will be based on the use of an English proficiency assessment instrument from the following list:

4.02.1— LAS (Language Assessment Scales)

4.02.2— IDEA (IPT Idea Proficiency Test)

~~4.02.3—Woodcock-Munoz~~

~~4.02.4—Maculaitis Assessment of Competencies~~

~~4.02.5—Language Assessment Battery~~

~~4.02.6—An assessment instrument of the district's choice approved by the Arkansas Department of Education that has been shown to be effective in determining language proficiency.~~

~~4.03—Prior to the determination of the eligible LEP student funding factor, the State Department of Education may set a portion of the LEP funds each fiscal year for providing training for LEP teachers, ADE personnel, and other staff supporting district LEP programs. This set aside shall be used for the training of teachers and staff who work with LEP students; lodging, food and materials for participants in LEP training seminars; consultants; and other materials.~~

~~4.04—The funds available for this purpose will be divided by the eligible LEP students to establish a per eligible LEP student funding factor.~~

~~4.05—Districts will receive LEP funding based on the number of eligible LEP students for that year times the established LEP student funding factor for that current year.~~

## **5.00—Use of Funds**

**~~Districts are to limit the use of LEP funding to the following priority areas related to instruction:~~**

~~5.01—Salaries for ESL skilled instructional services (not supplanting district financial obligations for providing teachers for LEP students)~~

~~5.02—Funds for teacher training, consultants, workshops, ESL course work~~

~~5.03—Released time for planning, program selection, ESL program development~~

~~5.04—Selection and purchase of language appropriate instructional and supplemental (enrichment) materials for LEP students (including computer-assisted technology and library materials)~~

~~5.05—Counseling services, community liaison staff with language and cultural skills appropriate to the LEP population~~

~~5.06 Assessment activities which address identification, placement, and review of LEP student academic progress, as well as evaluation activities to determine~~

~~**6.00 Funds Carried Over**~~

~~1.1 Funds may be carried over but shall remain restricted to priority areas as defined \_\_\_\_\_ in Section 5.00.~~