



# ARKANSAS DEPARTMENT OF EDUCATION

## AGENDA STATE BOARD OF EDUCATION

December 12, 2011

Arkansas Department of Education

Arkansas Department of Education Auditorium, State Education Building

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 Information 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 activities associated with college and career readiness.*

*Presenter: Dr. Laura Bednar*

### Consent Agenda

#### C-1 Minutes - November 14 and 15, 2011

*Presenter: Phyllis Stewart*

#### C-2 Adoption of State Board of Education Meeting Dates for Calendar Year 2012

*Arkansas statute requires that each constitutional board and commission set proposed meeting dates for the next calendar year at the last regular meeting of each calendar year. The State Board of Education has previously set the second Monday of each month as its regular meeting date.*

*Presenter: Phyllis Stewart*

#### C-3 Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan

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

Plan. The December report summarizes the PMT for November.

**Presenter:** John Hoy and Willie Morris

#### **C-4 Newly Employed, Promotions and Separations**

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

**Presenter:** Dr. Karen Cushman

#### **C-5 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 24 school districts covering a total of 38 teaching positions. Twelve school districts requested waivers for 13 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-6 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 refunding 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: Revolving Loans – 1 School Bus, 1 Construction; Commercial Bonds – 2 2nd Lien Bond Applications – Recommend Approval

**Presenter:** Cindy Hollowell and Amy Woody

#### **C-7 Consideration of Recommendation of the Professional Licensure Standards Board for Suspension of License for One Year and Fine of \$100 for Case #11-082 – Robin Elizabeth Carraway**

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending suspension of the teaching license of Robin Carraway for one year and a fine of \$100 for violation of Standard 4: An educator entrusted with public funds and property honors that trust with honest, responsible stewardship. Ms. Carraway was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated August 10, 2011 but failed to respond. An email response was obtained stating only that she received the notifications sent to her. The timeline for any hearing has now passed.

**Presenter:** Michael Smith

### **Action Agenda**

#### **A-1 Arkansas Better Chance for School Success 2011-12**

Pursuant to Act 49, the Division of Child Care and Early Childhood Education requests the temporary transfer of 38 slots from Cossatot Community College's ABC program to the DeQueen/Mena Cooperative ABC program for the period of December 17, 2011 through June 30, 2012. The Division received written notification from Cossatot Community College that they will be voluntarily closing their ABC program on December 16, 2011.

**Presenter:** Paige Cox, ABC Program Administrator

#### **A-2 Consideration of Classification of District in Fiscal Distress - Cutter-Morning Star**

Pursuant to Ark. Code Ann. §6-20-1905, the Cutter-Morning Star School District received notice by certified mail as being identified by the Arkansas Department of Education for Fiscal Distress status. The identification, recommendation for classification, and any appeal would be presented at the December 12, 2011, State Board meeting. The District was informed at that time that they could not incur any future debt obligations without prior written approval from ADE.

The deadline for appeal is November 28, 2011. As of November 23, 2011, ADE has not been notified of an appeal by the District.

The Department recommends that Cutter-Morning Star School District be classified as being in Fiscal Distress as of December 12, 2011.

**Presenter:** Kathleen Crain

### **A-3 Consideration of Classification of District in Fiscal Distress - Hermitage School District**

Pursuant to Ark. Code Ann. §6-20-1905, the Hermitage School District received notice by certified mail as being identified by the Arkansas Department of Education for Fiscal Distress status. The identification, recommendation for classification, and any appeal would be presented at the December 12, 2011, State Board meeting. The District was informed at that time that they could not incur any future debt obligations without prior written approval from ADE.

The deadline for appeal is November 28, 2011. As of November 23, 2011, ADE has not been notified of an appeal by the District.

The Department recommends that Hermitage School District be classified as being in Fiscal Distress as of December 12, 2011.

**Presenter:** Kathleen Crain

### **A-4 Hearing for PLSB Case # 11-034 – Gary Thompson**

After an evidentiary hearing, the Professional Licensure Standards Board Ethics Subcommittee found that Gary Thompson, Athletic Director for the Clarksville School District, violated Standard 4 of the Code of Ethics which states “[a]n educator entrusted with public funds and property honors that trust with honest, responsible stewardship.” The Ethics Subcommittee recommended one year’s probation of his license and a \$75 fine for violation of Standard 4. Mr. Thompson requested a de novo hearing before the State Board. He is represented by Mark Burnette.

**Presenter:** Katherine Donovan

### **A-5 Consideration of Recommendation of Suspension of Educators’ Licenses for Unpaid PLSB Fines**

The following list of educators have not paid the fines ordered by the State Board for violation of the Code of Ethics. At their regularly scheduled meeting in October, the PLSB voted to recommend the State Board suspend these educators’ licenses until their fines are paid. The PLSB staff has made every effort to contact these teachers and their districts (if they are currently employed by a school district). Under the Administrative Procedures Act § 25-15-217(d), the State Board is authorized to suspend an educator’s license until they comply with the State Board ordered fines.

Case #	Name	Date of Board Action	Amount of Fine
09-007	Julie Woods	3/16/09	\$100
09-059	Kristen Skaggs	11/9/09	\$75

09-079	Joe Bob Wise	2/14/11	\$100
10-010	James Kendig, Jr.	7/12/10	\$100
10-073	Albert Camp	7/12/10	\$75
10-078	Nathan Page	3/10/11	\$100
10-079	Robert Almond	3/14/11	\$75
10-101	Brenda Taylor	4/11/11	\$50
10-126	Emily A. Sullivan	9/12/11	\$75
11-004	Cyndi Najar	2/14/11	\$100
11-053	Lindsay A. Williams	9/12/11	\$100

**Presenter:** Katherine Donovan

## **A-6 Consideration of Approval of Revised PE/Health Frameworks**

*Revisions to the Physical Education and Health Frameworks are submitted for review in accordance with the frameworks revision schedule approved by the State Board of Education. Arkansas educators, school administrators, curriculum specialists, and higher education faculty contributed to the completion of these Frameworks from July 11, 2011, to September 23, 2011. The revision includes physical education and health courses and grade-by-grade student learning expectations for K-8 physical education and health as required by the Standards for Accreditation.*

**Presenter:** Dr. Laura Bednar and Dr. Tracy Tucker

## **A-7 Consideration of Approval for Public Comment: Repeal of Arkansas Department of Education Rules and Regulations Governing Attendance at Instructional Professional Development Sessions Toward Fulfillment of the Five (5) Days of Required Staff Development**

*These rules were approved by the State Board December 8, 1995, and have not been amended since that time. The rules are based on old law and have been superseded by the Department's Rules Governing Professional Development. Arkansas Department of Education staff respectfully requests that the State Board approve and release for public comment the proposed repeal of these rules.*

**Presenter:** Mark White

## **A-8 Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing Professional Development**

*These rules are proposed to be revised to incorporate new requirements imposed by Acts 770, 989, 1002, 1146, 1150, 1214, and 1236 of 2011. Arkansas Department of Education staff respectfully requests that the State Board approve and release these proposed revisions for public comment.*

**Presenter:** Mark White

## **A-9 Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds**

*These rules govern the distribution of categorical funds to local school districts, including Alternative Learning Environment (ALE), National School Lunch Act (NSLA), English Language Learner (ELL), and Professional Development (PD) funding. The rules are being revised to implement changes made by Acts 879, 993, 1118, and 1220 of 2011. Department staff respectfully request the State Board to approve and release these proposed rules for public comment.*

**Presenter:** Mark White

**A-10**      **Consideration of Approval for Second Public Comment Period: Revisions to Arkansas Department of Education Rules Governing Teacher Licensure by Reciprocity**

*On September 12, 2011, the State Board approved and released for public comment proposed revisions to these Rules to implement the many changes made by Act 1178 of 2011. As a result of comments received during the public comment period, the Department has substantially modified the proposed revisions. The Department respectfully requests that these proposed rules as modified by approved for a second public comment period.*

*Presenter: Dr. Karen Cushman and Mark White*

**A-11**      **Consideration of Approval for Second Public Comment Period: Revisions to Arkansas Department of Education Rules Governing the Non-Traditional Licensure Program**

*On September 12, 2011, the State Board approved and released for public comment proposed revisions to these Rules to implement the many changes made by Act 1178 of 2011. As a result of comments received during the public comment period, the Department has substantially modified the proposed revisions. The Department respectfully requests that these proposed rules as modified by approved for a second public comment period.*

*Presenter: Dr. Karen Cushman and Mark White*

**A-12**      **Consideration of Final Approval: Revisions to 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. The State Board approved and released these revisions for public comment October 10, 2011. One comment was received during the public comment period. The only change that has been made is to correct a grammatical error in § 5.06. Arkansas Department of Education staff respectfully requests that the State Board give final approval to these proposed revisions.*

*Presenter: Mark White*

**A-13**      **Consideration for Final Approval: 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, it became necessary to make several technical corrections to the rule, last approved by the State Board of Education (State Board) in July 2005. The State Board released the proposed rules for public comment on October 10, 2011. A public hearing was held in the Auditorium of the Arch Ford Education Building on November 2, 2011. The public comment period expired on November 17, 2011. Arkansas Department Education (ADE) staff received public comments concerning the proposed rules. A summary of the public comments and ADE responses is attached to this agenda item. ADE staff made no revisions to the rule in response to the public comments. ADE staff respectfully requests that the State Board give final approval to the proposed rules.*

*Presenter: Dr. Laura Bednar and Jeremy Lasiter*

**A-14**      **Consideration for Final Approval: 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, it became necessary to make several technical corrections to the rule last approved by the State Board of Education (State Board) in May 2007. The State Board released the proposed rules for public comment October 10, 2011. A*

public hearing was held in the Auditorium of the Arch Ford Education Building October 25, 2011. The public comment period expired November 17, 2011. Arkansas Department Education (ADE) staff received public comments concerning the proposed rules. A summary of the public comments and ADE responses is attached to this agenda item. ADE staff made no revisions to the rule in response to the public comments. ADE staff respectfully requests that the State Board give final approval to the proposed rules.

**Presenter:** John Hoy and Jeremy Lasiter

**A-15**      **Consideration for Final Approval: 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, it became necessary to make several technical corrections to the rule last approved by the State Board of Education in May 2004. The State Board released the proposed rules for public comment September 12, 2011. A public hearing was held in the Auditorium of the Arch Ford Education Building September 28, 2011. The public comment period expired October 19, 2011. Arkansas Department Education (ADE) staff received public comments concerning the proposed rules. A summary of the public comments and ADE responses is attached to this agenda item. ADE staff made minor revisions to the rule in response to the public comments. The revisions are highlighted for State Board review. ADE staff respectfully requests that the State Board give final approval to the proposed rules.

**Presenter:** John Hoy and Jeremy Lasiter

**A-16**      **Consideration for Final Approval: Proposed Rules Governing the Issuance of Subpoenas by the Arkansas State Board of Education**

Ark. Code Ann. § 6-17-425 provides the State Board of Education (State Board) with the authority to issue subpoenas. It is advisable for the State Board to have a rule governing the issuance of subpoenas. The State Board released the proposed rules for public comment October 10, 2011. A public hearing was held in the Auditorium of the Arch Ford Education Building October 25, 2011. The public comment period expired November 17, 2011. Arkansas Department Education (ADE) staff received no public comments to the proposed rules. ADE staff respectfully requests that the State Board give final approval to the proposed rules.

**Presenter:** Jeremy Lasiter

**A-17**      **Consideration for Final Approval: Proposed Rules Governing the School Superintendent Mentoring Program**

Act 586 of 2011 created the Superintendent Mentoring Program and required the State Board of Education (State Board) to establish rules to implement the program. The State Board released the proposed rules for public comment September 12, 2011. A public hearing was held in the Auditorium of the Arch Ford Education Building September 27, 2011. The public comment period expired October 21, 2011. Arkansas Department Education (ADE) staff received public comments concerning the proposed rules. A summary of the public comments and ADE responses is attached to this agenda item. ADE staff made minor revisions to the rule in response to the public comments. The revisions are highlighted for State Board review. ADE staff respectfully requests that the State Board give final approval to the proposed rules.

**Presenter:** Dr. Karen Cushman

**A-18**      **Consideration for Final Approval: Revisions to ADE Rules Governing Required Training for School Board Members**

In its meeting of November 14, 2011, the State Board gave final approval to revisions of this rule. Subsequently, the Department's staff discovered that a needed change had been inadvertently omitted -- applications for program

approval are now completed online and not in paper. Exhibit "A" to the rule has been revised to reflect the online submission process. Department staff respectfully request the State Board to give final approval to the rule revisions as modified.

**Presenter:** Mark White

## **A-19 Consideration for Final Approval: Proposed Rules Governing Public Charter Schools**

Acts 987, 989 and 993 significantly amended the Arkansas Charter Schools Act. Those statutory amendments, combined with the recent recommendations made to the State Board of Education (State Board) by the National Association of Charter School Authorizers, make it necessary to revise the current public charter school rules. Currently, the Arkansas Department of Education (ADE) maintains two separate public charter school rules. One rule addresses open-enrollment and conversion public charter schools and the other addresses limited public charter schools. The ADE recommends that the current rules be repealed and replaced with the new, proposed rules that address open-enrollment, conversion and limited public charter schools.

The State Board first approved these proposed rules for public comment June 13, 2011. ADE staff made several revisions to the proposed rules based upon comments received during the public comment period and upon corrections ADE staff determined should be made to the proposed rules. Consequently, the State Board released the revised rules for a second public comment period October 10, 2011. A public hearing was held in the Auditorium of the Arch Ford Education Building November 2, 2011. The public comment period expired November 17, 2011. ADE staff received public comments concerning the proposed rules. A summary of the public comments and ADE responses is attached to this agenda item. ADE staff made no revisions to the rule in response to the second round of public comments. ADE staff respectfully requests that the State Board give final approval to the proposed rules.

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

## **A-20 Consideration for Final Approval: Repeal of Current Arkansas Department of Education Rules Governing Limited Public Charter Schools**

Arkansas Department of Education (ADE) staff recommends that the current rule pertaining to limited public charter schools be repealed so that it can be replaced with a new public charter school rule that includes open-enrollment, conversion and limited public charter schools. The State Board of Education (State Board) approved the proposed repeal for public comment on June 13, 2011. A public hearing was held in the Auditorium of the Arch Ford Education Building on June 20, 2011. The public comment period expired on July 14, 2011. ADE staff received no public comments to the proposed repeal. ADE staff respectfully requests that the State Board give final approval to the proposed repeal.

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

## **A-21 Consideration for Final Approval: Repeal of Current Arkansas Department of Education Rules Governing Public Charter Schools**

Arkansas Department of Education (ADE) staff recommends that the current rule pertaining to public charter schools be repealed so that it can be replaced with a new public charter school rule that includes open-enrollment, conversion and limited public charter schools. The State Board of Education (State Board) approved the proposed repeal for public comment June 13, 2011. A public hearing was held in the Auditorium of the Arch Ford Education Building June 20, 2011. The public comment period expired July 14, 2011. ADE staff received no public comments to the proposed repeal. ADE staff respectfully requests that the State Board give final approval to the proposed repeal.

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

**Consideration for Emergency Adoption: Arkansas Department of Education Rules Governing the Administration of Glucagon to Arkansas Public School Students Suffering from Diabetes**

*The State Board of Education (State Board) approved a version of these rules for public comment during its November 2011 meeting. Based upon a request made by the legislative sponsor of the underlying statute, Arkansas Department of Education (ADE) staff recommends that the State Board approve the attached rule on an emergency basis. On December 1, 2011, the Arkansas State Board of Nursing adopted its version of the rule on an emergency basis. Adopting the rule on an emergency basis will allow consistent application of the rule and will make it possible for school districts to begin training immediately.*

**Presenter:** *Dr. Laura Bednar and Jeremy Lasiter*

**Minutes**  
**State Board of Education Meeting**  
**Monday, November 14, 2011**

The State Board of Education met Monday, November 14, 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; Toyce Newton; Mireya Reith; Vicki Saviers; Dr. Tom Kimbrell, Commissioner; and Kathy Powers, Teacher of the Year

Absent: None

**Reports**

**Chair's Report:**

Ms. Mahony reported having attended the PromiseNet Conference held in Pittsburg, Pennsylvania. She said the conference provided an opportunity to learn from experiences of others throughout the country. She noted Arkansas was on the cutting edge in connecting student achievement and economic development.

Ms. Gullett described the NASBE annual conference as a focus on international learning. She said it was an excellent opportunity to get ideas from other countries on improving student achievement. She also noted the work of Dr. Debbie Bruick, Assistant Superintendent in the Bryant School District, to get school leaders up to speed on the Common Core State Standards.

**Commissioner's Report**

Commissioner Kimbrell said the U.S. Department of Education was requiring states seeking flexibility of No Child Left Behind to design waiver plans after meeting with a wide range of groups including teachers, students, business leaders, community organizations and others. He announced the five locations for meetings the Arkansas Department of Education would host to get advice and reaction to possible elements of the state's plan. At the same time, the state will seek input on what the rules should be for the teacher excellence support system.

The meeting schedule is: November 21 at the Alma Middle School Cafeteria; November 29 at Henderson State University; December 1 at the Southeast Arkansas Education Service Cooperative; December 5 at Arkansas State

University; and December 6 at Maumelle High Schools. Two sessions will be held each day—1:30-3:30 p.m. and 5-7 p.m.

### **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, said PARCC had recently released model content frameworks for educators to use and provide feedback on in the spring. She also announced the Department would host the first Common Core Institute December 8. The Institute will focus on the seven action areas of the CCSS strategic plan. District and school teams have the choice of participating in a variety of ways—in person, via CIV, live streaming or later by taking the online course.

Ms. Saviers asked how the School Improvement Grants (SIG) were helping those low performing schools.

Dr. Bednar said some of the schools were seeing more improvement than others as a result of strong district and school leadership. She reported visiting one of the districts recently with Commissioner Kimbrell to address concerns.

Ms. Gullett asked if the implementation of Common Core State Standards could help bring about change in those schools.

Dr. Bednar said higher standards and technology could be an opportunity to see some of the situations improve. She pointed out SIG will not correct all ills of those districts and schools.

Ms. Newton said she would like to see information on charter schools located in areas near schools with School Improvement Grants. She said she would like to know how the SIG schools were responding.

### **Consent Agenda**

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

Items included in the Consent Agenda:

- Minutes of the October 10, 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
- Progress Report on the Status of Districts Classified in Fiscal Distress

- Sanction for Teachers as Recommended by the Professional Licensure Standards Board
  - Chet Pike
  - Tara Chantelle Kegley
  - Laura Renee Ferguson
  - Michael Arlie Clark
  - Connie Noreen Sisk
  - Lynda Leon Miller
  - Debby Lou Holobaugh

**Action Agenda**

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

**Appeal of Denial of School Choice Eligibility - Donaldson**

At the request of the appellant, this item was withdrawn and pulled from the agenda.

**Appeal of Denial of School Choice Eligibility - Reede**

At the request of the appellant, this item was withdrawn and pulled from the agenda.

**Consideration of Removal of Armorel School District from Fiscal Distress Classification Effective November 14, 2011**

The Armorel School District was classified in fiscal distress for the 2010-2011 school year. Department staff reported the District had met all criteria for removal from fiscal distress.

Ms. Mahony moved, seconded by Mr. Cooper, to remove the Armorel School District from fiscal distress status effective November 14, 2011. The motion carried unanimously.

**Consideration of Removal of Yellville-Summit School District from Fiscal Distress Classification Effective November 14, 2011**

The Yellville-Summit School District was classified in fiscal distress for the 2010-2011 school year. Department staff reported the District had met all criteria for removal from fiscal distress.

Ms. Gullett moved, seconded by Mr. Cooper, to remove the Yellville-Summit School District from fiscal distress status effective November 14, 2011. The motion carried unanimously.

### **Hearing on Waiver Request for Certified Teacher License—Minta Lynch**

Katherine Donovan, PLSB attorney, said Ms. Lynch asked that the hearing be continued to the January 2012 State Board meeting giving an opportunity for a response to her request to DHS to remove her name from the Child Maltreatment Registry.

Mr. Cooper moved, seconded by Ms. Saviers, to continue the hearing to the January meeting. The motion carried unanimously.

### **Hearing on Waiver Request for Certified Teacher License—Rodney Major**

Ms. Donovan said Rodney Major's license was revoked in AL and MS, but had since been reinstated by each state. He had a felony conviction in Alabama that was pardoned. Mr. Major failed to report that he was convicted of a felony and that his license had been revoked in another state. She said under Ark. Code Ann. § 6-17-410(c), the State Board could revoke, suspend or order probation of a license for a teacher who had been convicted of a felony theft of property, even if the offense was pardoned. In addition, under section (d) of the same statute, the Board could revoke, suspend or order probation of a license if an educator's license had been revoked in another state or if an educator knowingly submits or provides false or misleading information or knowingly fails to submit or provide information requested or required by law.

Ms. Donovan said the Board had considered Mr. Major's request at previous meeting and voted to table the request. She asked for a motion to take the request from the table.

Mr. Ledbetter moved, seconded by Mr. Cooper, to take the request from the table. The motion carried unanimously.

Ms. Donovan said the Board would need a motion to waive the disqualifying offense.

Mr. Ledbetter moved, seconded by Ms. Reith, to waive the disqualifying offense. The motion carried unanimously.

Mr. Ledbetter moved, seconded by Mr. Cooper, to allow Mr. Major to obtain a license with the stipulation of probation period of two years, no problems or no other qualifying convictions or violations of code of ethics.

Ms. Gullett noted the two revocations had been overturned and said Mr. Major should be granted an Arkansas license. Mr. Cooper seconded the motion

Mr. Ledbetter withdrew his motion.

A vote on Ms. Gullett's motion to grant Mr. Major an Arkansas teacher license passed unanimously.

Ms. Donovan said the Board would need to waive the omission of information on the application.

Ms. Newton moved, seconded by Ms. Mahony, to waive the omission of information in Mr. Major's application. The motion carried unanimously.

### **Hearing on Waiver Request for Certified Teacher License—Bobbie McLean**

At the request of the teacher, this item was pulled from the agenda.

### **Hearing on Waiver Request for Certified Teacher License—Scott Wright**

Ms. Donovan reported Scott Wright's license was revoked by the Missouri Department of Education for violation of his teaching contract. Under Ark. Code Ann. § 6-17-410(d), when an educator's license has been revoked in another state, the State Board of Education is authorized, for cause, to revoke a license permanently, suspend a license for a period of time or indefinitely or place a person on probationary status for a terminable period of time. She said the Board could consider what action, if any, it chooses to take against Mr. Wright's license.

Mr. Cooper moved, seconded by Ms. Newton, to grant Scott Wright an Arkansas teacher license. The motion carried unanimously.

### **Consideration of Recommendation for New Praxis II Cut Score for Reading Specialist (0301)**

Dr. Karen Cushman, Assistant Commissioner for HR and Licensure, presented a recommendation for a cut score of 164 for the new Praxis II Reading Specialist.

Ms. Gullett moved, seconded by Ms. Reith, approval. The motion carried unanimously.

### **Waiver of Requirement to Teach Oral Communication for School Districts that Adopt the New Tech Network Approach**

Dr. Tracy Tucker, Director of Curriculum, presented a request to grant school districts implementing the New Tech Network model in high schools a waiver of the stand-alone courses in oral communication. The waiver would apply to the 2012-2013 school year only.

Mr. Black moved, seconded by Ms. Mahony, approval of the waiver. The motion carried unanimously.

**Consideration of Approval for Public Comment: Proposed New Rules Governing the Administration of Glucagon to Arkansas Public School Students Suffering from Type 1 Diabetes (A-11)**

Act 1204 of 2011 allows trained volunteer school personnel to administer Glucagon injections in emergency situations to public school students who suffer from Type 1 Diabetes. The Act directs the State Board and the Arkansas State Board of Nursing to adopt rules implementing the Act. The Board was requested to approve and release for public comment the proposed new rules.

**Consideration of Approval for Public Comment: Proposed Rules Governing Background Checks and License Revocation; Proposed Repeal of Rules Governing Criminal Background Checks for Substitute Teachers; Proposed Repeal of Rules Governing the Requirement of a Criminal Background Check for the Employment of Personnel in School Districts; and Proposed Repeal of Arkansas State Board of Education Policy and Procedures Concerning Teacher Licensure Hearings (A-12)**

The Department's rules governing criminal background checks for applicants for licensure and school employment were last amended in April 2008. Since that time, the Legislature made numerous significant changes to the background check process, including the addition of the Child Maltreatment Central Registry check. The proposed rules are intended to replace the existing Rules Governing the Requirement of a Criminal Background Check for the Employment of Personnel in School Districts, the existing Rules Governing Criminal Background Checks for Substitute Teachers, and the existing State Board procedures for teacher licensure hearings. The substantive provisions from the existing rules have been revised in the new rule for clarity and to incorporate legislative changes from the 2009 and 2011 legislative sessions. The Board was requested to approve and release for public comment the proposed new rules and the repeal of the three existing rules.

**Consideration of Approval for Public Comment: Proposed Rules Governing Eligibility and Financial Incentives for Certified Speech-Language Pathologists (A-13)**

Ark. Code Ann. § 6-17-413 provides for yearly incentive bonuses to be paid to speech-language pathologists employed by a school or education service cooperative and are nationally certified. Act 1035 of 2011 creates repayment requirements for pathologists who receive an incentive bonus but fail to remain employed with a school or cooperative for at least three years. The proposed rule revisions implement the requirements of the Act. The Board was requested to approve and release the proposed rule revisions for public comment.

**Consideration of Approval for Public Comment: Proposed Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001 (A-14)**

Act 1178 of 2011 made significant changes in the area of non-traditional licensure and reciprocity, and it created a new type of license, the Provisional Professional Teaching License. The proposed rule revisions implement changes required by Act 1178, to correct outdated test references, and to clarify definitions. The Board was requested to approve and release the proposed rule revisions for public comment.

**Consideration of Approval for Public Comment: Proposed Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an Average Daily Membership of 1,000 or Fewer (A-15)**

These rule revisions implement definitional changes required by Act 1135 of 2011. In addition, two deadlines are being moved back -- the deadline for the Department to identify high-priority districts is being moved from September 1 to February 15, and the deadline for districts to submit their list of eligible employees is being moved from July 1 to June 1. The date changes are being made to allow payment of the incentive bonuses during the same fiscal year when they are earned. The Board was requested to approve and release for public comment the proposed rule revisions.

**Consideration of Approval for Second Public Comment Period: Proposed Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools (A-16)**

The Arkansas Department of Education Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools, last approved by the State Board in 2007, need to be updated to be in accordance with applicable federal and state law. In its meeting of June 13, 2011, the State Board approved and released for public comment proposed revisions to the Rules. As a result of comments received during the public comment period, the Department has substantially modified the proposed revisions. The Board was requested to release the proposed rules as modified for a second public comment period.

Mr. Ledbetter moved, seconded by Ms. Gullett, to release for public comment the above-proposed rules (A-11 – A-16). The motion carried unanimously.

### **Consideration of Final Approval: 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. A public hearing was held in the Auditorium of the Arch Ford Education Building on September 28, 2011, and no oral comments were received. The State Board was requested to give final approval to the proposed revisions.

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

### **Consideration of Final Approval: Proposed Rules Governing Instructional Materials**

The State Board approved these rules for public comment on September 12, 2011. A public hearing was held on September 28, 2011, in the ADE Auditorium. The public comment period expired October 19, 2011. Written and oral comments were received. A change was made to Section 3.03.3 as a result of the comments. The State Board was requested to give final approval to the rules.

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

### **Consideration of Final Approval: Proposed Rules Governing Loan and Bond Applications**

The State Board approved these rules for public comment September 12, 2011. A public hearing was held October 18, 2011, in Room 201-A of the Arch Ford Building. The public comment period expired October 21, 2011, with no oral or written comments received. The State Board was requested to give final approval to the rules.

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

### **Consideration of Final Approval: 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. A public hearing

was held in Room 201-A of the Arch Ford Education Building October 18, 2011, and no oral comments were received. The State Board was requested give final approval to the proposed revisions.

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

### **Consideration of Final Approval: Proposed Rules Governing Training for School Board Members**

The State Board approved these rules for public comment August 8, 2011. A public hearing was held September 14, 2011, in the ADE Auditorium. The public comment period expired September 16, 2011. Written and oral comments were received. No changes were made to the rule as a result of the comments. The State Board was requested to give final approval to the rules.

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

### **Consideration of Final Approval: Repeal of Rules and Regulations Governing Expenditure Requirements by Arkansas School Districts (A-22)**

The State Board approved the repeal of these rules for public comment September 12, 2011. The repeal of Ark. Code Ann. § 6-20-310 makes the repeal of this rule necessary. A public hearing was held October 18, 2011, in Room 201-A of the Arch Ford Building. The public comment period expired October 21, 2011, and no written or oral comments were received. The State Board was requested to give final approval to the repeal of the rules.

### **Consideration of Final Approval: Repeal of Rules Governing Requirements of Personnel Policies, Dated January 2002 (A-23)**

The provisions of this rule have been rewritten and incorporated into the new Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites. A public hearing was held in Room 201-A of the Arch Ford Education Building October 18, 2011, and no comments were received. The State Board was requested to give final approval to the repeal of these rules.

### **Consideration of Final Approval: Repeal of Rules Implementing Ark. Code Ann. 6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c), 6-20-319(4)(b) (A-24)**

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. A public hearing was held in Room 201-A of the Arch Ford Education Building October 18, 2011, and no comments were received. The State Board was requested to give final approval to the repeal of the rules

Mr. Cooper moved, seconded by Ms. Newton, final approval of A-22, A-23 and A-24. The motion carried unanimously.

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

These rules are being amended to reflect new audit requirements for open-enrollment public charter schools as mandated by Acts 981 and 993 of 2011. A public hearing was held in Room 201-A of the Arch Ford Education Building October 18, 2011, and no comments were received. The Board was requested to give final approval to these proposed rule revisions.

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

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

These rules are being 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. A public hearing was held in Room 201-A of the Arch Ford Education Building October 18, 2011, and no oral comments were received. Minor changes were made subsequent to the comment period to correct grammatical errors and add two clarifications. The rules were also reformatted for ease of reading. The Board was requested to give final approval to the proposed rule revisions.

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

**Consideration of Final Approval: Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites**

The Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites 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. A public hearing was held in Room 201-A of the Arch Ford Education Building October 18, 2011. Written comments were received; however, no oral comments were received. The State Board was requested to give final approval to the rules.

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

### **Consideration of Final Approval: Rules Governing the Regulatory Basis of Accounting**

The Rules Governing the Regulatory Basis of Accounting were amended to reflect changes made by 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." A public hearing was held in Room 201-A of the Arch Ford Education Building October 18, 2011, and no comments were received. The State Board was requested to give final approval to the rules.

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

### **Consideration of Final Approval: Rules Governing the Calculation of Miscellaneous Funds**

The Rules Governing the Calculation of Miscellaneous Funds were amended to reflect changes made by Act 266 of 2011, which clarified definitions related to bonded debt assistance for school districts. A public hearing was held in Room 201-A of the Arch Ford Education Building October 18, 2011, and no comments were received. The State Board was requested to give final approval to the rules.

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

### **Consideration of Final Approval: Rules Governing Distance Learning and Repeals of Rules Governing Distance Learning (August 11, 2003); Rules Governing Availability of Distance Learning (May 24, 2004); and Rules Governing Grants for Distance Learning (June 14, 2004)**

The State Board approved these rules and repeals for public comments September 12, 2011. Currently, the Arkansas Department of Education maintains four separate rules governing distance learning. This rule combines all four rules into one rule governing distance learning. A public hearing was held in the ADE Auditorium on September 28, 2011. The public comment period ended October 19, 2011, with no oral or written comments received. The State Board was requested to give final approval to the rules and repeals.

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

### **Consideration of Final Approval: Proposed Rules Governing the Distribution of Supplemental Transportation Funds**

The State Board approved these rules for public comment September 12, 2011. A public hearing was held in Room 201-A of the Arch Ford Building October 18, 2011. The public comment period expired October 21, 2011, with no oral or written comments received. The State Board was requested to give final approval to the rules.

Ms. Newton moved, seconded by Ms. Reith, final approval of the rules. The motion carried unanimously.

### **Hearing of Open Enrollment Charter Application Appeal and ADE Review: Special Training in Remedial Instruction and Vocational Education (STRIVE) Institute of Technology, Marianna, Arkansas**

Dr. Mary Ann Duncan, Charter School Coordinator, introduced an open enrollment charter school application from STRIVE Institute of Technology to be located within the Lee County School District in Marianna, Arkansas.

Senator Jack Crumbly, founder of the school, said the school would serve up to 200 students in grades 9-12. He said the school would target a five-county region of east Arkansas high school students who have been expelled, dropped out of school or are in legal trouble.

Board members were complimentary of the concept for the school but expressed concern that the proposal only fully met five of the charter school standards, partially met 11 standards and did not meet five. The Board indicated there needed to be more transparency and detail in the financial information.

Dr. Kimbrell said the Charter Review Council reviewed the applications and materials and then met with applicants in October. He explained that at the request of the State Board and on the advice of NACSA, the Review Council had issued advisory opinions for the first time.

Ms. Mahony moved, seconded by Ms. Saviers, to give the school's organizers time to work with the Charter Review Council and come back to the Board in January 2012. It was stipulated that MOUs from the nine schools in the area would need to be included in the revised proposal. The motion carried unanimously.

Mr. Black and Ms. Gullett left the meeting at this time.

## **Hearing of Open Enrollment Charter Application Appeal and ADE Review: KidSmart Bilingual Education Academy, Little Rock, Arkansas**

Dr. Duncan presented an open enrollment charter school application from KidSmart Bilingual Education Academy to be located within the Little Rock School District in Little Rock, Arkansas.

Tiffany Pettus, spokesperson for the school, said teachers would use Spanish and English in providing instruction to a maximum of 600 students in grades K-5. She said the school would use a model curriculum and assessment program aligned to the Common Core State Standards.

Board members questioned the qualifications of the teaching staff. Ms. Reith pointed out that there is a difference in being fluent in Spanish and being able to teach academic courses in the language.

Chris Heller, an attorney for the Little Rock School District, spoke on behalf of the District in opposition to the proposed charter school. Mr. Heller restated the District's opposition to charter schools in Pulaski County because they hinder desegregation efforts.

Little Rock attorney Jess Askew spoke in favor of the proposal saying the school is designed for a minority and a free and reduced lunch population and would not have an adverse impact on the Little Rock School District.

Mr. Cooper moved, seconded by Ms. Mahony, to deny the application. The motion carried unanimously.

### **Adjournment**

The meeting adjourned at 4:05 p.m.

*These minutes were recorded by Phyllis Stewart.*

**Minutes**  
**State Board of Education Meeting**  
**Tuesday, November 15, 2011**

The State Board of Education reconvened its November meeting 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; Sam Ledbetter; Alice Mahony; Toyce Newton; Mireya Reith; Vicki Saviers; Dr. Tom Kimbrell, Commissioner; and Kathy Powers, Teacher of the Year

Absent: Ms. Brenda Gullett

**Action Agenda**

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

**Hearing of Open Enrollment Charter Application Appeal and ADE Review: Premier High School of Texarkana, Texarkana, Arkansas**

Dr. Mary Ann Duncan, Charter School Coordinator, introduced an open enrollment charter school application from Premier High School of Texarkana to be located within the Texarkana School District in Texarkana, Arkansas. Dr. Duncan said the school, proposed by Responsive Education Solutions based in Lewisville, Texas, would serve up to 200 students in grades 9-12

Mr. Charles Cook, Chief Executive Officer of Responsive Education Solutions, said his company's high schools serve a high percentage of students who have been unsuccessful in traditional schools by keeping the student-teacher ratio low.

Board members asked why ResponsiveEd chose to locate in Texarkana.

Mr. Cook said his company was initially approached by a pastor in Texarkana interested in providing educational options to students. He noted Texarkana High School's long history on the state's list of academically troubled schools and the school's higher than average dropout rate.

University of Arkansas professor Gary Ritter said Arkansas High School ranked 239 out of 252 in the state in terms of graduation rates.

Robin Stover, Arkansas High School principal, and other school officials described the school's efforts to improve student behavior and achievement and raise the

graduation rate. They reported 248 of the school's 252 seniors graduated last year. In addition, the district provides an alternative school with flexible scheduling of academic courses taught by state-certified teachers, career training and advisory sessions.

Texarkana Mayor Wayne Smith spoke in opposition to the school because of its downtown location and the possibility of students waiting long periods of time without transportation.

Senator Steve Harrelson objected to the possibility of Texas teachers coming to the charter school without Arkansas certification.

Mr. Cooper moved, seconded by Ms. Saviers, to approve the application. The motion failed four to three in a roll call vote.

Reith-no  
Newton-yes  
Saviers-yes  
Ledbetter-no  
Black-no  
Cooper-yes  
Mahony-no

Ms. Reith said she wasn't convinced the school could succeed without community support.

Mr. Ledbetter said the applicant chose the Texarkana community because of proximity to its Texas headquarters. He also said the Texarkana School District recognizes its needs and is better able to direct students into a recovery program.

Ms. Mahony and Mr. Black indicated their approval of the school district's alternative program and the effort to reach that population of students.

Mr. Cooper left the meeting at this time.

**Hearing of Open Enrollment Charter Application Appeal and ADE Review:  
The Diploma School of Jonesboro, Jonesboro, Arkansas**

Dr. Duncan presented an open enrollment charter school application from The Diploma School of Arkansas to be located within the Jonesboro School District in Jonesboro, Arkansas.

Ms. Sally Wilson, President of the Board of Directors for Osceola Communication, Business and Arts Inc., the sponsoring organization, said the school would serve up to 300 students in grades 11-12. She said the school was designed to provide

day and night classes giving students flexibility to work, receive job training and meet family responsibilities while attaining a diploma. Students could earn up to three credits in each six-week semester.

Jonesboro School District Superintendent Dr. Kim Wilbanks and other Craighead County superintendents explained how they had worked together to open an alternative school for students from their districts and an adult education programs in their communities.

Board members expressed concern about the organization's ability to be successful.

Ms. Newton moved, seconded by Ms. Reith, to deny the application. The motion carried unanimously.

**Hearing of Open Enrollment Charter Application Appeal and ADE Review:  
The Diploma School of West Memphis, West Memphis, Arkansas**

Dr. Duncan introduced the application of The Diploma School of West Memphis, a proposed open-enrollment public charter school to be located within the West Memphis School District in West Memphis, Arkansas. The school would serve up to 300 students in grades 11-12.

Ms. Wilson explained the proposal was designed similarly to The Diploma School of Jonesboro and would give students in the West Memphis area an option for attaining a diploma.

West Memphis High School Principal Jon Collins said West Memphis coordinates with the Marion School District to provide an alternative school that offers services similar to what the charter school would provide.

Ms. Mahony moved, seconded by Ms. Newton, to deny the application. The motion carried unanimously.

**Adjournment**

The meeting adjourned at 2:15 p.m.

*These minutes were recorded by Phyllis Stewart.*

**ARKANSAS STATE BOARD OF EDUCATION  
CALENDAR**

January 2012 - December 2012

<b>AGENDA ITEMS IDENTIFIED / ITEM DETAILS DRAFTED</b>	<b>ATTACHMENTS / MATERIALS TO BE POSTED ON NOVUSAGENDA DUE</b>	<b>DATE OF SUBMISSION TO WEB</b>	<b>MEETING DATE</b>
December 16, 2011	December 21, 2011	December 30, 2012	January 9, 2012
January 20, 2012	January 25, 2012	February 3, 2012	February 13, 2012
February 17, 2012	February 22, 2012	March 2, 2012	March 12, 2012
March 16, 2012	March 21, 2012	March 30, 2012	April 9, 2012
April 20, 2012	April 25, 2012	May 4, 2012	May 14, 2012
May 18, 2012	May 23, 2012	June 1, 2012	June 11, 2012
June 15, 2012	June 20, 2012	June 29, 2012	July 9, 2012
July 20, 2012	July 25, 2012	August 3, 2012	August 13, 2012
August 17, 2012	August 22, 2012	August 31, 2012	September 10, 2012
September 14, 2012	September 19, 2012	September 28, 2012	October 8, 2012
October 19, 2012	October 24, 2012	November 2 , 2012	November 12, 2012
November 16, 2012	November 21, 2012	November 30, 2012	December 10, 2012



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

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

IMPLEMENTATION PHASE ACTIVITY

**I. Financial Obligations**

- A. As of October 31, 2011, State Foundation Funding payments paid for FY 11/12 totaled \$16,883,805 to LRSD, \$9,541,002 to NLRSD, and \$11,732,229 to PCSSD.
- B. As of October 31, 2011, the Magnet Operational Charge paid for FY 11/12 totaled \$4,091,195. The allotment for FY 11/12 was \$15,001,049.
- C. As of October 31, 2011, the M-to-M incentive checks paid for FY 11/12 totaled \$891,692 to LRSD, \$1,112,970 to NLRSD, and \$1,952,376 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. As of September 30, 2011 all buses have been delivered. Little Rock received 7-65 passenger busses and 1-47 passenger with lift bus. Pulaski County Special received 1-65 passenger bus, 4-47 passenger busses and 1-47 passenger with lift bus. North Little Rock received 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 October 13, 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. Morris also discussed that a monitoring instrument has been developed for use with PCSSD. The instrument has been through the ADE legal department for approval and is currently at the Attorney Generals' Office under review. Once approved, Mr. Morris will take a team of monitors to PCSSD and will utilize the new monitoring instrument in order to help them better address the 9 areas of compliance that were designated non-unitary. Mr. Jeremy Lasiter, ADE General Council for Legal Services, updated the group on his trip to St. Louis where the 8<sup>th</sup> Circuit Court heard the appeals for LRSD, NLRSD, and PCSSD. No decision was made on the appeals. Mr. Lasiter said Judge Miller really liked the PMT and stressed that it will be very important for us to continue documenting everything this way. Mr. Morris informed the group that Judge Miller has stepped down and Judge Marshall is now presiding over this case. The next Implementation Phase Working Group Meeting is scheduled for January 5, 2012 at 1:30 p.m. in room 201-A at the ADE.

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

Ongoing. All court pleadings are monitored monthly.

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

In 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 November 14, 2011, the Arkansas State Board of Education reviewed and approved the PMT and its executive summary for the month of October.

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

On October 17-20, 2011 Questar did a webinar to provide training for the online Algebra I retest: two sessions for the technology requirements and two sessions for the test administration procedures.

On November 3-4, 2011 the ADE provided training for educators and administrators with research-based, effective first best practices for closing the achievement gap for English Language Learners (ELLs). The workshop was intended to provide a platform for differentiated instruction utilizing effective ESL strategies and methodology leading to measurable achievement in English acquisition for ELLs. The training took place at the Doubletree Hotel in Little Rock.

On November 3, 2011 Catherine Mackey provided training for all school districts on the new Framework for K-12 Science Education and the development of the Next Generation Science Standards. The training took place at the State House Convention Center.

## **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 November 9, 2011, ADE made a site visit at Boone Park Elementary and Crestwood Elementary in the North Little Rock School District to provide professional development for teachers. The visit included classroom observation and post conference. The focus was the literacy block.

On November 10, 2011, ADE made a site visit at Park Hill Elementary in the North Little Rock School District to provide professional development for teachers. There was classroom observation focused on the literacy block.

On November 14, 2011, ADE made a site visit at Indian Hills Elementary in the North Little Rock School District to provide professional development for teachers. The visit included classroom observation and post conference. The focus was the literacy block.

On November 15, 2011, ADE made a site visit at Lakewood Elementary in the North Little Rock School District to provide professional development for teachers. The visit included classroom observation and post conference. The focus was the literacy block.

On November 16, 2011, ADE made a site visit at Crestwood Elementary in the North Little Rock School District to provide professional development for teachers. The visit included classroom observation and post conference. The focus was the literacy block.

**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

**X. Financial Assistance to Minority Teacher Candidates (Continued)**

MTS Race	Male Count	Male Award	Female Count	Female Award	Total Count	Total 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 Race	Male Count	Male Award	Female Count	Female Award	Total Count	Total 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 October 17, 2011 at the ADE. A report was presented at the meeting that showed ADE employees in grades C121 to C130 by race and section for the quarter ending September 30, 2011. A graph was also presented that showed the percentage of black, white and other employees for the ADE as a whole and by division. During the quarter ending September 30, 2011, the following three groups met the Desegregation Agreement target of 25% black: Central Administration, Academic Accountability, and Research & Technology. The ADE as a whole was 20% black.

**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 November 16, 2011 the ADE held a Desegregation Monitoring and Assistance Plan Meeting. Those in attendance were Margie Powell, Willie Morris, Rodney Matheney, Dr. Linda Remele, Dr. Robert Clowers and Dr. Brenda Bowles. During the meeting the following items were discussed:

- Mr. Morris, ADE, provided a monitoring instrument he developed that will be used for monitoring the District's areas of non-compliance as it relates to Plan 2000. He stated that he would be meeting with personnel with Plan 2000 responsibilities to monitor compliance.
- Dr. Bowles inquired if these monitoring responsibilities will be coordinated with ODM to ensure that we are all on the same page. She also inquired, again, about the status of the State providing Professional Development for teachers with atypically high discipline rates. Dr. Bowles asked for a list of State Department personnel to assist with Pathwise training, including the dates/times, so that the training could be scheduled. The District is going through Statewide accreditation, implementing core curriculum, and ensuring that we are complying with desegregation commitments; the District is strained for personnel and time, and assistance is needed.
- Ms. Powell asked if Dr. Bowles had put anything in writing to Dr. Guess requesting additional assistance with Plan 2000 compliance obligations.
- Concerns were expressed that in the State's monitoring tool some of the language was not aligned with Plan 2000 and some items listed had already been complied with, i.e. the building of a school on 145<sup>th</sup> Street.
- Concerns were expressed about the District's high rates of discipline. Dr. Bowles shared the 1<sup>st</sup> quarter discipline data from Sylvan Hills High school; discipline rates for this high school were very high, however the imposition of discipline was equitable and the school had implemented additional interventions prior to suspending students. She also shared how time consuming the analysis of discipline data is and that resources were limited.
- Dr. Bowles shared with Mr. Morris that a copy of the State's monitoring tool would be provided to the Superintendent's Cabinet for response and that the responses would be provided to him upon receipt.
- Dr. Bowles shared that the Student Climate Inventory (SCI) survey responses for all 11<sup>th</sup> and 12<sup>th</sup> grade black males would be disaggregated and analyzed to work towards compliance with Section F. (4) Discipline. Dr. Bowles also shared how the District was trying to show good faith efforts to meet the requirements contained in that portion of the desegregation plan. She asked the question to ODM and ADE if those efforts would be acceptable; a definitive answer was not established.

The next meeting is tentatively scheduled for **Wednesday, November 30, 2011 at 2:30 p.m.** in the Equity and Pupil Services Conference room.

**NEWLY EMPLOYED FOR THE PERIOD OF OCTOBER 22, 2011 – NOVEMBER 18, 2011**

\*Erica Baldwin – Administrative Specialist III, Grade C112, Division of Learning Services, Special Education, effective 10/31/11.

\*Aleta Fletcher – Senior Auditor, Grade C119, Academic Accountability, Desegregation Monitoring, effective 10/31/11.

\*Brittney Green – Administrative Specialist II, Grade C109, Division of Learning Services, Special Education, effective 11/07/11.

Andrea Jobe – Accounting Coordinator, Grade C121, Fiscal and Administrative Services, Fiscal Distress, effective 11/14/11.

Siobh Wilkerson – Administrative Specialist II, Grade C109, Division of Learning Services, Charter/Home School, effective 11/07/11.

**PROMOTIONS/LATERAL TRANSFERS FOR THE PERIOD OF OCTOBER 22, 2011 – NOVEMBER 18, 2011**

Kathleen Crain – from ADE Assistant to Director, Grade C129, Fiscal and Administrative Services, APSCN, to Assistant Commissioner Fiscal and Administrative Services (Interim), Grade N912, Fiscal and Administrative Services, effective 10/31/11.

Patrice Gross – from Public School Program Advisor, Grade C122, Division of Learning Services, School Improvement, to Public School Program Advisor, C122, Division of Learning Services, Charter/Home School (Lateral), effective 10/31/11.

Linda Kanthak – from Administrative Analyst, Grade C115, Human Resources/Licensure, Time and Leave, to Research Project Analyst, C117, Human Resources/Licensure, Time and Leave, effective 11/14/11.

\*Brandon McClinton – from Administrative Specialist I, Grade C106, Human Resources/Licensure, Time and Leave, to Administrative Specialist III, Grade C112, Human Resources/Licensure, Time and Leave, effective 10/31/11.

**SEPARATIONS FOR THE PERIOD OF OCTOBER 22, 2011 – NOVEMBER 18, 2011**

\*Deborah Bland – Public School Program Advisor, Grade C122, Division of Learning Services, School Improvement, effective 10/31/11 - 14 years, 0 months, 11 days. Code: Retirement

Amanda Dunaway – Administrative Specialist III, Grade C112, Division of Learning Services, Gifted and Talented, effective 11/04/11 - 1 year, 9 months, 9 days. Code: 01

\*Angelica Scott – Administrative Specialist III, Grade C112, Academic Accountability, effective 11/18/11 – 5 years, 3 months, 17 days. Code: 01

\*Minority

**AASIS Codes:**

01 – Voluntary Termination

02– Involuntary Termination

Retirement

Waivers for Teachers Teaching Out of Area for more than 30 Days  
December 2011 Board Agenda

LEA	District	# Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs	
							ALP	Granted/ Denied
3201	Batesville School District	2	Fredricks, Susan	Elem 1-6, Social Studies 7-12	307	English As A Second Language P-8	11-12	Granted
0401	Benton Civitan Center	1	Cornwell, Stacie	ECE P-4, Elem K-6	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
4304	Cabot School District	1	Fusselman, Wendy	ECE P-4, Middle Childhood Education, FACS	230	Sp Education Instructional Specialist 4-12	11-12	Granted
4901	Caddo Hills School District	2	Kelly, Mary Jo	MS English/Social Studies	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
5204	Camden Fairview School Dist.	1	Cole, Robin	English 7-12; G/T 7-12	305	Gifted & Talented P-8	09-10, 10-11, 11-12	Granted
5802	Dover School District	1	Pennington, Janet	Business Ed, Business Technology, Social Studies	411	Career Orientation Endorsement 7-12	11-12	Granted
4603	Fouke School District	1	Johnson, Amy	Middle Childhood Education	411	Career Orientation Endorsement 7-12	11-12	Granted

Waivers for Teachers Teaching Out of Area for more than 30 Days  
December 2011 Board Agenda

LEA	District	# Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
5205	Harmony Grove School District	1	Minton, Billy	Agricultural Science	411	Career Orientation Endorsement 7-12	11-12	Granted
6001	Little Rock School District	6	Brosch, Christina	Middle Childhood Education	209	Algebra I Endorsement 8	11-12	Granted
			Dujardin, Chris	Social Studies	002	English/Language/Social Studies 4-8	11-12	Granted
			Dujardin, Chris	Social Studies	168	Science/Mathematics 4-8	11-12	Granted
			Kearney, Deidra	ECE P-4, Middle Childhood Education	300	Guidance & Counseling 7-12	11-12	Denied
			McCloud, Kawana	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			McCloud, Kawana	ECE P-4	166	English/ Language/ Arts 7-12	11-12	Granted
1402	Magnolia School District	1	Moore, Anita	Special Ed 4-12	412	Career Preparation 7-12	11-12	Granted
3004	Malvern School District	1	McGhee, Brandy	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
	Methodist Children's Home	2	Wright, Charisa	Family & Consumer Science, Adult Ed	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Wallace, Paula	ECE P-4, Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	11-12	Granted
2607	Mountain Pine School District	1	Blees, Terry	PE, Coaching, Driver's Ed,	235	Physical Education, Wellness & Leisure P-8	10-11, 11-12	Granted
1611	Nettleton School District	1	Young, Kimberly	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
3403	Newport School District	1	Honey, Larry Wade	Middle Childhood Education	312	Building Administrator P-8	11-12	Granted
4203	Paris School District	1	O'Toole, Sean	Business Education	224	Business Technology 4-8	11-12	Granted
3505	Pine Bluff School District	3	Bell, Tinika	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Gant, Candace	ECE P-4	305	Gifted & Talented P-8	11-12	Granted
			Gant, Candace	ECE P-4	306	Gifted & Talented 7-12	11-12	Granted

Waivers for Teachers Teaching Out of Area for more than 30 Days  
December 2011 Board Agenda

LEA	District	# Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
6006	Pulaski Co. Spec. School Dist.	3	Gilliamme, John	Life/Earth Science, Chemistry, Physical Science, Bldg. Adm.	169	Physical /Earth Science 7-12	11-12	Granted
			Harris, Sherry	MS English/Social Studies; Secondary English	167	Social Studies 7-12	11-12	Granted
			Reid, Jennifer	ECE P-4	170	Life/Earth Science 7-12	11-12	Granted
0104	Stuttgart School District	1	Nethery, Bonita	MS Math	308	English As A Second Language 7-12	10-11, 11-12	Granted
4605	Texarkana School District	2	Lowrey, Kristy	PE/Wellness/Leisure, Coaching	168	Science/Mathematics 4-8	11-12	Granted
			McLain, Aftan	ECE P-4	305	Gifted & Talented P-8	11-12	Granted
	The Community School, Inc.	1	Geoffrion, Kelly	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
		<b>Waivers Requested This Month</b>						
<b>24</b>	<b>Districts Requesting Waivers This Month</b>	<b>38</b>						
		<b>Total Number of Waivers Requested This Month</b>						
		<b>36</b>						
		<b>Total Number of Waivers Denied This Month</b>						
		<b>2</b>						
		<b>Total Waivers Requested This Month</b>						
		<b>38</b>						

Long Term Substitutes Requested

December 2011

LEA	District	# Waivers	Substitute Name	Subject	Teacher of Record	Granted/D enied
2202	Drew Central School District	1	Pope, Sam	Chemistry Pre-AP & AP	Collins, Phil	Granted
2104	Dumas School District	1	Ward, Richard Wayne	Special Education	Freeman, Christi	Granted
7203	Fayetteville School District	1	Miskell, Jodie	Special Education	White, Jacqueline	Granted
0203	Hamburg School District	1	Pope, Meghan	Language Arts 7/8	Bannister, Alicia	Granted
0503	Harrison School District	1	Campbell, Vallery	Fifth Grade	Gripka, Amanda	Granted
5903	Hazen School District	1	Sims, Marilyn	Special Education	Carpenter, Lindsay Marie	Granted
1608	Jonesboro School District	1	Turner, Nan	East Lab	Quinn, Greg	Granted
3104	Mineral Springs School District	1	Gamble, Richard	Agricultural Science	Hart, Rick	Granted
3505	Pine Bluff School District	1	Armour, Tyrone	4th Grade	White, Claudette	Granted
	Rivendell/AltaCare	1	Strohbeln, Myla	Special Education	Halladay, Daniel	Granted
1803	West Memphis School District	2	Winter, Patti	Special Education	Reavely, Glenda	Granted
	Stokes, April			Physical Science	Person, James	Granted
	Youth Home, Inc.	1	Goyne, Adam	Special Education	Rasner, Carolyn	Granted
<b>12</b>	<b>Districts Requesting Substitute Waivers This Month</b>	<b>13</b>	<b>Long Term Substitute Waivers Requested This Month</b>		<b>Long Term Substitute Waivers Requested</b>	<b>13</b>

## **Section 1**

### **Revolving Loans to School Districts**

Pursuant to Arkansas Code Annotated § 6-20-802, school districts may borrow from the Revolving Loan Program for any of the following purposes:

- (1) Funding of its legally issued and outstanding postdated warrants;
- (2) Purchase of new or used school buses or refurbishing school buses;
- (3) Payment of premiums on insurance policies covering its school buildings, facilities, and equipment in instances where the insurance coverage extends three (3) years or longer; and replacement of or payment of the district's pro rata part of the expense of employing professional appraisers as authorized by § 26-26-1901 et seq. or other laws providing for the appraisal or reappraisal and assessment of property for ad valorem tax purposes;
- (4) Making major repairs and constructing additions to existing school buildings and facilities;
- (5) Purchase of surplus buildings and equipment;
- (6) Purchase of school sites for and the cost of construction thereon of school buildings and facilities and the purchase of equipment for the buildings;
- (7) Purchase of its legally issued and outstanding commercial bonds at a discount provided that a substantial savings in gross interest charges can thus be effected;
- (8) Refunding of all or any part of its legally issued and outstanding debt, both funded and unfunded;
- (9) Purchase of equipment;
- (10) Payment of loans secured for settlement resulting from litigation against a school district;
- (11) The purchase of energy conservation measures as defined in Title 6, Chapter 20, Subchapter 4; and
- (12) (A) The maintenance and operation of the school district in an amount equal to delinquent property taxes resulting from bankruptcies or receiverships of taxpayers and for loans to school districts in an amount equal to insured facility loss or damage when the insurance claim is being litigated or arbitrated.  
(B) For purposes of this subdivision, the loans become payable and due when the final settlement is made, and the loan limits prescribed by § 6-20-803 shall not apply.

The maximum amount a school district may borrow is \$500,000 (A. C. A. § 6-20-803). Revolving loans are limited to a term of ten (10) years (A. C. A. § 6-20-806).

**STATE BOARD OF EDUCATION MEETING  
DECEMBER 12, 2011  
APPLICATIONS FOR REVOLVING LOANS**

**REVOLVING LOAN APPLICATIONS:**

<b>1 Bus</b>	<b>\$</b>	<b>75,000.00</b>
<b>1 Construction</b>	<b>\$</b>	<b>99,000.00</b>

**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS  
 REVOLVING LOANS  
 BUS  
 RECOMMEND APPROVAL**

<b>DISTRICT</b>	<b>COUNTY</b>	<b>ADM</b>	<b>AMOUNT OF APPLICATION</b>	<b>TOTAL DEBT W/THIS APPLICATION</b>	<b>DEBT RATIO</b>	<b>PURPOSE</b>
Western Yell County	Yell	476	\$75,000	\$2,925,785	7.87%	Purchasing a school bus.

**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS  
REVOLVING LOANS  
CONSTRUCTION  
RECOMMEND APPROVAL**

<b>DISTRICT</b>	<b>COUNTY</b>	<b>ADM</b>	<b>AMOUNT OF APPLICATION</b>	<b>TOTAL DEBT W/THIS APPLICATION</b>	<b>DEBT RATIO</b>	<b>PURPOSE</b>
Western Yell County	Yell	476	\$99,000	\$2,925,785	7.87%	Replacing out of date light fixtures on both campuses with energy efficient fixtures and replacing the floor of the physical education facility at the high school.

## **Section 2 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  
DECEMBER 12, 2011  
APPLICATIONS FOR COMMERCIAL BONDS**

**COMMERCIAL BOND APPLICATIONS:**

<b>2 2nd Lien</b>	<b>\$</b>	<b>1,995,000.00</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>DEBT RATIO</b>	<b>PURPOSE</b>
Beebe	White	3,199	\$1,570,000	\$19,400,000	11.03%	Constructing a new classroom building at the middle school and renovating the Agri and GCE buildings at the junior high school (\$1,500,000), cost of issuance and underwriter's discount allowance (\$70,000) with any remaining funds to be used for other capital projects and equipment purchases.
Concord	Cleburne	458	\$425,000	\$3,177,000	6.19%	Constructing a bus garage, renovating the exiting cafeteria into classrooms, and constructing covered walkways (\$403,750) and cost of issuance and underwriter's discount allowance (\$21,250) with any remaining funds to be used for constructing, refurbishing, remodeling and equipping school facilities.

**Cutter-Morning Star School District**  
**LEA # 2601**  
**Garland County**

**Fiscal Distress Indicators and Additional Concerns:**

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

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>Lance Robinson</b>	<b>Lance Robinson</b>	<b>Lance Robinson</b>	<b>Lance Robinson</b>
4 QTR ADM	683	673	675	622
Assessment	33,566,868	34,467,094	38,539,128	38,902,378
Total Mills	39.80	39.50	39.50	39.50
Total Debt Bond/Non Bond	5,847,646	5,682,292	5,503,880	5,522,257
Per Pupil Expenditures	7,794	7,776	7,868	9,115
Personnel-Non-Fed Certified FTE	64.58	67.03	65.90	n/a
Personnel-Non-Fed Certified Clsrm FTE	57.95	61.21	60.08	n/a
Avg Salary-Non-Fed Cert Clsrm FTE	39,559	39,285	39,474	n/a
Avg Salary-Non-Fed Cert FTE	42,216	41,808	42,029	n/a
Net Legal Balance (Excl Cat & QZAB)	794,277	438,862	495,425	227,317

\* Prior to Annual Statistical Report (ASR) publication for 2010-11.



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell  
*Commissioner*

October 25, 2011

**State Board  
of Education**

Dr. Naccaman Williams  
*Springdale  
Chair*

Dr. Ben Mays  
*Clinton  
Vice Chair*

Sherry Burrow  
*Jonesboro*

Jim Cooper  
*Melbourne*

Brenda Gullett  
*Fayetteville*

Sam Ledbetter  
*Little Rock*

Alice Mahony  
*El Dorado*

Toyce Newton  
*Crossett*

Vicki Saviers  
*Little Rock*

Mr. Lance Robinson, Superintendent  
Cutter Morning Star School District  
2801 Spring Street  
Hot Springs AR 71901

Dear Mr. Lance Robinson:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Cutter Morning Star School District has been identified by the Arkansas Department of Education (Department) as a school district in Fiscal Distress. According to Ark. Code Ann. § 6-20-1904, the Cutter Morning Star School District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress, including:

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

The Department will request that the State Board of Education (SBE) classify the Cutter Morning Star School District as being in Fiscal Distress at its meeting on December 12, 2011. The meeting will begin at 9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall in Little Rock, Arkansas.

Please find included in this mailing a copy of the Department's rules on Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program. This document outlines the identification and classification of Fiscal Distress. It also provides the process by which a district may appeal the classification of Fiscal Distress to the SBE. An appeal would be heard at the same December 12, 2011, SBE Meeting. Additional information may be found in Arkansas Code Ann. § 6-20-1901 et seq.

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

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

Fiscal Distress Identification  
Page 2

Should the district have questions or comments, please contact the Fiscal Distress Services, at (501) 682-5124.

Sincerely,



Hazel Burnett,  
ADE Coordinator Fiscal Distress Accountability and Reporting

HB:dgm

cc: Dr. Tom Kimbrell, Commissioner of Education  
Mr. Tony Wood, Deputy Commissioner of Education  
Jeremy Lasiter, General Counsel  
Mr. John Kunkel, Associate Director for Agency Finance  
Senator Bill Sample  
Representative John Vines  
Mr. Mark Rash, School Board President  
Mr. Dennis Hamilton  
Mr. Eddy Slick  
Mr. Mat Scully  
Ms. Donna Fincher



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell  
Commissioner

November 4, 2011

**State Board  
of Education**

Dr. Naccaman Williams  
Springdale  
Chair

Dr. Ben Mays  
Clinton  
Vice Chair

Sherry Burrow  
Jonesboro

Jim Cooper  
Melbourne

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Toyce Newton  
Crossett

Vicki Saviers  
Little Rock

Mr. Lance Robinson, Superintendent  
Cutter Morning Star School District  
2801 Spring Street  
Hot Springs AR 71901

Dear Mr. Lance Robinson:

On October 25, 2011, I sent you notice pursuant to Ark. Code Ann. § 6-20-1905 that Cutter Morning Star School District (District) has been identified by the Arkansas Department of Education (ADE) as a school district in fiscal distress. I notified you the District met the following criteria for fiscal distress as outlined in Ark. Code Ann. §6-20-1904: A declining balance determined to jeopardize the fiscal integrity of the school district. This letter is to further advise you that ADE provided this notification when it did because, pursuant to Ark. Code Ann. § 6-20-1905, ADE discovered that the above-listed fiscal condition of Cutter Morning Star School District negatively impacts the continuation of educational services by the District.

As noted in my October 25, 2011 letter, ADE will request that the State Board of Education (SBE) classify Cutter Morning Star School District as being in fiscal distress at its meeting on December 12, 2011. The meeting will begin at 9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall in Little Rock, Arkansas. An appeal by the District would be heard at the same December 12, 2011 meeting.

Should the district have questions or comments, please contact Fiscal Distress Services at (501) 682-5124.

Sincerely,

Hazel Burnett,  
ADE Coordinator Fiscal Distress Accountability and Reporting

HB:ddm

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

Fiscal Distress Identification  
Page 2

cc: Dr. Tom Kimbrell, Commissioner of Education  
Mr. Tony Wood, Deputy Commissioner of Education  
Jeremy Lasiter, General Counsel  
Mr. John Kunkel, Associate Director for Agency Finance  
Senator Bill Sample  
Representative John Vines  
Mr. Mark Rash, School Board President  
Mr. Dennis Hamilton  
Mr. Eddy Slick  
Mr. Matt Scully  
Ms. Donna Fincher

**Arkansas Department of Education  
Cutter-Morning Star School District  
General Operating Funds  
Summary**

<b>FY12 Budget (District revised as of 11/16/11)</b>			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	<b>Projected Balance 6/30/2012</b>
194,546	4,576,528	4,715,113	55,960
<b>FY12 Budget (per Sept. 30th cycle 1 deadline)</b>			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	<b>Projected Balance 6/30/2012</b>
194,546	4,326,528	4,598,109	<b>(77,036)</b>
<b>FY11 as of June 30, 2011 (Final)</b>			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	<b>Balance as of 6/30/2011</b>
486,488	4,717,884	5,009,826	194,546

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

Arkansas Department of Education  
Cutter Morning Star  
School District  
General Operating Funds  
Revenue

Revenue:		FY11 as of 6/30/2011	2011-12 Annual Budget	2011-12 Annual Budget (Revised)
11110	Property Taxes Current	760,343	950,000	950,000
11115	Property Taxes Relief	75,750	200,000	200,000
11120	Property Tax 36% by 6/30	220,389	0	200,000
11125	Property Tax Relief	168,635	0	50,000
11140	Property Tax Delinquent	56,430	25,000	25,000
11150	Excess Commission	31,858	15,000	15,000
11160	Land Redemption	51,176	25,000	25,000
11400	Penalties/Interest on Tax	2,407	1,200	1,200
11500	Unapportioned Taxes	2,700	1,200	1,200
12800	Rev In Lieu Of Taxes	0	0	0
14240	Fees From Vocational Ed	0	0	0
15100	Interest on Investments	16,045	0	0
19200	Private Contributions	0	0	0
19300	Sales of Supplies & Materials	0	0	0
19510	Other LEA Within State	46,706	0	0
19800	Refunds of Prior Yr. Expenditures	3,588	0	0
19900	Misc. Revenue from Local Sources	351	0	0
21100	City General Apportionment	0	0	0
21200	Severance Tax	72	0	0
21900	Other Rev From County	0	0	0
22000	Restricted Grants-In-Aid	0	0	0
31101	State Foundation Funding	3,127,513	2,890,821	2,890,821
31102	Enhanced Educational Fund	0	0	0
31103	98% URT	66,139	0	0
31450	Student Growth	0	0	0
31460	Declining Enrollment	0	154,798	154,798
31620	Supplement Millage	21,238	16,991	16,991
31900	Other	1,147	0	0
32226	High Priority	0	0	0
32232	AR School Recognition Program	0	0	0
32250	Teacher Enhancement Grant	6,576	0	0
32251	CWIP	0	0	0
32260	Game and Fish Funds	984	0	0
32310	Hand Child-Supv/Extend Yr.	2,770	0	0
32314	Extended School Year	0	0	0
32330	Non-Hand-Resid Treatment	0	0	0
32340	Hand-Resident Treatment	0	0	0
32350	Early Child/Medicaid Match	0	0	0
32355	Sp Ed Catastrophic	0	0	0
32361	G/T Advanced Placement	982	0	0
32430	Workforce Spec Needs Proj	723	0	0
32480	New Program start up	0	0	0
32710	ABC Grant	0	0	0
32912	General Facilities Fund	7,781	6,225	6,225
32915	Debt Service Supplement	45,580	40,293	40,293
32920	AGF/Wild School Yard	0	0	0
32990	Other Grants	0	0	0
41300	Rev In Lieu Of Taxes	0	0	0
42100	Forest Reserve	0	0	0
42200	Flood Control	0	0	0
51100	Proceeds From Bond Sale	0	0	0
51400	Current Loans	0	0	0

Arkansas Department of Education  
 Cutter Morning Star  
 School District  
 General Operating Funds  
 Revenue

Revenue:		FY11 as of 6/30/2011	2011-12 Annual Budget	2011-12 Annual Budget (Revised)
51900	Misc. Non Revenue	0	0	0
51999	Audit Adj prior year	0	0	0
52300	Transfer from Building Fund	0	0	0
52700	Transfer from Student Activity	0	0	0
52800	Transfers from Food Service Fund	0	0	0
53400	Compen-Loss Fixed Assets	0	0	0
56400	Extraordinary items	0	0	0
<b>Total Revenue</b>		<b>4,717,884</b>	<b>4,326,528</b>	<b>4,576,528</b>

Arkansas Department of Education  
Cutter Morning Star  
School District  
General Operating Funds  
Expenditures

Expenditures		FY11 as of 6/30/2011	2011-12 Annual Budget	2011-12 Annual Budget (revised)
<b>61000-62999</b>	<b>Salaries &amp; Benefits</b>	<b>3,761,802</b>	<b>3,613,155</b>	<b>3,608,761</b>
<b>Other:</b>				
<b>63120</b>	<b>Management Services</b>	0	0	0
<b>63130</b>	<b>Board of Ed Services</b>	3,992	4,000	4,000
<b>63210</b>	<b>Instructional</b>	8,226	200	200
<b>63220</b>	<b>Instructional program</b>	40,081	29,000	29,000
<b>63240</b>	<b>Student Assessment</b>	0	0	0
<b>63310</b>	<b>Certified/Prof Dev. Training</b>	370	700	700
<b>63320</b>	<b>Classified/Prof Training</b>	150	650	650
<b>63410</b>	<b>Pupil Services</b>	11,024	12,000	12,000
<b>63440</b>	<b>Legal</b>	0	0	0
<b>63441</b>	<b>Legal Defense District</b>	0	30	30
<b>63444</b>	<b>Legal Contract Prep</b>	0	0	0
<b>63445</b>	<b>Legal Advise</b>	15	0	0
<b>63450</b>	<b>Medical</b>	0	0	0
<b>63470</b>	<b>Architectural</b>	0	0	0
<b>63490</b>	<b>Other Professional Service</b>	0	0	0
<b>63510</b>	<b>Data Processing and Coding</b>	0	0	0
<b>63530</b>	<b>Software Support</b>	0	0	0
<b>63590</b>	<b>Other Technical Services</b>	0	0	0
<b>63900</b>	<b>Other Purc Prof Tech Serv</b>	2,951	16,467	17,197
<b>64110</b>	<b>Water/Sewer</b>	21,401	21,000	21,000
<b>64210</b>	<b>Disposal/Sanitation</b>	6,989	7,000	7,000
<b>64230</b>	<b>Custodial</b>	61,700	62,000	62,000
<b>64300</b>	<b>Repair &amp; Maintenance SVS</b>	0	0	38,038
<b>64310</b>	<b>Rep/Maint -Building &amp; Grounds</b>	69,706	33,350	33,598
<b>64320</b>	<b>Rep/Maint - Equip &amp; Vehicle</b>	4,590	1,400	1,400
<b>64410</b>	<b>Rental on Land &amp; Bldgs</b>	0	0	0
<b>64420</b>	<b>Rental Equip &amp; Vehicles</b>	163	170	170
<b>64500</b>	<b>Construction Services</b>	0	0	0
<b>64900</b>	<b>Other Purc Property Services</b>	1,958	2,000	2,000
<b>65210</b>	<b>Property Insurance</b>	23,191	23,000	26,662
<b>65220</b>	<b>liability Insurance</b>	4,620	4,700	4,700
<b>65240</b>	<b>Fleet Insurance</b>	4,154	4,200	4,200
<b>65250</b>	<b>Accident Ins for Students</b>	6,500	6,500	8,750
<b>65290</b>	<b>Other Insurance</b>	275	275	275
<b>65310</b>	<b>Telephone</b>	9,743	9,510	9,510
<b>65320</b>	<b>Postage</b>	2,049	1,970	2,270
<b>65330</b>	<b>Networking Internet Serv</b>	0	0	0
<b>65400</b>	<b>Advertising</b>	1,527	0	2,000
<b>65500</b>	<b>Printing and Binding</b>	1,799	1,500	1,874
<b>65610</b>	<b>To LEA's Within State</b>	0	0	0
<b>65640</b>	<b>Interm Agency-In State</b>	24,375	34,000	34,000
<b>65800</b>	<b>Travel</b>	0	0	0
<b>65810</b>	<b>Travel -Cert In District</b>	2,057	2,550	2,639
<b>65820</b>	<b>Travel - CLS In District</b>	424	275	275
<b>65830</b>	<b>Travel-Out of District</b>	0	0	0
<b>65840</b>	<b>Travel- Cls out District</b>	115	130	130
<b>65870</b>	<b>Travel Non-Employee</b>	0	0	0

Arkansas Department of Education  
Cutter Morning Star  
School District  
General Operating Funds  
Expenditures

Expenditures	FY11 as of 6/30/2011	2011-12 Annual Budget	2011-12 Annual Budget (revised)
65880	Meals	3,621	2,350
65890	Lodging	222	225
65900	Misc. Purchase Service	0	0
65910	In state/Serv purch Lea	0	0
66100	General Supplies	1,267	66,980
66107	Low Value Equipment	1,438	0
66210	Natural Gas	27,540	27,000
66220	Electricity	85,591	80,000
66240	Oil	0	0
66260	Gasoline/Diesel	33,634	33,000
66410	Textbooks	56,013	26,000
66420	Library Books	14,939	4,500
66430	Periodicals	837	650
66440	Audiovisual Materials	533	0
66500	Tech Supplies	0	0
66510	Software	8,285	14,298
66520	Tech Support/Upgrade	8,123	0
66527	Low Value tech Supplies	14,235	0
66900	Suppl 100-499	157,223	0
66920	Major Repairs	5,080	5,100
66999	Supply/Low Value Equip	3,352	0
67310	Machinery	60	9,634
67320	Vehicles	28,783	0
67330	Furniture & Fixtures	22,054	1,100
67340	Technology Hardware	0	3,500
67350	Tech- Software	0	0
67390	Other Equipment	6,282	1,000
68100	Dues & Fees	36,262	19,040
68101	Lic Renew Teachers	0	0
68200	Judgments against LEA	0	0
68300	Interest	223,140	225,000
68900	Misc. Expenditures	0	0
68999	Allocated Charges	0	0
69100	Redemption of Principal	186,042	187,000
69330	To Building Fund	9,323	0
69380	To Food Service	0	0
69400	Program Funding Return	0	0
69620	Student Meals District Paid	0	0
<b>Total Other Exp.</b>		<b>1,248,024</b>	<b>984,954</b>
	<b>Total Expenditures</b>	<b>5,009,826</b>	<b>4,598,109</b>
			<b>4,715,113</b>

Arkansas Department of Education  
Fund Balance Data  
Cutter-Morning Star School District

	<b>District's Cycle 1 Report</b>	
	<b>submitted to ADE</b>	<b>District Revision</b>
	<b>as of September 30, 2011</b>	<b>as of November 16, 2011</b>
<b>2008-09 Legal Balance</b>	496,439	
<b>2008-09 Restricted SOF</b>	57,577	
<b>2008-09 Deposits with Paying Agents</b>	0	
<b>2008-09 Current Loans</b>	0	
<b>2008-09 Unrestricted Legal Balance</b>	<b>438,862</b>	
<b>2009-10 Legal Balance</b>	533,401	
<b>2009-10 Restricted SOF</b>	46,914	
<b>2009-10 Deposits with Paying Agents</b>	0	
<b>2009-10 Current Loans</b>	0	
<b>2009-10 Unrestricted Legal Balance</b>	<b>486,488</b>	
<b>2010-11 Legal Balance</b>	248,396	
<b>2010-11 Restricted SOF</b>	53,850	
<b>2010-11 Deposits with Paying Agents</b>	0	
<b>2010-11 Current Loans</b>	0	
<b>2010-11 Unrestricted Legal Balance</b>	<b>194,546</b>	
<b>Two Year Change</b>	<b>(244,316)</b>	
<b>Two Year Projected Balance</b>	<b>(49,770)</b>	
<b>2011-12 BUDGET</b>		
<b>2011-12 Legal Balance</b>	<b>747</b>	<b>133,743</b>
<b>2011-12 Restricted SOF</b>	77,782	77,782
<b>2011-12 Deposits with Paying Agents</b>	0	0
<b>2011-12 Current Loans</b>	0	0
<b>2011-12 Unrestricted Legal Balance</b>	<b>(77,035)</b>	<b>55,961</b>



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell  
*Commissioner*

October 25, 2011

**State Board  
of Education**

Dr. Naccaman Williams  
*Springdale  
Chair*

Dr. Ben Mays  
*Clinton  
Vice Chair*

Sherry Burrow  
*Jonesboro*

Jim Cooper  
*Melbourne*

Brenda Gullett  
*Fayetteville*

Sam Ledbetter  
*Little Rock*

Alice Mahony  
*El Dorado*

Toyce Newton  
*Crossett*

Vicki Saviers  
*Little Rock*

Mr. Richard Rankin, Superintendent  
Hermitage School District  
P.O. Box 38  
Hermitage, AR 71647-0038

Dear Mr. Rankin:

Pursuant to Ark. Code Ann. § 6-20-1905, this letter is to provide notice that the Hermitage School District has been identified by the Arkansas Department of Education (Department) as a school district in Fiscal Distress. According to Ark. Code Ann. § 6-20-1904, the Hermitage School District meets one (1) or more of the criteria necessary to be identified as a school district in Fiscal Distress, including:

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

The Department will request that the State Board of Education (SBE) classify the Hermitage School District as being in Fiscal Distress at its meeting on December 12, 2011. The meeting will begin at 9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall in Little Rock, Arkansas.

Please find included in this mailing a copy of the Department's rules on Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program. This document outlines the identification and classification of Fiscal Distress. It also provides the process by which a district may appeal the classification of Fiscal Distress to the SBE. An appeal would be heard at the same December 12, 2011, SBE Meeting. Additional information may be found in Arkansas Code Ann. § 6-20-1901 et seq.

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

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

Fiscal Distress Identification  
Page 2

Should the district have questions or comments, please contact the Fiscal Distress Services, at (501) 682-5124.

Sincerely,



Hazel Burnett,  
ADE Coordinator Fiscal Distress Accountability and Reporting

HB:dmm

cc: Dr. Tom Kimbrell, Commissioner of Education  
Mr. Tony Wood, Deputy Commissioner of Education  
Jeremy Lasiter, General Counsel  
Mr. John Kunkel, Associate Director for Agency Finance  
Senator Jimmy Jeffress  
Representative Jeff Wardlaw  
Mr. Richard Russell, School Board President  
Ms. Mary Hamilton  
Mr. Harold Hampton  
Mr. Albert Broughton  
Mr. Mitch Wardlaw  
Mr. Mike Colvin  
Mr. David Dees



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell  
Commissioner

November 4, 2011

**State Board  
of Education**

Dr. Naccaman Williams  
Springdale  
Chair

Dr. Ben Mays  
Clinton  
Vice Chair

Sherry Burrow  
Jonesboro

Jlm Cooper  
Melbourne

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Toyce Newton  
Crossett

Vicki Saviers  
Little Rock

Mr. Richard Rankin, Superintendent  
Hermitage School District  
P.O. Box 38  
Hermitage, AR 71647-0038

Dear Mr. Rankin:

On October 25, 2011, I sent you notice pursuant to Ark. Code Ann. § 6-20-1905 that Hermitage School District (District) has been identified by the Arkansas Department of Education (ADE) as a school district in fiscal distress. I notified you the District met the following criteria for fiscal distress as outlined in Ark. Code Ann. §6-20-1904: A declining balance determined to jeopardize the fiscal integrity of the school district. This letter is to further advise you that ADE provided this notification when it did because, pursuant to Ark. Code Ann. § 6-20-1905, ADE discovered that the above-listed fiscal condition of Hermitage School District negatively impacts the continuation of educational services by the District.

As noted in my October 25, 2011 letter, ADE will request that the State Board of Education (SBE) classify Hermitage School District as being in fiscal distress at its meeting on December 12, 2011. The meeting will begin at 9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall in Little Rock, Arkansas. An appeal by the District would be heard at the same December 12, 2011 meeting.

Should the district have questions or comments, please contact Fiscal Distress Services at (501) 682-5124.

Sincerely,

Hazel Burnett,  
ADE Coordinator Fiscal Distress Accountability and Reporting

HB:ddm

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

Fiscal Distress Identification  
Page 2

cc: Dr. Tom Kimbrell, Commissioner of Education  
Mr. Tony Wood, Deputy Commissioner of Education  
Jeremy Lasiter, General Counsel  
Mr. John Kunkel, Associate Director for Agency Finance  
Senator Jimmy Jeffress  
Representative Jeff Wardlaw  
Mr. Richard Russell, School Board President  
Ms. Mary Hamilton  
Mr. Harold Hampton  
Mr. Albert Broughton  
Mr. Mitch Wardlaw  
Mr. Kevin Reep  
Mr. David Dees

Arkansas Department of Education  
Hermitage School District  
General Operating Funds  
Summary

FY12 Budget (per Sept. 30th cycle 1 deadline)			Projected Balance 6/30/2012
<u>Beginning Balance</u> 371,150	<u>Revenue</u> 4,419,602	<u>Expenditures</u> 4,214,587	576,165
			* See Adjustment Below
FY11 as of June 30, 2011 (Final)			Balance as of 6/30/2011
<u>Beginning Balance</u> 481,449	<u>Revenue</u> 3,827,970	<u>Expenditures</u> 3,938,270	371,150

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

**\*\*FY12 Budget (with error adjustment)**

General Operating Funds Projected Balance 06/30/12	576,165
Less 98%URT projection error	(759,836)
Add estimated 98% URT projection	<u>15,000</u>
<b>Projected ending balance after adjustment</b>	<b>(168,671)</b>

**Arkansas Department of Education  
Hermitage School District  
General Operating Funds  
Revenue**

Revenue:		FY11 as of 6/30/2011	2011-12 Annual Budget
11110	Property Taxes Current	770,859	759,836
11115	Property Taxes Relief	0	0
11120	Property Tax 36% by 6/30	310,137	293,591
11125	Property Tax Relief	0	0
11140	Property Tax Delinquent	120,883	120,000
11150	Excess Commission	562	50
11160	Land Redemption	19,136	15,000
11400	Penalties/Interest on Tax	1	0
11500	Unapportioned Taxes	4	0
12800	Rev In Lieu Of Taxes	17,951	8,000
13120	Regular School Day	27,925	0
13390	Other Programs	6,873	0
14240	Fees From Vocational Ed	0	0
14290	Other Programs	967	0
15100	Interest on Investments	2,212	850
19130	LEA Buildings & Facilities	14,800	14,400
19200	Private Contributions	100	0
19300	Sales of Supplies & Materials	0	0
19510	Other LEA Within State	3,800	42,858
19800	Refunds of Prior Yr. Expenditures	1,345	55,176
19900	Misc. Revenue from Local Sources	1,571	0
21100	City General Apportionment	0	0
21200	Severance Tax	1,706	1,500
21900	Other Rev From County	0	0
22000	Restricted Grants-In-Aid	0	0
31101	State Foundation Funding	2,034,843	2,114,929
31102	Enhanced Educational Fund	0	0
31103	98% URT	14,708	759,836
31450	Student Growth	46,151	0
31460	Declining Enrollment	0	0
31620	Supplement Millage	5,729	4,583
31900	Other	0	0
32226	High Priority	0	0
32232	AR School Recognition Program	0	0
32249	Isolated Funding	139,333	0
32250	Teacher Enhancement Grant	8,800	2,400
32251	CWIP	0	0
32260	Game and Fish Funds	0	0
32310	Hand Child-Supv/Extend Yr.	1,895	0
32314	Extended School Year	0	0
32330	Non-Hand-Resid Treatment	0	0
32340	Hand-Resident Treatment	0	0
32350	Early Child/Medicaid Match	0	0
32355	Sp Ed Catastrophic	0	0
32361	G/T Advanced Placement	100	0
32430	Workforce Spec Needs Proj	0	0
32480	New Program start up	0	0
32710	ABC Grant	175,775	179,820
32912	General Facilities Fund	6,624	5,299
32915	Debt Service Supplement	41,908	41,474

Arkansas Department of Education  
Hermitage School District  
General Operating Funds  
Revenue

Revenue:		FY11 as of 6/30/2011	2011-12 Annual Budget
32920	Game and Fish	1,875	0
32990	Other Grants	0	0
41300	Rev In Lieu Of Taxes	0	0
42100	Forest Reserve	0	0
42200	Flood Control	0	0
51100	Proceeds From Bond Sale	0	0
51400	Current Loans	0	0
51500	Installment/Lease Purchase	0	0
51900	Misc. Non Revenue	0	0
51999	Audit Adj prior year	37,817	0
52300	Transfer from Building Fund	0	0
52700	Transfer from Student Activity	0	0
52800	Transfers from Food Service Fund	0	0
53100	Sale of Equipment	11,580	0
53400	Compen-Loss Fixed Assets	0	0
56400	Extraordinary items	<u>0</u>	<u>0</u>
<b>Total Revenue</b>		<b>3,827,970</b>	<b>4,419,602</b>

Arkansas Department of Education  
Hermitage School District  
General Operating Funds  
Expenditures

Expenditures		FY11 as of 6/30/2011	2011-12 Annual Budget
<b>61000-62999</b>	<b>Salaries &amp; Benefits</b>	<b>2,755,356</b>	<b>3,131,484</b>
<b>Other:</b>			
63120	Management Services	0	0
63130	Board of Ed Services	0	0
63210	Instructional	2,649	2,649
63220	Instructional program	44,169	50,886
63240	Student Assessment	0	0
63310	Certified/Prof Dev. Training	11,346	41,047
63320	Classified/Prof Training	0	0
63410	Pupil Services	0	0
63440	Legal	0	0
63441	Legal Defense District	0	0
63443	Legal- Dist as Plaintiff	14,952	10,000
63444	Legal Contract Prep	0	0
63445	Legal Advise	0	0
63450	Medical	0	0
63470	Architectural	126	0
63490	Other Professional Service	0	0
63510	Data Processing and Coding	0	0
63530	Software Support	1,715	0
63590	Other Technical Services	0	0
63900	Other Purc Prof Tech Serv	46,393	39,032
64110	Water/Sewer	17,546	17,546
64210	Disposal/Sanitation	0	0
64310	Rep/Maint -Building & Grounds	4,411	581
64320	Rep/Maint - Equip & Vehicle	55	55
64410	Rental on Land & Bldgs	0	0
64420	Rental Equip & Vehicles	0	0
64500	Construction Services	0	0
64900	Other Purc Property Services	0	0
65210	Property Insurance	21,725	29,800
65220	liability Insurance	0	0
65240	Fleet Insurance	0	0
65250	Accident Ins for Students	9,080	9,080
65290	Other Insurance	17,104	17,539
65310	Telephone	22,404	19,919
65320	Postage	5,408	5,408
65330	Networking Internet Serv	0	0
65400	Advertising	1,558	1,313
65500	Printing and Binding	0	0
65610	To LEA's Within State	0	0
65640	Interm Agency-In State	0	0
65800	Travel	0	0
65810	Travel -Cert In District	26,067	23,084
65820	Travel - CLS In District	5,548	6,933
65830	Travel-Out of District	0	0
65840	Travel- Cls out District	0	0
65870	Travel Non-Employee	0	0
65880	Meals	0	0

Arkansas Department of Education  
Hermitage School District  
General Operating Funds  
Expenditures

Expenditures	FY11 as of 6/30/2011	2011-12 Annual Budget	
65890	Lodging	0	0
65900	Misc. Purchase Service	0	0
65910	In state/Serv purch Lea	0	0
66100	General Supplies	338,877	248,601
66107	Low Value Equipment	0	0
66210	Natural Gas	0	0
66220	Electricity	75,492	83,095
66230	Bottled Gas	22,574	22,574
66240	Oil	0	0
66260	Gasoline/Diesel	45,762	45,000
66410	Textbooks	22,445	45,024
66420	Library Books	9,937	3,140
66430	Periodicals	0	0
66440	Audiovisual Materials	0	0
66500	Techn Supplies	0	0
66510	Software	29,142	26,320
66520	Tech Support/Upgrade	0	0
66527	Low Value tech Supplies	9,998	0
66900	Suppl 100-499	0	0
67310	Machinery	1,268	1,000
67320	Vehicles	21,618	25,000
67330	Furniture & Fixtures	3,461	3,461
67340	Technology Hardware	21,157	4,457
67350	Tech- Software	0	0
67390	Other Equipment	9,624	8,000
68100	Dues & Fees	29,691	25,238
68101	Lic Renew Teachers	0	0
68200	Judgments against LEA	10,790	0
68300	Interest	203,319	202,323
68900	Misc. Expenditures	0	0
68999	Allocated Charges	0	0
69100	Redemption of Principal	32,546	25,000
69330	To Building Fund	0	0
69380	To Food Service	42,956	40,000
69400	Program Funding Return	0	0
69620	Student Meals District Paid	0	0
<b>Total Other Exp.</b>		<b>1,182,913</b>	<b>1,083,103</b>
	<b>Total Expenditures</b>	<b>3,938,270</b>	<b>4,214,587</b>

Arkansas Department of Education  
Fund Balance Data  
Hermitage School District

**District's Cycle 1 Report  
submitted to ADE  
as of September 30, 2011**

<b>2008-09 Legal Balance</b>	575,015
<b>2008-09 Restricted SOF</b>	145,881
<b>2008-09 Deposits with Paying Agents</b>	0
<b>2008-09 Current Loans</b>	0
<b>2008-09 Unrestricted Legal Balance</b>	<b>429,135</b>
<b>2009-10 Legal Balance</b>	735,698
<b>2009-10 Restricted SOF</b>	254,248
<b>2009-10 Deposits with Paying Agents</b>	0
<b>2009-10 Current Loans</b>	0
<b>2009-10 Unrestricted Legal Balance</b>	<b>481,449</b>
<b>2010-11 Legal Balance</b>	418,158
<b>2010-11 Restricted SOF</b>	47,008
<b>2010-11 Deposits with Paying Agents</b>	0
<b>2010-11 Current Loans</b>	0
<b>2010-11 Unrestricted Legal Balance</b>	<b>371,150</b>
<b>Two Year Change</b>	-57,985
<b>Two Year Projected Balance</b>	313,165
<b>2011-12 BUDGET</b>	
<b>2011-12 Legal Balance</b>	583,724
<b>2011-12 Restricted SOF</b>	7,560
<b>2011-12 Deposits with Paying Agents</b>	0
<b>2011-12 Current Loans</b>	0
<b>2011-12 Unrestricted Legal Balance</b>	<b>**576,164</b>

**\*\*FY12 Budget (with error adjustment)**

General Operating Funds Projected Balance 06/30/12	576,165
Less 98%URT projection error	(759,836)
Add estimated 98% URT projection	<u>15,000</u>
<b>Projected ending balance after adjustment</b>	<b>(168,671)</b>

**Hermitage School District  
LEA # 0601  
Bradley County**

**Fiscal Distress Indicators and Additional Concerns:**

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

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>John Jordan</b>	<b>Richard Rankin</b>	<b>Richard Rankin</b>	<b>Richard Rankin</b>
4 QTR ADM	522	495	464	470
Assessment	29,295,734	30,062,250	30,471,979	31,013,712
Total Mills	36.50	41.50	41.50	41.50
Total Debt Bond/Non Bond	5,160,328	5,368,265	5,324,804	5,286,175
Per Pupil Expenditures	9,036	8,476	11,449	11,843
Personnel-Non-Fed Certified FTE	26.27	37.12	38.37	n/a
Personnel-Non-Fed Certified Clsrm FTE	22.88	33.20	32.81	n/a
Avg Salary-Non-Fed Cert Clsrm FTE	61,514	40,950	39,833	n/a
Avg Salary-Non-Fed Cert FTE	63,340	44,009	43,065	n/a
Net Legal Balance (Excl Cat & QZAB)	324,871	401,919	424,784	376,025

\* Prior to Annual Statistical Report (ASR) publication for 2010-11.

**On October 24, 2011, the District obtained a \$300,000 cash flow loan from First State Bank to cover payroll**

***K-8***

***Physical Education and Health  
Curriculum Framework***

***Revised 2011***

## **Introduction**

### **Arkansas Physical Education and Health Curriculum Framework**

Physical Education, a component of education, takes place through movement experiences and creates the opportunity for individuals to learn and understand academic applications for a healthy lifestyle. Through regular physical activity, students will have the opportunity to develop life-enhancing and self-rewarding experiences that contribute to their ability to be healthier members of society. Students shall be challenged to participate in daily activities that will enhance their health choices. The intent is to provide a variety of health-enhancing activities in an attempt to foster lifelong active individuals.

Health and Wellness Education shall provide content and learning experiences in nutrition, disease prevention, human growth and development, healthy life skills, personal health and safety, community health and promotion, decision-making skills, interpersonal communication skills, and information regarding the use and abuse of medications, alcohol, tobacco, and other drugs. The content shall focus on personal health and wellness and the practice of health enhancing behaviors to avoid or reduce health risks.

**Strands****Content Standards**

<b>Physical Education and Leisure</b>	
1. Motor Skills and Movement Patterns	Students shall demonstrate proficiency in motor skills and movement patterns needed to perform a variety of activities.
2. Movement Concepts	Students shall understand movement concepts, principles and strategies that apply to the performance of physical activity.
3. Health Related Fitness	Students shall understand how health-related fitness can improve individual health.
4. Lifetime Activities and Recreation	Students shall understand the importance of health benefits and enjoyment from participating in lifetime recreational activities.
5. Personal and Social Behavior	Students shall demonstrate responsible personal and social behavior that respects self and others in physical activity settings.
<b>Health and Wellness</b>	
6. Human Growth and Development	Students shall understand characteristics relating to growth and development.
7. Disease Prevention	Students shall understand components related to disease prevention and exhibit behaviors to promote health.
8. Community Health and Promotion	Students shall demonstrate the ability to access valid health information, products, and services that promote consumer, community, and environmental health.
9. Healthy Life Skills and Relationships	Students shall demonstrate the ability to use appropriate skills to enhance relationships and promote wellness.
10. Alcohol, Tobacco, and Other Drugs	Students shall comprehend substance use, abuse, and the ability to use decision-making skills to enhance health.
11. Personal Health and Safety	Students shall recognize and practice health-enhancing behaviors to reduce health risks.
12. Nutrition	Students shall understand concepts related to nutrition and develop skills for making healthy food choices.

\*Each grade level continues to address earlier Student Learner Expectations as needed.

\*Italicized words are found in the glossary.

Strand: Physical Education and Leisure

Standard 1: Motor Skills and Movement Patterns:

Students shall demonstrate proficiency in motor skills and movement patterns needed to perform a variety of activities.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
<i>Body Awareness</i>	PEL.1.K.1 Demonstrate <i>dynamic</i> and <i>static</i> movements, and <i>dynamic</i> and <i>static balance</i> using various body positions (e.g., animal movements)	PEL.1.1.1 Perform various movements of body parts	PEL.1.2.1 Perform movement patterns using various body parts (e.g., games, free movement)		
<i>Spatial Awareness</i>	PEL.1.K.2 Move forward, side-to-side, high/medium/low, stop/go, under, over, behind, beside and through  PEL.1.K.3 Move body limbs (e.g., high, low, and medium)  PEL.1.K.4 Move appropriately in general space within boundaries without falling down and bumping into others	PEL.1.1.2 Move in various directions and through various pathways in regard to other students and objects (e.g., chase/flee, obstacles or obstacle courses)	PEL.1.2.2 Travel independently in a large group while safely and quickly changing speed and direction within a boundary	PEL.1.3.1 Demonstrate directional movements (e.g., clockwise, counterclockwise, and spiral)	

Strand: Physical Education and Leisure

Standard 1: Motor Skills and Movement Patterns:

Students shall demonstrate competency in motor skills and movement patterns needed to perform a variety of activities.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
<i>Locomotor and Non-Locomotor Movements</i>	<p>PEL.1.K.5 Perform <i>locomotor</i> movements:</p> <ul style="list-style-type: none"> <li>• crawl</li> <li>• walk</li> <li>• jump</li> <li>• hop</li> <li>• gallop</li> <li>• skip</li> <li>• slide</li> <li>• leap</li> <li>• jog</li> <li>• run</li> </ul> <p>PEL.1.K.6 Perform the following <i>non-locomotor</i> movements:</p> <ul style="list-style-type: none"> <li>• <i>balance</i></li> <li>• bend</li> <li>• stretch</li> <li>• turn</li> <li>• twist</li> <li>• shake</li> <li>• cross-lateral (crossing the mid-line of the body)</li> <li>• push</li> <li>• pull</li> <li>• sway</li> </ul>	<p>PEL.1.1.3 Perform any combination of the following <i>non-locomotor</i> movements (e.g., bend and stretch, twist and turn, push and pull)</p>	<p>PEL.1.2.3 Demonstrate a movement sequence combining <i>locomotor</i> and <i>non-locomotor</i> skills (e.g., combine galloping, skipping, jumping, bending, swaying, twisting in a sequence, jumping rope using different feet patterns)</p>	<p>PEL.1.3.2 Practice <i>locomotor</i> movements in a variety of games</p>	

Strand: Physical Education and Leisure

Standard 1: Motor Skills and Movement Patterns:

Students shall demonstrate proficiency in motor skills and movement patterns needed to perform a variety of activities.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
<i>Rhythms and Dance</i>	<p>PEL.1.K.7 Travel to a beat by marching, clapping, and stomping with a fast and slow pace, using even and uneven <i>rhythm</i></p>	<p>PEL.1.1.4 Perform body movement through music, beat, and <i>rhythm</i></p>	<p>PEL.1.2.4 Maintain a steady beat while listening to music</p> <p>PEL.1.2.5 Perform instructional dance sequences to music (e.g., chicken dance, electric slide, cupid shuffle, tony chestnut)</p>	<p>PEL.1.3.3 Perform rhythmical sequences (e.g., tinkling, jump bands, lummi sticks, jump rope, folk dance, square dance)</p>	<p>PEL.1.4.1 Perform simple rhythmical sequences in time to music (e.g., grapevine, schottische, step-together-step)</p>
<i>Manipulative Skills</i>	<p>PEL.1.K.8 Use limited body movement when throwing with the dominant arm</p> <p>PEL.1.K.9 Extend arms toward thrower when catching an object</p> <p>PEL.1.K.10 Bounce a ball using one or two hands in self-space and general space</p>	<p>PEL.1.1.5 Step using the foot opposite the throwing hand (e.g., overhand and underhand throwing)</p> <p>PEL.1.1.6 Catch a bounced ball</p> <p>PEL.1.1.7 Catch a ball thrown underhand</p>	<p>PEL.1.2.6 Demonstrate follow-through to opposite hip when throwing an object</p> <p>PEL.1.2.7 Catch more than one self-tossed object (e.g. juggling scarves)</p> <p>PEL.1.2.8 Catch a ball thrown overhand</p>	<p>PEL.1.3.4 Throw an object over hand and underhand using a <i>mature pattern</i></p> <p>PEL.1.3.5 Catch a variety of objects at different levels with a partner using a <i>mature pattern</i></p> <p>PEL.1.3.6 Dribble in control with either hand while moving using a <i>mature pattern</i></p>	<p>PEL.1.4.2 Throw an object over hand/underhand with increased velocity and accuracy</p> <p>PEL.1.4.3 Catch an object thrown with increased velocity or catch an object while moving</p> <p>PEL.1.4.4 Dribble around moving obstacles using both hands while moving at a greater speed</p>

Strand: Physical Education and Leisure

Standard 1: Motor Skills and Movement Patterns:

Students shall demonstrate proficiency in motor skills and movement patterns needed to perform a variety of activities.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
<i>Manipulative Skills</i>	PEL.1.K.11 Catch a self-tossed object	PEL.1.1.8 Dribble with one hand in self-space while keeping control of the ball	PEL.1.2.9 Dribble in control with the dominate hand while moving in a general space	PEL.1.3.7 Step toward and strike a moving object using a <i>mature pattern</i>	PEL.1.4.5 Strike a ball with increased velocity and accuracy
	PEL.1.K.12 Use limited body movement when striking an object using the dominant arm	PEL.1.1.9 Demonstrate side orientation and proper grip when striking an object	PEL.1.2.10 Step toward and strike a stationary object	PEL.1.3.8 Volley a light-weight ball to self or partner using a <i>mature pattern</i>	PEL.1.4.6 Demonstrate a <i>mature pattern</i> of volleying during a game situation
	PEL.1.K.13 Volley a balloon with hands	PEL.1.1.10 Volley an object, maintaining control, with the hands, arms, or racquet	PEL.1.2.11 Volley a light-weight ball tossed by a partner or self-using arms, hands, or racquet	PEL.1.3.9 Dribble a ball around moving obstacles with both feet using a <i>mature pattern</i>	PEL.1.4.7 Use feet to dribble with control and <i>agility</i> at a greater speed
	PEL.1.K.14 Move a ball with the feet	PEL.1.1.11 Move a ball using either foot while keeping the ball in control	PEL.1.2.12 Dribble a ball using feet in a variety of pathways around or through various obstacles, keeping the ball in control	PEL.1.3.10 Demonstrate a <i>mature pattern</i> of kicking using a variety of kicks and a variety of objects (e.g., drop kick, stationary kick, punt)	PEL.1.4.8 Use a variety of kicks with defenders and show increased velocity and accuracy
	PEL.1.K.15 Use limited body movement when kicking with the dominant leg	PEL.1.1.12 Move toward a stationary ball and kick using the dominant foot	PEL.1.2.13 Kick a stationary or moving ball and follow through toward a target		
	PEL.1.K.16 <i>Trap</i> a moving ball with foot	PEL.1.1.13 <i>Trap</i> and pass a ball using feet, with a partner	PEL.1.2.14 <i>Trap</i> and pass a ball with control in an activity or game		

Strand: Physical Education and Leisure  
 Standard 2: Movement Concepts:

Students shall understand movement concepts, principles and strategies that apply to the performance of physical activity.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
<i>Body Awareness</i>	PEL.2.K.1 Identify upper body parts: <ul style="list-style-type: none"> <li>• head</li> <li>• forehead</li> <li>• chin</li> <li>• chest</li> <li>• eyes, ears, nose, mouth,</li> <li>• shoulders, arm, neck, elbows, wrist, right hand, left hand, fingers</li> <li>• back, waist, stomach</li> </ul> PEL.2.K.2 Identify lower body parts <ul style="list-style-type: none"> <li>• hip, thigh, calf, heel, ankles, knees, right foot, left foot, leg, toes</li> </ul>	PEL.2.1.1 Distinguish between upper, lower, left, and right body parts	PEL.2.2.1 Recognize major muscle groups: <ul style="list-style-type: none"> <li>• biceps</li> <li>• triceps</li> <li>• quadriceps</li> <li>• abdominals</li> <li>• hamstrings</li> <li>• calf muscles</li> <li>• gluteus muscles</li> </ul>	PEL.2.3.1 Identify and locate major muscle groups: <ul style="list-style-type: none"> <li>• biceps</li> <li>• triceps</li> <li>• quadriceps</li> <li>• abdominals</li> <li>• hamstrings</li> <li>• calf muscles</li> <li>• gluteus muscles</li> </ul>	PEL.2.4.1 Identify and perform movements using the <i>musculoskeletal</i> system

Strand: Physical Education and Leisure  
 Standard 2: Movement Concepts:

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THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
<i>Body Awareness</i>		PEL.2.1.2 Apply basic body movement patterns using verbal cues or music (e.g., “hokey pokey,” alphabet shapes)	PEL.2.2.2 Recognize the major bones in the skeletal system: <ul style="list-style-type: none"> <li>• cranium</li> <li>• vertebrae</li> <li>• ribs</li> <li>• humerus</li> <li>• radius</li> <li>• ulna</li> <li>• pelvis</li> <li>• femur</li> <li>• fibula</li> <li>• tibia</li> <li>• phalanges</li> </ul>	PEL.2.3.2 Identify and locate the major bones in the skeletal system: <ul style="list-style-type: none"> <li>• cranium</li> <li>• vertebrae</li> <li>• ribs</li> <li>• humerus</li> <li>• radius</li> <li>• ulna</li> <li>• pelvis</li> <li>• femur</li> <li>• fibula</li> <li>• tibia</li> <li>• phalanges</li> </ul>	
<i>Spatial Awareness</i>				PEL.2.3.3 Practice group games with appropriate equipment within boundaries	PEL.2.4.2 Demonstrate game strategies of chasing, fleeing, and evading  PEL.2.4.3 Create and defend space, display readiness, and cover areas utilizing motor skills (e.g., tag games)

Strand: Physical Education and Leisure

Standard 2: Movement Concepts:

Students shall understand movement concepts, principles and strategies that apply to the performance of physical activity.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Locomotor and Non- Locomotor Movement		PEL.2.1.3 Apply <i>locomotor</i> movement in various activities (e.g., <i>rhythms</i> , relays)	PEL.2.2.3 Use <i>locomotor</i> skills in <i>low-organized games</i> (e.g., tag games)	PEL.2.3.4 Create and demonstrate three (3) or more movement sequences while smoothly combining <i>locomotor</i> and <i>non-locomotor</i> skills	PEL.2.4.4 Apply <i>locomotor</i> movements in a variety of <i>lead-up games</i> (e.g., relays and tag games)
<i>Rhythms</i> and Dance				PEL.2.3.5 Create rhythmical sequences	PEL.2.4.5 Create simple rhythmical sequences in time to music
Knowledge and Strategies	PEL.2.K.3 Participate in <i>low-organized games</i> that utilize basic <i>motor skills</i>	PEL.2.1.4 Participate in <i>low-organized games</i> that utilize basic <i>motor skills</i>	PEL.2.2.4 Participate in <i>low-organized games</i> that utilize basic <i>motor skills</i>	PEL.2.3.6 Participate in modified games that utilize basic <i>motor skills</i>	PEL.2.4.6 Participate in modified games that utilize basic <i>motor skills</i>
Academic Integration	PEL.2.K.4 Know that the body and brain need activity for optimal function <ul style="list-style-type: none"> <li>• oxygen to the brain</li> <li>• ability to focus</li> </ul>	PEL.2.1.5 Understand that rhyme, <i>rhythm</i> , and repetition are reading readiness skills (e.g., spelling words while exercising, skip count while moving)	PEL.2.2.5 Use movement to improve cognitive responses (e.g., count by two's or three's while jumping rope, movement sentences)	PEL.2.3.7 Understand that <i>aerobic exercise</i> results in a faster cognitive response (e.g., estimation, steps and distance, multiplication)	PEL.2.4.7 Understand that cross-lateralization (crossing the mid-line) integrates and energizes the brain to enhance learning (e.g., gravity force trajectory, spin as related to ball-handling skills)

Strand: Physical Education and Leisure

Standard 3: Health Related Fitness:

Students shall understand how health-related fitness can improve individual health.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
<i>Cardio-respiratory</i> Endurance	<p>PEL.3.K.1 Locate the heart and understand that it is the size of a fist</p> <p>PEL.3.K.2 Know that the heart functions as a pump for blood</p>	<p>PEL.3.1.1 Show where the heart is located and describe its approximate size and shape</p> <p>PEL.3.1.2 Understand that the heart is a muscle that pumps blood throughout the body</p>	<p>PEL.3.2.1 Understand that the heart produces a pulse when beating</p> <p>PEL.3.2.2 Understand health benefits related to increased heart beat during activity</p>	<p>PEL.3.3.1 Locate areas on the body where a pulse can be found (e.g., wrist, chest, neck)</p> <p>PEL.3.3.2 Maintain continuous <i>aerobic activity</i> for a specific time (e.g., jumping rope for 3 minutes)</p>	<p>PEL.3.4.1 Locate <i>carotid</i> and <i>radial arteries</i> to calculate heart rate</p> <p>PEL.3.4.2 Demonstrate a procedure for monitoring heart rate (e.g., take pulse with fingers, heart rate monitors, pulse stick)</p>

Strand: Physical Education and Leisure

Standard 3: Health Related Fitness:

Students shall understand how health-related fitness can improve individual health.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
<i>Cardio-respiratory Endurance</i>	<p>PEL.3.K.3 Recognize the change in breathing and heart beat while participating in a moderate to vigorous activity</p> <p>PEL.3.K.4 Participate in an age-appropriate activity, exercise, or game that encourages pacing to develop <i>cardio-respiratory</i> endurance</p>	<p>PEL.3.1.3 Recognize the change in breathing, heartbeat, and body temperature during moderate and vigorous activity</p> <p>PEL.3.1.4 Participate in an age-appropriate activity, exercise, or game that encourages pacing to develop <i>cardio-respiratory</i> endurance</p>	<p>PEL.3.2.3 Determine how increasing the intensity of the activity increases the heartbeat</p> <p>PEL.3.2.4 Participate in an age-appropriate activity, exercise, or game that encourages pacing to develop <i>cardio-respiratory</i> endurance</p>	<p>PEL.3.3.3 Sustain <i>aerobic activity</i> for continuously longer periods of time while participating in chasing, fleeing, or traveling activities</p> <p>PEL.3.3.4 Participate in an age-appropriate activity, exercise, or game that encourages pacing to develop <i>cardio-respiratory</i> endurance</p>	<p>PEL.3.4.3 Maintain a moderate to vigorous intensity level in a variety of activity settings (e.g., jump rope, tag, dancing)</p>

Strand: Physical Education and Leisure

Standard 3: Health Related Fitness:

Students shall understand how health-related fitness can improve individual health.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
<i>Body Composition</i>	<p>PEL.3.K.5 Understand that the body is composed of muscles and bones</p> <p>PEL.3.K.6 Understand that the body needs proper <i>nutrition</i> and water to function</p>	<p>PEL.3.1.5 Understand that body mass is composed of muscles, bones, fluids, organs, and fat</p> <p>PEL.3.1.6 Understand that the body needs the correct portions of food and water to function (e.g., serving sizes)</p>	<p>PEL.3.2.5 Understand that body mass can be measured by the <i>Body Mass Index (BMI)</i></p> <p>PEL.3.2.6 Understand the relationship between the amount of food ingested, energy expended, and fat stored</p>	<p>PEL.3.3.5 Understand that the <i>Body Mass Index (BMI)</i> is a screening tool using height and weight measurement</p> <p>PEL.3.3.6 Understand that calories determine the amount of energy the body can expend for various physical activities</p>	<p>PEL.3.4.4 Understand that the <i>Body Mass Index (BMI)</i> is a height/weight ratio that can be affected as a result of <i>nutrition</i>, exercise practices, and growth</p> <p>PEL.3.4.5 Understand the meaning of body metabolism: <ul style="list-style-type: none"> <li>• at rest</li> <li>• during activity</li> </ul> </p> <p>PEL.3.4.6 Recognize that body functions are unique and each person requires similar nutrients but in different amounts</p>

Strand: Physical Education and Leisure

Standard 3: Health Related Fitness:

Students shall understand how health-related fitness can improve individual health.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
<i>Flexibility</i>	<p>PEL.3.K.7 Recognize that the body is capable of a wide range of movement (e.g., bending, stretching, twisting)</p> <p>PEL.3.K.8 Participate in stretching activities that improve <i>flexibility</i></p> <ul style="list-style-type: none"> <li>• <i>dynamic</i> warm up</li> <li>• teacher-led stretching held for a short period of time without bouncing</li> </ul>	<p>PEL.3.1.7 Practice teacher-led stretching techniques, appropriate to activity, to improve range of motion</p>	<p>PEL.3.2.7 Perform a proper stretch safely for a minimum of 10 to 20 seconds</p>	<p>PEL.3.3.7 Perform a variety of <i>flexibility</i> exercises correctly</p>	<p>PEL.3.4.7 Recognize the benefits that proper <i>flexibility</i> has on the ability to perform various activities</p>

Strand: Physical Education and Leisure  
 Standard 3: Health Related Fitness:

Students shall understand how health-related fitness can improve individual health.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
<i>Muscular Strength and Endurance</i>	<p>PEL.3.K.9 Explore strength building activities (e.g., animal walk, scooter activities, push up and hold)</p> <p>PEL.3.K.10 Practice specific strength building activities (e.g., pull-ups, push-ups, modified push-ups, plank, flex arm hang)</p> <p>PEL.3.K.11 Understand the importance of participating in daily moderate to vigorous physical activity</p> <p>PEL.3.K.12 Practice appropriate activities to improve <i>muscular endurance</i> (e.g., curl-ups, partial curl-ups)</p>	<p>PEL.3.1.8 Recognize benefits related to <i>muscular strength</i> (e.g., good posture, strong arms, strong legs, endurance)</p> <p>PEL.3.1.9 Recognize benefits related to <i>muscular endurance</i></p>	<p>PEL.3.2.8 Demonstrate how <i>muscular strength</i> plays a role in developing strong, healthy bones and muscles</p> <p>PEL.3.2.9 Demonstrate how <i>muscular endurance</i> plays a role in <i>health-related fitness</i></p>	<p>PEL.3.3.8 Practice physical activities that make the muscles work harder (e.g., sit-ups, push-ups)</p> <p>PEL.3.3.9 Practice activities that make the muscles work continuously</p>	<p>PEL.3.4.8 Recognize that <i>muscular strength</i> building activities should be performed on alternating days for improvement</p> <p>PEL.3.4.9 Recognize that <i>muscular endurance</i> activities should be performed on alternating days for improvement</p>

Strand: Physical Education and Leisure

Standard 3: Health Related Fitness:

Students shall understand how health-related fitness can improve individual health.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Student Fitness Outcomes	<p>PEL.3.K.13 Participate in a nationally recognized health-fitness assessment</p> <ul style="list-style-type: none"> <li>• <i>cardio-respiratory endurance</i></li> <li>• <i>body composition</i></li> <li>• <i>muscular strength and endurance</i></li> <li>• <i>flexibility</i></li> </ul>	<p>PEL.3.1.10 Participate in a nationally recognized health-fitness assessment</p> <ul style="list-style-type: none"> <li>• <i>cardio-respiratory endurance</i></li> <li>• <i>body composition</i></li> <li>• <i>muscular strength and endurance</i></li> <li>• <i>flexibility</i></li> </ul>	<p>PEL.3.2.10 Participate in a nationally recognized health-fitness assessment</p> <ul style="list-style-type: none"> <li>• <i>cardio-respiratory endurance</i></li> <li>• <i>body composition</i></li> <li>• <i>muscular strength and endurance</i></li> <li>• <i>flexibility</i></li> </ul>	<p>PEL.3.3.10 Participate in a nationally recognized health-fitness assessment</p> <ul style="list-style-type: none"> <li>• <i>cardio-respiratory endurance</i></li> <li>• <i>body composition</i></li> <li>• <i>muscular strength and endurance</i></li> <li>• <i>flexibility</i></li> </ul>	<p>PEL.3.4.10 Participate in a nationally recognized health-fitness assessment</p> <ul style="list-style-type: none"> <li>• <i>cardio-respiratory endurance</i></li> <li>• <i>body composition</i></li> <li>• <i>muscular strength and endurance</i></li> <li>• <i>flexibility</i></li> </ul>

Strand: Physical Education and Leisure

Standard 4: Lifetime Activities and Recreation:

Students shall understanding the importance of health benefits and enjoyment from participating in lifetime recreational activities.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Benefits of Lifetime Activities	<p>PEL.4.K.1 Recognize that exercise takes place during active play and builds a healthy heart and lungs</p>	<p>PEL.4.1.1 Recognize health benefits of active play:</p> <ul style="list-style-type: none"> <li>• strong muscles</li> <li>• oxygen to the brain</li> <li>• sense of well being</li> </ul>	<p>PEL.4.2.1 Discuss how the activity of the day relates to a healthy life-style</p>	<p>PEL.4.3.1 Participate in class discussion about <i>health-related fitness</i> activities as they relate to <i>cardio-respiratory</i> endurance</p>	<p>PEL.4.4.1 Categorize physical activities into health benefits (e.g., crabwalk improves strength, chasing and fleeing games improve <i>cardio-respiratory</i>)</p>
Lifetime Sports and Recreation	<p>PEL.4.K.2 Recognize a variety of <i>lifetime physical activities</i> (e.g., fishing, bird watching, hiking, camping, golf, running)</p>	<p>PEL.4.1.2 Identify basic skills for enjoyment of <i>lifetime physical activities</i> (e.g., casting, tent setting, tracking)</p>	<p>PEL.4.2.2 Identify <i>leisure activities</i> that promote healthy living</p> <p>PEL.4.2.3 Explain that skill competency leads to enjoyment of physical activity</p>	<p>PEL.4.3.2 Practice a variety of sports and recreation/<i>leisure activities</i></p>	<p>PEL.4.4.2 Discuss opportunities for individual, dual, and team participation as it relates to lifetime fitness (e.g., bowling, tennis, soccer, softball, kickball)</p> <p>PEL.4.4.3 Understand that <i>leisure activities</i> can be a form of relaxation</p>

Strand: Physical Education and Leisure

Standard 5: Personal and Social Behavior:

Students shall demonstrate responsible personal and social behavior that respects self and others in physical activity settings.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Personal Behavior	<p>PEL.5.K.1 Identify acceptable behaviors while participating in physical activities (e.g., not quitting on the first attempt, taking turns, etc.)</p> <p>PEL.5.K.2 Use and share equipment within personal space safely and properly</p>	<p>PEL.5.1.1 Recognize acceptable behaviors while participating in physical activities</p> <p>PEL.5.1.2 Share equipment safely and properly with a partner or group</p>	<p>PEL.5.2.1 Utilize acceptable behaviors while participating in physical activities</p> <p>PEL.5.2.2 Comply positively with rules and procedures of structured games</p>	<p>PEL.5.3.1 Express personal feelings on progress made while learning a new skill</p> <p>PEL.5.3.2 Demonstrate behaviors that communicate care, consideration, and respect of self and others</p>	<p>PEL.5.4.1 Identify responsible decisions according to the rules and boundaries associated with physical activities</p> <p>PEL.5.4.2 Exhibit responsible and respectful behavior in different social situations (e.g., being a “good” loser and being a “humble” winner)</p>
Social Behavior	<p>PEL.5.K.3 Participate in cooperative play</p>	<p>PEL.5.1.3 Understand that sharing is an essential element for a productive climate in group settings</p>	<p>PEL.5.2.3 Cooperate with others to complete an assigned task</p>	<p>PEL.5.3.3 Demonstrate collaboration with others to accomplish a goal (e.g., problem-solving activities, community projects)</p>	<p>PEL.5.4.3 Exhibit teamwork skills in activity settings (e.g., team games, team-building activities, parachute)</p>

Strand: Health and Wellness

Standard 6: Human Growth and Development

Students shall understand characteristics relating to growth and development.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Body Systems	<p>HW.6.K.1 Name and locate the following body parts:</p> <ul style="list-style-type: none"> <li>• heart</li> <li>• lungs</li> <li>• brain</li> <li>• stomach</li> <li>• muscles</li> <li>• bones</li> </ul>	<p>HW.6.1.1 Name locate and describe the functions of the following body parts:</p> <ul style="list-style-type: none"> <li>• heart</li> <li>• lungs</li> <li>• brain</li> <li>• stomach</li> <li>• muscles</li> <li>• bones</li> </ul>	<p>HW.6.2.1 Identify the basic parts of the following systems:</p> <ul style="list-style-type: none"> <li>• digestive</li> <li>• circulatory</li> <li>• respiratory</li> <li>• muscular</li> <li>• skeletal</li> <li>• nervous</li> </ul>	<p>HW.6.3.1 Identify the basic functions of the following systems:</p> <ul style="list-style-type: none"> <li>• digestive</li> <li>• circulatory</li> <li>• respiratory</li> <li>• muscular</li> <li>• skeletal</li> <li>• nervous</li> </ul>	<p>HW.6.4.1 Identify the major functions of the following systems:</p> <ul style="list-style-type: none"> <li>• digestive</li> <li>• circulatory</li> <li>• respiratory</li> <li>• muscular</li> <li>• skeletal</li> <li>• nervous</li> </ul>
Growth	<p>HW.6.K.2 Recognize different physical characteristics of an individual (e.g., height, weight, eye color)</p>	<p>HW.6.1.2 Describe the changes of the body that occur as a result of growth and development (e.g., height, loss of primary teeth)</p>	<p>HW.6.2.2 Examine physical characteristics that are shared by self and family</p>	<p>HW.6.3.2 Recognize ways heredity affects human growth and development</p>	<p>HW.6.4.2 Describe bodily changes that occur as a result of maturation (e.g., gender-specific body changes)</p>

Strand: Health and Wellness

Standard 7: Disease Prevention:

Students shall understand components related to disease prevention and exhibit behaviors to promote health.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
<p><i>Communicable and Non-Communicable Diseases</i></p>	<p>HW.7.K.1 Define germs</p>	<p>HW.7.1.1 Discuss the presence of germs and where they can be found</p>	<p>HW.7.2.1 Define disease</p>	<p>HW.7.3.1 Define common <i>communicable diseases</i> (e.g., common cold, flu, strep throat, measles, mononucleosis)</p>	<p>HW.7.4.1 Define <i>non-communicable diseases</i> (e.g., asthma, heart disease, allergies, diabetes)</p>
	<p>HW.7.K.2 List methods of protection from illness:</p> <ul style="list-style-type: none"> <li>• wash hands</li> <li>• cover sneeze/cough</li> <li>• immunization (shots)</li> </ul>	<p>HW.7.1.2 Describe ways to prevent the spread of germs and illness:</p> <ul style="list-style-type: none"> <li>• wash hands</li> <li>• cover sneeze/cough</li> <li>• bathing</li> </ul>	<p>HW.7.2.2 Recognize the difference between <i>communicable</i> and <i>non-communicable disease</i></p> <p>HW.7.2.3 List ways to prevent the spread of diseases:</p> <ul style="list-style-type: none"> <li>• wash hands</li> <li>• immunization</li> <li>• not sharing personal items (combs, brushes, toothbrushes, food and beverage containers)</li> </ul>	<p>HW.7.2.2 Recognize the difference between <i>communicable</i> and <i>non-communicable disease</i></p> <p>HW.7.3.2 Apply skills to prevent and control the spread of disease</p> <p>HW.7.3.3 Identify types of parasites that infect the body (e.g., lice, ticks, hookworm)</p>	<p>HW.7.4.2 Explain the importance of <i>prevention</i> or early detection and treatment of diseases</p> <p>HW.7.4.3 Explain how parasites infect the body</p>



Strand: Health and Wellness

Standard 9: Healthy Life Skills and Relationships:

Students shall demonstrate the ability to use appropriate skills to enhance relationships and promote wellness.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Decision Making	<p>HW.9.K.1 Identify positive and negative ways to get attention</p> <p>HW.9.K.2 Recognize personal and shared space</p>	<p>HW.9.1.1 Understand consequences of choices in relationships</p> <p>HW.9.1.2 Identify the benefits of healthy relationships</p>	<p>HW.9.2.1 Describe rules and consequences of choices</p> <p>HW.9.2.2 Respond appropriately to compliments, criticism, teasing, and bullying</p>	<p>HW.9.3.1 Examine general rules and predict consequences of choices at</p> <ul style="list-style-type: none"> <li>• school</li> <li>• home</li> <li>• community</li> </ul> <p>HW.9.3.2 Practice various ways in which to resolve conflict using positive behavior</p>	<p>HW.9.4.1 Predict consequences of various choices</p> <p>HW.9.4.2 Apply strategies that demonstrate care, consideration, and respect for others</p>
Interpersonal Relationships	<p>HW.9.K.3 Identify characteristics that make a good friend</p> <p>HW.9.K.4 Recognize ways to communicate (e.g., speaking, body language, writing, listening)</p>	<p>HW.9.1.3 Discuss the qualities of friendship</p> <p>HW.9.1.4 Discuss methods of communication with friends and family (e.g., speaking, body language, writing, listening)</p>	<p>HW.9.2.3 Differentiate between positive and negative factors that determine friendship</p> <p>HW.9.2.4 Demonstrate methods of communication for specific situations</p>	<p>HW.9.3.3 Develop skills that promote positive relationships</p> <p>HW.9.3.4 Identify verbal and nonverbal methods of communication</p>	<p>HW.9.4.3 Apply skills that promote positive relationships (e.g., role play)</p> <p>HW.9.4.4 Apply verbal and nonverbal <i>communication skills</i> in different types of relationships: friendship, family</p>

Strand: Health and Wellness

Standard 10: Alcohol, Tobacco, and Other Drugs:

Students shall demonstrate the ability to use *drug* knowledge and decision-making skills to address the use and abuse of medications, alcohol, tobacco, and other *drugs*.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Medicine	<p>HW.10.K.1 Identify common medicines</p> <p>HW.10.K.2 Name basic rules for taking medicine</p> <p>HW.10.K.3 Identify reliable adults to dispense medicines</p>	<p>HW.10.1.1 Know that medicines are <i>drugs</i> and can be harmful or helpful</p> <p>HW.10.1.2 Discuss safe use of medicine</p> <p>HW.10.1.3 Discuss the dispensing of medicines with a reliable adult</p>	<p>HW.10.2.1 Understand appropriate uses of medicines</p> <p>HW.10.2.2 Describe rules for taking medicine safely</p> <p>HW.10.2.3 Understand why it is important for a reliable adult to dispense medicine</p>	<p>HW.10.3.1 Identify <i>prescription</i> and over-the-counter medicine</p> <p>HW.10.3.2 Discuss safe procedures for using <i>prescription</i> and over-the-counter medicine</p>	<p>HW.10.4.1 List and describe appropriate uses for <i>prescription</i> and over-the-counter medicines</p> <p>HW.10.4.2 Explain why following directions is important when using medicines</p>

Strand: Health and Wellness

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THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Tobacco	<p>HW.10.K.4 Recognize types of tobacco products</p> <p>HW.10.K.5 Recognize the effects of tobacco products on the body (e.g., bad breath, yellow teeth)</p>	<p>HW.10.1.4 Name forms of tobacco:</p> <ul style="list-style-type: none"> <li>• cigarettes</li> <li>• cigars</li> <li>• pipes</li> <li>• smokeless tobacco</li> </ul> <p>HW.10.1.5 Identify how tobacco products are harmful to health (e.g., breathing, diseases, stained teeth)</p>	<p>HW.10.2.4 Identify products that contain tobacco (e.g., cigarettes, smokeless tobacco, etc.)</p> <p>HW.10.2.5 Describe the effects of tobacco use on the body and environment (e.g., side-stream and second-hand smoke, diseases)</p>	<p>HW.10.3.3 Recognize that harmful chemicals are found in tobacco products</p> <p>HW.10.3.4 Identify consequences of the use of tobacco (e.g., financial, medical, legal)</p>	<p>HW.10.4.3 Identify major harmful chemicals found in tobacco products</p> <p>HW.10.4.4 Recognize that tobacco products can be physically and psychologically addictive</p>

Strand: Health and Wellness

Standard 10: Alcohol, Tobacco, and Other Drugs:

Students shall demonstrate the ability to use *drug* knowledge and decision-making skills to address the use and abuse of medications, alcohol, tobacco, and other *drugs*.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Alcohol	HW.10.K.6 Recognize that alcohol is a <i>drug</i>	HW.10.1.6 Recognize that alcoholic beverages are unhealthy and illegal for children	HW.10.2.6 Discuss products that contain alcohol	HW.10.3.5 Identify physical consequences of the overuse of alcoholic beverages (e.g., blurred vision, lack of coordination, slow reaction time, addiction)  HW.10.3.6 Recognize addiction as both a physical and psychological consequence of alcohol abuse	HW.10.4.5 Describe the short term effects of alcohol use (e.g., loss of body control)  HW.10.4.6 Identify and examine physical, psychological, and social consequences of alcohol abuse
Other <i>Drugs</i>	HW.10.K.7 Recognize that some <i>drugs</i> are illegal  HW.10.K.8 Recognize ways to avoid tobacco, drug, and alcohol use (e.g., say "NO", ignore, walk away, a better idea)	HW.10.1.7 Understand that some <i>drugs</i> are illegal  HW.10.1.8 Discuss ways to avoid tobacco, drug, and alcohol use (e.g., say "NO", ignore, walk away, a better idea)	HW.10.2.7 Distinguish between legal and illegal <i>drugs</i>  HW.10.2.8 Illustrate ways to avoid tobacco, drug, and alcohol use (e.g., say "NO", ignore, walk away, a better idea)	HW.10.3.7 Identify illegal <i>drugs</i> (e.g., marijuana, methamphetamine, inhalants, prescription drugs)  HW.10.3.8 Practice ways to avoid tobacco, drug, and alcohol use (e.g., say "NO", ignore, walk away, a better idea)	HW.10.4.7 Identify illegal <i>drugs</i> (e.g., marijuana, methamphetamine, inhalants, prescription drugs)  HW.10.4.8 Demonstrate ways to avoid tobacco, drug, and alcohol use (e.g., say "NO", ignore, walk away, a better idea)

Strand: Health and Wellness

Standard 11: Personal Health and Safety:

Students shall recognize and practice health-enhancing behaviors to avoid or reduce health risks.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Personal Health	<p>HW.11.K.1 Demonstrate emotions and feelings (e.g., happy, sad, excited, afraid, surprised, angry, embarrassed, proud)</p> <p>HW.11.K.2 Recognize good and bad choices for coping</p> <p>HW.11.K.3 Name trusted adults to notify for help (e.g., school, family, community)</p>	<p>HW.11.1.1 Identify personal feelings and behaviors</p> <p>HW.11.1.2 Identify coping skills to manage emotions (e.g., count to ten when angry)</p> <p>HW.11.1.3 Identify trusted adults to notify for help (e.g., school, family, community)</p>	<p>HW.11.2.1 Identify feelings and situations that trigger certain emotions</p> <p>HW.11.2.2 Practice coping skills (e.g., role play, skits, journal)</p> <p>HW.11.2.3 Discuss stress and identify stressful situations</p>	<p>HW.11.3.1 Identify <i>unhealthy behaviors</i> that express certain emotions and develop skills to cope effectively</p> <p>HW.11.3.2 Identify personal stressors and positive ways to manage stress</p>	<p>HW.11.4.1 Demonstrate the ability to monitor personal feelings and behaviors</p> <p>HW.11.4.2 Demonstrate ways to manage different kinds of stress (e.g., role play, journal)</p>

Strand: Health and Wellness

Standard 11: Personal Health and Safety:

Students shall recognize and practice health-enhancing behaviors to avoid or reduce health risks.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Personal <i>Hygiene</i>	HW.11.K.4 Understand grooming and cleanliness	HW.11.1.4 Identify good personal grooming habits	HW.11.2.4 Describe good habits of personal grooming and cleanliness	HW.11.3.3 Discuss ways to improve or maintain overall <i>hygiene</i>	HW.11.4.3 Demonstrate personal <i>hygiene</i> practices that support <i>wellness</i>
Oral Health	HW.11.K.5 Understand why teeth are important: <ul style="list-style-type: none"> <li>• eating</li> <li>• chewing</li> <li>• smiling</li> <li>• talking</li> </ul>	HW.11.1.5 Discuss the benefits of having healthy teeth: <ul style="list-style-type: none"> <li>• eating is easier</li> <li>• nicer smile</li> <li>• talking is easier</li> </ul>	HW.11.2.5 Recognize causes of unhealthy teeth <i>plaque</i> bacteria sugary foods	HW.11.3.4 Understand causes of tooth decay and how to prevent cavities  HW.11.3.5 List types of sugary foods: <ul style="list-style-type: none"> <li>• sticky</li> <li>• hard</li> <li>• liquid/sodas</li> </ul>	HW.11.4.4 Explain the importance of preventing tooth decay  HW.11.4.5 Understand the relationship between sugar, bacteria, and acid production (e.g., sugar + bacteria = acid; acid + tooth = decay)

Strand: Health and Wellness

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THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Oral Health	<p>HW.11.K.6 Describe ways to clean teeth:</p> <ul style="list-style-type: none"> <li>brushing</li> <li>flossing</li> </ul>	<p>HW.11.1.6 Recognize positive and negative oral health habits:</p> <ul style="list-style-type: none"> <li>positive (e.g., brushing teeth, flossing teeth, choosing healthy snacks)</li> <li>negative (e.g., thumb sucking, nail biting)</li> </ul>	<p>HW.11.2.6 Understand positive oral health habits:</p> <ul style="list-style-type: none"> <li>brushing with proper tooth brush</li> <li>flossing</li> <li>using fluoride toothpaste</li> <li>having regular dental checkups</li> <li>using dental sealant</li> </ul>	<p>HW.11.3.6 Discuss practices for maintaining healthy teeth:</p> <ul style="list-style-type: none"> <li>brush twice a day</li> <li>floss every day</li> <li>eat nutritious foods</li> </ul>	<p>HW.11.4.6 Identify ways to protect teeth:</p> <ul style="list-style-type: none"> <li>wear a mouth guard when playing sports</li> <li>avoid chewing pencils or similar objects</li> <li>avoid smoking or using smokeless tobacco</li> <li>avoid using teeth for tools</li> <li>use dental sealants</li> <li>use fluoride toothpaste</li> <li>do not chew ice</li> </ul>
	<p>HW.11.K.7 Understand the difference between primary teeth and permanent teeth</p>	<p>HW.11.1.7 Identify primary and permanent teeth</p>	<p>HW.11.2.7 Identify the structure of a tooth</p>	<p>HW.11.3.7 Describe the structure of the mouth and teeth (e.g., canines, molars, gums)</p>	
	<p>HW.11.K.8 Discuss the role of the dentist and dental hygienist</p>	<p>HW.11.1.8 Understand the importance of dental checkups</p>	<p>HW.11.2.8 Recognize general procedures during dental checkup</p>		

Strand: Health and Wellness

Standard 11: Personal Health and Safety:

Students shall recognize and practice health-enhancing behaviors to avoid or reduce health risks.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Safety	HW.11.K.9 Discuss safety procedures for lifetime activities (e.g., water, ATV's, hunting, camping)	HW.11.1.9 Discuss procedures for safety for lifetime activities (e.g., water, ATV's, hunting, camping)	HW.11.2.9 Discuss procedures for safety for lifetime activities (e.g., water, ATV's, hunting, camping)	HW.11.3.8 List procedures for safety for lifetime activities (e.g., water, ATV's, hunting, camping)	HW.11.4.7 Illustrate procedures for safety for lifetime activities (e.g., water, ATV's, hunting, camping)
	HW.11.K.10 Understand how to get help in an emergency	HW.11.1.10 Discuss procedures for obtaining emergency assistance and information (e.g., fire and police department, poison control, ambulance, 911)	HW.11.2.10 Demonstrate procedures for obtaining emergency assistance and information (e.g., fire and police department, poison control, ambulance, 911)	HW.11.3.9 Demonstrate the appropriate response to emergency situations (e.g., find an adult, call office, call 911)	HW.11.4.8 Formulate safety plans for emergencies that occur in the home and/or school

Strand: Health and Wellness

Standard 11: Personal Health and Safety:

Students shall recognize and practice health-enhancing behaviors to avoid or reduce health risks.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Violence	<p>HW.11.K.11 Practice safety rules pertaining to threatening strangers:</p> <ul style="list-style-type: none"> <li>• shout, kick or scream</li> <li>• tell an adult</li> <li>• avoid stranger's vehicle</li> </ul> <p>HW.11.K.12 Identify sources to report abuse, bullying, violence, and injury (e.g. teacher, nurses, counselor, minister, parents, coaches, etc.)</p> <p>HW.11.K.13 Identify various behaviors associated with abuse, <i>bullying</i>, violence, and injury (e.g., physical, verbal, cyber, and emotional)</p>	<p>HW.11.1.11 Describe the difference between appropriate and inappropriate touch</p> <p>HW.11.1.12 Identify sources to report abuse, bullying, violence, and injury</p> <p>HW.11.1.13 Identify various behaviors associated with abuse, <i>bullying</i>, violence, and injury (e.g., physical, verbal, cyber, and emotional)</p>	<p>HW.11.2.11 Describe physical, mental, and verbal abuse</p> <p>HW.11.2.12 Identify sources to report abuse, bullying, violence, and injury</p> <p>HW.11.2.13 Identify various behaviors associated with abuse, <i>bullying</i>, violence, and injury (e.g., physical, verbal, cyber, and emotional)</p>	<p>HW.11.3.10 Identify abuse and assault as a form of violence</p> <p>HW.11.3.11 Identify sources to report abuse, bullying, violence, and injury</p> <p>HW.11.3.12 Identify various behaviors associated with abuse, <i>bullying</i>, violence, and injury (e.g., physical, verbal, cyber, and emotional)</p>	<p>HW.11.4.9 Discuss strategies to avoid or reduce harmful situations</p> <p>HW.11.4.10 Identify sources to report abuse, bullying, violence, and injury</p> <p>HW.11.4.11 Identify various behaviors associated with abuse, <i>bullying</i>, violence, and injury (e.g., physical, verbal, cyber, and emotional)</p>

Strand: Health and Wellness  
 Standard 12: Nutrition:

Students shall understand concepts related to nutrition and develop skills for making healthy food choices.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.					
	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Healthy Eating Habits	<p>HW.12.K.1 Identify healthy and unhealthy snacks and drinks</p> <p>HW.12.K.2 Tell the importance of choosing healthy foods</p>	<p>HW.12.1.1 Illustrate a healthy snack from each food group (e.g., role play, drawing, cut and paste)</p> <p>HW.12.1.2 Discuss factors that influence food choices</p>	<p>HW.12.2.1 Choose a healthy snack from each food group</p> <p>HW.12.2.2 Identify factors that influence food choices</p>	<p>HW.12.3.1 Plan a healthy snack using nutritional guidelines (refer to: ChooseMyPlate.gov, USDA, CDC, Cooperative Extension Office)</p> <p>HW.12.3.2 Define healthy weight and the factors that affect a person's weight:</p> <ul style="list-style-type: none"> <li>• age</li> <li>• gender</li> <li>• height</li> <li>• family</li> <li>• society</li> <li>• activity level</li> <li>• illness</li> </ul> <p>HW.12.3.3 Identify food choices that promote health and help prevent disease</p>	<p>HW.12.4.1 Plan healthy meals and snacks using nutritional guidelines (refer to: ChooseMyPlate.gov, USDA, CDC, Cooperative Extension Office)</p> <p>HW.12.4.2 Explain the relationship among food intake, physical activity, and weight management (e.g., explain how caloric intake impacts exercise and how exercise affects caloric output)</p> <p>HW.12.4.3 Record in a food diary healthy and unhealthy choices</p>

Strand: Health and Wellness  
 Standard 12: Nutrition:

Students shall understand concepts related to nutrition and develop skills for making healthy food choices.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Food and Nutrition	HW.12.K.3 Name the sources of different foods: <ul style="list-style-type: none"> <li>• plants</li> <li>• animals</li> </ul>	HW.12.1.3 Recognize that there are different kinds of nutrients: <ul style="list-style-type: none"> <li>• carbohydrates</li> <li>• protein</li> <li>• fats</li> <li>• vitamins</li> <li>• minerals</li> <li>• water</li> </ul>	HW.12.2.3 Identify the major nutrients: <ul style="list-style-type: none"> <li>• carbohydrates</li> <li>• protein</li> <li>• fats</li> <li>• vitamins</li> <li>• minerals</li> <li>• water</li> </ul> HW.12.2.4 Recognize that foods and drinks have a <i>Nutrition</i> Facts Label	HW.12.3.4 Explain how the body uses major nutrients HW.12.3.5 Discuss a food source for each of the major nutrients  HW.12.3.6 Describe why the body needs water: <ul style="list-style-type: none"> <li>• identify sources</li> <li>• recommended daily amount</li> <li>• adequate hydration</li> </ul> HW.12.3.7 Identify the information provided on the <i>Nutrition</i> Facts Label	HW.12.4.4 Explain how nutrients in foods contribute to health (e.g., calcium for good bones and teeth, carbohydrates for energy)  HW.12.4.5 Examine the <i>Nutrition</i> Facts Label to locate specific components (e.g., fats, proteins)

Strand: Health and Wellness  
 Standard 12: Nutrition:

Students shall understand concepts related to nutrition and develop skills for making healthy food choices.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4
Food and Nutrition	HW.12.K.4 Recognize that foods are categorized into groups (refer to: <a href="http://USDA.gov">USDA.gov</a> )	HW.12.1.4 Place foods in the appropriate groups using nutritional guides	HW.12.2.5 Identify the serving sizes and number of daily servings needed from each food group using nutritional guides	HW.12.3.8 Describe the relationship between serving size and servings per container  HW.12.3.9 Demonstrate how to use nutritional guides to make healthy choices: <ul style="list-style-type: none"> <li>• follow recommended servings</li> <li>• define a single serving from each food groups</li> </ul>	HW.12.4.6 Identify the important nutrients in each food group, using a nutritional guide

Strand: Physical Education and Leisure

Standard 1: Motor Skills and Movement Patterns:

Students shall demonstrate proficiency in motor skills and movement patterns needed to perform a variety of activities.

**Note: By the end of fourth grade all students should be proficient in motor skills and movement patterns.**

Strand: Physical Education and Leisure

Standard 2: Movement Concepts:

Students shall understand movement concepts, principles, and strategies that apply to the performance of physical activity.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
<i>Body Awareness</i>	PEL.2.5.1 Recognize how the muscular and skeletal systems interact during movement activities	PEL.2.6.1 Refine basic musculoskeletal techniques necessary to participate in selected movement forms	PEL.2.7.1 Execute more advanced musculoskeletal techniques of movement necessary to perform a variety of activities	PEL.2.8.1 Evaluate advanced musculoskeletal techniques of movement in a variety of activities
<i>Spatial Awareness</i>	PEL.2.5.2 Demonstrate <i>spatial awareness</i> in <i>lead-up game</i> situations (e.g., area coverage in a variety of games such as 3-on-3 basketball)	PEL.2.6.2 Apply <i>spatial awareness</i> while performing two or more elements of individual, dual, and team activities (e.g., appropriate spacing during activities such as flag football, soccer)	PEL.2.7.2 Examine <i>spatial awareness</i> while performing a variety of physical activities (e.g., scooters, soccer, speedball, volleyball, etc.)	PEL.2.8.2 Assess position with relationship to participants and boundaries in a variety of activities (e.g., front line in volleyball, service line in tennis)
<i>Balance and Weight Bearing Activities</i>	PEL.2.5.3 Use sequences that include rolling, <i>balance</i> , and <i>weight transfer</i> (e.g., cycling, skateboarding, tumbling, stretching, simple <i>plyometrics</i> )	PEL.2.6.3 Practice/Refine the sequences of rolling, <i>balance</i> , and <i>weight transfer</i> demonstrating smooth transition (e.g., aerobic dance, Wii dance, <i>plyometrics</i> )	PEL.2.7.3 Practice/Refine the sequences of rolling, <i>balance</i> , and <i>weight transfer</i> demonstrating smooth transition	PEL.2.8.3 Refine the sequences of rolling, <i>balance</i> , and <i>weight transfer</i> demonstrating smooth transition

Strand: Physical Education and Leisure

Standard 2: Movement Concepts:

Students shall understand movement concepts, principles, and strategies that apply to the performance of physical activity.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
<i>Rhythms and Dance</i>	<p>PEL.2.5.4 Perform simple dances in time to music (e.g., square dance, line dance, “cha-cha slide”, Wii dance, etc.)</p>	<p>PEL.2.6.4 Perform a variety of dances (e.g., simple folk dances, square dance, line dance, waltz, Wii dance, etc.)</p>	<p>PEL.2.7.4 Select alternative steps for established dance routines (e.g., “chicken dance”, “hand jive”, “cotton-eyed Joe”, “electric slide”, “cha-cha slide”, line dance)</p>	<p>PEL.2.8.4 Create and perform a dance routine</p>
<i>Manipulative Skills</i>	<p>PEL.2.5.5 Demonstrate mature <i>motor skills</i> in <i>lead-up game</i> situations:</p> <ul style="list-style-type: none"> <li>• throwing</li> <li>• catching</li> <li>• dribbling (hands)</li> <li>• striking</li> <li>• volleying</li> <li>• dribbling (feet)</li> <li>• kicking</li> </ul>	<p>PEL.2.6.5 Utilize learned <i>motor skills</i> to perform the following:</p> <ul style="list-style-type: none"> <li>• individual activities</li> <li>• dual activities</li> <li>• team activities</li> <li>• recreational activities</li> </ul>		

Strand: Physical Education and Leisure

Standard 2: Movement Concepts:

Students shall understand movement concepts, principles, and strategies that apply to the performance of physical activity.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
Knowledge and Strategies	PEL.2.5.6 Recognize appropriate rules and strategies to improve performance in various physical activities (e.g., individual, dual, team, and recreation)	PEL.2.6.6 Apply appropriate rules and strategies to improve performance in various physical activities (e.g., individual, dual, team, and recreation)	PEL.2.7.5 Exhibit appropriate rules and strategies for competition in individual, dual, team, and recreational sports and activities	PEL.2.8.5 Evaluate the benefits of individual, dual, team, and recreational sports and activities to create participation opportunities (e.g., journal)
Academic Integration	PEL.2.5.7 Integrate academic content into physical activities (e.g., science, math, social studies, literacy)	PEL.2.6.7 Integrate academic content into physical activities (e.g., converting measurements, laps into miles)	PEL.2.7.6 Integrate academic content into physical activities (e.g., creating a hypothesis, persuasive writing)	PEL.2.8.6 Integrate academic content into physical activities (e.g., geocaching, reading maps)

Strand: Physical Education and Leisure

Standard 3: Health Related Fitness:

Students shall understand the importance of participating in fitness activities that promote and improve individual health.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
Cardio-respiratory Endurance	<p>PEL.3.5.1 Understand that heart rate is directly proportional to the intensity of activity</p> <p>PEL.3.5.2 Understand the <i>FITT</i> principle as it relates to <i>cardio-respiratory</i> endurance:</p> <ul style="list-style-type: none"> <li>• frequency</li> <li>• intensity</li> <li>• time</li> <li>• type</li> </ul>	<p>PEL.3.6.1 Calculate the intensity of exercise (e.g., heart rate, breathing, perceived exertion, recovery rate)</p> <p>PEL.3.6.2 Apply safe practices of the <i>FITT</i> principle as it relates to <i>cardio-respiratory</i> endurance:</p> <ul style="list-style-type: none"> <li>• frequency</li> <li>• intensity</li> <li>• time</li> <li>• type</li> </ul>	<p>PEL.3.7.1 Participate in individual cardio-respiratory endurance activity (e.g., mile walk, mile run, pacer test, cycling, hiking)</p> <p>PEL.3.7.2 Develop and follow a personal fitness plan that integrates the <i>FITT</i> principle:</p> <ul style="list-style-type: none"> <li>• frequency</li> <li>• intensity</li> <li>• time</li> <li>• type</li> </ul>	<p>PEL.3.8.1 Evaluate the benefits resulting from participation in a cardio-respiratory endurance activity</p> <p>PEL.3.8.2 Apply the five principles of training using the <i>FITT</i> guidelines to develop a personal fitness plan to improve cardio-respiratory endurance:</p> <ul style="list-style-type: none"> <li>• overload</li> <li>• progression</li> <li>• specificity</li> <li>• regularity</li> <li>• individuality</li> </ul>

Strand: Physical Education and Leisure

Standard 3: Health Related Fitness:

Students shall understand how health related fitness can improve individual health.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
<i>Body Composition</i>	PEL.3.5.3 Identify factors contributing to <i>body composition</i> (e.g., heredity, caloric intake, caloric expenditure, life patterns, environment)	PEL.3.6.3 Understand the relationship between caloric intake and caloric expenditure as it relates to levels of fitness	PEL.3.7.3 Develop and use physical activities to improve <i>body composition</i> (e.g., walking, jogging, swimming, cycling)	PEL.3.8.3 Choose personal goals that affect <i>body composition</i> in nutrition and exercise
<i>Flexibility</i>	PEL.3.5.4 Recognize the correlation between the stretch and the muscle group involved (e.g., toe-touch stretches, the hamstrings, and gluteus)	PEL.3.6.4 Participate in exercises that can successfully increase <i>flexibility</i> (e.g., yoga, Pilates, and stretching)	PEL.3.7.4 Develop <i>flexibility</i> to decrease incidents of injury	PEL.3.8.4 Develop <i>flexibility</i> to improve performance (e.g., <i>Proprioceptive Neuromuscular Facilitation (PNF)</i> , <i>dynamic</i> and <i>static</i> stretching)
Muscular Strength and Endurance	PEL.3.5.5 Understand the interaction between muscular strength and muscular endurance.  PEL.3.5.6 Participate in high-intensity and low-intensity exercises	PEL.3.6.5 Participate in a variety of muscle building activities  PEL.3.6.6 Evaluate benefits that result from muscular endurance	PEL.3.7.5 Explore a variety of muscle building activities	PEL.3.8.5 Recognize the benefits that result from regular muscle building activities
Student Fitness Outcomes	PEL.3.5.7 Participate in a nationally recognized health-fitness assessment <ul style="list-style-type: none"> <li>• cardio-respiratory endurance</li> <li>• body composition</li> <li>• muscular strength and endurance</li> <li>• flexibility</li> </ul>	PEL.3.6.7 Participate in a nationally recognized health-fitness assessment <ul style="list-style-type: none"> <li>• cardio-respiratory endurance</li> <li>• body composition</li> <li>• muscular strength and endurance</li> <li>• flexibility</li> </ul>	PEL.3.7.6 Participate in a nationally recognized health-fitness assessment <ul style="list-style-type: none"> <li>• cardio-respiratory endurance</li> <li>• body composition</li> <li>• muscular strength and endurance</li> <li>• flexibility</li> </ul>	PEL.3.8.6 Participate in a nationally recognized health-fitness assessment <ul style="list-style-type: none"> <li>• cardio-respiratory endurance</li> <li>• body composition</li> <li>• muscular strength and endurance</li> <li>• flexibility</li> </ul>

Strand: Physical Education and Leisure

Standard 4: Lifetime Activities and Recreation:

Students shall understand the importance of health benefits and enjoyment from participating in lifetime recreational activities.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.				
	Grade 5	Grade 6	Grade 7	Grade 8
Benefits of Lifetime Activities	PEL.4.5.1 Recognize the physical, mental and emotional benefits of participating in lifetime activities (e.g., relaxation, stress relief, heart health)	PEL.4.6.1 Participate in a variety of lifetime activities (e.g., bowling, canoeing, fishing, archery, shuffleboard, swimming)	PEL.4.7.1 Compare and contrast individual choice of activity and how it may change throughout life	PEL.4.8.1 Select a variety of lifetime activities that encompass all the components of <i>health-related fitness</i>
Lifetime Sports and Recreation	PEL.4.5.2 Compare the benefits of competitive sports and lifetime activities	PEL.4.6.2 Explore recreational activities in the community that meet the needs of various skill levels and interests	PEL.4.7.2 Discuss the way environment influences recreational and career choices (e.g., parks, trails, health clubs, country clubs, lakes)	PEL.4.8.2 Investigate career opportunities available in the field of sports, recreation and leisure

Strand: Physical Education and Leisure

Standard 5: Personal and Social Behavior:

Students shall demonstrate responsible personal and social behaviors that respect self and others in physical activity settings.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
Personal Behavior	PEL.5.5.1 Understand proper attitudes toward winning and losing in a physical activity setting (e.g., maintaining self-control, demonstrating sportsmanship, deciding to walk away from an altercation)	PEL.5.6.1 Understand the physical and <i>environmental</i> dangers associated with decisions made during different physical activities (e.g., standing too close to the batter, terrain awareness)	PEL.5.7.1 Accept and respect the decisions made by game officials and other authority figures (e.g., official calls are accepted as final, no verbal or non-verbal contesting)	PEL.5.8.1 Develop an understanding and respect for the decisions made by classmates, game officials, and other authority figures (e.g., officiate a game, lead a team, captain a team, coach a team)
Social Behavior	PEL.5.5.2 Show respect for persons of similar and different skill levels (e.g., refrain from put-downs, refrain from bullying, encourage classmates)	PEL.5.6.2 Participate with students of diverse multicultural backgrounds (e.g., partner with others, peer coaching, refrain from put-downs)	PEL.5.7.2 Analyze the role of physical activity in understanding individual differences (e.g., gender, ethnicity, size, disabilities)	PEL.5.8.2 Develop individual leadership skills in a variety of physical activities (e.g., rotating team leaders, officiating)

Strand: Health and Wellness

Standard 6: Human Growth and Development:

Students shall understand characteristics relating to growth and development.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.				
	Grade 5	Grade 6	Grade 7	Grade 8
Body Systems	HW.6.5.1 Discuss the basic functions of the following systems: <ul style="list-style-type: none"> <li>• immune</li> <li>• endocrine</li> <li>• reproductive</li> <li>• excretory</li> </ul>	HW.6.6.1 Examine the relationship between organs, tissues, and cells that form body systems	HW.6.7.1 Examine the interaction between the body systems	HW.6.8.1 Analyze how maturation affects the body systems (e.g., brain development, muscular strength, cardiorespiratory capacity)
Growth	HW.6.5.2 Examine changes that occur during puberty	HW.6.6.2 Identify the basic physical, social, and emotional changes that occur during life cycles	HW.6.7.2 Examine changes that occur during adolescence (e.g., reproductive system, hormonal changes)	HW.6.8.2 Identify responsible behaviors and consequences related to physical, social, and emotional changes during adolescence

Strand: Health and Wellness

Standard 7: Disease Prevention:

Students shall understand components related to disease prevention and exhibit behaviors to promote health.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
<i>Communicable and Non-communicable Disease</i>	<p>HW.7.5.1 Identify disease causing germs and how the body fights infection (e.g., viruses, bacteria, fungi, protozoa, white blood cells)</p>	<p>HW.7.6.1 Identify risky behaviors that increase the possibility of developing diseases (e.g., eating and drinking after others, interaction of body fluids, improper handling of foods)</p>	<p>HW.7.7.1 Identify ways individuals can reduce risk factors related to <i>communicable</i> and <i>chronic diseases</i> (e.g., hand-washing protocols, healthy eating, maintain healthy weight, regular exercise)</p>	<p>HW.7.8.1 Describe the importance of early detection in preventing the progression of disease</p>
	<p>H.W.7.5.2 Identify common types of <i>communicable</i> and <i>non-communicable diseases</i></p> <ul style="list-style-type: none"> <li>• <i>acute</i></li> <li>• <i>chronic</i></li> </ul>	<p>HW.7.6.2 Identify causes of <i>non-communicable diseases</i> (e.g. heredity, sun, tobacco, food additives, lack of dietary fiber, environment)</p>	<p>HW.7.7.2 Demonstrate ways individuals can reduce risk factors related to disease (e.g., hand washing, regular exercise, proper nutrition, applying sunscreen, wearing a hat)</p>	<p>HW.7.8.2 Identify various effects of <i>communicable</i> and <i>non-communicable diseases</i> (e.g., medical, social, economic) and types of treatment</p>

Strand: Health and Wellness

Standard 7: Disease Prevention:

Students shall understand components related to disease prevention and exhibit behaviors to promote health.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
<i>Communicable and Non-communicable Disease</i>	<p>HW.7.5.3 Recognize the warning signs of cancer</p> <ul style="list-style-type: none"> <li>change in bowel or bladder habits</li> <li>a sore that does not heal</li> <li>unusual bleeding or discharge</li> <li>thickening or lump in the breast or elsewhere</li> <li>indigestion or difficulty swallowing</li> <li>obvious change in a wart or mole</li> <li>nagging cough or hoarseness</li> </ul>	<p>HW.7.6.3 Recognize the warning signs of cancer</p> <ul style="list-style-type: none"> <li>change in bowel or bladder habits</li> <li>a sore that does not heal</li> <li>unusual bleeding or discharge</li> <li>thickening or lump in the breast or elsewhere</li> <li>indigestion or difficulty swallowing</li> <li>obvious change in a wart or mole</li> <li>nagging cough or hoarseness</li> </ul>	<p>HW.7.7.3 Recognize the warning signs of cancer</p> <ul style="list-style-type: none"> <li>change in bowel or bladder habits</li> <li>a sore that does not heal</li> <li>unusual bleeding or discharge</li> <li>thickening or lump in the breast or elsewhere</li> <li>indigestion or difficulty swallowing</li> <li>obvious change in a wart or mole</li> <li>nagging cough or hoarseness</li> </ul>	<p>HW.7.8.3 Recognize the warning signs of cancer</p> <ul style="list-style-type: none"> <li>change in bowel or bladder habits</li> <li>a sore that does not heal</li> <li>unusual bleeding or discharge</li> <li>thickening or lump in the breast or elsewhere</li> <li>indigestion or difficulty swallowing</li> <li>obvious change in a wart or mole</li> <li>nagging cough or hoarseness</li> </ul>

Strand: Health and Wellness

Standard 7: Disease Prevention:

Students shall understand components related to disease prevention and exhibit behaviors to promote health.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES

	Grade 5	Grade 6	Grade 7	Grade 8
<i>Communicable and Non-communicable Disease</i>	<p>HW.7.5.4 Define sexually transmitted infections (<i>STI</i>) and the various effects (<i>Human Immunodeficiency Virus (HIV)</i>, herpes)</p>	<p>HW.7.6.4 Identify how <i>STI</i>'s are transmitted:</p> <ul style="list-style-type: none"> <li>• body fluids</li> <li>• sharing needles (e.g., intravenous <i>drug</i> use, body piercing, tattoos)</li> <li>• blood</li> <li>• <i>sexual</i> contact</li> <li>• mother to infant</li> </ul> <p>HW.7.6.5 Distinguish between the facts and myths associated with contracting <i>STI</i>'s (e.g., holding hands/touching, hugging, mosquitoes, sweat and tears, donating blood)</p>	<p>HW.7.7.4 Discuss the physical and social consequences associated with <i>STI</i> contraction</p> <p>HW.7.7.5 Describe specific symptoms of <i>STI</i> (e.g., pain or burning during urination, unusual discharge, abdominal pain)</p> <p>HW.7.7.6 Identify ways to prevent and treat <i>STI</i>'s (e.g., <i>abstinence</i>, avoid risky behaviors, antibiotics, surgery, contraception)</p>	<p>HW.7.8.4 Analyze the physical and social implications of <i>STI</i>, <i>HIV</i>, <i>Acquired Immune Deficiency Syndrome (AIDS)</i> (e.g., <i>sterility</i>, self-esteem)</p> <p>HW.7.8.5 Develop avoidance strategies to prevent <i>HIV</i> and other <i>STI</i>'s</p>

Strand: Health and Wellness

Standard 8: Community Health and Promotion:

Students shall demonstrate the ability to access valid health information, products, and services that promote consumer, community, and *environmental health*.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
Health Information, Services, and Products	HW.8.5.1 Discuss cultural beliefs about health behaviors and the use of health services	HW.8.6.1 Research local resources that provide health services for situations requiring health care	HW.8.7.1 Research community resources for diagnosing and treating health issues (e.g., STI's, immunizations, etc.)	H.W. 8.8.1 Evaluate community resources for diagnosing and treating health issues (e.g., STI's, immunizations, etc.)
<i>Environmental and Community Health</i>	HW.8.5.2 Identify pollutants <ul style="list-style-type: none"> <li>• smog and other gases</li> <li>• carbon monoxide</li> <li>• tobacco smoke</li> <li>• radiation</li> <li>• radon</li> </ul> HW.8.5.3 Discuss how pollutants affect health	HW.8.6.2 Examine how air, water, and soil quality affect health	HW.8.7.2 Identify available resources that provide information which promotes environmental and community health (e.g., Arkansas Department of Environmental Quality, Arkansas Cooperative Extension Service)	H.W. 8.8.2 Develop strategies to reduce pollutants (e.g., home, school, community)
Media and Technology	HW.8.5.4 Identify reliable media and technological sources that provide valid health information	HW.8.6.3 Determine the validity of media advertisements that promote good health (e.g., body image, food choices, exercise habits, personal grooming products)	HW.8.7.3 Discuss the validity of media messages before the purchase of products (e.g., prescription drugs, dietary products, exercise equipment and products)	HW.8.8.3 Examine media messages that contribute to health information  HW.8.8.4 Develop media messages that promote good health

Strand: Health and Wellness

Standard 9: Healthy Life Skills and Relationships:

Students shall demonstrate the ability to use communication skills to enhance relationships and to promote wellness.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
Interpersonal Relationships and Human Sexuality	<p>HW.9.5.1 Identify the different types of relationships:</p> <ul style="list-style-type: none"> <li>• friendships</li> <li>• family</li> <li>• romantic relationships</li> </ul> <p>HW.9.5.2 Practice verbal/nonverbal <i>communication skills</i> needed for a healthy relationship</p> <p>HW.9.5.3 Identify inappropriate behaviors that show disrespect for others:</p> <ul style="list-style-type: none"> <li>• touching</li> <li>• language</li> <li>• gestures</li> </ul>	<p>HW.9.6.1 Identify appropriate ways to express affection within relationships:</p> <ul style="list-style-type: none"> <li>• family</li> <li>• peers</li> <li>• romantic relationships</li> </ul> <p>HW.9.6.2 Describe how communication can affect the behavior of family life and peers:</p> <ul style="list-style-type: none"> <li>• dynamic changes</li> <li>• communication enhancers</li> <li>• sibling rivalry</li> <li>• family pride</li> <li>• bullying</li> </ul> <p>HW.9.6.3 Examine <i>refusal skills</i> and the importance of setting limits</p>	<p>HW.9.7.1 Recognize the consequences of <i>sexual</i> interaction:</p> <ul style="list-style-type: none"> <li>• emotional</li> <li>• social</li> <li>• physical</li> </ul> <p>HW.9.7.2 Develop solution skills for conflict:</p> <ul style="list-style-type: none"> <li>• avoidance</li> <li>• resolutions</li> <li>• confrontation</li> </ul> <p>HW.9.7.3 Model <i>refusal skills</i> that may be used when pressured to exhibit inappropriate behavior (e.g., role-play, skits, written scenarios)</p>	<p>HW.9.8.1 Evaluate how <i>sexual</i> decisions influence the following:</p> <ul style="list-style-type: none"> <li>• future</li> <li>• family</li> <li>• peers</li> <li>• community</li> <li>• future life-mate</li> </ul> <p>HW.9.8.2 Examine how <i>communication skills</i> can prevent bullying, reduce prejudices, and encourage tolerance</p> <p>HW.9.8.3 Evaluate how social issues effect inappropriate behaviors</p> <ul style="list-style-type: none"> <li>• peers</li> <li>• media</li> <li>• family</li> <li>• socioeconomic status</li> </ul>

Strand: Health and Wellness

Content Standard 9: Healthy Life Skills and Relationships:

Students shall demonstrate the ability to use communication skills to enhance relationships and to promote wellness.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
Interpersonal Relationships and Human Sexuality	HW.9.5.4 Define <i>abstinence</i> as it relates to <i>risky behaviors</i>	HW.9.6.4 Understand <i>abstinence</i> as it relates to <i>risky behaviors</i>	HW.9.7.4 Identify the benefits of <i>abstinence</i> as it relates to <i>risky behaviors</i>	HW.9.8.4 Reinforce the importance of <i>abstinence</i> as it relates to <i>sexual behavior</i>

Strand: Health and Wellness

Content Standard 10: Alcohol, Tobacco, and Other *Drugs*:

Students shall demonstrate the ability to use *drug* knowledge and decision-making skills to address the use and abuse of medications, alcohol, tobacco, and other *drugs*.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.				
	Grade 5	Grade 6	Grade 7	Grade 8
Medicine	<p>HW.10.5.1 Identify common misuses of non-prescription and <i>prescription drugs</i>:</p> <ul style="list-style-type: none"> <li>• using another person's prescription medication</li> <li>• combining <i>drugs</i> for another effect</li> <li>• over-medicating</li> <li>• not following prescription instructions</li> </ul>	<p>HW.10.6.1 Analyze possible consequences of prolonged use of non-prescription and <i>prescription drugs</i>:</p> <ul style="list-style-type: none"> <li>• physical</li> <li>• financial</li> <li>• legal</li> </ul>	<p>HW.10.7.1 Predict how misuse of medication could lead to dependency</p>	<p>HW.10.8.1 Evaluate how dependency impacts family and society</p>
Tobacco	<p>HW.10.5.2 Discuss the major chemicals in tobacco products:</p> <ul style="list-style-type: none"> <li>• tar</li> <li>• nicotine</li> <li>• carbon monoxide</li> </ul> <p>HW.10.5.3 Recognize nicotine use as both a physical and psychological addiction</p> <p>HW.10.5.4 Define <i>gateway drug</i></p>	<p>HW.10.6.2 Explain the effects of the major chemicals and tobacco products</p> <p>HW.10.6.3 Identify physical, psychological and social consequences of tobacco use</p> <p>HW.10.6.4 Discuss tobacco as a <i>gateway drug</i></p>	<p>HW.10.7.2 Chart the damage to different body systems caused by long-term tobacco use</p> <p>HW.10.7.3 Identify the legal issues and consequences of under-age use, possession, and purchase of tobacco products</p> <p>HW.10.7.4 Analyze how messages from media sources influence tobacco use</p>	<p>HW.10.8.2 Analyze the reversal of physiological damage from the <i>cessation</i> of tobacco use (e.g., lungs, heart, stamina)</p> <p>HW.10.8.3 Research current laws on tobacco use (e.g., public places and transportation)</p> <p>HW.10.8.4 Evaluate different <i>cessation</i> strategies:</p> <ul style="list-style-type: none"> <li>• medications</li> <li>• support groups</li> </ul>

Strand: Health and Wellness

Content Standard 10: Alcohol, Tobacco, and Other Drugs

Students shall demonstrate the ability to use *drug* knowledge and decision-making skills to address the use and abuse of medications, alcohol, tobacco, and other *drugs*.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.				
	Grade 5	Grade 6	Grade 7	Grade 8
Alcohol	<p>HW.10.5.5 Describe the long term effects of alcohol abuse (e.g., liver damage)</p> <p>HW.10.5.6 Describe how the abuse of alcohol can affect others</p>	<p>HW.10.6.5 Discuss alcohol as a <i>gateway drug</i></p> <p>HW.10.6.6 Discuss the effects of alcohol on the body systems:</p> <ul style="list-style-type: none"> <li>• nervous</li> <li>• circulatory</li> <li>• respiratory</li> <li>• digestive</li> </ul> <p>HW.10.6.7 Discuss alcohol-related myths</p>	<p>HW.10.7.5 Explain diseases caused by alcohol abuse:</p> <ul style="list-style-type: none"> <li>• <i>alcoholism</i></li> <li>• cirrhosis of liver</li> <li>• <i>fetal alcohol syndrome (FAS)</i></li> </ul> <p>HW.10.7.6 Identify the legal issues and discuss the consequences of alcohol use and/or possession:</p> <ul style="list-style-type: none"> <li>• under age</li> <li>• <i>blood alcohol concentration (BAC)</i></li> <li>• <i>driving under the influence (DUI)</i></li> </ul>	<p>HW.10.8.5 Identify support services and community resources for assistance and treatment:</p> <ul style="list-style-type: none"> <li>• alcoholics anonymous (AA)</li> <li>• al-anon</li> <li>• alateen</li> </ul> <p>HW.10.8.6 Determine the effects of alcohol on an individual (e.g., body weight)</p>

Strand: Health and Wellness

Content Standard 10: Alcohol, Tobacco, and Other Drugs:

Students shall demonstrate the ability to use *drug* knowledge and decision-making skills to address the usage and abuse of medication, alcohol, tobacco, and other *drugs*.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.				
	Grade 5	Grade 6	Grade 7	Grade 8
Other <i>Drugs</i>	<p>HW.10.5.7 Identify <i>drug</i> categories:</p> <ul style="list-style-type: none"> <li>• <i>prescription drugs</i></li> <li>• stimulants</li> <li>• depressants</li> <li>• hallucinogens</li> <li>• narcotics</li> <li>• <i>illicit drugs</i></li> <li>• inhalants</li> </ul>	<p>HW.10.6.8 Examine the use and abuse of each <i>drug</i> category:</p> <ul style="list-style-type: none"> <li>• <i>prescription drugs</i></li> <li>• stimulants</li> <li>• depressants</li> <li>• hallucinogens</li> <li>• narcotics</li> <li>• <i>illicit drugs</i></li> <li>• inhalants</li> </ul>	<p>HW.10.7.7 Identify the physical, emotional, and social effects of the following <i>drugs</i>:</p> <ul style="list-style-type: none"> <li>• <i>prescription drugs</i></li> <li>• crystal methamphetamine</li> <li>• “date-rape <i>drug</i>”</li> <li>• performance-enhancing <i>drugs</i></li> <li>• marijuana</li> <li>• over-the-counter drugs</li> <li>• other dangerous drugs</li> </ul>	<p>HW.10.8.7 Evaluate rehabilitative strategies and programs:</p> <ul style="list-style-type: none"> <li>• intervention</li> <li>• counseling</li> <li>• treatment centers</li> <li>• support groups</li> <li>• Narcotics Anonymous</li> <li>• in-patient rehab</li> <li>• out-patient rehab</li> <li>• counseling centers</li> </ul>
	<p>HW.10.5.8 Discuss legal consequences of <i>illicit drug</i> use</p>	<p>HW.10.6.9 Discuss legal consequences of <i>illicit drugs</i> (e.g., possession and distribution)</p>	<p>HW.10.7.8 Discuss legal boundaries involved with the use and abuse of each <i>drug</i> category</p> <p>HW.10.7.9 Analyze the legal and social consequences of repetitive <i>illicit drug</i> offenses</p>	<p>HW.10.8.8 Analyze the legal and social consequences of repetitive <i>drug</i> offenses</p>

Strand: Health and Wellness

Content Standard 10: Alcohol, Tobacco, and Other Drugs:

Students shall demonstrate the ability to use *drug* knowledge and decision-making skills to address the use abuse of medications, alcohol, tobacco, and other *drugs*.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
<i>Refusal Skills and Prevention Strategies</i>	<p>HW.10.5.9 Identify ways to resist peer pressure:</p> <ul style="list-style-type: none"> <li>• say “NO”</li> <li>• suggest an alternative</li> <li>• walk away</li> </ul> <p>HW.10.5.10 Analyze media messages concerning drug use</p>	<p>HW.10.6.10 Demonstrate ways to resist peer pressure (e.g., role play, skits)</p> <p>HW.10.6.11 Describe how the use of addictive substances affects one’s relationship with others:</p> <ul style="list-style-type: none"> <li>• family</li> <li>• friends</li> <li>• school</li> <li>• community</li> </ul>	<p>HW.10.7.10 Discuss the different <i>prevention</i> strategies used to avoid addictive substances</p> <p>HW.10.7.11 Identify family, peer, legal, and cultural influences in avoiding the use of all addictive substances</p>	<p>HW.10.8.10 Evaluate <i>prevention</i> strategies in avoiding the use of all addictive substances</p> <p>HW.10.8.11 Create various ways to avoid the use of addictive substances</p>

Strand: Health and Wellness

Content Standard 11: Personal Health and Safety:

Students shall recognize and practice health-enhancing behaviors to avoid or reduce health risks.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
Personal Health	<p>HW.11.5.1 Identify strategies and skills to demonstrate self-respect and responsibility</p> <ul style="list-style-type: none"> <li>• healthy body image</li> <li>• peer influence</li> <li>• family influence</li> <li>• media/advertising influence</li> </ul> <p>HW.11.5.2 Recognize the warning signs of <i>depression</i> and suicidal thoughts</p> <p>HW.11.5.3 Recognize the benefits of safe behavior and the consequences of <i>risky behavior</i> (e.g., using seatbelts, avoiding <i>drugs</i>, abstaining from <i>sexual activity</i>)</p>	<p>HW.11.6.1 Develop strategies and skills to demonstrate respect for others:</p> <ul style="list-style-type: none"> <li>• conflict resolution</li> <li>• bullying [Refer to: local school/district Student Handbook]</li> </ul> <p>HW.11.6.2 Recognize the warning signs of <i>depression</i> and suicidal thoughts</p> <p>HW.11.6.3 Identify the benefits of safe behavior and the consequences of <i>risky behavior</i> (e.g., using seatbelts, avoiding <i>drugs</i>, abstaining from <i>sexual activity</i>)</p>	<p>HW.11.7.1 Examine skills necessary to manage <i>mental</i> and <i>emotional health</i>:</p> <ul style="list-style-type: none"> <li>• defense mechanisms</li> <li>• self-talk</li> <li>• coping skills</li> <li>• <i>stress management</i></li> </ul> <p>HW.11.7.2 Discuss the warning signs of <i>depression</i> and suicidal thoughts</p> <p>HW.11.7.3 Discuss the benefits of safe behavior and the consequences of <i>risky behavior</i> (e.g., seatbelts, <i>sexual activity</i>, teen pregnancy, <i>drugs</i>, alcohol, all types of abuse, dietary supplements)</p>	<p>HW.11.8.1 Demonstrate skills necessary to manage <i>mental</i> and <i>emotional health</i>:</p> <ul style="list-style-type: none"> <li>• defense mechanisms</li> <li>• self-talk</li> <li>• coping skills</li> <li>• <i>stress management</i></li> </ul> <p>HW.11.8.2 Discuss the warning signs of <i>depression</i> and suicidal thoughts</p> <p>HW.11.8.3 Distinguish personal responsibility in making choices affecting individual <i>health and wellness</i></p>

Strand: Health and Wellness

Content Standard 11: Personal Health and Safety:

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	Grade 5	Grade 6	Grade 7	Grade 8
Personal Health	HW.11.5.4 Identify <i>depression</i> coping strategies	HW.11.6.4 Discuss <i>depression</i> coping strategies	HW.11.7.4 Identify suicide <i>prevention</i> strategies: <ul style="list-style-type: none"> <li>• counseling</li> <li>• hot-line</li> <li>• trusted adult</li> </ul>	HW.11.8.4 Discuss suicide <i>prevention</i> strategies: <ul style="list-style-type: none"> <li>• counseling</li> <li>• hot-line</li> <li>• trusted adult</li> </ul>
Personal Hygiene	HW.11.5.5 Apply skills to prevent and control the spread of disease: <ul style="list-style-type: none"> <li>• correct hand washing</li> <li>• regular bathing</li> <li>• washing clothes</li> <li>• <i>hygiene</i> products</li> <li>• oral <i>hygiene</i></li> </ul>	HW.11.6.5 Discuss how cleanliness and good grooming show consideration for self and others: <ul style="list-style-type: none"> <li>• regular bathing</li> <li>• clean clothing</li> <li>• clean hair</li> <li>• deodorant</li> <li>• oral <i>hygiene</i></li> </ul>	HW.11.7.5 Examine the importance of good <i>hygiene</i> as the body develops	HW.11.8.5 Analyze the importance of good <i>hygiene</i> as the body develops

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	Grade 5	Grade 6	Grade 7	Grade 8
Oral Health	<p>HW.11.5.6 Recognize dental health as an important part of overall health</p> <ul style="list-style-type: none"> <li>• care of gums and teeth</li> <li>• proper diet</li> <li>• use of sports guards</li> </ul>	<p>HW.11.6.6 Identify ways to maintain proper dental health that will reduce the risk of tooth decay and gum disease:</p> <ul style="list-style-type: none"> <li>• choose healthy snacks</li> <li>• avoid using tobacco products</li> <li>• take proper care of gums and teeth</li> <li>• use toothpaste and drinking water containing fluoride</li> <li>• use dental sealants</li> </ul>	<p>HW.11.7.6 Identify diseases related to poor oral health:</p> <ul style="list-style-type: none"> <li>• dental cavities</li> <li>• gingivitis</li> <li>• <i>leukoplakia</i></li> <li>• periodontitis</li> <li>• halitosis</li> </ul>	<p>HW.11.8.6 Evaluate the overall effect of good oral health</p> <ul style="list-style-type: none"> <li>• self-esteem</li> <li>• finances</li> <li>• social skills</li> <li>• medical needs</li> </ul>
	<p>HW.11.5.7 Identify the hazards of using tobacco products on oral health</p>	<p>HW.11.6.7 Discuss the oral health hazards of using tobacco products</p>	<p>HW.11.7.7 Describe the hazards of specific tobacco products on oral health</p>	<p>HW.11.8.7 Analyze the hazards of specific tobacco products on oral health</p>
	<p>HW.11.5.8 Identify the risks of oral piercing on oral health</p>	<p>HW.11.6.8 Identify the risks of oral piercing on oral health</p>	<p>HW.11.7.8 Discuss the risks of oral piercing on oral health</p>	<p>HW.11.8.8 Analyze the risks of oral piercing on oral health</p>

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	Grade 5	Grade 6	Grade 7	Grade 8
Safety	<p>HW.11.5.9 Discuss safety procedures for the following:</p> <ul style="list-style-type: none"> <li>• weather</li> <li>• transportation</li> <li>• food</li> <li>• fire</li> <li>• recreational (e.g., swimming, boating, camping, hunting, biking)</li> </ul> <p>HW.11.5.10 Recognize appropriate procedures to respond to emergency situations, both life threatening and non-life threatening</p>	<p>HW.11.6.9 Discuss safety procedures for the following:</p> <ul style="list-style-type: none"> <li>• weather</li> <li>• transportation</li> <li>• food</li> <li>• fire</li> <li>• recreational (e.g., swimming, boating, camping, hunting, biking)</li> </ul> <p>HW.11.6.10 Demonstrate first aid procedures and recognize steps of <i>CPR</i>, <i>AED</i> use, choking, bleeding, universal precautions</p>	<p>HW.11.7.9 Practice safety procedures for the following:</p> <ul style="list-style-type: none"> <li>• weather</li> <li>• transportation</li> <li>• food</li> <li>• fire</li> <li>• recreational (e.g., swimming, boating, camping, hunting, biking)</li> </ul> <p>HW.11.7.10 Model first aid and emergency procedures using role playing, skits, or another performance-based method (e.g., <i>AED</i> use, <i>CPR</i>, choking, <i>RICE</i>)</p>	<p>HW.11.8.9 Practice safety procedures for the following:</p> <ul style="list-style-type: none"> <li>• weather</li> <li>• transportation</li> <li>• food</li> <li>• fire</li> <li>• recreational (e.g., swimming, boating, camping, hunting, biking)</li> </ul> <p>HW.11.8.10 Model first aid and emergency procedures using role playing, skits, or another performance-based method (e.g., <i>AED</i> use, <i>CPR</i>, choking, <i>RICE</i>)</p>

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Content Standard 11: Personal Health and Safety:

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	Grade 5	Grade 6	Grade 7	Grade 8
Violence	<p>HW.11.5.11 Identify violent, verbal, and nonverbal behaviors, such as:</p> <ul style="list-style-type: none"> <li>• abuse</li> <li>• assault</li> <li>• harassment</li> <li>• bullying (e.g. verbal, physical, cyber, emotional)</li> </ul> <p>HW.11.5.12 Identify individuals and other sources to help and report abuse (e.g., counselor, teacher, resource officer)</p>	<p>HW.11.6.11 Identify situations that threaten personal safety and may result in abuse:</p> <ul style="list-style-type: none"> <li>• physical</li> <li>• social</li> <li>• mental</li> <li>• <i>sexual</i></li> <li>• <i>social networking</i></li> </ul> <p>HW.11.6.12 Identify individuals and other sources to help and report abuse (e.g., counselor, teacher, resource officer)</p>	<p>HW.11.7.11 Develop responses to avoid situations that threaten personal safety:</p> <ul style="list-style-type: none"> <li>• using conflict resolution</li> <li>• reporting bullying and sexual harassment</li> <li>• traveling in pairs</li> </ul> <p>HW.11.7.12 Identify individuals and other sources to help and report abuse (e.g., counselor, teacher, resource officer)</p>	<p>HW.11.8.11 Analyze examples of harassment and intimidating behaviors:</p> <ul style="list-style-type: none"> <li>• media</li> <li>• technology</li> <li>• peer groups</li> </ul> <p>HW.11.8.12 Identify individuals and other sources to help and report abuse (e.g., counselor, teacher, resource officer)</p>

Strand: Health and Wellness

Content Standard 12: Nutrition:

Students shall understand concepts related to nutrition and develop skills for making healthy food choices.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
Healthy Eating Habits	<p>HW.12.5.1 Discuss healthy and harmful eating habits</p> <ul style="list-style-type: none"> <li>• healthy snacks</li> <li>• overeating</li> <li>• under eating</li> </ul> <p>HW.12.5.2 Explain how personal food choices relate to proper nutrition (Refer to: CHOOSEMYPLATE.GOV, USDA)</p>	<p>HW.12.6.1 Examine factors that contribute to personal eating behaviors (e.g., hunger versus appetite, stress, environment, family/culture, media, peers)</p> <p>HW.12.6.2 Describe the basic principles associated with the development of a healthy meal plan</p>	<p>HW.12.7.1 Identify factors that influence food choices:</p> <ul style="list-style-type: none"> <li>• time</li> <li>• cost/availability</li> <li>• culture</li> <li>• location</li> <li>• peers</li> <li>• media</li> <li>• family</li> <li>• body image</li> </ul> <p>HW.12.7.2 Discuss a personal eating plan and physical activity schedule for weight management (e.g., caloric intake versus caloric expenditure)</p>	<p>HW.12.8.1 Analyze factors that influence food choices:</p> <ul style="list-style-type: none"> <li>• time</li> <li>• cost/availability</li> <li>• culture</li> <li>• location</li> <li>• peers</li> <li>• media</li> <li>• family</li> <li>• body image</li> </ul> <p>HW.12.8.2 Develop a personal eating plan and physical activity schedule for weight management (e.g., caloric intake versus caloric expenditure)</p>

Strand: Health and Wellness

Content Standard 12: Nutrition:

Students shall understand concepts related to nutrition and develop skills for making healthy food choices.

THE GOAL FOR EACH STUDENT IS PROFICIENCY IN ALL REQUIREMENTS AT CURRENT AND PREVIOUS GRADES.

	Grade 5	Grade 6	Grade 7	Grade 8
Food and Nutrition	<p>HW.12.5.3 Analyze food intake patterns and their nutritional benefits and values</p> <p>HW.12.5.4 Compare nutrient information on a variety of food labels</p> <p>HW.12.5.5 Recognize common eating disorders</p> <ul style="list-style-type: none"> <li>• bulimia</li> <li>• anorexia nervosa</li> <li>• binge eating</li> </ul>	<p>HW.12.6.3 Examine nutrient deficiencies in the body (e.g., anemia, night blindness)</p> <p>HW.12.6.4 Create a healthy meal plan based on proper nutrition, using a nutritional guide (Refer to: CHOOSEMYPLATE.GOV, USDA)</p> <p>HW.12.6.5 Identify common eating disorders</p> <ul style="list-style-type: none"> <li>• bulimia</li> <li>• anorexia nervosa</li> <li>• binge eating</li> </ul>	<p>HW.12.7.3 Explain how nutrients affect risk factors for the following four common <i>chronic diseases</i>:</p> <ul style="list-style-type: none"> <li>• cancer</li> <li>• cardiovascular disease</li> <li>• osteoporosis</li> <li>• type II diabetes</li> </ul> <p>HW.12.7.4 Analyze a daily nutrition log based on Nutrition Facts Labels</p> <p>HW.12.7.5 Describe causes, symptoms, consequences, and treatments for the three most common eating disorders:</p> <ul style="list-style-type: none"> <li>• bulimia</li> <li>• anorexia nervosa</li> <li>• binge eating</li> </ul>	<p>HW.12.8.3 Analyze how nutrients affect risk factors of the following common <i>chronic diseases</i>:</p> <ul style="list-style-type: none"> <li>• cancer</li> <li>• cardiovascular disease</li> <li>• osteoporosis</li> <li>• type II diabetes</li> </ul> <p>HW.12.8.4 Analyze a daily nutrition log based on nutrition facts labels</p> <p>HW.12.8.5 Assess one's personal healthy eating plan based on proper nutrition using a nutritional guide</p> <p>HW.12.8.6 Research causes, symptoms, consequences, and treatments for the three most common eating disorders:</p> <ul style="list-style-type: none"> <li>• bulimia</li> <li>• anorexia nervosa</li> <li>• binge eating</li> </ul>

Physical Education and Health Glossary

Abstinence	Refusing to participate in risky health behaviors
Acute Disease	A disease caused by a rapid onset of symptoms that are usually severe and dissipate within a month
AED	Automated External Defibrillator A portable diagnostic device that temporarily stimulates the heart
Aerobic activity	A steady activity in which the heart can supply all the oxygen the muscles need
Agility	The ability to change direction quickly while the body is in motion
Alcoholism	A disease in which a person has a physical or psychological dependence on alcohol
AIDS	Also called Acquired Immunodeficiency Syndrome; A potentially life-threatening condition in which there is a severe loss of body cellular immunity
Balance	The ability to maintain or regain equilibrium while moving or standing still
Body awareness	An element of movement; being aware of body shape, parts of the body, and the support and transfer of weight
Body composition	The ratio of body fat to lean body tissue including muscle, bone, water, and connective tissue
Body Mass Index (BMI)	a number that shows body weight adjusted for height: can be calculated with simple math using inches and pounds, or meters and kilograms; used to assess underweight, overweight, and risk for overweight
Bullying	Four types of bullying include: physical, verbal, cyber, emotional
Cardio-respiratory	The ability of the heart, lungs, and vascular system to supply oxygen and nutrients to muscles during activity
Carotid artery	Either of the two major arteries, one on each side of the neck, that carry blood to the head
Chronic disease	A disease that is ongoing
Communicable disease	Diseases that are spread from one living thing to another or through the environment

Communication skills	Those skills in which an individual chooses to share thoughts and feelings with others
Community health	Activities, efforts, and strategies that influence individuals within a community to make healthy decisions
Competency	The ability to perform and apply skills
Consumer health	Focuses on helping individuals make responsible decisions about products and services that can affect one's health
CPR	Cardio-Pulmonary Resuscitation--emergency procedure performed on people suffering cardiac arrest
Depression	A prolonged feeling of helplessness, hopelessness, and sadness
Drug	A substance, other than food, that changes the structure or function of the body and mind
DUI	Driving under the influence of alcohol, as defined by the law
Dynamic	Activities and stretches that involve movement
Emotional health	A sense of well-being with attention to mind, body, spirit, creativity, intellectual development, health, etc.
Environmental hazards	Air, water, and land that surrounds an individual or community that poses a health risk
Environmental health	Factors that contribute to the overall health status of air, water, and land
FITT principle	A formula in which each letter represents a factor important for determining the correct amount of physical activity F= Frequency, I = Intensity, T = Time, T = Type
Fetal Alcohol Syndrome (FAS)	A group of alcohol-related birth defects that includes both physical and mental problems
Journal	A regularly kept written record that a student uses as a personal assessment tool
Flexibility	The ability of various joints of the body to move through their full range of motion
Gateway drug	A <i>drug</i> that introduces people to <i>drug</i> use, increasing the risk that they will try a stronger <i>drug</i>
Health	The state of physical, mental, and emotional well-being and not merely the absence of disease or infirmity

Health education	Process by which individuals are informed concerning the promotion of physical, mental, emotional, and social well-being
Health enhancement	A subject area that includes content from the disciplines of both health and physical education which has as its major focus the development of a healthy lifestyle
Health-related fitness	Includes the components of (1) cardiovascular endurance, (2) muscular strength and endurance, (3) flexibility, and (4) Body composition
Human Immunodeficiency Virus (HIV)	A virus that attacks the immune system and potentially leads to AIDS
Hygiene	A condition promoting sanitary practices
Immune system	Group of organs, including the lymph nodes, thymus, and spleen, that fights off pathogens and removes harmful organisms from the blood
Immunity	Resistance to infection or a specified disease
Interpersonal social skills	Skills that enhance the ability to work and play together, such as cooperation, fair play, sportsmanship, respect, loyalty, patience, self-control and tolerance
Lead-up games	Activities that utilize basic skills and strategies related to specific games, sports or leisure activities
Leisure activities	The use of free time for enjoyment while engaging in physical activities
Lifetime activities	Includes games, sports, and other leisure pursuits usually performed by a person over the course of a lifetime, including activities like tennis, golf, bowling, backpacking, canoeing and racquetball
Locomotor	Skills used to move the body from one place to another, including walking, running, skipping, leaping, sliding, galloping, <i>jumping</i> and <i>hopping</i>
Low-organized games	Include activities that are easy to play, have few and simple rules, require little or no equipment, and may be varied in many ways
Manipulative skills	Skills developed when a person handles some kind of object, including throwing, kicking, batting, catching, redirecting an object in flight (such as a volleyball) or continuous control of an object such as a hoop

Mature pattern	A series of basic movements that are fluid, efficient, repetitive, and internalize
Mental health	State of well-being of the mind
Motor skills	Basic fundamental movement patterns usually involving the large muscle groups that are necessary to perform a variety of physical activities
Muscular endurance	The ability of the muscles to exert force for an extended time
Muscular strength	The ability of the muscles to exert maximum effort
Musculoskeletal	System of the human body that consists of bones, joints, muscles and tendons configured so as to allow the great variety of movements characteristic of human activity
Non-communicable disease	A disease that is not transmitted by another person, by a vector, or from the environment
Non-locomotor	Skills that are performed in place without appreciable spatial movement and include bending and stretching, pushing, pulling, raising and lowering, twisting and turning, and shaking
Non-violent strategies	Techniques that are used to avoid or de-escalate a potentially violent situation and includes problem-solving, active listening, conflict resolution skills, mediation, sit-downs or humor
Nutrition	The study of foods and the process by which they nourish the body
Obesity	The condition of being very fat or having a high percentage of body fat
Pathogen	A microorganism capable of causing disease or illness
Peer pressure	Positive or negative influence peers consciously or unconsciously place on others to behave in certain ways
Personal health	Concerning or affecting a particular person's health
Physical fitness	Ability to perform physical activities and meet the demands of daily living while being energetic and alert
Physically educated	Understanding and appreciating the relationship between quantity and quality of individual movement and ultimate quality of life
Plaque	A thin film of matter that destroys tooth enamel

Prescription drug	A <i>drug</i> that cannot be purchased legally without a doctor's order
Prevention	To stop or keep from doing or happening
Radial Artery	Branch of the brachial artery beginning below the elbow and extending down the forearm around the wrist and into the palm
Recreation activity	Pleasant activity which one enjoys doing in spare time
Refusal skills	Techniques used to say "NO" in a risk situation
Rhythm(s)	Involves motion that possesses regularity and a predictable pattern, often involving music such as dance patterns, <i>jumping</i> rope or tinikling (Philippine folk dance)
RICE	A first aid procedure for dealing with minor injuries - Rest Ice Compression and Elevation
Risk behaviors	Behaviors that represent a potential threat to a person's well-being
Sexual	Of or involving sex, the sexes, or the sex organs
Spatial awareness	The ability to recognize and respond to objects in 3-dimensional (3-D) space
Static	Stretching or balancing that involves no movement
STI (STD)	Sexually Transmitted Infection (Sexually Transmitted Disease); an infectious disease that is spread from person-to-person during sexual activity
Stress management	Techniques used to prevent and deal with stressors
Target heart rate	Used to determine activity intensity; used to enhance the level of cardiovascular endurance; may be calculated by using the formula: (Maximum heart rate '220' – age) x 0.70 = target heart rate
Trap	To gain control of ball with foot
Underweight	Having a <i>body mass index</i> that is below the 5 <sup>th</sup> percentile for one's age

Weight bearing activities	Activities that include all of the movements that focus on the transfer of /strength from one adjacent body part to another
Weight/strength training	A form of fitness training that usually includes working with four variables: (1) amount of resistance (weight) per lift; (2) number of repetitions of each lift (set); (3) number of sets per workout; and (4) number of workouts per week
Wellness	A concept that suggests that all aspects of a person's life (physical, mental, emotional, and social well-being) are balanced; implies that a person will be active and free from disease

# ***Appendix***

## Physical Education for Students with Special Needs

Every physical education class includes students who are high achievers, low achievers, and those in the middle, which are the majority. Effective instructional strategies take into account the diverse needs of very heterogeneous groups. Quality physical education involves adapting, modifying, and changing a physical activity so it is appropriate for all participants.

Some students come to physical education with motor or perceptual deficits, while others have more severe disabilities. Successful participation in physical activities by students with disabilities depends on the teacher's attitude and skill in providing instruction and support to all students. The teacher should encourage students to learn and experience maximum enjoyment in physical education by understanding students' specific needs and encouraging students who are not disabled to accept and support those who are disabled.

Children with disabilities, whether they are identified as needing special education and related services or not, have the right to a modification of the regular program. Further, under Section 504 of the Rehabilitation Act of 1973, Amendments of 1991 (Public Law 102-42), American Disabilities Act of 1990 (Public Law 101-336), Amendments of 2008 (Public Law 110-325), and Individuals with Disabilities Act (IDEA 2004, Public Law 108-466), such children may not be discriminated against by school personnel. Per IDEA 2004, "each child with a disability must be afforded the opportunity to participate in the regular physical education program available to non-disabled children unless: (1) child is enrolled full-time in a separate facility, (2) child needs specially designed physical education as prescribed in the child's Individual Education Plan (IEP)." Service delivery options that must be made available to all children with disabilities are: modified general physical education, specially designed physical education, adapted physical education, direct services, collaboration, and consultation.

In some instances an IEP team at the school (e.g., the physical education teacher, special education teachers, administrators, parents, and ancillary personnel, such as occupational therapists, recreation therapists, and physical therapists) will determine that the appropriate least-restrictive environment for a physical education program for students with disabilities is the general education class. To accommodate such students, the physical education instructor may have to make modifications and interventions.

In collaboration with the special education teachers and ancillary personnel, the physical education teacher can modify instruction to accommodate students with disabilities without diminishing the value of the class for those without disabilities. Problem-solving skills and modified approaches to movement can be offered.

Teaching methods can be adapted to meet the needs of students through provision of a direct tutor, a buddy system that pairs students with disabilities with other students, peer tutoring, task cards or individualized learning packets, circuit or station setups, contracts or independent student programs, and other approaches.

Other adaptations might include:

### Ways to modify assessment:

- Basing evaluation on the student's potential and on pre-test and post-test comparison rather than on standardized scores
- Basing measurement on what the student with disabilities is able to do rather than on what the student is not able to do
- Applying decathlon-scoring approaches to enable students with disabilities to compete for points against records that are appropriate to the student's physical status
- Providing specific devices or adapting equipment to aid in the manipulation of objects or one's self
- Vary size, weight, color, and texture of equipment

Rules of adaptations:

- Adjust height and size of target or goal
- Adding more players to a team to reduce the amount of activity and responsibility of any individual player
- Assigning playing positions according to the abilities of the students with disabilities
- Permitting the substitution or interchange of duties during participation
- Limiting play areas if students' movement capabilities are restricted
- Have well-defined lines and boundaries
- Provide rest periods as needed
- Adapt rules for individual disabilities such as: three-step dribbling using two hands to dribble or carry the ball, while it is on the student's lap in a wheelchair, or use of a tee/ramp

Classroom management strategies:

- Structure and predictable routine
- Clear expectations
- Brief instructions
- Positive reinforcement
- Proximity to teacher
- Verbal and visual cues

The physical education teacher should seek opportunities for informal talks with the special education teacher to develop methods for working with students with disabilities. When these students cannot participate safely and successfully in the physical education program, and when interventions have been ineffective, the use of the Individualized Education Plan (IEP) process for special education may be required.

### Pre-K (ages 3-5) Recommendations for Physical Education/Movement Programs

1.	Classes should be limited to 30 minutes.
2.	The student / teacher ratio should be 10 students per adult.
3.	Students should have the opportunity to participate in 2-4 different activities in each class.
4.	Activities should be no longer than 5 to10 minutes in length.
5.	Repeat previously taught lessons using a variety of activities.
6.	Engage in activities that promote the development of fitness and gross motor skills.
7.	Utilize the Physical Education Framework for kindergarten as a guide for instruction.

### Essential Components of Physical/Motor Skill Development

<i>Body/Spatial Awareness Activity</i>	<ul style="list-style-type: none"> <li>• Know different body parts (e.g., head, shoulders, arms, fingers, knees, legs, toes)</li> <li>• Demonstrate personal space</li> <li>• Move safely in general space while maintaining personal space without touching others</li> <li>• Understand boundaries</li> <li>• Start and stop on signal</li> <li>• Demonstrate ways to balance in a variety of situations (e.g., wide/narrow base of support) variety of objects</li> <li>• Demonstrate the ability to change levels, directions, and pathways</li> </ul>
<i>Locomotor/Non-locomotor Activity</i>	<ul style="list-style-type: none"> <li>• Demonstrate basic <i>locomotor</i> movements: hop, walk, crawl, run and <i>jump</i>.</li> <li>• Demonstrate basic <i>non-locomotor</i> movements: bend, shake, twist, and stretch</li> </ul>
<i>Manipulatives</i>	<ul style="list-style-type: none"> <li>• Demonstrate safety awareness when purposefully using materials</li> <li>• Perform an underhand throw</li> <li>• Kick stationary ball while maintaining balance</li> <li>• Strike light-weight object with body parts and with light-weight implements (long and short handles)</li> <li>• Toss and catch an object in self space</li> <li>• Develop skills of dropping and catching an object</li> <li>• Move a ball with feet</li> </ul>
<i>Rhythm</i>	<ul style="list-style-type: none"> <li>• Perform a simple rhythmic pattern that involves <i>locomotor</i> and <i>non-locomotor</i> (e.g., <i>lummi sticks, scarves, ribbon sticks, hokey pokey</i>)</li> </ul>
<i>Social/Personal Behavior</i>	<ul style="list-style-type: none"> <li>• Work cooperatively for a brief period of time</li> <li>• Interact positively with others during physical activities</li> </ul>
<i>Fitness</i>	<ul style="list-style-type: none"> <li>• Participate in activities that increase heart rate and breathing</li> <li>• Participate in activities that require muscle strength and flexibility (e.g., tumbling, scooter boards, animal movements)</li> </ul>

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**9-12**

***Health and Wellness  
Curriculum Framework***

***Revised Summer 2011***

Course Title: Health and Wellness  
 Course/Unit Credit: .05  
 Teacher Licensure: Health Education  
 Physical Education/Wellness/Leisure  
 Grades: 9-12

### Health and Wellness

The Health and Wellness is a one-semester course that should provide content and learning experiences in nutrition, disease prevention, human growth and development, healthy life skills, personal health and safety, community health and promotion, decision-making skills, interpersonal communication skills, and information regarding the use and abuse of medications, alcohol, tobacco, and other drugs. The course content should focus on personal health and wellness and the practice of health enhancing behaviors to avoid or reduce health risks. This course encompasses the Health and Wellness Content Standards defined by the Arkansas Physical Education and Health Curriculum Framework.

Strand	Content Standard
Human Growth and Development	1. Students shall analyze the characteristics relating to growth and development.
Disease <i>Prevention</i>	2. Students shall understand components related to disease <i>prevention</i> and analyze behaviors to promote <i>health</i> .
<i>Community Health</i> and Promotion	3. Students shall demonstrate the ability to access valid <i>health</i> information, products, and services that promote consumer, community, and environmental <i>health</i> .
Healthy Life Skills and Relationships	4. Students shall demonstrate the ability to use skills to enhance relationships and promote <i>wellness</i> .
Alcohol, Tobacco and Other <i>Drugs</i>	5. Students shall comprehend substance use and abuse when using decision-making skills to enhance <i>health</i> .
Personal <i>Health</i> and Safety	6. Students shall examine <i>health</i> -enhancing behaviors to reduce <i>health</i> risks.
<i>Nutrition</i>	7. Students shall understand concepts related to <i>nutrition</i> and develop skills for making healthy food choices.

\*Each grade level continues to address earlier Student Learner Expectations as needed.

**Italicized words are found in the glossary.**

Strand: Human Growth and Development

Content Standard 1: Students shall analyze characteristics relating to growth and development.

HGD.1.HW.1	Analyze the growth patterns and developmental changes in humans throughout the life-cycle: (e.g., emotional, intellectual, mental, physical, social) <ul style="list-style-type: none"><li>• infancy – childhood</li><li>• adolescence – teen years</li><li>• young adult – middle age</li><li>• senior – death and dying</li></ul>
HGD.1.HW.2	Describe behaviors and methods for pregnancy <i>prevention</i> , including <i>abstinence</i>
HGD.1.HW.3	Compare and contrast <i>abstinence</i> to other forms of contraception to reduce the risks of unintended pregnancy
HGD.1.HW.4	Examine factors related to prenatal care, pregnancy, and child birth: <ul style="list-style-type: none"><li>• <i>drug</i> risks</li><li>• <i>Fetal Alcohol Syndrome (FAS)</i></li><li>• low birth weight</li><li>• <i>nutrition</i> (e.g., adequate folic acid, iron, calcium, protein)</li><li>• regular check-ups</li></ul>

Strand: Disease *Prevention*

Content Standard 2: Students shall understand components related to disease *prevention* and analyze behaviors to promote *health*.

DP.2.HW.1	Compare and contrast <i>communicable</i> and <i>non-communicable diseases</i> (e.g., <i>STIs</i> , HIV/AIDS, bacterial/viral infections, heredity, lifestyle, environment) <ul style="list-style-type: none"><li>• symptoms</li><li>• causes</li><li>• risk factors</li></ul>
DP.2.HW.2	Research practices of early detection and disease <i>prevention</i> : <ul style="list-style-type: none"><li>• <i>health</i> screenings</li><li>• proper diet</li><li>• regular physical activity</li><li>• self-exams</li><li>• vaccinations</li></ul>
DP.2.HW.3	Discuss methods to prevent, reduce, and treat <i>communicable</i> and <i>non-communicable diseases</i> (e.g., <i>abstinence</i> , diet, exercise, medications, refrain from risky behaviors, vaccines)
DP.2.HW.4	Compare and contrast methods of disease transmission: <ul style="list-style-type: none"><li>• airborne</li><li>• animals</li><li>• direct contact</li><li>• food-borne</li><li>• indirect contact</li><li>• vectors (insects)</li><li>• water-borne</li></ul>
DP.2.HW.5	Review methods of HIV/ <i>STI</i> transmission and contraction
DP.2.HW.6	Investigate treatments involved with <i>STI</i> (e.g., counseling, medications, vaccines)
DP.2.HW.7	Analyze the effects of family history and lifestyle choices on personal <i>health</i> (e.g., cancer, diabetes, epilepsy, heart disease, <i>obesity</i> )

Strand: *Community Health* and Promotion

Content Standard 3: Students shall demonstrate the ability to access valid *health* information, products, and services that promote consumer, community, and *environmental health*.

CHP.3.HW.1	Access resources that aid an individual in maintaining a <i>healthy lifestyle</i> (e.g., American Heart Association, American Red Cross, Department of Human Services, <i>Health</i> Department, hospitals, HIV/AIDS clinics, emergency management teams, mental <i>health</i> agencies, State Dental Associations, school)
CHP.3.HW.2	Examine factors that influence choices related to current <i>health</i> products (e.g., culture, family, food labels, media, peers)
CHP.3.HW.3	Analyze the validity of advertisements surrounding <i>health</i> supplements, food products, and gimmicks (e.g., billboards, books, magazines, media, internet)
CHP.3.HW.4	Analyze the impact of the <i>environment</i> on personal and <i>community health</i> <ul style="list-style-type: none"><li>• access to recreational facilities</li><li>• quality of air and water</li><li>• smoke free environment</li></ul>
CHP.3.HW.5	Describe the procedure to become an organ and tissue donor (e.g., <i>Arkansas Regional Organ Recovery Agency [ARORA]</i> )

Strand: Healthy Life Skills and Relationships

Content Standard 4: Students shall demonstrate the ability to use skills to enhance relationships and promote *wellness*.

HLSR.4.HW.1	Identify <i>healthy</i> and unhealthy behaviors in relationships (e.g., <i>communication skills</i> , controlling, co-dependency, jealousy)
HLSR.4.HW.2	Evaluate positive and negative effects of various relationships on all aspects of <i>health</i> (e.g., family, friendships, peers)
HLSR.4.HW.3	Analyze the dynamics of family roles and responsibilities relating to <i>healthy</i> behavior (e.g., <i>communication skills</i> , cultural diversity, family finances, family history, role models)
HLSR.4.HW.4	Apply a variety of strategies and/or skills to demonstrate respect for and responsibility to self and others
HLSR.4.HW.5	Apply a <i>decision making process</i> to various life situations (e.g., addictions, <i>drug</i> use, immunizations, medical check-ups, oral <i>health</i> , <i>sexual</i> activity, teen pregnancy)
HLSR.4.HW.6	Analyze the importance of <i>sexual abstinence</i> and other forms of contraception in teen relationships (e.g., confidentiality, emotional issues, social stigmas)
HLSR.4.HW.7	Examine short-term and long-term responsibilities and consequences of sexual behaviors (e.g., contraception, pregnancy, medical tests)
HLSR.4.HW.8	Utilize effective <i>coping strategies</i> and other <i>refusal skills</i> (e.g., guided practice, role playing)

Strand: Alcohol, Tobacco, and Other *Drugs*

Content Standard 5: Students shall comprehend substance use and abuse when using decision-making skills to enhance *health*.

ATOD.5.HW.1	Investigate the effects of alcohol abuse (e.g., death, <i>DUI</i> , <i>high-risk behaviors</i> , physical symptoms of alcohol poisoning): <ul style="list-style-type: none"><li>• liver disease</li><li>• <i>fetal alcohol syndrome (FAS)</i></li><li>• relationship dynamics</li><li>• binge drinking</li></ul>
ATOD.5.HW.2	Evaluate the harmful effects of tobacco use: <ul style="list-style-type: none"><li>• cardiovascular disease</li><li>• cancer</li><li>• emphysema</li><li>• financial cost</li><li>• gum disease</li><li>• second-hand smoke</li></ul>
ATOD.5.HW.3	Compare and contrast methods for <i>cessation</i> of tobacco use (e.g., nicotine gum, patch, treatment programs)
ATOD.5.HW.4	Evaluate personal use and the effects of <i>prescription</i> and <i>non-prescription drugs</i> (e.g., abuse, dependency, financial costs, misuse, side effects)
ATOD.5.HW.5	Assess the effects of illegal <i>drugs</i> on the body: <ul style="list-style-type: none"><li>• short term</li><li>• long term</li><li>• psychological</li><li>• physiological</li></ul>
ATOD.5.HW.6	Investigate treatment options for substance abuse (e.g., AA, detoxification centers, treatment centers)
ATOD.5.HW.7	Design a personal action plan for avoiding substance abuse (e.g., counseling, personal <i>health</i> behavior contract, personal journal, research paper)

Strand: Personal *Health* and Safety

Content Standard 6: Students shall examine *health*-enhancing behaviors to avoid or reduce *health* risks.

PHS.6.HW.1	Reinforce and practice habits that promote personal <i>hygiene</i>
PHS.6.HW.2	Analyze the importance of personal <i>hygiene</i> : <ul style="list-style-type: none"><li>• skin, hair, and nails</li><li>• teeth and mouth</li><li>• eyes</li><li>• ears</li><li>• tattoos</li><li>• piercings</li></ul>
PHS.6.HW.3	Evaluate the effects of the following on oral <i>health</i> : <ul style="list-style-type: none"><li>• tobacco products</li><li>• <i>nutrition</i></li><li>• oral care</li><li>• oral diseases</li><li>• piercing</li></ul>
PHS.6.HW.4	Discuss proper usage of appropriate protective equipment in emergency and non-emergency situations (e.g., eye protection, gloves, helmets, mask, survival kit)
PHS.6.HW.5	Practice the <i>psychomotor</i> skills used for basic life support and first-aid procedures (e.g., <i>AED</i> , <i>CPR</i> , choking, poisonings)
PHS.6.HW.6	Design a personal action plan for various emergency situations (e.g., natural disasters, fire, medical)

Strand: Personal *Health* and Safety

Content Standard 6: Students shall recognize and practice behaviors that reduce or avoid *health* risks.

PHS.6.HW.7	Identify physical, emotional, and legal consequences of abusive and risky situations (e.g., bullying, cyber-bullying, date rape, <i>DUI</i> , Internet dangers, <i>sexual</i> abuse, teen pregnancy, seat belts, sexting)
PHS.6.HW.8	Determine safe and unsafe situations at home, at school, and in the community: <ul style="list-style-type: none"><li>• fire safety</li><li>• food handling safety</li><li>• gun safety</li><li>• home safety</li><li>• Internet safety</li><li>• traffic safety</li></ul>
PHS.6.HW.9	Compare and contrast short-term and long-term effects of stress and <i>depression</i> (e.g., appetite change, low activity level, personality change, sleep patterns)
PHS.6.HW.10	Identify risk factors associated with suicide (e.g., <i>depression</i> , <i>destructive behaviors</i> , feelings of hopelessness, poor coping skills, poor self-concept, social isolation)
PHS.6.HW.11	Identify intervention strategies and sources of professional intervention (e.g., counselor, crisis center, emergency numbers, hotlines, self-help programs)

Strand: *Nutrition*

Content Standard 7: Students shall understand concepts related to *nutrition* and develop skills for making *healthy* food choices.

N.7.HW.1	Evaluate personal eating habits for the inclusion of adequate nutrients (e.g., MyPyramid, MyPlate <i>nutrition</i> labels, personal food journal, United States Department of Agriculture [USDA])
N.7.HW.2	Discuss appropriate eating patterns to promote a <i>healthy lifestyle</i>
N.7.HW.3	Compare and contrast personal eating habits with “Dietary Guidelines for Americans” analyzing nutritional value
N.7.HW.4	Analyze the relationship between caloric intake and daily physical activity (e.g., <i>F.I.T. formula</i> for <i>nutrition</i> )
N.7.HW.5	Analyze the importance of appropriate hydration in maintaining <i>health</i>
N.7.HW.6	Analyze <i>health</i> consequences associated with eating disorders: <ul style="list-style-type: none"><li>• anorexia</li><li>• binge eating</li><li>• bulimia</li></ul>

## Health and Wellness Glossary

Abstinence	The act of refraining from, or not having, sex
AED	Automated External Defibrillator
ARORA	Arkansas Regional Organ Recovery Agency
Cessation	The process of discontinuing the practice of inhaling a smoked substance
Communicable disease	Diseases that are spread from one living thing to another or through the environment
Communication skills	Sharing thoughts and feelings with others
Community health	Activities, efforts, and strategies that influence individuals within a community to make <i>healthy</i> decisions
CPR	Cardio-Pulmonary Resuscitation
Decision Making Process	A cognitive process of reaching a decision
Depression	A prolonged feeling of helplessness, hopelessness, and sadness
Drug	A substance, other than food, that changes the structure or function of the body and mind
DUI	Driving under the influence of alcohol as defined by the law
F.I.T. formula	A guideline in which each letter represents a factor important for determining nutritional fitness F= Frequency, I = Intensity, T = Time,
Fetal Alcohol Syndrome (FAS)	A group of alcohol-related birth defects that includes both physical and mental problems
Health	The state of physical, mental, and emotional well-being
Healthy lifestyle	Patterns of living including proper diet, adequate exercise, and appropriate rest, which help promote both physical and emotional well-being
Hygiene	A condition promoting sanitary practices
Non-communicable disease	A disease that is not transmitted by another person, by a vector, or from the environment
Nutrition	The study of foods, and the process by which they nourish the body

Obesity	The condition of being overly obese or having a high percentage of body fat
Prescription drug	A drug that can not be purchased legally without a physician's order
Prevention	To stop doing or to keep from happening
Psychomotor	Relating to movement or muscular activity associated with mental processes
Refusal skills	Techniques used to say "no" in a risk situation
Risk behaviors	Behaviors that represent a potential threat to a person's well-being
Sexual	Of or involving sex, the sex organs, or gender
STI / STD	Sexually Transmitted Infection / Disease; an infectious disease that is spread from person to person during sexual activity
Wellness	A concept that suggests that all aspects of a person's life (physical, mental, emotional, and social well-being) are balanced; implies that a person will be active and free from disease

**9-12**

***Physical Education and Leisure  
Curriculum Framework***

***Revised Summer 2011***

Course Title: Physical Education and Leisure  
 Course/Unit Credit: 1  
 Teacher Licensure: Secondary Physical Education K-12  
 Physical Education K-12  
 Physical Education/Wellness/Leisure  
 Grades: 9-12

Physical Education and Leisure

Physical Education and Leisure is a two-semester course that includes a planned curriculum which provides content and learning experiences in basic motor skills, movement patterns, and movement concepts as they apply to physical activity and health-related physical fitness, as well as lifetime sports and recreation. This course encompasses the Physical Education and Leisure Content Standards defined by the Arkansas Physical Education and Health Curriculum Framework.

Strand	Content Standard
Movement Concepts	1. Students shall understand movement concepts, principles, and strategies that apply to the performance of physical activity.
<i>Health</i> Related Fitness	2. Students shall participate in fitness activities that will promote and improve individual <i>health</i> .
<i>Lifetime Activities</i> and Recreation	3. Students shall understand the importance of <i>health</i> benefits from participating in lifetime recreational activities.
Personal and Social Behavior	4. Students shall demonstrate responsible personal and social behavior which displays respect for self and others in physical activity settings.

\*Each grade level continues to address earlier Student Learner Expectations as needed.

**Italicized words are found in the glossary**

Strand: Movement Concepts

Content Standard 1: Students shall understand movement concepts, principles, and strategies that apply to the performance of physical activity.

MC.1.PEL.1	Critique movement in a variety of activities by utilizing technology (e.g., videos, digital cameras, stop watches, heart monitors, <i>pedometers</i> , computer programs)
MC.1.PEL.2	Identify and apply proper concepts associated with participation in a variety of activities (e.g., weightlifting, stretching, running, breathing, warm-ups)
MC.1.PEL.3	Participate in a variety of activities that promote fitness (e.g., <i>traditional activities</i> , <i>adventure activities</i> , competitive activities, recreational activities)
MC.1.PEL.4	Examine a variety of fitness and <i>adventure activities</i> to perform complex skills (e.g., dance, team and individual sports, <i>aerobics</i> , <i>strength training</i> , casting a fishing rod, canoeing, hiking, cycling)
MC.1.PEL.5	Differentiate between <i>anaerobic</i> and <i>aerobic</i> activities for improvement in endurance
MC.1.PEL.6	Differentiate between <i>isotonic</i> and <i>isometric</i> activities for improvement in strength and <i>flexibility</i>
MC.1.PEL.7	Differentiate between the components of the <i>F.I.T.T. formula</i> : <ul style="list-style-type: none"><li>• Frequency</li><li>• Intensity</li><li>• Time</li><li>• Type</li></ul>
MC.1.PEL.8	Evaluate the three basic principles of exercise as it relates to personal fitness: <ul style="list-style-type: none"><li>• <i>Overload</i></li><li>• <i>Progression</i></li><li>• <i>Specificity</i></li></ul>

Strand: *Health-Related Fitness*

Content Standard 2: Students shall participate in fitness activities that will promote and improve individual *health*.

HRF.2.PEL.1	<p>Participate in a nationally recognized fitness assessment at various times throughout the year to determine the initial level of fitness and to determine individual progress:</p> <ul style="list-style-type: none"> <li>• <i>cardio-respiratory</i> (e.g., mile run, step test, recovery rate, pacer)</li> <li>• <i>muscular strength</i> (e.g., pull-ups, push-ups, modified push-ups, flexed arm hang, grip and bicep strength)</li> <li>• <i>muscular endurance</i> (e.g., curl-ups, push-ups, step-ups, grip endurance)</li> <li>• <i>flexibility</i> (e.g., V-sit, sit and reach, shoulder stretch, trunk lift, body rotation)</li> <li>• <i>body composition</i> (e.g., <i>BMI</i>, body fat percentage, waist-hip ratio, skin fold)</li> </ul> <p>(e.g., President’s Challenge, other nationally recognized <i>health-related</i> fitness tests)</p>
HRF.2.PEL.2	<p>Create a personal fitness plan based on a variety of physical activities, fitness profiles, nutritional guidelines, and fitness principles</p>
HRF.2.PEL.3	<p>Participate in a variety of appropriate activities in each area of fitness by incorporating the <i>F.I.T.T. formula</i> and the three basic principles of exercising:</p> <ul style="list-style-type: none"> <li>• <i>cardio-respiratory</i> (e.g., <i>target heart rate</i> formula, bicycling, canoeing, dancing, jogging, hiking, running, swimming, walking)</li> <li>• <i>muscular strength</i> (e.g., pull-ups, push-ups, modified push-ups, flexed arm hang, grip and bicep strength, <i>weight training</i>)</li> <li>• <i>muscular endurance</i> (e.g., curl-ups, push-ups, step-ups, <i>weight training</i>)</li> <li>• <i>flexibility</i> (e.g., stretching, rotating, yoga, <i>aerobics</i>, Pilates)</li> <li>• <i>body composition</i> (e.g., balanced <i>nutrition</i> and physical activity)</li> </ul>
HRF.2.PEL.4	<p>Explore a variety of stress-relief strategies (e.g., relaxation techniques, laughing, deep breathing, imagery, exercise)</p>

Strand: *Lifetime Activities and Recreation*

Content Standard 3: Students shall understand the importance of *health* benefits from participating in lifetime recreational activities.

LAR.3.PEL.1	Engage in a variety of activities that promote improvement in each <i>skill-related</i> component of fitness: <ul style="list-style-type: none"> <li>• <i>agility</i></li> <li>• <i>balance</i></li> <li>• <i>coordination</i></li> <li>• <i>power</i></li> <li>• <i>reaction time</i></li> <li>• <i>speed</i></li> </ul>
LAR.3.PEL.2	Discuss the benefits of participating in regular physical activity to reduce <i>chronic disease</i> risks: <ul style="list-style-type: none"> <li>• reduce blood lipids</li> <li>• lower blood pressure</li> <li>• appropriate weight loss</li> <li>• reduce stress</li> <li>• lessen colon cancer risk</li> <li>• lessen risk for diabetes</li> </ul>
LAR.3.PEL.3	Examine the benefits of lifetime participation in <i>traditional, adventure, or leisure</i> activities: <ul style="list-style-type: none"> <li>• <i>stress management</i></li> <li>• maintain muscle mass</li> <li>• maintain <i>cardio-respiratory</i> fitness</li> <li>• maintain body weight</li> <li>• promote social interaction</li> </ul>
LAR.3.PEL.4	Research fitness and/or recreational opportunities available locally, statewide, or nationally (e.g., trails, wilderness areas, rivers, lakes, fitness clubs, community fitness organizations)
LAR.3.PEL.5	Evaluate <i>personal health</i> and fitness as it relates to: <ul style="list-style-type: none"> <li>• leisure time</li> <li>• employment</li> <li>• daily activities</li> <li>• economic impact</li> </ul>
LAR.3.PEL.6	Monitor personal fitness to include potential <i>lifetime activities</i> that promote <i>health-related fitness</i> , relieve tension, and maintain a <i>healthy</i> weight in both school and non-school settings

Strand: Personal and Social Behavior

Content Standard 4: Students shall demonstrate responsible personal and social behavior which displays respect for self and others in physical activity settings.

PSB.4.PEL.1	Demonstrate ability to act responsibly and independently in physical activity settings (e.g., accepts constructive feedback, displays courtesy to others, works independently, follows proper procedures, demonstrates fair play)
PSB.4.PEL.2	Apply appropriate safe behaviors when participating in all physical activities (e.g., care of equipment, wear helmet, wear mouth piece, wear life vest, hunter and boating safety)
PSB.4.PEL.3	Examine the potential dangers of anabolic steroids and performance-enhancing supplements (e.g., mood swings, liver damage, <i>sterility</i> , legalities)
PSB.4.PEL.4	Discuss and model positive social behaviors associated with physical activity (e.g., peer interaction, team work, sportsmanship, avoid bullying)
PSB.4.PEL.5	Recognize the impact of <i>peer pressure</i> on physical activity, participation, and performance

### Physical Education and Leisure Glossary

Adventure activities	Non-traditional activities involving nature and environment such as hiking, camping, fishing, and others
Aerobic	A steady activity in which the heart can supply all the oxygen the muscles need
Anaerobic	Physical activity done in short, fast bursts in which the heart cannot supply oxygen as fast as muscles use it
Agility	The ability to change direction quickly while the body is in motion
Balance	The ability to keep an upright posture while standing still or moving
Body composition	The ratio of body fat to lean body tissue including muscle, bone, water, and connective tissue
Cardio-respiratory	The ability of the heart, lungs, and vascular system to supply oxygen and nutrients to muscles during activity
Chronic disease	A disease that is ongoing
Competency	The ability to perform and apply skills
Coordination	The ability to use senses together with body parts, or use two or more body parts together (e.g., hand-eye, hand-foot)
F.I.T.T. formula	A formula in which each letter represents a factor important for determining the correct amount of physical activity F= Frequency, I = Intensity, T = Time, T = Type
Fitness journal	A regularly kept written record that a student uses as a personal assessment tool
Flexibility	The ability of various joints of the body to move through their full range of motion
Health	The state of physical, mental, and emotional well-being; not merely the absence of disease or infirmity
Health-related fitness	Physical fitness that helps a person stay healthy; includes cardiovascular endurance, muscular strength and endurance, flexibility, and body composition
Isometric	An exercise that involves muscle contractions in which joint angle and muscle length do not change (e.g., wall sit)

Isotonic	An exercise that involves muscle contractions in which muscle length changes, therefore causing body parts to move (e.g., weightlifting)
Leisure activities	Use of free time for enjoyment while engaging in physical activity
Lifetime activities	Includes games, sports, and other leisure pursuits usually performed by a person over the course of a lifetime, including activities such as tennis, golf, bowling, backpacking, canoeing, and racquetball
Motor skills	Basic fundamental movement patterns, usually involving the large muscle groups, that are necessary to perform a variety of physical activities
Muscular endurance	The ability of the muscles to exert force for an extended time
Muscular strength	The ability of the muscles to exert maximum effort
Nutrition	The study of foods, their effects of health, and the process by which they nourish the body
Overload	Doing more physical activity than one usually does to improve fitness
Pedometer	A device that can be used to count the steps taken daily. Pedometers can be used as a motivational tool to provide feedback on the duration (distance) or intensity (distance over time) of physical activity
Peer pressure	Positive or negative influence peers consciously or unconsciously place on others to behave in certain ways
Personal health	Concerning or affecting a particular person's health
Power	The ability to use strength quickly
Progression	Gradually increasing the amount and intensity of physical activity to improve fitness
Reaction time	The amount of time it takes a person to move once he or she realizes the need to move
Skill-related fitness	Fitness that helps a person perform physical activities requiring certain skills; includes agility, balance, coordination, power, reaction time, speed)
Specificity	Performing certain types of exercises to improve the specific parts of fitness (muscle strength, cardio endurance, muscle endurance, flexibility) or muscles (legs, abs, back, arms)

Speed	The ability to perform a movement or cover a distance in a short time
Sterility	Incapability of producing offspring
Strength training	Use of resistance to muscular contraction to build strength
Stress management	Techniques used to prevent and deal with stressors
Target heart rate	Used to determine activity intensity; used to enhance the level of cardiovascular endurance; may be calculated by using the formula: (Maximum heart rate '220' – age) x 0.70 = target rate
Traditional activities	Long-established conventional forms of activity (e.g., walking, running, bicycling, <i>aerobics</i> )
Weight training	A form of fitness training that usually includes working with four variables: (1) amount of resistance (weight) per lift; (2) number of repetitions of each lift (set); (3) number of sets per workout; and (4) number of workouts per week

# ***Appendix***

## Physical Education for Students with Special Needs

Every physical education class includes students who are high achievers, low achievers, and those in the middle, which are the majority. Effective instructional strategies take into account the diverse needs of very heterogeneous groups. Quality physical education involves adapting, modifying, and changing a physical activity so it is appropriate for all participants.

Some students come to physical education with motor or perceptual deficits, while others have more severe disabilities. Successful participation in physical activities by students with disabilities depends on the teacher's attitude and skill in providing instruction and support to all students. The teacher should encourage students to learn and experience maximum enjoyment in physical education by understanding students' specific needs and encouraging students who are not disabled to accept and support those who are disabled.

Children with disabilities, whether they are identified as needing special education and related services or not, have the right to a modification of the regular program. Further, under Section 504 of the Rehabilitation Act of 1973, Amendments of 1991 (Public Law 102-42), American Disabilities Act of 1990 (Public Law 101-336), Amendments of 2008 (Public Law 110-325), and Individuals with Disabilities Act (IDEA 2004, Public Law 108-466), such children may not be discriminated against by school personnel. Per IDEA 2004, "each child with a disability must be afforded the opportunity to participate in the regular physical education program available to non-disabled children unless: (1) child is enrolled full-time in a separate facility, (2) child needs specially designed physical education as prescribed in the child's Individual Education Plan (IEP)." Service delivery options that must be made available to all children with disabilities are: modified general physical education, specially designed physical education, adapted physical education, direct services, collaboration, and consultation.

In some instances an IEP team at the school (e.g., the physical education teacher, special education teachers, administrators, parents, and ancillary personnel, such as occupational therapists, recreation therapists, and physical therapists) will determine that the appropriate least-restrictive environment for a physical education program for students with disabilities is the general education class. To accommodate such students, the physical education instructor may have to make modifications and interventions.

In collaboration with the special education teachers and ancillary personnel, the physical education teacher can modify instruction to accommodate students with disabilities without diminishing the value of the class for those without disabilities. Problem-solving skills and modified approaches to movement can be offered.

Teaching methods can be adapted to meet the needs of students through provision of a direct tutor, a buddy system that pairs students with disabilities with other students, peer tutoring, task cards or individualized learning packets, circuit or station setups, contracts or independent student programs, and other approaches.

Other adaptations might include:

### Ways to modify assessment:

- Basing evaluation on the student's potential and on pre-test and post-test comparison rather than on standardized scores
- Basing measurement on what the student with disabilities is able to do rather than on what the student is not able to do
- Applying decathlon-scoring approaches to enable students with disabilities to compete for points against records that are appropriate to the student's physical status
- Providing specific devices or adapting equipment to aid in the manipulation of objects or one's self
- Vary size, weight, color, and texture of equipment

Rules of adaptations:

- Adjust height and size of target or goal
- Adding more players to a team to reduce the amount of activity and responsibility of any individual player
- Assigning playing positions according to the abilities of the students with disabilities
- Permitting the substitution or interchange of duties during participation
- Limiting play areas if students' movement capabilities are restricted
- Have well-defined lines and boundaries
- Provide rest periods as needed
- Adapt rules for individual disabilities such as: three-step dribbling using two hands to dribble or carry the ball, while it is on the student's lap in a wheelchair, or use of a tee/ramp

Classroom management strategies:

- Structure and predictable routine
- Clear expectations
- Brief instructions
- Positive reinforcement
- Proximity to teacher
- Verbal and visual cues

The physical education teacher should seek opportunities for informal talks with the special education teacher to develop methods for working with students with disabilities. When these students cannot participate safely and successfully in the physical education program, and when interventions have been ineffective, the use of the Individualized Education Plan (IEP) process for special education may be required.

**9-12**

***Personal Fitness for Life  
Curriculum Framework***

***Revised Summer 2011***

Course Title: Personal Fitness for Life  
 Course/Unit Credit: .05  
 Teacher Licensure: Secondary Physical Education K-12  
 Physical Education K-12  
 Physical Education/Wellness/Leisure  
 Grades: 9-12

Personal Fitness for Life

Personal Fitness for Life is a one-semester course that includes a planned curriculum that provides content and learning experiences in *motor skills* and movement concepts as they apply to physical activity, *health*-related *physical fitness*, and lifetime sports and recreation. This course encompasses the Personal Fitness for Life Content Standards defined by the Arkansas Physical Education and *Health* Curriculum Framework. This course is a prerequisite for Recreational Sports and Activities.

Strand	Content Standard
Movement Concepts	1. Students shall understand movement concepts, principles, and strategies that apply to the performance of physical activity.
<i>Health</i> -Related Fitness	2. Students shall participate in fitness activities that promote and improve individual <i>health</i> .
<i>Lifetime Activities</i> and Recreation	3. Students shall understand the importance of <i>health</i> benefits from participating in lifetime recreational activities.
Personal and Social Behavior	4. Students shall demonstrate responsible personal and social behavior which displays respect for self and others in physical activity settings.

\*Each grade level continues to address earlier Student Learner Expectations as needed.  
**Italicized words are found in the glossary.**

Strand: Movement Concepts

Content Standard 1: Students shall understand movement concepts, principles, and strategies that apply to the performance of physical activity.

MC.1.PFL.1	Critique movement in a variety of activities by utilizing technology (e.g., video, digital camera, stop watch, heart monitors, <i>pedometers</i> , computer programs)
MC.1.PFL.2	Identify and apply proper concepts associated with participation in a variety of activities (e.g., weightlifting, stretching, running, breathing, warm-up)
MC.1.PFL.3	Differentiate between <i>anaerobic</i> and <i>aerobic</i> activities for improvement in endurance
MC.1.PFL.4	Differentiate between <i>isotonic</i> and <i>isometric</i> activities for improvement in <i>strength</i> and <i>flexibility</i>
MC.1.PFL.5	Differentiate between the components of the <i>F.I.T.T. formula</i> : <ul style="list-style-type: none"><li>• Frequency</li><li>• Intensity</li><li>• Time</li><li>• Type</li></ul>
MC.1.PFL.6	Evaluate the three basic principles of exercise to personal fitness: <ul style="list-style-type: none"><li>• <i>Overload</i></li><li>• <i>Progression</i></li><li>• <i>Specificity</i></li></ul>

Strand: *Health-Related Fitness*

Content Standard 2: Students shall participate in fitness activities that promote and improve individual *health*.

HRF.2.PFL.1	<p>Participate in a nationally recognized fitness assessment (pre-test and post-test) to determine the initial level of fitness and chart progress: (e.g., President's Challenge, other nationally recognized <i>health-related fitness</i> tests)</p> <ul style="list-style-type: none"> <li>• <i>cardio-respiratory</i> (e.g., mile run, step test, recovery rate, pacer)</li> <li>• <i>muscular strength</i> (e.g., pull-ups, push-ups, modified push-ups, flexed arm hang, grip and bicep strength)</li> <li>• <i>muscular endurance</i> (e.g., curl-ups, push-ups, step-ups, grip endurance)</li> <li>• <i>flexibility</i> (e.g., V-sit, sit and reach, shoulder stretch, trunk lift, body rotation)</li> <li>• <i>body composition</i> (e.g., <i>BMI</i>, body fat percentage, waist-hip ratio, skin fold)</li> </ul>
HRF.2.PFL.2	<p>Create a personal fitness plan based on a variety of physical activities, fitness profiles, fitness principles, and nutritional guidelines</p>
HRF.2.PFL.3	<p>Participate in a variety of appropriate activities in each area of fitness by incorporating the <i>F.I.T.T. formula</i> and the three basic principles of exercising:</p> <ul style="list-style-type: none"> <li>• <i>cardio-respiratory</i> (e.g., <i>target heart rate</i> formula, bicycling, canoeing, dancing, jogging, hiking, running, swimming, brisk walking)</li> <li>• <i>muscular strength</i> (e.g., pull-ups, push-ups, modified push-ups, flexed arm hang, grip and bicep strength, <i>weight training</i>)</li> <li>• <i>muscular endurance</i> (e.g., curl-ups, push-ups, step-ups, <i>weight training</i>)</li> <li>• <i>flexibility</i> (e.g., stretching, rotating, yoga, <i>aerobics</i>, Pilates)</li> <li>• <i>body composition</i> (e.g., balanced <i>nutrition</i> and physical activity)</li> </ul>
HRF.2.PFL.4	<p>Explore a variety of stress-relief strategies (e.g., relaxation techniques, laughing, deep breathing, imagery, exercise)</p>

Strand: *Lifetime Activities* and Recreation

Content Standard 3: Students shall understand the importance of *health* benefits from participating in lifetime recreational activities.

LAR.3.PFL.1	Discuss the benefits of participating in regular physical activity to reduce <i>chronic disease</i> risks: <ul style="list-style-type: none"><li>• reduces blood lipids</li><li>• lower blood pressure</li><li>• appropriate weight loss</li><li>• reduces stress</li><li>• reduces cancer risk</li><li>• reduces risk for diabetes</li></ul>
LAR.3.PFL.2	Examine the benefits of lifetime participation in <i>traditional, adventure, or leisure</i> activities: <ul style="list-style-type: none"><li>• <i>stress management</i></li><li>• maintain muscle mass</li><li>• maintain <i>cardio-respiratory</i> fitness</li><li>• maintain ideal body weight</li><li>• promote social interaction</li></ul>
LAR.3.PFL.3	Develop a plan for personal fitness that takes into consideration: <ul style="list-style-type: none"><li>• daily activities</li><li>• economic impact (e.g., <i>health</i> care costs, membership dues)</li><li>• employment</li><li>• leisure time</li></ul>

Strand: Personal and Social Behavior

Content Standard 4: Students shall demonstrate responsible personal and social behavior which displays respect for self and others in physical activity settings.

PSB.4.PFL.1	Demonstrate responsible and considerate behavior in physical activity settings (e.g., accepts constructive feedback, displays courtesy to others, works independently, follows proper procedures, demonstrates fair play)
PSB.4.PFL.2	Recognize the impact of <i>peer pressure</i> on physical activity, participation, and performance

### Personal Fitness for Life Glossary

Adventure activities	Non-traditional activity involving nature and <i>environment</i> such as hiking, camping, fishing, and others
Aerobic	A steady activity in which the heart can supply all the oxygen the muscles need
Anaerobic	Physical activity done in short, fast bursts in which the heart cannot supply oxygen as fast as muscles use it
Body composition	The ratio of body fat to lean body tissue including muscle, bone, water, and connective tissue
Cardio-respiratory	The ability of the heart, lungs, and vascular system to supply oxygen and nutrients to muscles during activity
Chronic disease	A disease that is ongoing
Competency	The ability to perform and apply skills
F.I.T.T. formula	A formula in which each letter represents a factor important for determining the correct amount of physical activity F= Frequency, I = Intensity, T = Time, T = Type
Flexibility	The ability of various joints of the body to move through their full range of motion
Health	The state of physical, mental, and emotional well-being, not merely the absence of disease or infirmity
Health-related fitness	<i>Physical fitness</i> that helps a person stay healthy; includes cardiovascular endurance, <i>muscular strength</i> and endurance, <i>flexibility</i> , and <i>body composition</i>
Isometric	An exercise that involves muscle contractions in which joint angle and muscle length do not change (e.g., wall sit)
Isotonic	An exercise that involves muscle contractions in which muscle length changes, therefore causing body parts to move (e.g., weightlifting)
Leisure activities	Use of free time for enjoyment while engaging in physical activity
Lifetime activities	Includes games, sports, and other leisure pursuits usually performed by a person over the course of a lifetime, including activities such as tennis, golf, bowling, backpacking, canoeing, and racquetball

Motor skills	Basic fundamental movement patterns usually involving the large muscle groups that are necessary to perform a variety of physical activities
Muscular endurance	The ability of the muscles to exert force for an extended time
Muscular strength	The ability of the muscles to exert maximum effort
Nutrition	The study of foods and the process by which they nourish the body
Overload	Doing more physical activity than one usually does to improve fitness
Pedometer	A device that can be used to count the steps taken daily. Pedometers can be used as a motivational tool to provide feedback on the duration (distance) or intensity (distance over time) of physical activity
Peer pressure	Positive or negative influence peers consciously or unconsciously place on others to behave in certain ways
Physical fitness	The ability to perform physical activities and meet the demands of daily living while being energetic and alert
Progression	Gradually increasing the amount and intensity of physical activity to improve fitness
Specificity	Performing certain types of exercises to improve the specific parts of fitness (muscle strength, cardio endurance, muscle endurance, <i>flexibility</i> ) or muscles (legs, abs, back, arms)
Stress management	Techniques used to prevent and deal with stressors
Target heart rate	Used to determine activity intensity; used to enhance the level of cardiovascular endurance; may be calculated by using the formula: (Maximum heart rate '220' – age) x 0.70 = target rate
Traditional activities	Long-established conventional forms of activity (e.g., walking, running, bicycling, aerobics)
Weight training	A form of fitness training that usually includes working with four variables: (1) amount of resistance (weight) per lift; (2) number of repetitions of each lift (set); (3) number of sets per workout; and (4) number of workouts per week

# ***Appendix***

## Physical Education for Students with Special Needs

Every physical education class includes students who are high achievers, low achievers, and those in the middle, which are the majority. Effective instructional strategies take into account the diverse needs of very heterogeneous groups. Quality physical education involves adapting, modifying, and changing a physical activity so it is appropriate for all participants.

Some students come to physical education with motor or perceptual deficits, while others have more severe disabilities. Successful participation in physical activities by students with disabilities depends on the teacher's attitude and skill in providing instruction and support to all students. The teacher should encourage students to learn and experience maximum enjoyment in physical education by understanding students' specific needs and encouraging students who are not disabled to accept and support those who are disabled.

Children with disabilities, whether they are identified as needing special education and related services or not, have the right to a modification of the regular program. Further, under Section 504 of the Rehabilitation Act of 1973, Amendments of 1991 (Public Law 102-42), American Disabilities Act of 1990 (Public Law 101-336), Amendments of 2008 (Public Law 110-325), and Individuals with Disabilities Act (IDEA 2004, Public Law 108-466), such children may not be discriminated against by school personnel. Per IDEA 2004, "each child with a disability must be afforded the opportunity to participate in the regular physical education program available to non-disabled children unless: (1) child is enrolled full-time in a separate facility, (2) child needs specially designed physical education as prescribed in the child's Individual Education Plan (IEP)." Service delivery options that must be made available to all children with disabilities are: modified general physical education, specially designed physical education, adapted physical education, direct services, collaboration, and consultation.

In some instances an IEP team at the school (e.g., the physical education teacher, special education teachers, administrators, parents, and ancillary personnel, such as occupational therapists, recreation therapists, and physical therapists) will determine that the appropriate least-restrictive environment for a physical education program for students with disabilities is the general education class. To accommodate such students, the physical education instructor may have to make modifications and interventions.

In collaboration with the special education teachers and ancillary personnel, the physical education teacher can modify instruction to accommodate students with disabilities without diminishing the value of the class for those without disabilities. Problem-solving skills and modified approaches to movement can be offered.

Teaching methods can be adapted to meet the needs of students through provision of a direct tutor, a buddy system that pairs students with disabilities with other students, peer tutoring, task cards or individualized learning packets, circuit or station setups, contracts or independent student programs, and other approaches.

Other adaptations might include:

### Ways to modify assessment:

- Basing evaluation on the student's potential and on pre-test and post-test comparison rather than on standardized scores
- Basing measurement on what the student with disabilities is able to do rather than on what the student is not able to do
- Applying decathlon-scoring approaches to enable students with disabilities to compete for points against records that are appropriate to the student's physical status
- Providing specific devices or adapting equipment to aid in the manipulation of objects or one's self
- Vary size, weight, color, and texture of equipment

#### Rules of adaptations:

- Adjust height and size of target or goal
- Adding more players to a team to reduce the amount of activity and responsibility of any individual player
- Assigning playing positions according to the abilities of the students with disabilities
- Permitting the substitution or interchange of duties during participation
- Limiting play areas if students' movement capabilities are restricted
- Have well-defined lines and boundaries
- Provide rest periods as needed
- Adapt rules for individual disabilities such as: three-step dribbling using two hands to dribble or carry the ball, while it is on the student's lap in a wheelchair, or use of a tee/ramp

#### Classroom management strategies:

- Structure and predictable routine
- Clear expectations
- Brief instructions
- Positive reinforcement
- Proximity to teacher
- Verbal and visual cues

The physical education teacher should seek opportunities for informal talks with the special education teacher to develop methods for working with students with disabilities. When these students cannot participate safely and successfully in the physical education program, and when interventions have been ineffective, the use of the Individualized Education Plan (IEP) process for special education may be required.

**9-12**  
***Recreational Sports and  
Activities  
Curriculum Framework***

***Revised Summer 2011***

Course Title: Recreational Sports and Activities  
 Course/Unit Credit: .05  
 Teacher Licensure: Secondary Physical Education K-12  
                           Physical Education K-12  
                           Physical Education/Wellness/Leisure  
 Grades: 9 -12  
 Prerequisite: Physical Education and Leisure or Personal Fitness for Life

Recreational Sports and Activities

Recreational Sports and Activities is a one-semester course which includes a planned curriculum that provides content and learning experiences in basic motor skills and movement concepts as they apply to physical activity, lifetime sports, and recreational activities. This course encompasses the Recreational Sports and Activities Content Standards defined by the Arkansas Physical Education and *Health* Curriculum Framework.

Strand	Content Standard
<i>Movement Concepts</i>	1. Students shall understand movement concepts, principles, and strategies that apply to the performance of physical activity.
Concepts of Recreational Sports and Activities	2. Students shall comprehend the rules and strategies associated with a variety of recreational sports and activities.
Personal and Social Behavior	3. Students shall demonstrate responsible personal and social behavior which displays respect for self and others in physical activity settings.

\*Each grade level continues to address earlier Student Learner Expectations as needed.

**Italicized words are found in the glossary**

Strand: Movement Concepts

Content Standard 1: Students shall understand movement concepts, principles, and strategies that apply to the performance of physical activity.

MC.1.RSA.1	Identify and apply proper techniques associated with participation in a variety of activities (e.g., weightlifting, stretching, running, breathing)
MC.1.RSA.2	Participate in a variety of activities that promote fitness (e.g., <i>traditional activities</i> , <i>adventure activities</i> , competitive activities, recreational activities)
MC.1.RSA.3	Apply knowledge and skills in a variety of recreational activities (e.g., badminton, volleyball, racquet ball, kick ball, tennis, gymnastics, <i>aerobics</i> , soccer)
MC.1.RSA.4	Participate in a variety of traditional and <i>adventure activities</i> using strategies, tactics, and fundamental movement patterns to perform complex skills (e.g., dance, team and individual sports, <i>aerobics</i> , <i>strength training</i> , casting a fishing rod, canoeing, hiking, cycling)
MC.1.RSA.5	Demonstrate physical ability in a self-assessment of skills: <ul style="list-style-type: none"><li>• <i>agility</i></li><li>• <i>balance</i></li><li>• <i>coordination</i></li><li>• <i>power</i></li><li>• <i>reaction time</i></li><li>• <i>speed</i></li></ul>
MC.1.RSA.6	Engage in a variety of activities that promote improvement in each skill-related component of fitness

Strand: Concepts of Recreational Sports and Activities

Content Standard 2: Students shall comprehend the rules and strategies associated with a variety of recreational sports and activities.

CRSA.2.RSA.1	Understand rules, skill techniques, and basic strategies associated with a variety of recreational sports and activities
CRSA.2.RSA.2	Summarize the history, rules, terminology, scoring, and etiquette in a variety of recreational sports and activities
CRSA.2.RSA.3	Demonstrate proper rules and procedures while engaging in a variety of recreational sports and activities
CRSA.2.RSA.4	Improve or maintain physical fitness by adjusting <i>physical activity</i> levels according to the principles of exercise: <ul style="list-style-type: none"><li>• <i>Overload</i></li><li>• <i>Progression</i></li><li>• <i>Specificity</i></li></ul>

Strand: Personal and Social Behavior

Content Standard 3: Students shall demonstrate responsible personal and social behavior which displays respect for self and others in physical activity settings.

PSB.3.RSA.1	Demonstrate ability to act responsibly and independently in physical activity settings (e.g., accept constructive feedback, displays courtesy to others, work independently, follow proper procedures, demonstrate fair play)
PSB.3.RSA.2	Apply appropriate safe behaviors when participating in all physical activities (e.g., care of equipment, proper attire, wear helmet, wear mouth piece, wear life vest, hunter and boating safety education course)
PSB.3.RSA.3	Model positive social behaviors associated with physical activity (e.g., peer interaction, teamwork, sportsmanship)
PSB.3.RSA.4	Identify ways to modify activities in order to include persons with diverse abilities (e.g., equipment, rules)
PSB.3.RSA.5	Recognize the impact of <i>peer pressure</i> on physical activity, participation, and performance

### Recreational Sports and Activities Glossary

Adventure activities	Non-traditional activities involving nature and environment such as hiking, camping, fishing, and others
Aerobic	A steady activity in which the heart can supply all the oxygen the muscles need
Agility	The ability to change direction quickly while the body is in motion
Balance	The ability to keep an upright posture while standing still or moving
Competency	The ability to perform and apply skills
Coordination	The ability to use senses together with body parts, or use two or more body parts together (e.g., hand-eye, hand-foot)
Health	The state of physical, mental, and emotional well-being, not merely the absence of disease or infirmity
Motor skills	Basic fundamental movement patterns, usually involving the large muscle groups, that are necessary to perform a variety of physical activities
Overload	Doing more physical activity than one usually does to improve fitness
Peer pressure	Positive or negative influence peers consciously or unconsciously place on others to behave in certain ways
Physical fitness	The ability to perform physical activities and meet the demands of daily living while being energetic and alert
Power	The ability to use strength quickly
Progression	Gradually increasing the amount and intensity of physical activity to improve fitness
Reaction time	The amount of time it takes a person to move once he or she realizes the need to move
Specificity	Performing certain types of exercises to improve the specific parts of fitness (muscle strength, cardio endurance, muscle endurance, flexibility) or muscles (legs, abs, back, arms)
Strength training	Use of resistance to muscular contraction to build strength
Traditional activities	Long-established conventional forms of activity (e.g., walking, running, bicycling, aerobics)

# ***Appendix***

## Physical Education for Students with Special Needs

Every physical education class includes students who are high achievers, low achievers, and those in the middle, which are the majority. Effective instructional strategies take into account the diverse needs of very heterogeneous groups. Quality physical education involves adapting, modifying, and changing a physical activity so it is appropriate for all participants.

Some students come to physical education with motor or perceptual deficits, while others have more severe disabilities. Successful participation in physical activities by students with disabilities depends on the teacher's attitude and skill in providing instruction and support to all students. The teacher should encourage students to learn and experience maximum enjoyment in physical education by understanding students' specific needs and encouraging students who are not disabled to accept and support those who are disabled.

Children with disabilities, whether they are identified as needing special education and related services or not, have the right to a modification of the regular program. Further, under Section 504 of the Rehabilitation Act of 1973, Amendments of 1991 (Public Law 102-42), American Disabilities Act of 1990 (Public Law 101-336), Amendments of 2008 (Public Law 110-325), and Individuals with Disabilities Act (IDEA 2004, Public Law 108-466), such children may not be discriminated against by school personnel. Per IDEA 2004, "each child with a disability must be afforded the opportunity to participate in the regular physical education program available to non-disabled children unless: (1) child is enrolled full-time in a separate facility, (2) child needs specially designed physical education as prescribed in the child's Individual Education Plan (IEP)." Service delivery options that must be made available to all children with disabilities are: modified general physical education, specially designed physical education, adapted physical education, direct services, collaboration, and consultation.

In some instances an IEP team at the school (e.g., the physical education teacher, special education teachers, administrators, parents, and ancillary personnel, such as occupational therapists, recreation therapists, and physical therapists) will determine that the appropriate least-restrictive environment for a physical education program for students with disabilities is the general education class. To accommodate such students, the physical education instructor may have to make modifications and interventions.

In collaboration with the special education teachers and ancillary personnel, the physical education teacher can modify instruction to accommodate students with disabilities without diminishing the value of the class for those without disabilities. Problem-solving skills and modified approaches to movement can be offered.

Teaching methods can be adapted to meet the needs of students through provision of a direct tutor, a buddy system that pairs students with disabilities with other students, peer tutoring, task cards or individualized learning packets, circuit or station setups, contracts or independent student programs, and other approaches.

Other adaptations might include:

### Ways to modify assessment:

- Basing evaluation on the student's potential and on pre-test and post-test comparison rather than on standardized scores
- Basing measurement on what the student with disabilities is able to do rather than on what the student is not able to do
- Applying decathlon-scoring approaches to enable students with disabilities to compete for points against records that are appropriate to the student's physical status
- Providing specific devices or adapting equipment to aid in the manipulation of objects or one's self
- Vary size, weight, color, and texture of equipment

Rules of adaptations:

- Adjust height and size of target or goal
- Adding more players to a team to reduce the amount of activity and responsibility of any individual player
- Assigning playing positions according to the abilities of the students with disabilities
- Permitting the substitution or interchange of duties during participation
- Limiting play areas if students' movement capabilities are restricted
- Have well -defined lines and boundaries
- Provide rest periods as needed
- Adapt rules for individual disabilities such as: three- step dribbling using two hands to dribble or carry the ball, while it is on the student's lap in a wheelchair, or use of a tee/ramp

Classroom management strategies:

- Structure and predictable routine
- Clear expectations
- Brief instructions
- Positive reinforcement
- Proximity to teacher
- Verbal and visual cues

The physical education teacher should seek opportunities for informal talks with the special education teacher to develop methods for working with students with disabilities. When these students cannot participate safely and successfully in the physical education program, and when interventions have been ineffective, the use of the Individualized Education Plan (IEP) process for special education may be required.

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES AND REGULATIONS GOVERNING ATTENDANCE  
AT INSTRUCTIONAL PROFESSIONAL DEVELOPMENT SESSIONS  
TOWARD FULFILLMENT OF THE FIVE (5) DAYS  
OF REQUIRED STAFF DEVELOPMENT**

**1.00 REGULATORY AUTHORITY**

- 1.00 These regulations shall be known as Arkansas Department of Education Regulations Governing Attendance at Certified Instructional Professional Development Sessions.
- 1.02 These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. 6-17-702, as amended by Act 663 of 1995.

**2.00 PURPOSE**

- 2.01 The purpose of these regulations is to establish the criteria under which teachers may count attendance at approved certified professional instructional staff development sessions as a part of the staff development requirement of the district.
- 2.02 A further purpose is to clarify the procedures whereby the professional organization may certify teachers' attendance during the approved sessions.

**3.00 DEFINITIONS**

- 3.01 "Instructional Staff Development Sessions" as used in these regulations refer to any professional development sessions conducted by bona fide professional organizations within the State of Arkansas that focus on instruction, curriculum, alternative assessment methods, or sessions related to Act 236 of 1991.
- 3.02 "Restructuring mandated by Act 236 of 1991" as used in these regulations refers to any staff development programs designed by the local school or school district for the purpose of meeting state and national educational goals.
- 3.03 Bona fide professional organization is any professional organization which holds annual meetings to provide professional development activities for teachers, administrators, organizations, and policy makers.

#### 4.00 ~~CERTIFICATION PROCESS FOR CERTIFIED INSTRUCTIONAL STAFF DEVELOPMENT SESSIONS~~

- 4.01 ~~At least 30 days prior to announcing the sessions, the bona fide professional organization shall present a detailed description of the instructional staff development sessions to be considered as part of the staff development requirements to the Assistant Director for Planning and Curriculum. Approval may be granted by an internal committee of the Arkansas Department of Education.~~
- 4.02 ~~The Assistant Director for Planning and Curriculum shall determine the sessions which qualify as staff development and shall inform the professional organization promptly.~~
- 4.03 ~~Topics for certification will be compatible with the concerns of Act 236, such as: instructional strategies, learner outcomes, interdisciplinary teaching, alternate forms of assessment, teaching in the content areas, curriculum development, teaming and leadership, site-based decision-making and classroom management.~~
- 4.04 ~~One hour of attendance at an instructional staff development session of the professional organization will be equivalent to one hour of staff development credit by the local school district. The professional organization shall certify each teacher's hours of attendance and the specific session attended by mail to the district following the approval session.~~

#### 5.00 ~~CERTIFICATION PROCESS FOR LOCAL SCHOOL DISTRICTS~~

- 5.01 ~~The teacher shall submit a formal request to the Administrator of the school to attend the instructional staff development session at least 30 calendar days in advance of the meeting.~~
- 5.02 ~~The school district cannot require a teacher to take personal leave for attendance at an approved instructional staff development session.~~
- 5.03 ~~Local school employees may not refuse to attend district or school staff development sessions designed to implement restructuring mandated by Act 236 of 1991 even if credit has already been received for attendance at other professional meetings.~~
- 5.04 ~~Attendance at these staff development sessions does not relieve the teacher of their contractual obligations.~~

Arkansas Department of Education  
 Rules Governing Professional Development  
 October 2009

1.0 Regulatory Authority

- 1.01 These Rules shall be known as the Arkansas Department of Education (~~ADE~~) Rules Governing Professional Development.
- 1.02 The State Board of Education (SBE) ~~promulgated~~ enacts these Rules pursuant to its authority as set forth in ~~Act 1185 of 2009, Act 2095 of 2005, Act 2318 of 2005, Act 2007 of 2005, Act 1183 of 2005, §28 of Act 2131 of 2005, Act 496 of 2009, Act 605 of 2009, Act 1309 of 2009, Ark. Code Ann. §§ 6-5-405, 6-10-122, 6-10-123, 6-11-105, 6-15-703, 6-15-1004, 6-17-704, and Ark. Code Ann. § 6-15-201 et seq 6-17-701 et seq., 6-20-2305, 6-61-133, and 25-15-201 et seq.~~

2.0 Purposes

- 2.01 ~~To~~ It is the purpose of these Rules to develop a high quality professional development system for all educators-administrators, teachers, and certified instructional support personnel.
- 2.02 ~~Professional~~ The purpose of professional development is to improve knowledge and skills in order to facilitate individual, team, school-wide, and district-wide improvements designed to ensure that all students demonstrate proficiency on the state academic standards for the purpose of increasing student achievement.

3.0 Definitions

- 3.01 Professional Development—a coordinated set of planned learning activities that ~~are based on research, are:~~
- 3.01.1 Improve the knowledge, skills, and effectiveness of teachers;
- 3.01.2 Address the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies, methods, and skills;
- 3.01.3 Lead to improved student academic achievement; and
- 3.01.4 Are research-based, standards-based, and continuous.
- 3.02 Educator – any individual holding a license issued by the State Board of Education, specifically including without limitation teachers, administrators, library media specialists, and counselors.

~~Certified Instructional Support Personnel—individuals other than classroom teachers or administrators who support teaching and learning~~

~~through direct contact with students, such as media specialists and counselors.~~

- 3.03 Arkansas On-line Professional Development Initiative—is a partnership between the ADE and the Arkansas Educational Television Network (AETN) to provide on-line programs, courses, and workshops through the AETN.
- 3.04 Arkansas Comprehensive School Improvement Plan (ACSIP)—a plan developed by a local school team based on an analysis of student performance data and other relevant data that provides a plan of action to address deficiencies in student performance and any academic achievement gap as evidenced in the Arkansas Comprehensive Assessment Program as defined in ADE rules on the grade level benchmark assessments, end-of course exams, high school literacy exam, and other appropriate assessment data.
- 3.05 Learning Teams—a group of educators who meet regularly as a team to identify essential and valued student learning, develop common formative assessments, analyze current levels of achievement, set achievement goals, share strategies, and then create lessons to improve upon those levels.
- 3.06 Study Groups - a group of educators who meet to learn, implement, and reflect on research-based techniques in a focus area(s). Members read and discuss current research, examine and reflect on effective instruction, or examine student work.
- 3.07 Professional Development Plan - outlines the professional development program of activities for a district, school, or individual educator that is based on student data and is aligned to the ACSIP.
- 3.08 Approved Professional Development Provider - means any organization which provides content for professional development credit, whether delivered in a face-to-face, televised or internet mode of delivery, whose content has been approved by the ADE to meet the annual professional development credit requirements imposed upon educators licensed teachers and administrators by Arkansas Statutes and ADE Rules. The term “Approved Professional Development Provider” does not apply to an Arkansas public school district which provides a professional development program solely to its own personnel or to an Education Cooperative which provides professional development to districts/schools. The term “Approved Professional Development Provider” does not apply to professional development programs provided by ~~employees of the Arkansas Department of Education, Arkansas Department of Workforce-Career Education, and the or Arkansas Department of Human Services Division of Child Care and Early Childhood Education~~ which provide professional development statewide.
- 3.09 Mentoring/coaching – means increasing capacity for coaching and mentoring others to assist in growth of instructional skills and effectiveness of colleagues.

- 3.10 One professional development day is equal to six (6) hours of professional development credit.
- 3.11 Professional Development Program (“Program”) means a course of instruction intended to provide content which fulfills the requirement for professional development credit for educators ~~teachers and administrators licensed by the ADE.~~
- 3.12 Illness – means disorder of health of an educator or an educator’s immediate family (to include a spouse, child, parent, or other relative living in the same household as the educator) ~~(Ark. Code Ann. § 6-17-1202).~~
- 3.13 ADE – means the Arkansas Department of Education.

#### 4.0 Time Requirements

- 4.01 ~~Beginning with the 2005-2006 school year and each school year thereafter, all certified employees of Arkansas public schools~~ All educators shall complete sixty (60) hours of approved professional development each year.
- 4.02 The 60-hours professional development requirement must be fulfilled between July 1 and June 30 or June 1 and May 31 as approved by the local district. The local district shall document the district’s option.
- 4.03 The sixty (60) hours of required professional development shall include:
- 4.03.1 Technology  
At least six (6) hours shall be in the area of educational technology.
- 4.03.2 Arkansas History  
~~Pursuant to Act 2095 of 2005~~ For each teacher who provides instruction in Arkansas history, the sixty (60) hour professional development requirement shall include two (2) hours of training in Arkansas history. It is the responsibility of the school district to provide this training or make it available through other providers.
- 4.03.3 Parent Involvement  
~~Pursuant to Ark. Code Ann. §6-15-1703 each~~ Each teacher shall be required to have ~~no less than two (2)~~ or more hours of professional development designed to enhance understanding of effective parental involvement strategies.
- ~~Pursuant to §6-15-1703 each~~ Each administrator shall be required to have ~~no less than three (3)~~ or more hours of professional development designed to enhance understanding of effective parent involvement

strategies and the importance of administrative leadership in setting expectations and creating a climate conducive to parent participation.

No more than once every five (5) years, an educator may substitute for this parent involvement requirement no more than three (3) hours of the training required under section 4.18.

#### 4.03.4 Administrator

For each administrator, the sixty (60) hour professional development requirement shall include training in data disaggregation, instructional leadership, and fiscal management, including without limitation the Initial, Tier 1, and Tier 2 training required for superintendents and district designees by ADE's Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements.

#### 4.03.5 Arkansas Scholarship Lottery Act

~~Pursuant to Act 605 of 2009 each~~ Each superintendent, assistant superintendent, grades 7-12 principal, grades 7-12 assistant principal and grades 7-12 guidance counselor shall be required to participate in professional development on the availability of, eligibility requirements for, and the process of applying for state-supported student financial assistance. These educators shall:

4.03.05.1 Participate in a three-hour course ~~during the calendar year 2009, or~~ within the first year of employment; and

4.03.05.2 Complete a one-hour course annually.

#### 4.04 College Courses

~~Pursuant to Act 1183 of 2005 a~~ A three-hour undergraduate or graduate-level college credit course from an accredited college or university counts as fifteen (15) hours of professional development, if the college credit:

4.04.1 is related to and enhances the ~~teacher's~~ educator's knowledge of the subject area in which the ~~teacher~~ educator is currently employed ~~teaching~~;

4.04.2 is part of the requirement for the ~~teacher~~ educator to obtain additional certification in a subject matter that has been designated by the ADE as having a critical shortage of ~~teachers~~ educators; or

4.04.3 is otherwise approved by the ADE as a graduate level course eligible for professional development credit. No more ~~that~~ than half of the required 60-hours of professional development time may be met through college credit hours.

- 4.04.4 Graduate level courses in educational leadership are eligible for professional development credit based on approval by the ADE. The focus of the course must specifically relate to the job assignment as approved by the district.
- 4.05 ~~Advanced Placement~~  
~~Pursuant to Act 2131 of 2005, each~~ Each hour of approved training received by ~~certified personnel~~ educators related to teaching an advance placement class for a subject covered by the College Board and Educational Testing Service shall count as professional development up to a maximum of thirty (30) hours.
- 4.06 Approved professional development activities, which occur during the instructional day or outside the ~~employee's~~ educator's annual contract days may apply toward the 60-hour minimum professional development requirement.
- 4.07 ~~Certified employees~~ Educators in positions not directly related to instructional activities shall be responsible for completing sixty (60) hours of professional development each year. However, the focus of their professional development may be prorated among those areas specifically related to their job assignment as approved by the district.
- 4.08 Any ~~employee~~ educator who misses any part of regularly scheduled professional development activities for any reason (such as sickness) must make up that time in other approved professional development activities so that the 60 required hours of professional development are earned during the approved timeframe required under Section 4.02 of these Rules
- 4.08.1 ~~Pursuant to Act 1309 of 2009 if~~ If the educator is absent because of illness of the educator or the educator's immediate family, the educator shall be allowed to make up the hours missed during the remainder of the current school year or succeeding school year. The educator may earn the professional development hours through Arkansas IDEAS, on-line professional development.
- 4.09 Any ~~certified person~~ educator who provides approved professional development may count two (2) hours professional development credit for each one (1) hour of time spent in presenting professional development content.
- 4.10 ~~Beginning in the 2005-2006 school year, sixty~~ Sixty (60) approved professional development hours annually ~~will be~~ are required to renew a ~~teacher or administrator~~ license issued by the State Board of Education ~~in order to maintain a valid teaching license.~~
- 4.11 ~~Beginning in the 2005-2006 school year, those teachers~~ Those educators who have not maintained a ~~teaching~~ license but who wish to ~~renew~~ renew their license shall

be required to meet the conditions of the Rules Governing the Requirements and Procedures for Renewing a Standard/Advanced Arkansas Teaching License.

4.12 Adult Education

~~Pursuant to Act 2007 of 2005 certified personnel~~ Educators working solely part time in one of the following settings shall be required to obtain thirty (30) hours of professional development.

- 4.12.01 Adult basic education;
- 4.12.02 General adult education;
- 4.12.03 English as a second language for adults; and
- 4.12.04 General Educational Development Test examiners.

4.13 ~~Beginning in the 2005-2006 school year, thirty~~ Thirty (30) approved professional development hours annually will be required to renew a ~~teacher~~ license for those ~~certified personnel-educators~~ working solely part time in a setting described in Section 4.12 of these rules.

4.14 ~~Beginning with the 2005-2006 school year, a teacher~~ An educator meeting the criteria of Section 4.12 of these rules who has not maintained a current ~~teaching~~ license but who wishes to renew his or her license shall be required to meet the conditions of the Rules Governing the Requirements and Procedures for Renewing a Standard/Advanced Arkansas Teaching License.

4.15 All Institutions of Higher Education will be required to maintain documentation for ~~its~~ employees who wish to meet the professional development hours to maintain a ~~teaching and/or administrative~~ license according to, and in compliance with this Rule.

4.16 At least once every three (3) years, each person employed as a coach shall obtain training in recognition and management of the following events or conditions that may be encountered by a student during athletic training and physical activities:

4.16.1 A concussion, dehydration, or other health emergency;

4.16.2 An environmental issue that threatens the health or safety of students; and

4.16.3 A communicable disease.

4.16.4 The training may include a component on best practices for a coach to educate parents of students involved in athletics on sports safety.

4.17 Beginning with the 2012-2013 school year, all educators shall obtain, at least once every five (5) years, two (2) or more hours of training in teen suicide awareness and prevention.

4.17.1 Up to two (2) hours of training, no more than once every five (5) years, may be obtained by self-review of suitable suicide prevention materials approved by ADE.

4.18 All educators shall obtain, within twelve (12) months of initial licensure and within twelve (12) months of any subsequent renewal of a license, at least two (2) hours of training in:

4.18.1 Recognizing the signs and symptoms of child maltreatment;

4.18.2 The legal requirements of the Child Maltreatment Act, Ark. Code Ann. § 12-18-101 et seq., and the duties of mandated reporters under the Act;

4.18.3 Methods for managing disclosures regarding child victims; and

4.18.4 Methods for connecting a victim of child maltreatment to appropriate in-school services and other agencies, programs, and services needed to provide the child with the emotional and educational support the child needs to continue to be successful in school.

4.19 The training required in section 4.18 shall be based on curriculum approved by the Arkansas Child Abuse/Rape/Domestic Violence Commission.

## 5.0 Professional Development Criteria

5.01 Professional development is the means by which educators acquire or enhance the knowledge, skills, and expectations necessary to increase student learning and must meet the following criteria. All approved professional development shall be aligned to the following Standards developed by the National Staff Development Council:

### 5.01.1 Context Standards

Requires skillful school and school district leaders who guide continuous instructional improvement;  
Organizes educators into learning communities whose goals are aligned with those of the school and school district; and  
Requires resources to support educator learning and collaboration.

### 5.01.2 Process Standards

Uses disaggregated student data to determine educator learning priorities, monitors progress, and help sustain continuous improvements;  
Uses multiple sources of information to guide educator improvement and demonstrate its impact;  
Prepares educators to apply research to decision making;  
Uses learning strategies appropriate to the intended goal;  
Applies knowledge about human learning and change; and

Provides educators with the knowledge and skills to collaborate.

5.01.3 Content Standards

Prepares educators to understand and appreciate all students, create safe, orderly and supportive learning environments and hold high expectations for their academic achievement;

Deepens educators’ content knowledge, provides them with research-based instructional strategies to assist students in meeting rigorous academic standards, and prepares them to use various types of classroom assessments appropriately; ~~and~~

Provides educators with knowledge and skill to involve families and other stakeholders appropriately;

Provides educators with knowledge and skills needed to teach students with disabilities, including without limitation autism; and

Provides educators with knowledge and skills needed to teach culturally and linguistically diverse students.

5.02 Approved professional development activities shall relate to the following focus areas:

- 5.02.01 Content (K-12);
- 5.02.02 Instructional strategies;
- 5.02.03 Assessment;
- 5.02.04 Advocacy/leadership;
- 5.02.05 Systemic change process;
- 5.02.06 Standards, frameworks, and curriculum alignment;
- 5.02.07 Supervision;
- 5.02.08 Mentoring/coaching;
- 5.02.09 Education technology;
- 5.02.10 Principles of learning/developmental stages;
- 5.02.11 Cognitive research;
- 5.02.12 Parent involvement;
- 5.02.13 Building a collaborative learning community; and
- 5.02.14 Student health and wellness, which may include but not limited to appropriate training for anticipated rescuers in the use of
  - 5.02.14.1 automated external defibrillator; or
  - 5.02.14.2 cardiopulmonary resuscitation.

5.03 All approved professional development, whether designed for the ~~individual~~ educator, school or district, shall be based on the improvement of student achievement on State assessments and increasing student achievement and academic performance.

5.04 Approved professional development takes on many forms and may be earned in the following ways:

- 5.04.01 Conferences/workshops/institutes
- 5.04.02 Mentoring/peer coaching;
- 5.04.03 Study groups/learning teams;
- 5.04.04 National Board for Professional Teaching Standards Certification;
- 5.04.05 Distance learning/on-line opportunities;
- 5.04.06 Internships;
- 5.04.07 State/district/school programs;
- 5.04.08 College/university course work;
- 5.04.09 Action research; or
- 5.04.10 Individually-guided as noted in ~~the~~ an educator's individual professional development plan.

5.05 ~~Pursuant to Act 1185 of 2005 and Act 1309 of 2009 an~~ An individual educator may be entitled to up to twelve (12) hours of professional development credit approved by the district/school which may be applied toward the sixty (60) hour professional development requirement for that time period at the beginning of each school year which is used to plan and prepare curriculum or develop other instructional material provided:

5.05.01 The time is spent in his/her instructional classroom, office or media center at the public school;

5.05.02 The time is prior to the first student teacher interaction day of the school year; and

5.05.03 The time is spent in the focus areas listed in Section 5.02 of these Rules, and may include but are not limited to the following:

5.05.03.1 Grade level and/or vertical team planning to integrate subject areas;

5.05.03.2 Team work to analyze student data;

5.05.03.3 Team work to develop academic improvement plans (AIP) or individual educational programs (IEP);

5.05.03.4 Developing assessments for learning (formative assessments);

5.05.03.5 Professional book studies;

5.05.03.6 Developing student-centered units tied to the State academic standards and student learning expectations;

5.05.03.7 Developing intervention strategies to support remediation;

5.05.03.8 Developing and/or revising the Arkansas Comprehensive School Improvement Plan (ACSIP);

5.05.03.9 Developing and/or revising curricula maps and/or pacing guides;

- 5.05.03.10 Pursuing study as noted in individual professional development plan; and
  - 5.05.03.11 Arkansas IDEAS, on-line professional development, related to ACSIP or the educator’s professional growth plan.
- 5.05.04 No professional development credit shall be given for activities under Section 5.05 of these Rules unless those activities meet the criteria and standard requirements set out in Sections 5.02 of these Rules. Specific activities which do not qualify include ~~but are not limited to~~ without limitation:
- 5.05.04.1 Making and putting up bulletin boards;
  - 5.05.04.2 Clerical work associated with documents such as ACSIP, AIP and IEPs; and
  - 5.05.04.3 Administrative faculty or team administrative meetings.
  - 5.05.04.4 ~~Certified public school personnel~~ Educators who meet the requirements of Sections 5.02 and 5.05 of these Rules shall be entitled to earn one (1) hour of professional development for each hour of approved preparation, not to exceed twelve (12) hours.
- 5.06 ~~Pursuant to Act 2318 of 2005 there~~ There is created the Arkansas Online Professional Development Initiative. Requirements for the initiative include:
- 5.06.1 All professional development delivered by technology shall be aligned to the required focus areas listed in Section 5.02 of these Rules.
  - 5.06.2 The ADE shall determine the content and approve all professional development delivered through the Arkansas On-line Professional Development Initiative that counts toward the required sixty (60) hours.
  - 5.06.3 The ADE shall select courses/products, which are research-based and are available from sources, with expertise in technology delivered professional development courses.
  - 5.06.4 Courses shall align with the Southern Regional Education Board Multi-State Online Professional Development Standards.
  - 5.06.5 Online professional development courses shall include online registration, course evaluation, and attendance and completion documents.

- 6.0 Professional Development Plan  
All school districts, schools and ~~certified personnel~~ educators shall develop and implement a professional development plan.
- 6.01 The district and school plan shall be included in the ACSIP.
- 6.02 Individual educator plans (~~certified personnel~~) shall support the district and/or school plans.
- 6.03 Teachers, administrators, and ~~classified school employees~~ paraprofessionals shall be involved in the design, implementation and evaluation of their respective professional development offerings under the plan.
- 6.04 School Improvement
- 6.04.1 ~~Beginning with the 2006-2007 school year, the~~ ADE may require specific professional development programs for the district or the school designated in school improvement or academic distress.
- 6.04.2 These requirements may become part of the district or school school improvement plan.
- 6.04.3 In order to receive professional development credit, the district or school ~~certified personnel~~ educators shall participate in, complete, and pass the assessment for the professional development requirements included in the district or school improvement plan.
- 7.0 Approval Process
- 7.01 ~~Beginning with the 2006-2007 school year, all~~ All professional development programs must be approved by the Arkansas Department of Education in order to receive credit toward the 60-hour requirement.
- 7.02 At least thirty (30) days before a program is offered to ~~teachers and/or administrators~~ educators, the professional development provider shall provide a detailed description of the entire program including staff qualifications to the ADE in an electronic format prescribed by ADE.
- 7.03 The ADE shall promptly review the content of the program for compliance with all applicable statutes and department rules to determine if any or all of the program content shall be deemed to provide professional development credit and shall establish the time period the professional development provider is approved to offer the program.
- 7.04 Upon notification by the ADE of approval of the program (or a part or parts thereof) for professional development credit, the professional development

provider may enroll participants in the program and offer the program for professional development credit for the set time period.

7.05 The program provider shall be responsible for the preparation and dissemination of proof of completion of the program (or parts thereof) to all attendees. All such proofs, or copies thereof, shall be submitted by the attendees who are employed by an Arkansas school district to the superintendent of the district.

7.06 Each school district shall maintain all documents for its employees which reflect completion of professional development programs, whether such programs were provided by an outside organization or by the district itself.

7.07 Each school district shall report the amount of all professional development programs completed by its employees to the ADE at the time and in the manner specified by the ADE.

7.08 The ADE shall monitor all school districts, and all ~~licensed teachers and administrators~~ educators to whom these Rules apply, for compliance with these requirements, and shall administer appropriate sanctions specified in statute and Rule to any district, ~~teacher and/or educator administrator~~ whom it finds to be in noncompliance.

7.09 District and School Providers  
School and district professional development plans shall be included in the ACSIP and shall be reviewed annually by the school/district and the ADE.

7.09.1 The ACSIP will include an assurance statement that each ~~faculty/administrator~~ educator in the school/district shall have an individual professional development plan that has been developed in cooperation and collaboration with the ~~employee~~ educator and the school and/or district.

These individual plans shall include:

7.09.1.1 Six (6) hours of technology, two (2) hours of parent involvement and two (2) hours of Arkansas History as ~~defined in Act 2095 of 2005~~ may be selected ~~at the discretion of the employee~~ with approval of the district.

7.09.1.2 Up to twelve (12) hours may be selected ~~at the discretion of the employee~~ with the approval of the district in keeping with the identified needs of student data as defined in the ACSIP plan or the ~~employees'~~ educator's individual professional development plan.

## 8.00 Funding

Professional Development Funding provided under ~~Act 59 of the Second Extraordinary Session of 2003~~ Ark. Code Ann. § 6-20-2305 must be directed to activities that meet ~~The~~ the conditions described in these Rules and shall not be used for any other purpose unless otherwise allowed by law or rule.

9.00 Monitoring/Evaluation

- 9.01 Regular monitoring activities of the professional development requirements within these Rules shall occur when the superintendent of the school district provides written assurance to the Commissioner of Education as required by law. However, the ADE may directly monitor the professional development activities of any school or school district to determine compliance with the professional development requirements.
- 9.02 The criteria for evaluating the impact of professional development shall be the improvement of student achievement on State criterion-referenced assessments, State norm-referenced assessments, other related indicators as defined by ACTAAP and the evaluations of the professional development offerings. These data shall be used to revise ACSIP and the district, school and individual professional development plans associated with the local improvement plan.

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

**1.00 Authority**

- 1.01 The Arkansas State Board of Education’s authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-11-105, ~~6-18-508, 6-18-509, and 6-20-2301~~ et seq., and 6-48-101 et seq.
- 1.02 These Rules shall be known as the Arkansas Department of Education (ADE) Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds.

**2.00 Purpose**

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

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

- 3.01 “Alternative Learning Environment (ALE)” is a student intervention program ~~in compliance with Ark. Code Ann. §§ 6-18-508 and 6-18-509 and the definitions and requirements of Section 4.00 of these Rules that seeks to eliminate traditional barriers to learning for students~~ consisting of an alternate class or school that:
  - 3.01.1 Affords all students an environment that seeks to eliminate traditional barriers to learning for students whose academic and social progress are negatively affected by the student's personal characteristics or situation; and
  - 3.01.2 Is not a punitive environment but is one that is conducive to learning.
- 3.02 “Average Daily Membership (ADM)” is the total number of days of school attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth.
  - 3.02.1 In those instances in which the ADM for fewer than three (3) quarters is specified, the number of days used in the calculation shall be the days in the specified period of time.

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

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

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

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

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

3.02.2.5 Any other circumstance allowed by law.

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

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

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

3.06 “Coordinated School Health Coordinator” is an individual that coordinates the implementation or the Coordinated School Health model components, facilitates the Wellness Priority within the Arkansas Comprehensive School Improvement Plan (ACSIP) with a minimum of a bachelor’s degree (Master’s preferred) in either the field of education, nursing, health services administration, social

services, psychology/mental health services or nutrition. The coordinator will be in addition to other school health staff or positions.

- 3.07 “Coordinated School Health” (CSH) is an effective system designed to connect health (physical, mental/emotional and social) with education. This coordinated approach improves students’ health and their capacity to learn through the support of families, communities and schools working together. The CSH approach consists of eight major components. Although these components are listed separately, it is their composite that allows CSH to have significant impact. The eight components include: health education, physical education/physical activity, health services, nutrition services, health promotion for staff, counseling and psychological services, healthy school environment, and student/parent/community involvement.
- 3.08 “Department” or “ADE” is the Arkansas Department of Education.
- 3.09 “English Language Learners (ELL)” are students identified by the State Board as not proficient in the English language based upon approved English proficiency assessment instruments, which measure ~~oral, reading, writing, speaking, listening~~ proficiency ~~in~~, and comprehension of English ~~in reading, writing, speaking, and listening~~.
- 3.109 “Eligible Alternative Learning Environment (ALE)” is an Alternative Learning Environment (ALE) approved by the Department pursuant to Section 4.05 below as being in compliance with Ark. Code Ann. § 6-48-101 *et seq.* and these Rules.
- 3.11 “Eligible ALE Student” is a student who:
- 3.11.1 ~~meets~~ Meets the qualifications of Section 4.01,
  - 3.11.2 ~~is~~ Is enrolled in an eligible ALE program that meets the qualifications and requirements of Section 4.02, and
  - 3.11.3 ~~has~~ Has been enrolled in an eligible ALE for a minimum of twenty (20) consecutive days per school year except as provided in Section 4.06.3.3 and meets the requirements outlined in Section 4.00.
- 3.120 “Excess National School Lunch State Categorical Funds” are current year National School Lunch State Categorical Funds remaining after a district has met the educational needs of students that are to be used to supplement teacher salaries.
- 3.13+ “Experienced-based Field Trip” A student field trip which culminates an academic content unit directly tied to the Arkansas Frameworks that includes research-based activities.
- 3.142 “Human Service Worker” shall collaborate and provide information, resources,

services, and referrals, to the district, LEA, parents, and students in a variety of activities, trainings, and assessments concerning the physical, mental/emotional, and social health of the child.

3.15 “Intervention Services” are activities within or outside a school that will eliminate traditional barriers to learning.

~~3.163~~ “Licensed Mental Health Counselor,” or L.M.H.C., hold a master’s degree from a graduate program in the field. They may render mental health care services to individuals, families or groups. L.M.H.C.s use therapeutic techniques to define goals and develop treatment plans aimed toward prevention, treatment, and resolution of mental and emotional dysfunction. Mental Health Professionals are licensed by the specific state boards corresponding with their licensure (i.e., Board of Examiners [LPCs, LACs], Board of Psychology [PhDs, LPEs), Social Work Licensing Board [LCSW, LMSW, LSW], which also monitors professional conduct).

3.174 “NSLA” – National School Lunch Act.

~~3.185~~ “National School Lunch Students” are those students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-price meals under the federal NSLA as determined on October 1 of each previous school year and submitted to the ADE, unless the district participates in the federal NSLA Provision 2 Program.

~~3.196~~ “Open Enrollment Public Charter School” is a public school operating under the terms of a charter granted by the State Board of Education pursuant to Ark. Code Ann. §§ 6-23-301 et seq and is a local educational agency under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7801, as it existed on April 10, 2009.

~~3.2017~~ “Previous Year” is the school year immediately preceding the school year in which funds are allocated.

~~3.218~~ “Professional Development” is a coordinated set of ~~professional development~~ planned learning activities that:

~~3.21.1 Improve~~ improve the knowledge, skills, and effectiveness of teachers;

~~3.21.2 Address the knowledge and skills of administrators, and paraprofessionals concerning effective instructional strategies, methods, and skills; for improving teaching practices, and for all employees to improve knowledge, awareness, and resources in physical/mental/emotional/social health-related issues for the purpose of improving~~

~~3.21.3 Lead to improved student academic achievement; and~~

3.21.4 ~~Are research-based, standards-based, and continuous.~~

3.21.5 Training activities for school bus drivers may also be included.

~~3.18.1 Professional Development shall result in individual school-wide and district-wide improvement designed to ensure that all students demonstrate proficiency in the state academic standards.~~

~~3.18.2 Professional Development should be based on research, and be standards-based and continuous.~~

3.22~~19~~ “Provision 2 district” is a school district participating in the federal National School Lunch Program under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.

3.23~~0~~ “Provision 2 district base year (base year)” means the last school year for which eligibility determinations were made and meal counts were taken by type.

3.24~~1~~ “Scholastic Audit” is a comprehensive review of the learning environment, organization efficiency, and academic performance of schools and districts.

3.25~~2~~ “School District” or “District” is a geographic area with an elected board of directors that qualifies as a taxing unit for purposes of *ad valorem* property taxes under Title 26 of the Arkansas Code, and whose board conducts the daily affairs of public schools pursuant to the supervisory authority vested in it by the General Assembly and Title 6 of the Arkansas Code. For the purposes of these Rules, all references to “school district” or “district” include open enrollment public charter schools, except as waived by the State Board of Education pursuant to Ark. Code Ann. § 6-23-301 et seq.

3.26~~3~~ “School Resource Officer” (SRO) is a sworn law enforcement officer assigned to a school on a long-term basis. The SRO is specifically trained in and performs three main functions, law enforcement officer, law related counselor, and law related educator. In addition the SRO works in collaboration with the school and the community as a resource.

3.27~~4~~ “School Year” is the year beginning July 1 of one calendar year and ending June 30 of the next calendar year.

3.28~~5~~ “Students at Risk” are those students demonstrating an ongoing persistent lack of attaining proficiency levels in literacy and mathematics.

3.29~~6~~ “Social Workers” have an undergraduate or graduate degree in social work or a related mental health field, and are trained in psychotherapy and social work techniques. Family therapists and employee assistance program counselors are often social workers. Social workers who work in private agencies or independent practice must hold state licenses from the Board of Registration of

Social Workers. An L.C.S.W (Licensed Certified Social Worker) or a L.S.W. (Licensed Social Worker) may practice in an agency setting under proper supervision. Professional conduct is monitored by the State of Arkansas Social Work Licensing Board.

3.3027 “Supplement to Teacher Salaries” is the use of excess National School Lunch State Categorical Funds to supplement teacher salaries as either a bonus, as defined at 3.03, or to provide an amount of compensation above the amount required by the minimum teacher salary compensation schedule, as defined at Ark. Code Ann. § 6-17-2403.

3.3128 “Technology” is any equipment for instructional purposes that are electronic in nature including, but not limited to, computer hardware, computer software, internet connectivity, and distance learning.

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

##### 4.01 ALE General Requirements

4.01.1 Every school district shall provide one (1) or more Eligible Alternative Learning Environments (ALE) for all students meeting the criteria of Section 4.02.1 of these Rules, by any of the following methods:

4.01.1.1 A school district may establish and operate an ALE;

4.01.1.2 A school district may cooperate with one (1) or more other school districts in a consortium to establish and operate an ALE, with one school district designated as the lead district; or

4.01.1.3 A school district may use an ALE operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.

4.01.2 An ALE shall provide intervention services designed to address students’ specific educational and behavioral needs.

4.01.2.1 Intervention services shall include, without limitation, access to the services of a school counselor, a mental health professional, a nurse, and support services substantially equivalent to those provided to other students in the regular educational environment.

4.01.2.2 Intervention services shall be coordinated with state and federal student assistance programs.

4.01.3 An ALE shall not be punitive but shall provide the guidance, counseling, and academic support necessary to enable students who are experiencing emotional, social or academic problems to continue to make progress toward educational goals appropriate to each individual student's specific situation, characteristics, abilities, and aspirations.

~~4.01—Eligible ALE Students~~

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

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

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

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

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

4.02 ALE Student Eligibility and Placement

4.02.1 To be an eligible ALE student, a student must exhibit two (2) or more of the characteristics identified in Section 4.02.1.1 and Section 4.02.1.2. Students will not be placed in the ALE based on academic problems alone.

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

4.02.1.1.1 Ongoing, persistent lack of attaining proficiency levels in literacy and mathematics;

4.02.1.1.2 Abuse: physical, mental, or sexual;

4.02.1.1.3 Frequent relocation of residency;

4.02.1.1.4 Homelessness;

4.02.1.1.5 Inadequate emotional support;

4.02.1.1.6 Mental/physical health problems;

4.02.1.1.7 Pregnancy; or

4.02.1.1.8 Single parenting.

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

4.02.1.2.1 Personal or family problems or situations;

4.02.1.2.2 Recurring absenteeism;

4.02.1.2.3 Drop out from school; or

4.02.1.2.4 Disruptive behavior.

4.02.2 A student may be enrolled in an ALE only on the referral of an Alternative Education Placement Team to be composed of the following individuals:

4.02.2.1 School counselor from the referring school;

4.02.2.2 Building principal or assistant principal from the referring school;

4.02.2.3 One (1) or more of the student's regular classroom teachers;

4.02.2.4 LEA special education or 504 representative, if applicable;

4.02.2.5 Parent or guardian of the student, if they choose to participate;  
and

4.02.2.6 ALE administrator and/or ALE teacher.

4.02.2.7 At the option of the school district, the student may be included  
as a member of the Alternative Education Placement Team.

4.02.2.8 The school district shall document efforts to contact the parent  
or guardian to schedule a meeting or a phone call for a  
placement meeting at the parent or guardian's convenience,  
and maintain such documentation in the student's Student  
Action Plan (SAP).

4.02.3 The ALE program shall:

4.02.3.1 Assess the student either before or upon entry into the  
alternative learning environment;

4.02.3.2 Provide intervention services designed to address the student's  
specific educational needs; and

4.02.3.3 If the student exhibits one (1) or more of the characteristics  
identified in Section 4.02.1.2, provide non-punitive  
intervention services designed to address the student's specific  
behavioral needs for long-term improvement of the student's  
ability to control his or her behavior.

4.02.4 No later than one (1) week after a student begins alternative education  
interventions, the Alternative Education Placement Team shall assess the  
student's current functioning abilities and all relevant social, emotional,  
academic, career, and behavioral information and develop a Student  
Action Plan (SAP) outlining the intervention services to be provided to the  
student. The Student Action Plan shall contain at a minimum:

4.02.4.1 Plan of intervention services to be provided to address the  
student's specific educational needs and, if appropriate, the  
student's behavioral needs;

4.02.4.2 Goals and objectives necessary to achieve positive  
reintegration into the regular educational environment;

4.02.4.3 Exit criteria on which to base a student's return to the regular  
educational environment; and

4.02.4.4 Documentation of the presence of the characteristics listed in Sections 4.02.1.1 and 4.02.1.2 for which the student was referred.

4.02.4.5 The Student Action Plan may be revised from time to time by the Alternative Education Placement Team as circumstances warrant.

4.02.5 No later than one (1) week after a student begins alternative education interventions, the Alternative Education Placement Team shall develop a signed agreement between the ALE, the parent or guardian (if they choose to participate), and the student, outlining the responsibilities of the ALE, parent or guardian, and the student to provide assurance that the plan for each student is successful.

4.02.6 A positive behavior or transitional plan shall be developed and added to the Student Action Plan prior to a student's return to the regular educational environment.

#### 4.03 ALE Personnel Requirements

4.03.1 Administrative, teaching, and other personnel in an ALE shall meet appropriate State licensure and renewal requirements for the positions to which they are assigned.

4.03.2 All direct instruction in core academic subject areas shall be provided by highly qualified teachers, as that term is defined in the ADE Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001.

4.03.3 Every classroom in an ALE program shall maintain student/teacher ratios as follows:

4.03.3.1 For grades kindergarten through six (K-6), no more than ten (10) students to one (1) teacher. If a paraprofessional is employed in addition to a licensed teacher, the student/teacher ratio shall be no more than twelve (12) to one (1).

4.03.3.2 For grades seven through twelve (7-12), no more than fifteen (15) students to one (1) teacher. If a paraprofessional is employed in addition to a licensed teacher, the student/teacher ratio shall be no more than eighteen (18) to one (1).

4.03.3.3 In a middle school where the grade configuration includes grades five (5) and/or six (6), the student/teacher ratios for grades seven through twelve (7-12) may apply.

4.03.4 An ALE shall establish plans for professional development and in-service training for all licensed personnel working in the ALE in a teaching or administrative capacity.

4.03.4.1 Professional development and in-service training for ALE personnel shall include training in classroom management, and training in additional areas related to the specific needs and characteristics of students in alternative education environments.

4.03.4.2 All licensed personnel working in an ALE shall participate in specific alternative education professional development as part of the sixty (60) hours required annually for licensed personnel by the Department's Rules Governing Professional Development.

4.03.4.3 The Department shall award professional development credit for programs provided under this Section 4.03.4 and approved pursuant to the Department's Rules Governing Professional Development.

4.03.5 Wages, salaries or benefits may be paid out of ALE funds only to the extent of the time devoted by an employee to direct supervision of or direct work in an eligible ALE program.

#### 4.04 ALE Curriculum and Program Requirements

4.04.1 An ALE shall assess each ALE student either before or upon entry into the alternative learning environment with effective, research-based assessment tools to determine the student's current academic capability.

4.04.2 An ALE shall provide a curriculum including mathematics, science, social studies, and language arts aligned with the regular classroom instruction. Reading, writing, and mathematics shall be incorporated into all curriculum areas.

4.04.2.1 An ALE shall use the curriculum frameworks adopted by the Department to plan instruction leading to student demonstration of proficiency in the Arkansas content standards.

4.04.3 As an alternative to the curriculum required by Section 4.04.2, an ALE may allow an individual student to instead pursue a curriculum aligned with the standards for General Educational Development (GED) Tests, subject to the following conditions:

4.04.3.1 The student must be sixteen (16) years of age or older;

4.04.3.2 The student must lack sufficient credits to graduate by the time the student turns eighteen (18) years of age; and

4.04.3.2 The student's parent or guardian, or the student if the student is over eighteen (18) years of age, must consent in writing.

4.04.4 Computer-based instruction and distance learning may be used only as a supplement to direct teacher instruction and must constitute less than forty-nine percent (49%) of total instructional time in any one (1) course. This restriction shall not apply to distance learning or computer-based instruction approved by the Department.

4.04.5 All students attending an ALE operated by a consortium of school districts shall follow the lead district's school calendar. All students attending an ALE operated by an education service cooperative shall follow a school calendar designated by the cooperative.

4.04.6 An ALE shall be furnished with the equipment and instructional materials necessary to provide the environment and working conditions appropriate for subjects or activities assigned.

4.04.7 Meals provided at ALE facilities shall follow the Arkansas Child Nutrition guidelines or shall be approved by the Child Nutrition Unit of the Arkansas Department of Education.

4.04.8 An In-School Suspension (ISS) program for a regular educational environment may not be located in an ALE classroom.

#### 4.05 ALE Program Approval, Reporting, and Monitoring

4.05.1 On or before March 31 of each year, each ALE program shall submit to the Department, in electronic format, a program description documenting the program's compliance with Ark. Code Ann. § 6-48-101 et seq. and these Rules.

4.05.1.1 ALE programs operating in separate facilities, even if located within the same school district, are deemed to be separate

individual programs requiring separate approval and separate reporting.

4.05.2 On or before March 31 of each year, each ALE program shall submit to the Department, in electronic format, an assurance statement signed, physically or electronically, by:

4.05.2.1 The superintendent, for an ALE program operated by a single school district;

4.05.2.2 The superintendent of the lead school district, for an ALE program operated by a consortium of school districts; or

4.05.2.3 The director of the education service cooperative, for an ALE program operated by a cooperative.

4.05.3 On or before March 31 of each year, each ALE program operated by a consortium of school districts or by an education service cooperative shall submit to the Department, in electronic format:

4.05.3.1 A list of all school districts participating in the ALE; and

4.05.3.2 A copy of the contract agreement or memorandum of understanding governing the ALE program and entered into by the participating school districts and/or cooperative.

4.05.4 Annually, the Department shall compile annual report data for each ALE program utilizing Arkansas Public School Computer Network student management data. The data compiled shall include:

4.05.4.1 The number of students, subdivided by race, gender, and grade level, enrolled in an ALE program at any time during that school year;

4.05.4.2 The number of students enrolled in an ALE program who returned to the regular educational environment, who dropped out of school, who graduated, or who received a GED;

4.05.4.3 The number of high school graduates for that school year who were enrolled in an ALE for more than twenty (20) days at any time during their K-12 career;

4.05.4.4 The number of students enrolled in an ALE program and participating in Workforce/Secondary Career Centers;

- 4.05.4.5 The number of students enrolled in an ALE program and receiving special education services;
- 4.05.4.6 The number of students enrolled in an ALE program who had previously exited an ALE program in the second or third prior school year;
- 4.05.4.7 The total amount of all funds expended to operate the ALE program for that school year; and
- 4.05.4.8 The total amount of ALE funding received for that school year.
- 4.05.5 After June 15 of each year, the Department may direct a district to provide the annual report data required under section 4.05.4 if the information sought is not readily ascertainable from Arkansas Public School Computer Network student management data.
- 4.05.6 To be eligible for ALE funding under Section 4.06 below, an ALE program shall be approved annually by the Department.
  - 4.05.6.1 Program approval shall be contingent on a satisfactory review of the program description, annual report data, and assurance statement submitted pursuant to this Section 4.05.
  - 4.05.6.2 Program approval shall be for a term of one year, running from July 1 or the date of program approval, whichever is later, through June 30.
  - 4.05.6.3 The Department shall give notice of approval or disapproval of an ALE program no later than July 15 of each year, contingent on the ALE program timely submitting all required information.
- 4.05.7 Each school district shall submit a description of the ALE program(s) utilized by its students in its Arkansas Comprehensive School Improvement Plan (ACSIP).
  - 4.05.7.1 The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and the total amount of ALE funds budgeted.
  - 4.05.7.2 Each school district shall evaluate programs supported by ALE funds annually to ensure that the programs are providing a non-punitive environment that is conducive to learning, that eliminates traditional barriers to learning, and that complies with these Rules.

4.05.7.3 The total ALE funds budgeted in ACSIP shall agree with the total ALE expenditures budgeted in the school district's financial management software.

4.05.8 As part of the Department's accreditation review of each school district under Ark. Code Ann. § 6-15-202, the Department shall evaluate each ALE to ensure that the ALE is:

4.05.8.1 Established and operated in compliance with this chapter; and

4.05.8.2 Effective under the measurements established by the Department.

4.05.9 The Department shall identify a school district's noncompliance on the school district's annual report card.

4.05.10 The Department shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.

4.05.11 On or before September 15 of each year, the Department shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:

4.05.11.1 The information reported to it under Section 4.05; and

4.05.11.2 The effectiveness of ALE programs evaluated by the Department.

#### ~~4.02 Eligible ALE Programs~~

~~4.02.1 An eligible ALE program shall meet the following guidelines:~~

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

~~4.02.1.2 Have a student/teacher ratio in grades Kindergarten through six (K-6) of no more than ten (10) to one (1). If a paraprofessional is employed in addition to a licensed supervisor, the student/teacher ratio shall be no more than twelve (12) to one (1).~~

- ~~4.02.1.3—In a middle school where the grade configuration includes grades five (5) and/or six (6), the fifteen (15) to one (1) student/teacher ratio may be utilized.~~
- ~~4.02.1.4—Have a student/teacher ratio in grades seven through twelve (7-12) of no more than fifteen (15) to one (1). If a paraprofessional is employed in addition to a licensed supervisor, the student/teacher ratio shall be no more than eighteen (18) to one (1).~~
- ~~4.02.1.5—Provide each ALE student with access to the services of a school counselor or a mental health professional, a nurse, and support services provided to other students.~~
- ~~4.02.1.6—Coordinate the ALE with state and federal student assistance programs.~~
- ~~4.02.1.7—Submit a description of the ALE in the districts' Arkansas Comprehensive School Improvement Plan (ACSIP).~~
- ~~4.02.1.8—Have an Alternative Education Placement Team to determine student placement in the ALE. This team shall include the referring school counselor, ALE administrator, building principal, and LEA special education or 504 representative, if applicable. A parent or legal guardian and the student's regular classroom teacher(s) should be included in the student placement determination. The school district shall document efforts of contacting the parent/guardian to schedule a meeting or a phone call for a placement meeting at the parent/guardian's convenience.~~
- ~~4.02.1.9—Maintain documentation of the presence of the characteristics listed in the student's plan.~~
- ~~4.02.1.10—Provide that the ALE shall not be punitive but should provide the guidance, counseling, and academic support to enable students who are experiencing emotional, social or academic problems to continue to make progress toward educational goals either in the traditional educational system or the General Educational Development (GED) Program.~~
- ~~4.02.1.11—Provide that computer programs when used in the ALE setting will supplement teacher instruction.~~
- ~~4.02.1.12—Develop an agreement with the parent or guardian, teacher or ALE director, and student outlining the responsibilities of the school, parent, and the student to provide assurance that the~~

~~plan for each student is successful.~~

~~4.02.1.13 Provide a curriculum including mathematics, science, social studies, and language arts aligned with the regular classroom instruction or with the standards for the tests of the GED.~~

~~4.02.1.14 Develop exit criteria on which to base a student's return to the regular program. A positive behavior or transitional plan shall be in place prior to returning an ALE student to the prior classroom placement.~~

~~4.02.1.15 Require ALE staff to meet the same professional development requirements as other certified staff.~~

~~4.02.1.16 The ADE shall monitor ALEs as required in compliance with Ark. Code Ann. § 6-18-509.~~

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

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

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

#### 4.063 ALE Funding

4.063.1 The ALE funding amount shall be the per-student ALE funding dollar amount required authorized by law times the district's eligible ALE students' full time equivalents (FTE) in the previous school year as defined in these Rules.

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

4.06.3 An eligible ALE student's FTE shall be calculated as follows: the sum of (the total number of days an eligible ALE student attends an eligible ALE, plus the total number of days absent while enrolled in an eligible ALE program) divided by the number of school days actually taught in the district's school year.

4.06.3.1 If an eligible ALE student has less than six (6) hours per day of student/teacher interaction time in an eligible ALE, the student's FTE shall be calculated as the result of the calculation in Section 4.06.3 multiplied by the number of hours taught in an eligible ALE each day divided by 6 hours.

4.06.3.2 In no case shall an eligible ALE student's FTE be calculated as greater than 1.0.

4.06.3.3 If an eligible ALE student is educated in an eligible ALE for fewer than twenty (20) consecutive days, no ALE funding may be paid for that student, unless:

4.06.3.3.1 The student leaves the school district to transfer to another eligible ALE; or

4.06.3.3.2 The student is placed in a residential treatment program.

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

~~4.03.3.1 Prior to the 2010-2011 school year, an ALE Student is a student who has been enrolled in an eligible ALE for a minimum of twenty (20) days per school year.~~

~~4.03.3.2 Beginning with the 2010-2011 school year, an ALE Student is a student who has been enrolled in an eligible ALE for a minimum of twenty (20) consecutive days per school year.~~

~~4.03.3.3 Full Time Equivalent (FTE) ALE Student is an ALE student who has at least six (6) hours per day of student/teacher interaction time in the ALE, and attends the ALE for the entire school year.~~

~~4.06.3.4~~ ALE funding is restricted state aid.

~~4.06.3.5~~ ALE funding shall be spent on eligible ALE programs identified in these Rules except as otherwise allowed by law or rule.

~~4.06.3.6~~ ALE funding may be carried over from one fiscal year to the next but these funds shall remain restricted to the priority areas as defined in these Rules except as otherwise allowed by law or rule.

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

- 5.01 The ELL funding amount shall be the amount required by law times the district's identified ELL students in the current school year.
  - 5.01.1 The number of identified ELL students shall be a total of all students identified by the State Board as not proficient in the English language based upon approved English proficiency assessment instruments.
  - 5.01.2 Documentation to be used for the calculation of the number of identified ELL students must be submitted to the ADE no later than November 30 of each school year.
  - 5.01.3 An ELL student shall be counted as no more than one student for ELL funding purposes.
- 5.02 School districts shall maintain documentation of each student identified as an ELL.
- 5.03 For ELL funding purposes, State-approved English proficiency assessment instruments include:
  - 5.03.1 LAS (Language Assessment Scales);
  - 5.03.2 ~~Maculitis~~ Maculitis/MAC II Assessment of Competencies; and
  - 5.03.3 English Language Development Assessment English Language Proficiency Screener/TELPA.
- 5.04 ELL funding shall be expended for eligible activities including, but not limited to, the following:
  - 5.04.1 Salaries for ELL-skilled instructional services (not supplanting district financial obligations for providing teachers for ELL students).
  - 5.04.2 Funds for teacher training, consultants, workshops, and ELL course work, including ADE sponsored training programs.
  - 5.04.3 Released-time for ELL program development.
  - 5.04.4 Selection and purchase of language-appropriate instructional and supplemental (enrichment) materials for ELL students (including computer-assisted technology and library materials).

- 5.04.5 Language and cultural skills training for school-based health service providers, counseling service providers, and community liaison staff as needed to serve ELL students.
- 5.04.6 Assessment activities, which include test administration, identification, placement, and review of ELL student academic progress, as well as evaluation activities to determine the effectiveness of the district's ELL program.
- 5.04.7 Funds for the implementation of supplemental instructional services for ELL students.
- 5.05 ELL funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to those priority areas defined in these Rules except as otherwise allowed by law or rule.
- 5.06 A description of ELL activities and funding shall be included in the district's ACSIP. The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and the total amount of ELL funds budgeted.
  - 5.06.1 The total ELL funds budgeted in ACSIP shall agree with the total ELL expenditures budgeted in the school and/or school district's financial management software.

## **6.00 Special Needs - National School Lunch Act**

- 6.01 ~~National~~ Except as provided in Section 6.01.5 of these Rules, national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305 (b) (4) shall be based on the number of national school lunch students for the immediately preceding school year determined under 3.15 of these Rules, divided by the district's total enrolled students for the immediately preceding school year. If the school district is a Provision 2 district, this funding is based on the school district's percentage of national school lunch students submitted in the base year, multiplied by the number of enrolled students for the immediately preceding school year. For determination of the per student amount of national school lunch state categorical funding, the percentage shall be calculated to one tenth of one percent, and rounded up to the nearest whole number from five tenths or down to the nearest whole number from less than five tenths.
  - 6.01.1 For school districts in which ninety percent (90%) or greater of the previous school year's enrolled students are national school lunch students, per student national school lunch state categorical funding shall be the amount required by Ark. Code Ann. § 6-20-2305(b)(4)(A)(i).
  - 6.01.2 For school districts in which less than ninety percent (90%) but at least seventy percent (70%) of the previous school year's enrolled students

are national school lunch students, per student national school lunch state categorical funding shall be the amount required by Ark. Code Ann. § 6-20-2305(b)(4)(A)(ii) .

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

6.01.4 Districts must participate in the federal NSLA Program to receive national school lunch state categorical funding.

6.01.5 For an open-enrollment public charter school in its initial year of operation, or in any year in which the charter school adds a grade level, national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305 (b) (4) shall be based on the school's current school year enrollment as reported by October 1.

6.02 ~~The~~ Except as provided in Section 6.02.3 of these Rules, the district percentage of NSLA eligible students shall be determined from the Arkansas Public School Computer Network's Cycle 2 report for the previous school year.

6.02.1 The Child Nutrition Unit of the ADE shall verify the Cycle 2 report for accuracy.

6.02.2 Adjustments to the Cycle 2 report shall be made by the ADE based on documentation provided by the school district.

6.02.3 For an open-enrollment public charter school in its initial year of operation, or in any year in which the charter school adds a grade level, the school's percentage of NSLA eligible students shall be determined by the school's free or reduced-price meal eligibility data as reported by October 1.

### 6.03 National School Lunch State Growth Funding

6.03.1 The ADE shall use the Cycle 2 enrollment data for the previous four years to calculate a three-year trend in district enrollment.

6.03.2 If a district has grown at least one percent for each of the three previous years, it shall qualify for National School Lunch State Growth Funding.

6.03.3 Districts that qualify for funding shall receive National School Lunch State Growth Funding.

6.03.4 The funding shall be calculated as the three year average growth in enrollment multiplied by the district's previous year's percentage of

students eligible for the federal NSLA Program multiplied by the per student funding amount determined in 6.01.

#### 6.04 Transitional National School Lunch State Funding Methods

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

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

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

*For illustrative purposes:*

- Year one (current year) of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,322.67 ( $\$1,488 - \$165.33$ ).
- Year two of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,157.34 ( $\$1,322.67 - \$165.33$ ).
- Year three (final year) of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$992 ( $\$1,157.34 - \$165.34$ ).

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

*For illustrative purposes:*

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

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

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

*For illustrative purposes:*

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

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

*For illustrative purposes:*

- Year one (current year) of transition (decrease 1/3) – the transitioned amount of national school lunch state

categorical funding per student is \$826.67 (\$992 - \$165.33).

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

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

6.05.1 ~~Effective July 1, 2010, chronically~~ A chronically underperforming school's shall develop and implement its ACSIP plan and shall provide for the use of national school lunch state categorical funding to ~~include, but not limited to~~ fund without limitation the following:

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

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

6.05.1.3 Use of improvement targets to define professional development needs related to content, instruction, differentiation, and best practices in educating student subgroups as identified in need.

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

6.05.1.5 ~~Develop~~ Development of a plan to immediately address gaps in learning.

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

- 6.05.1.7 Design of a plan for increasing parental knowledge and skill to support academic objectives.
  - 6.05.1.8 ~~Evaluate~~ Evaluation of the impact of the before mentioned educational strategies on student achievement.
- 6.06 National school lunch state categorical funding shall not be used to meet or satisfy the Arkansas Standards for Accreditation of Arkansas Public Schools and School Districts as required by Ark. Code Ann. § 6-15-201 et seq. or the Arkansas Minimum Teacher Salaries required by Ark. Code Ann. § 6-17-2403 except as otherwise allowed herein ~~this section~~.
- 6.06.1 National school lunch state categorical funding shall not be used to augment, replace, or supplement the mandatory requirements of the Arkansas Standards for Accreditation required by Ark. Code Ann. § 6-15-201 et seq. unless the expenditure is for the purposes outlined under Section 6.07 of these Rules.
  - 6.06.2 A district may use excess national school lunch state categorical funds as a bonus or to supplement salaries above the minimum salary schedule required by Ark. Code Ann. § 6-17-2403 provided the school district is in compliance with and meets the eligibility provision of these Rules.
  - 6.06.3 School districts may use national school lunch state categorical funds to pay the salaries of those teachers ~~which are~~ used to reduce the pupil to teacher ratio below the mandates required by the Arkansas Standards ~~of~~ for Accreditation of Arkansas Public Schools and School Districts under the following conditions:
    - 6.06.3.1 In its ACSIP, the district must designates the specific teacher(s) used to reduce the pupil-to-teacher ratios required by the Standards ~~of~~ for Accreditation; must explain how the district will use national school lunch state categorical funds to ~~only pay~~ only the salaries of those class-size-reduction teachers or other teachers designated by the ADE as bona fide national school lunch state categorical program or purpose expenditures as allowed by Section 6.07 of these Rules; and must explain how the district will use class-size-reduction teachers(s) pursuant to a recognized published research-based program to specifically target an identified academic deficiency or need of the district which aligns with and supports the district's ACSIP;
    - 6.06.3.2 Any district which did not use national school lunch state categorical funds to support the salaries of ~~the~~ class-size-reduction teachers by June 30 in the 2006-2007 school year is limited to using national school lunch state categorical funds

to support the salaries of only those class-size-reduction teachers in kindergarten through the eighth (8th) grade ~~of the school district starting in the 2007-2008 school year and each school year thereafter~~, provided the district submits a detailed written plan as required in § 6.06.3.1 which is approved by the ADE; and

6.06.3.3 Along with any request to expand or increase the use of national school lunch state categorical funds to pay for or support the salaries of class-size-reduction teachers from a previous school year, the district shall submit a written justification showing how the funds are being used to support an increased academic deficiency or need of the district and is not an attempt to avoid or circumvent the general purpose of reducing the amount of national school lunch state categorical funds used to increase teacher salaries as required and mandated by Ark. Code Ann. § 6-20-2305.

6.06.3.4 National school lunch state categorical funds to support the salaries of the class-size reduction teachers shall ~~only~~ be used only to reduce the pupil-to-teacher ratios required by the Standards ~~of~~ for Accreditation for each single grade level.

6.07 National school lunch state categorical funding shall be expended for eligible program(s) or purpose(s) that are research-based and aligned to the Arkansas Content Standards for improving instruction and increasing achievement of students at risk of not meeting challenging academic standards. These programs or purposes include:

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

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

6.07.1.2 Qualifications for Specialists/Coaches (K-12) and/or Instructional Facilitators):

- At least four years of recent teaching experience in

appropriate content areas within grades K-12

- Knowledge of Arkansas Curriculum Framework
- Knowledge of current research and effective practices in standards-based curriculum, instruction, and assessment
- Experience in adult learning situations and in team problem solving
- A bachelor's degree (a master's degree would be preferred)
- Or completion of the required two-year training and teaching components of the Teach for America Program

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

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

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

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

6.07.6 Employing Tutors:

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

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

6.07.7 Employing Teacher's Aides:

6.07.7.1 Teacher's aides must be highly qualified.

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

6.07.8 Employing licensed counselors and nurses above ~~standard~~ the mandates of the Standards for Accreditation of Arkansas Public

Schools and School Districts or other rule or law.

- 6.07.9 Employing coordinated school health coordinator
- 6.07.10 Employing human service workers
- 6.07.11 Employing licensed mental health counselors
- 6.07.12 Employing licensed certified social workers or licensed social workers
- 6.07.13 Employing Curriculum Specialists:
  - 6.07.13.1 The Curriculum Specialists shall meet current licensure requirements that are outlined in the Rules Governing Initial and Standard Administrator Licensure.
- 6.07.14 Employing School Resource Officers (SRO) whose job duties include research-based methods and strategies tied to improving achievement of students at risk.
- 6.07.15 Providing experience-based field trips
- 6.07.16 Providing parent education that addresses the whole child.
- 6.07.17 Providing summer programs that implement research-based methods and strategies targeted at closing the achievement gap, other than programs authorized under section 6.07.28.
- 6.07.18 Providing early intervention programs, to include:
  - 6.07.18.1 ~~Early intervention means short-term~~ Short-term, intensive, focused, individualized, research-based instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is beginning in the initial, kindergarten through grade one (K-1), stages of learning social skills, early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor behavior and problem-solving habits which become difficult to change; and
  - 6.07.18.2 Short-term, intensive, focused, individualized, research-based instruction developed from ongoing, daily, systematic diagnosis in grades three through twelve (3-12) to prevent failure and close the achievement gap.
- 6.07.19 Obtaining materials, supplies, and equipment, including technology, used in approved instructional programs or for approved purposes. The approved programs and or purposes support the local educational

agency's ACSIP.

- 6.07.20 Paying the expenses of federal child nutrition programs to the extent necessary to provide school meals without charge to all students under the United States Department of Agriculture Special Assistance Alternative "Provision 2" program under 42 U.S.C. § 1759a, as it exists on July 1, 2011.
- 6.07.21 Paying the expenses of federal child nutrition programs to the extent necessary to provide school meals without charge to students otherwise eligible for reduced-price meals under the United States Department of Agriculture's National School Lunch Program or School Breakfast Program.
- 6.07.22 Paying expenses directly related to funding a longer school day.
- 6.07.23 Paying expenses directly related to funding a longer school year.
- 6.07.24 Partnering with local institutions of higher education to remediate students while those students are still in high school so that the students are college and career ready upon graduation from high school.
- 6.07.25 Providing Teach For America professional development.
- 6.07.26 Implementing components of the Arkansas Advanced Initiative for Math and Science.
- 6.07.27 Employing College and Career Coaches, as defined by the Department of Career Education.
- 6.07.28 Operating or supporting a postsecondary preparatory program authorized under Ark. Code Ann. § 6-16-601 et seq.
- 6.07.29 Expenditures required under Section 6.05.1 of these Rules.
- 6.07.30 Paying for students in grade eleven (11) to take the ACT Assessment, pursuant to the Voluntary Universal ACT Assessment Program, Ark. Code Ann. § 6-18-1601 et seq.
- 6.07.31 Developing and implementing interim building-level assessments to monitor student progress toward proficiency on the state benchmark assessments.
- 6.07.32 Other activities approved by the ADE that will further the purposes of this Section. Such activities include, but are not limited to, research-based activities and activities directed at chronically under-performing schools.

- 6.08 Use of national school lunch state categorical funds shall be included within the school and/or school district's ACSIP. The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and budget the total amount of NSLA funds budgeted.
- 6.08.1 The district shall evaluate programs supported by national school lunch state categorical funds annually to ensure that the programs are providing intervention/prevention services designed to increase student achievement.
- 6.08.2 The district shall maintain documentation that supports gains in student achievement as measured by the state assessment system.
- 6.08.3 The total NSLA funds budgeted in ACSIP shall agree with the total NSLA expenditures budgeted in the school and/or school district's financial management software.
- 6.09 National school lunch state categorical funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to priority areas as defined in these Rules or law except as otherwise allowed by law or rule.
- 6.10 National school lunch state categorical funding is restricted state aid, except as otherwise allowed by law or Rule.
- 6.11 Use of excess national school lunch state categorical funds to supplement teacher salaries.
- 6.11.1 School districts that have met the needs of students for whom the national school lunch state categorical funds are provided, and that have excess national school lunch state categorical funds, may request to use the excess national school lunch state categorical funds to supplement teacher salaries under the following conditions:
- 6.11.1.1 The school district shall not use any portion of the national school lunch state categorical funds that are carry forward or reserve funds as a supplement to classroom teacher salaries.
- 6.11.1.2 The school district is meeting the minimum teacher salary schedule under Ark. Code Ann. § 6-17-2403 without using national school lunch state categorical funds.
- 6.11.1.3 The school district is in full compliance with the rules and laws governing the Standards for Accreditation of Arkansas Public Schools and School Districts under Ark. Code Ann. § 6-15-201 et seq. and the rules and laws governing the Arkansas Fiscal and Accountability Program under Ark. Code Ann. § 6-20-1901 et seq. without using current year, carry forward or

reserve national school lunch state categorical funds.

- 6.11.1.4 The school district shall not allocate or use any excess national school lunch state categorical funds in any manner except to supplement teacher salaries, unless in accordance with the transfer provisions stated in section 8.00 of this rule.
  - 6.11.1.5 Excess national school lunch state categorical funds used as a bonus to supplement teacher salaries shall not be considered a permanent obligation under the school district's teacher salary schedule.
  - 6.11.1.6 The school district will include the amount and uses of excess national school lunch state categorical funds in its ACSIP.
  - 6.11.1.7 The district has met or is meeting the adequate educational needs of students.
  - 6.11.1.8 The district has prudently managed its resources
  - 6.11.1.9 The district has met all requirements of Section 6.11 of this Rule
  - 6.11.1.10 If the district used excess national school lunch state categorical funds in the prior year to supplement teacher salaries, the district has submitted the required report on prior year expenditures as required by Section 6.11.5.
  - 6.11.1.11 The district has submitted the portion of its ACSIP that described the uses of national school lunch state categorical funds.
  - 6.11.1.12 ~~The district has complied with the mandatory 20% reduction of actual amount of prior year national school lunch state categorical funds used to supplement teacher salaries above the minimum teacher salary schedule until the district has no~~ No more than 20% of the total of current year national school lunch state categorical funds may be used as a supplement to teacher salaries above the minimum teacher salary schedule.
- 6.11.2 A school district requesting to use excess national school lunch state categorical funds as a supplement to the minimum teacher salary schedule under Ark. Code Ann. § 6-17-2403 shall provide the following information to the Commissioner of Education, or designee, by February 15 of the school year for which approval is requested:
- 6.11.2.1 A statement of assurance attesting to compliance with sections

6.11.1 of these Rules

- 6.11.2.2 The actual amount of excess national school lunch state categorical funds used to supplement salaries above the required minimum salary schedule in the previous school year, the actual amount of total national school lunch state categorical funds received in the previous school year, and the actual percentage of national school lunch state categorical funds used as a supplement above the required minimum salary schedule to total national school state categorical funds received.
- 6.11.2.3 The budgeted amount of excess national school lunch state categorical funds used to supplement salaries above the required minimum salary schedule in the current school year, the budgeted amount of total national school lunch state categorical funds received in the current school year, and the calculated percentage of national school lunch state categorical funds used as a supplement above the required minimum salary schedule to total national school lunch state categorical funds received in the current year.
- 6.11.2.4 ~~If the percent of excess national school lunch state categorical funds used as a supplement above the required minimum salary schedule to total national school lunch state categorical funds received is greater than twenty percent (20%), the district shall reduce by twenty percent (20%) the actual amount of prior year national school lunch state categorical funds used to supplement teacher salaries above the minimum teacher salary schedule until the district has no~~ No more than twenty percent (20%) of the total of current year national school lunch state categorical funds may be used as a supplement to teacher salaries above the minimum teacher salary schedule.
- 6.11.2.5 No school district shall use national school lunch state categorical funds to supplement salaries above the required minimum salary schedule without first obtaining the express written approval of the Commissioner of Education of his/her designee.
- 6.11.3 A school district requesting to use excess national school lunch state categorical funds as a supplement in the form of a bonus, shall provide the following information to the Commissioner of Education, or designee, by February 15 of the school year for which approval is requested.
- 6.11.3.1 A statement of assurance attesting to compliance with sections

6.11.1 of this Rule.

6.11.3.2 The information required in Section 6.11.2, and any other information requested by the ADE.

6.11.3.3 The amount of funds to be used as a bonus.

6.11.3.4 The total amount of national school lunch state categorical funds the district will receive in that year.

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

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

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

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

6.11.4.1 Such approval is limited to one school year.

6.11.5 By September 15 of each school year, any school district that received written approval to use national school lunch state categorical funds as a supplement to teacher salaries in the previous school year shall issue a written report to the Commissioner of Education listing:

6.11.5.1 Each program upon which national school lunch state categorical funds were expended.

6.11.5.2 The actual amount of national school lunch state categorical funds expended on each program.

6.11.5.3 Information required in Section 6.11.2 and 6.11.3, and any other information requested by the ADE.

6.11.6 Upon review, at any time during a school year, of a school district's Arkansas Comprehensive School Improvement Plan, those reports and information required by these Rules, test or financial data or other indicators of a school district, if the Commissioner of Education or his/her designee determines a school district has not met the needs of students that may be served by national school lunch state categorical funds, has provided false or misleading information or has failed to comply with the provisions of the district's submitted plans without obtaining ADE approval to change the submitted plans required by this rule, the Commissioner of Education may require that any and all national school lunch state categorical funds dedicated for use or application as a bonus shall be removed from and not used as a bonus and may require the school district to redirect the national school lunch state categorical funds to meet other educational needs of the students of that district.

6.11.7 Only those school districts which previously used or applied excess national school lunch state categorical funds to supplement the teacher salary schedule for all classroom teachers in the district as part of a salary obligation may continue to use national school lunch state categorical funds as a salary obligation to the extent the district has received approval from the Commissioner of Education under Section 6.12 and the district is in full compliance with these Rules.

## 6.12 Monitoring and compliance for use of NSLA funds

6.12.1 At any time during a school year, the Department may review:

6.12.1.1 A school district's Arkansas Comprehensive School Improvement Plan;

6.12.1.2 Reports and information required by these Rules;

6.12.1.3 Test data;

6.12.1.4 Financial data; or

6.12.1.5 Other indicators of a school district's compliance with these rules and with the purpose of meeting the needs of students served by national school lunch state categorical funds.

6.12.2 Upon review, the Commissioner of Education or his/her designee may take one or both actions allowed by Section 6.12.3 if the Commissioner determines that a school district:

6.12.2.1 Has not met the needs of students that may be served by national school lunch state categorical funds;

6.12.2.2 Provided false or misleading information; or

6.12.2.3 Failed to comply with the provisions of the district's submitted plans without obtaining ADE approval.

6.12.3 Upon a determination under Section 6.12.2 above, the Commissioner may:

6.12.3.1 Require that any and all national school lunch state categorical funds dedicated for use or application as a bonus shall be removed from and not used as a bonus; or

6.12.3.2 Require the school district to redirect the national school lunch state categorical funds to meet other educational needs of the students of that district.

6.13 By June 30, 2012, and by June 30 of each year thereafter, a school district shall expend a minimum of eighty-five percent (85%) of the school district's current-year national school lunch state categorical funding allocation in a manner permitted under these Rules.

6.13.1 A school district that on June 30, 2012, has a national school lunch state categorical funding balance in excess of fifteen percent (15%) of the school district's current year national school lunch state categorical funding allocation shall reduce its total national school lunch state categorical funding balance by at least ten percent (10%) each year so that by June 30, 2022, and by June 30 of each year thereafter, the school district has a balance of no more than fifteen percent (15%) of the school district's current year national school lunch state categorical funding allocation.

6.13.2 Under an unusual and limited circumstance, including without limitation an increase in one-time funds or an unexpected decrease in school district revenues during a given year, a school district may request that the Department of Education waive the requirements of this Section 6.13.

6.13.2.1 A school district seeking a waiver shall file a waiver request with the Commissioner of Education, accompanied by a resolution adopted by the school district's board of directors, describing the unusual and limited circumstances.

6.13.2.2 The commissioner may grant a waiver request under this subdivision (b)(4)(F) for up to one (1) year if the commissioner

finds that the request is necessary based upon the unusual and limited circumstances.

6.13.3 The department shall monitor on a yearly basis each school district's compliance with the requirements of this Section 6.13.

6.13.4 If a school district fails to comply with the requirements of this Section 6.13 during a school year, the department may in the following school year withhold from that school district's national school lunch state categorical funding allocation an amount equal to the amount required to be spent by the school district in order to be in compliance with the requirements of this Section 6.13.

6.13.4.1 The department may redistribute amounts withheld under this Section 6.13.4 to other school districts entitled to receive national school lunch state categorical funding allocations.

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

7.01 The Professional Development funding amount shall be an amount up to the amount required by law times the district's ADM of the previous school year.

7.02 Professional Development funding shall be expended for:

7.02.1 ~~approved programs and purposes identified in the Rules Governing Professional Development~~ Approved professional development activities and materials, as required by the Teacher Excellence and Support System, Ark. Code Ann. § 6-17-2801 et seq., by other law or rule, or by the school district, that:

7.02.1.1 Improve the knowledge, skills, and effectiveness of teachers;

7.02.1.2 Address the knowledge and skills of administrators, and paraprofessionals concerning effective instructional strategies, methods, and skills; and

7.02.1.3 Lead to improved student academic achievement;

7.02.2 ~~employing~~ Employing literacy, mathematics, or science specialists/coaches (K-12) and/or instructional facilitators as described in these Rules; and

7.02.3 Training for school bus drivers in compliance with rules promulgated by the Commission for Arkansas Public School Academic Facilities and Transportation.

- 7.03 Districts may expend state Professional Development funding to provide the requisite hours of professional development required by Rule or law.
- 7.04 Professional Development funding is restricted state aid. Professional Development funding shall be spent on activities identified in these Rules, except as otherwise allowed by law or Rule.
- 7.05 Professional Development funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to priority areas as defined in these Rules except as otherwise allowed by law or rule.
- 7.06 Professional Development activities and funding shall be included in the district's ACSIP.

7.06.1 Use of Professional Development funds shall be included within the school and/or school district's ACSIP. The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and the total amount of Professional Development funds budgeted.

7.06.2 The district shall annually evaluate professional development implementation supported by Professional Development funds to ensure that:

7.06.2.1 Professional development is implemented as designed in the school and school district's ACSIP; and

7.06.2.2 Professional development as implemented by the school or district provides intervention prevention services designed to increase student achievement.

7.06.3 Evaluation data regarding the implementation and effect of professional development should be utilized in ACSIP to determine future professional development plans.

7.06.4 The total Professional Development funds budgeted in ACSIP shall agree with the total Professional Development expenditures budgeted in the school and/or school district's financial management software.

## **8.00 Financial Accounting for Special Needs State Funding for ALE, ELL, National School Lunch Students, and Professional Development**

- 8.01 After having provided programs designed to meet the needs of students in the respective categorical funding areas, a school district may transfer and expend funds on any of the special needs categories allowed for in these Rules.

- 8.02 Special needs state funding of ALE, ELL, National School Lunch students, and Professional Development may be used for any of the expenditures identified in these Rules.
- 8.03 Districts shall report the funds received under each special needs state funding category.
- 8.04 Districts shall report the expenditures of all special needs state funds as required by law, including, but not limited to, fund balances remaining on June 30 of each year.
- 8.05 The funds received, transferred, expended, and/or carried over shall balance.
- 8.06 If the ADE determines that a district would lose any federal funding due to these explicated expenditure requirements, the special needs state funds may be expended for other academic programs or salaries, as permitted by the ADE.

## **9.00 Categorical Fund Balances**

9.01 As of June 30 of each school year, the total aggregate balance of all state categorical fund sources shall not exceed twenty percent (20%) of the total aggregate annual state categorical fund allocations for the current school year, except as provided herein.

9.01.1 On June 30, 2012, and on June 30 of each school year thereafter, if the total aggregate balance of all state categorical fund sources exceeds twenty percent (20%) of the school district's total aggregate annual state categorical fund allocations for the current school year, the school district shall reduce that total balance by ten percent (10%) each year until the school district's June 30 balance of aggregate annual categorical fund sources is twenty percent (20%) or less of the total aggregate annual state categorical fund allocations for the current school year.

9.01.2 The annual reduction required under section 9.01.1 shall be a minimum of ten percent (10%) of the total excess balances of all state categorical fund sources as of June 30, 2012.

9.02 A school district may transfer funds received from any categorical fund source to another categorical fund source.

9.03 The department shall monitor on a yearly basis each school district's compliance with the requirements of this subsection.

9.03.1 If a school district fails to comply with the requirements of this subsection during a school year, the department may in the following school year withhold from that school district's categorical funding allocation an

amount equal to the amount required to be spent by the school district in order to be in compliance with the requirements of this subsection.

9.03.2 The department may redistribute amounts withheld under this subsection to other school districts entitled to receive categorical funding allocations.

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING TEACHER  
LICENSURE BY RECIPROCITY**

September 2009

**1.00 REGULATORY AUTHORITY**

**1.01** These rules shall be known as the Arkansas Department of Education Rules Governing Teacher Licensure by Reciprocity.

**1.02** These regulations are enacted pursuant to the authority of the State Board of Education under Ark Code Ann. §§ 6-11-105, 6-17-402, 6-17-410, 6-17-424, 25-15-204, and Act 1178 of 2011 ~~Acts 733 and 1173 of 2009.~~

**2.00 PURPOSE**

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

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

**3.01 Additional Licensure Plan (ALP)-** the recognized process for allowing a licensed teacher to be employed in an out-of-field teaching position while meeting the program of study requirements ~~at an Arkansas University/College~~ and/or assessment requirements for said position.

**3.02 Advanced License-** a Standard Arkansas teaching license that is issued upon the request of a teacher who has documented the completion of a Master's Degree and three years of teaching experience or who has documented current National Board Certification.

**3.032 Building Level Administrator-** a principal, assistant principal or vice principal. ~~(grade levels P-8 and/or 7-12)~~

**3.043 Central Registry-** The Child Maltreatment Central Registry established within the Arkansas Department of Human Services which contains records of cases on all true investigation determinations of child maltreatment.

**3.054 Content/Standard Teaching Area-** the specific subject areas listed under Integrated Curriculum Humanities, Integrated Science Curriculum, Integrated Visual and Performance Arts, Integrated Vocational Education, Integrated Physical Education and Health and Special Education as listed in the State Board Approved Levels and Areas of Licensure.

**3.065 Curriculum/Program Administrator-**an individual who is responsible for program development and administration, and/or employment evaluation

decisions. Each Curriculum/Program Administrator license is limited to the following areas:

- 3.065.1** Special Education; ~~(grade levels P-4 and/or 4-12, or P-12)~~
  - 3.065.2** Gifted & Talented Education; ~~(grade levels P-8 and/or 7-12)~~
  - 3.065.3** Career and Technical Education; ~~(grade levels 4-8, 7-12 and/or Post-Secondary)~~
  - 3.065.4** Content Area Specialist in an area approved by the State Board of Education; or (grade levels P-8 and/or 7-12)
    - ~~**3.05.4.1** The areas of licensure for Content Area Specialist are listed in Appendix A.~~
  - 3.065.5** Curriculum Program Administrator, ~~(grade levels P-8, and/or 7-12)~~
- 3.076 District Level Administrator-** a superintendent, assistant or associate superintendent, or deputy superintendent. ~~(grade level P-12)~~
- 3.087 Endorsement-** teaching or administrative licensure areas, which require an initial, ~~or standard,~~ or advanced teaching license, prior to the endorsement being added.
- 3.098 Induction-**the period of time beginning with a teacher's or administrator's first employment as the ~~teacher-of-record~~ teacher-of-record or administrator in an Arkansas public school, cooperative, or agency that requires an Arkansas Initial teaching or initial administrator license.
- 3.1009 Initial Teaching License-** a three (3)-year teaching license, issued by the State Board of Education, which allows the license holder to teach in Arkansas public schools.
- 3.110 Level and Area of Licensure:**
- a.) Level** of licensure - the grade/age level parameters of the teaching license, such as P-4, 4-8, P-8, P-12, 7-12 and PS (post-secondary).
  - b.) Area** of licensure- the particular content field, including but not limited to, Early Childhood, Middle Childhood Science/Mathematics, Social Studies, and Family and Consumer Sciences.
- 3.124 Mentoring-** the act of a certified mentor providing support and focused feedback to a novice teacher/administrator through the state-adopted mentoring model as a part of the Induction process.

- 3.132 Novice teacher-** any licensed teacher-of-record with less than one (1) year of public school, or accredited private school, classroom teaching experience, not including student internship or substitute teaching.
- 3.143 Performance Assessment-**an assessment tool used for evaluation of the classroom performance of a novice teacher, as part of the Induction process.
- ~~3.14 **Professional License**— a standard Arkansas teaching license that is issued upon the request of a teacher who has documented the completion of a Master’s Degree and three years of teaching experience or who had documented current National Board Certification.~~
- 3.15 Program of Study** - a state approved teacher preparation curriculum offered at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation an Arkansas college or university, based on the ~~Arkansas Licensure Standards~~. The program requires a candidate to demonstrate and document competency in the specific knowledge, skills, and dispositions for a particular licensure area and level.
- 3.16 Provisional License by Reciprocity-** one (1) year teaching license that (may be renewable or non-renewable) allows a teacher coming from out of state or out of country to be employed as a teacher while completing all requirements necessary for the Initial, Standard, or Standard/Professional Advanced teaching license. Applicants who have participated in, but not completed, an alternate route to licensure in another state are excluded from provisional licensure.
- a.) ~~A non-renewable teaching license issued to applicants holding an out-of-state license and that have been required to test and/or take Arkansas History; or~~
- b.) ~~A non-renewable teaching license issued to applicant that have completed their degree in teacher preparation program out of state, but did not license, and that have been required to test and/or take Arkansas History; or~~
- c.) ~~A non-renewable teaching license issued to applicant out of country that have met the provisions of section 4.02.6 of this Rule and have been required to test and/or take Arkansas History; or~~
- d.) ~~A renewable teaching license issued to applicants from out of state when the teaching areas are not recognized by Arkansas, and they have been required to complete a program of study or additional coursework for Arkansas licensure. It may be renewed twice.~~
- 3.17 Reciprocity-** the recognition of a teaching license from another state or country based on the terms of the ~~interstate contract agreement and~~ National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement for Educator Licensure or Arkansas rules governing licensure by reciprocity.

- 3.18 Standard Non-Instructional License-** a five (5)-year renewable license, issued by the state, which allows one to practice in Arkansas public schools as a School Psychology Specialist or Speech Language Pathologist.
- 3.19 Standard Teaching License-** a five (5)-year renewable license, issued by the State Board of Education, which allows the license holder to teach in Arkansas public schools.
- 3.20 State Board Required Assessments-** specific performance –based assessments approved by the State Board of Education.
- 3.21 Teacher-of-Record-** ~~an instructional teacher employed under contract (in a licensed staff position) by a school district or other Arkansas agency or organization requiring an Arkansas teaching license~~ individual who has been assigned lead responsibility for a student’s learning in a subject/course with aligned performance measures.
- 3.22 Teaching experience-** experience earned while employed as a licensed teacher, administrator, ~~librarian~~ library media specialist, or counselor for a public or private school, agency or organization in a pre-kindergarten through grade 12 setting.

**4.00 REQUIREMENTS FOR OBTAINING INITIAL, STANDARD, OR ADVANCED STANDARD/PROFESSIONAL TEACHING LICENSE BY RECIPROCITY**

**4.01 Eligibility**

**4.01.1** Applicants ~~shall hold~~ holding a valid or expired, initial or standard/~~professional~~ teaching license from another state or country.

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

**4.01.1.2** Applicants holding a current, valid, standard teaching license or its equivalent issued by another state may choose to qualify for an Arkansas standard or advanced license under Section 12.0 of these Rules in lieu of the requirements of Section 4.0.

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

**4.02 General Requirements**

- 4.02.1** Teachers licensing through reciprocity with less than one year of teaching experience shall be issued an Initial / Provisional License and participate in the Induction Program (mentoring and the state mandated performance assessment)
- 4.02.2** Any individual who holds a valid teaching license from another state, and who has not graduated from a college/university holding regional/national accreditation and/or a teacher preparation program that holds a national accreditation approved by the U.S. Department of Education, or that is a state approved preparation program, is not eligible for licensure in Arkansas.
- 4.02.3** Specialty area assessments required for out-of state teacher licensure may be accepted for Arkansas teacher licensure.
- 4.02.4** Required assessments for Arkansas licensure through reciprocity shall be waived upon providing the following documentation:
- 4.02.4.1** Valid out-of-state teaching license as a teacher, administrator, ~~librarian~~ **library media specialist**, counselor or in other compatible licensure areas as identified in the areas and levels of licensure as adopted by the State Board of Education.
- 4.02.4.2** Three years of teaching experience as documented on school district, agency or organization letterhead.

**OR**

- 4.02.4.3** Score report reflecting a passing score for the Specialty Area Assessment(s) required for the out-of-state teaching license (OR) written verification from the licensing agency that the required Specialty Area Assessment(s) for licensure were successfully completed.
- 4.02.5** All out-of-country applicants shall have their credentials evaluated by one of the ADE approved private credential evaluation agencies located in the United States.
- 4.02.5.1** The private evaluation agency shall complete a course-by-course evaluation of the applicant's transcript, indicate the applicant's major area of study and document whether the applicant's degree is equivalent to one that would have been completed at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of

Education or the Council for Higher Education Accreditation a regionally accredited institution or an institution of higher education in the United States that holds national accreditation that is approved by the U.S. Department of Education.

- 4.02.5.2** The private evaluation agency shall also document whether the professional preparation for teacher licensure out-of-country and the areas of teacher licensure represented by the out-of-country license are equivalent to the a teacher preparation program in the United States that holds national accreditation approved by the US Department of Education, or that is state approved.
- 4.02.5.3** This evaluation will determine eligibility for teacher licensure in Arkansas.
- 4.02.6** Applicants from out of state or out of country with an expired license shall take and pass the Praxis II Specialty Area Test(s) for all areas of standard/professional licensure and the Praxis II Principles of Learning and Teaching for the appropriate level of teacher licensure to be eligible for a standard/professional Arkansas teaching license. Applicants with an expired license from out-of-state or out-of-country shall be eligible for a provisional license.
- 4.02.7** Out-of-state applicants for teacher licensure whose current license was granted without a specialty area assessment or who cannot document at least three years of teaching experience shall take and pass the Praxis II Specialty Area Test for all areas of standard licensure and endorsements and the Praxis II Principles of Learning and Teaching for one of their levels of teacher licensure.
- 4.02.8** All candidates with licensure areas/endorsements from other states with reciprocity agreements through NASDTEC the National Association of State Directors of Teacher Education and Certification (NASDTEC) shall receive the Arkansas equivalent licensure area(s)/endorsements, provided all other licensure requirements have been met.
- 4.02.9** Applicants from out-of-state or out-of-country with a license in special education or a related service area(s), i.e. Visual Specialist or Hearing Specialist, seeking a standard teaching license shall initially meet the standards established for such licensure in Arkansas to receive a standard teaching license. A one year, renewable twice, provisional teaching license shall be available for those applicants not meeting the established standards for special education licensure. The applicant shall meet the standards established for special education

licensure within three years of receiving a provisional license to be in keeping with the “highest standards” of the Individuals with Disabilities Education Act Amendments of 1997 pertaining to qualified personnel. The Office of Special Education will assist the Office of Professional Licensure in identifying the course of action for meeting Arkansas standards for licensure in special education or related service area(s). The provisional license shall be converted to a ~~standard/professional~~ or advanced license upon meeting the established standards including the required Praxis II Specialty Area Assessments for Arkansas special education licensure.

- 4.02.10** Teachers and/or administrators being licensed in Early Childhood P-4, Middle Childhood 4-8 or Secondary Social Studies, shall complete a three-hour course in Arkansas History before receiving ~~a~~ an initial, standard, or advanced Arkansas teaching license. A one-year, non-renewable provisional teaching license shall be available for those that have not completed the three-hour Arkansas History course.
- 4.02.11** Applicants whose standard teaching area(s) are not recognized by Arkansas shall receive the teaching area and level that most closely parallels their out-of-state or out-of-country licensure area(s).
- 4.02.12** Applicants whose endorsement(s) are not equivalent to an Arkansas endorsement area, shall take the required Praxis II Specialty Area Exam(s) for the Arkansas endorsement area(s) that most closely parallels their out-of-state or out-of-country endorsement area(s) in order to add the Arkansas endorsement area(s) to their standard or advanced teaching license. In cases where the endorsement area does not have a subject specific Praxis II Specialty Area Exam, the applicant shall complete the prescribed program of study for the endorsement area and Praxis II Exam assigned to that endorsement area.
- 4.02.13** ~~Standard/professional~~ and advanced teaching licenses will become effective January 1 of the year the license is issued and shall expire December 31 of the last year the license is valid. A ~~standard/professional or advanced~~ teaching license issued after January 1, 2002 shall be valid for five years.
- 4.02.14** Candidates who completed an out-of-state teacher preparation program but never licensed, shall meet the following requirements for their Initial Arkansas teaching license.
- 4.02.14.1** Submit an application for teacher licensure.

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

- 4.02.16.2** Submit an official transcript reflecting the completion of a teacher preparation program with a minimum of a bachelor's degree ( Master's degree when required), from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation ~~accredited or that holds national accreditation recognized by the U.S. Department of Education~~, or that is state approved. The specific program, as well as the institution shall meet these criteria.
- 4.02.16.3** Submit an official transcript reflecting the completion of a Bachelor's Degree (Master's Degree when required), from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation ~~accredited or that holds national accreditation that is recognized by the U.S. Department of Education~~ .
- 4.02.16.4** Document testing that was required for the out-of-state initial teaching license. When it cannot be documented that the applicant has met the requirements of Section 4.02.4 of these Rules, the applicant shall successfully complete the state required basic skills assessments(s), specialty area assessment(s) for each licensure/endorsement area and pedagogical assessment at one of their levels of licensure.
- 4.02.16.5** Successfully clear a background check through the **Arkansas State Police** and the Federal Bureau of Investigation as required by Ark. Code Ann 6-17-410.
- 4.02.16.6** Successfully clear a child maltreatment central registry check to be conducted by the Department of Human Services.
- 4.02.16.7** Candidates shall provide a copy of their out-of-state teaching license to the Office of Professional Licensure.
- 4.02.16.8** Candidates receiving the Initial Arkansas teaching license shall complete Induction (mentoring and Praxis III-Performance Assessment).
- 4.02.16.9** Candidates shall successfully complete the three-hour, college level, Arkansas History course when required.

**4.02.16.10** The initial teaching license shall be converted to the five-year, standard/~~professional~~ or advanced Arkansas teaching license upon the successful completion of mentoring and the Praxis III – Performance Assessment.

**4.02.17** The Office of Professional Licensure, as authorized by the State Board of Education, reserves the right to amend and/or rescind any Arkansas teaching license that has been issued in error.

**4.02.18** Candidates from out of state that have completed a teacher preparation program and hold a standard teaching license shall meet the following requirements for their five-year, standard or advanced Arkansas teaching license.

**4.02.18.1** Submit an application for teacher licensure.

**4.02.18.2** Submit an official transcript reflecting the completion of a Bachelor's Degree (Master's Degree when required), from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation ~~accredited or that holds national accreditation that is recognized by the U.S. Department of Education.~~

**4.02.18.3** Successfully clear a background check through the **Arkansas State Police** and the Federal Bureau of Investigation as required by Ark. Code Ann 6-17-410.

**4.02.18.4** Successfully clear a child maltreatment central registry check to be conducted by Department of Human Services.

**4.02.18.5** Provide verification of three years of teaching experience or verification of having successfully passed a specialty area assessment(s) required for the out-of-state teaching license.

**4.02.18.6** Candidates that cannot verify experience or testing shall successfully pass the state required specialty area assessment(s) for each licensure/endorsement area and pedagogical assessment at one of their levels of licensure.

**4.02.18.7** Candidates shall provide a copy of their out-of-state teaching license.

**4.02.18.8** Candidates shall pass the three-hour Arkansas History course when required.

**4.02.19** Candidates from out-of –state that have completed a teacher preparation program and hold either an expired initial or expired standard teaching license, shall complete the following requirements for their initial, standard, or advanced standard/professional teaching license.

**4.02.19.1** Submit an application for teacher licensure.

**4.02.19.2** Submit an official transcript reflecting the completion of a Bachelor’s Degree (Master’s Degree when required), from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation ~~accredited or that holds national accreditation that is recognized by the U.S. Department of Education.~~

**4.02.19.3** Successfully clear a background check through the **Arkansas State Police** and the Federal Bureau of Investigation as required by Ark. Code Ann 6-17-410.

**4.02.19.4** Successfully clear a child maltreatment central registry check to be conducted by Department of Human Services.

**4.02.19.5** Submit a copy of their expired out-of-state-teaching license.

**4.02.19.6** Successfully pass the state required specialty area assessment for each licensure/ endorsement area, and the state required pedagogical assessment for one of their levels of licensure.

**4.02.19.7** Candidates shall successfully pass a three-hour, Arkansas history course when required.

**4.02.19.8** Candidates receiving the initial Arkansas teaching license shall complete Induction (mentoring and Praxis III-Performance Assessment).

- 4.02.19.9** The initial license shall be converted to the five-year, standard/~~professional~~ or advanced Arkansas teaching license upon the successful completion of mentoring and the Praxis III- Performance.
- 4.02.19.10** Candidates holding an expired teaching license shall be eligible for a provisional teaching license.
- 4.02.20** Candidates who completed an out-of-country teacher preparation program shall meet the following requirements for their initial, Arkansas teaching license.
- 4.02.20.1** Submit an application for teacher licensure.
- 4.02.20.2** Document successful passing of the state required basic skills assessment, specialty area assessment(s) for each licensure/endorsement area, and pedagogical assessment at one of their levels of licensure.
- 4.02.20.3** Successfully clear a background check through the **Arkansas State Police** and the Federal Bureau of Investigation as required by Ark. Code Ann § 6-17-410.
- 4.02.20.4** Successfully clear a child maltreatment central registry check to be conducted by Department of Human Services.
- 4.02.20.5** Meet the requirements of section 4.02.6 of these rules.
- 4.02.20.6** Successfully pass the three-hour college level Arkansas History course when required.
- 4.02.20.7** The initial teaching license shall be converted to the five-year, standard/~~professional~~ or advanced Arkansas teaching license upon successful completion of Induction (Mentoring and Praxis III-Performance Assessment).
- 4.02.21** Candidates adding additional licensure/endorsement areas by reciprocity to a current Arkansas teaching license, shall meet the requirements of the Rules Governing the Addition of Areas of Licensure or Endorsement.
- 4.02.22** Candidates choosing not to transfer all licensure/endorsement areas by reciprocity when licensing initially in Arkansas, shall meet the requirements of the Rules Governing the Addition of Areas of Licensure or Endorsement if/when the candidate

chooses to add those licensure/endorsement areas at a later date.

- 4.02.23** All candidates for licensure by reciprocity shall clear the required **State Police** and Federal Bureau of Investigation background checks regardless of previous background checks already completed.
- 4.02.24** All candidates for licensure by reciprocity shall clear a child maltreatment central registry check to be conducted by the Department of Human Services.
- 4.02.25** ~~Effective May 1, 2007, teachers~~ Teachers licensing in P.E./Wellness/Leisure by reciprocity, shall be given the licensure code numbers of 227 and/or 228 upon documentation of one year or more of prior coaching experience or eligibility to be employed as a coach.
- 4.02.25.1** A coaching endorsement will not be added automatically to license with these codes, but the teacher will be allowed to coach.
- 4.02.26** When prior coaching experience or eligibility to be employed as a coach cannot be documented, the new licensure code numbers for P.E./Wellness/Leisure of 235 and/or 236 shall be assigned.
- 4.02.26.1** Teachers holding the new licensure code numbers of 235 and/or 236 shall not be automatically approved to be employed as a coach in the public schools of Arkansas.
- 4.02.26.2** Teachers holding the new licensure code of 235 and/or 236, employed as coaches shall work under the ALP (Additional Licensure Plan) for the coaching endorsement (7-12).
- 4.02.27** Individuals licensing as a Speech Language Pathologist shall meet the following requirements.
- 4.02.27.1** Document completion of a Master's Degree in Speech Language Pathology from a regionally accredited college/university.
- 4.02.27.2** Document successful passing of the required specialty area assessment.

- 4.02.27.3** Successfully clear the required **State Police** and FBI background checks.
- 4.02.27.4** Successfully clear a child maltreatment central registry check to be conducted by the Department of Human Services.
- 4.02.28** Individuals licensing as a School Psychology Specialist shall meet the following requirements.
  - 4.02.28.1** Document completion of an advanced degree in School Psychology from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation; a regionally accredited college/university or
  - 4.02.28.2** Document completion of a Master's Degree in Counseling/Psychology with a graduate level program of study in School Psychology from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation a regionally accredited college/university.
  - 4.02.28.3** Document successful passing of the required Specialty area assessment.
  - 4.02.28.4** Successfully clear the required **State Police** and FBI background checks.
  - 4.02.28.5** Successfully clear a child maltreatment central registry check to be conducted by the Department of Human Services.
- 4.02.29** The Office of Professional Licensure reserves the right to license individuals by Reciprocity that have met their state's degree/program of study requirements and testing requirement but have not fulfilled other ancillary requirements for licensure.

## **5.00 REQUIREMENTS FOR OBTAINING A PROVISIONAL TEACHING LICENSE BY RECIPROCITY**

- 5.01** A one-year non-renewable provisional teaching license shall be issued to:

**5.01.1** Out-of state or out-of country applicants who:

- 5.01.1.1** Have completed a teacher preparation but have not licensed or,
- 5.01.1.2** Hold a provisional, initial, or standard teaching license and,
- 5.01.1.3** Have been required to take Arkansas History or State-required licensure assessments.

**5.02** The one-year non-renewable provisional teaching license shall be issued upon providing the following documentation, to the Office of Professional Licensure.

- 5.02.1** A completed licensure application form
- 5.02.2** Written documentation of transcript evaluation by a State approved, independent Evaluation agency located in the United States that meets the requirements of Section 4.02.6 of these rules.
- 5.02.3** Successfully clear the **Arkansas State Police** and Federal Bureau of Investigation background checks required by Ark. Code Ann. § 6-17-410.
- 5.02.4** Successfully clear a child maltreatment central registry check to be conducted by the Department of Human Services
- 5.02.5** Official transcripts
- 5.02.6** Copy of out-of state or out-of country teaching license.
- 5.02.7** Proof of employment on the Verification of Provisional Licensure Eligibility Form that reflects the employing school district and hire date.

**5.03** Eligibility for a one-year renewable (two times) provisional teaching license:

**5.03.1** Out-of-state or out-of-country applicants who

- 5.03.1.1** Completed a teacher preparation program but have not licensed or,
- 5.03.1.2** Holds an initial, provisional, or standard teaching license and,



- 5.06 A provisional teaching license shall become effective for one year from the date the teacher/administrator is hired.
- 5.07 A provisional license shall not be issued to any person possessing a valid Arkansas ~~standard/initial~~ initial, standard, or advanced teaching license.

**6.00 REQUIREMENTS FOR CONVERTING A PROVISIONAL TEACHING LICENSE TO AN INITIAL, STANDARD, OR STANDARD/PROFESSIONAL ADVANCED TEACHING LICENSE BY RECIPROCITY**

- 6.01 The one-year non-renewable provisional teaching license shall be converted to the three-year Initial or five-year Standard/~~Professional~~ or Advanced teaching license when the following documentation has been submitted to the Office of Professional Licensure.
  - 6.01.1 A completed application for licensure requesting the conversion of the provisional teaching license.
  - 6.01.2 Score reports reflecting successful completion of the state required basic skills assessment (all parts), specialty area assessment(s) and pedagogical assessment when required.
  - 6.01.3 Official transcript(s) reflecting the successful completion of a three (3)-hour Arkansas History course when required.
- 6.02 The one-year renewable provisional teaching license shall be converted to the three-year initial or ~~standard/professional~~ five-year standard or advanced teaching license when the following documentation has been submitted to the Office of Professional Licensure.
  - 6.02.1 A completed application for licensure requesting conversion of the provisional to the three-year initial or five-year ~~standard/professional~~ or advanced teaching license.
  - 6.02.2 Official transcript reflecting successful completion of a three (3) hour Arkansas History course when required.
  - 6.02.3 Score report reflecting successful completion of state required content assessment(s), pedagogical assessment and basic skills assessments (all parts) when required.
  - 6.02.4 Official transcript and documentation of successful completion of program of study (coursework) when required.

**7.00 REQUIREMENTS FOR CONVERTING AN INITIAL TEACHING LICENSE TO A STANDARD/~~PROFESSIONAL~~ OR ADVANCED TEACHING LICENSE.**

**7.01** The three-year, initial teaching license shall be converted to the five year standard/~~professional~~ or advanced teaching license upon providing the following documentation.

**7.01.1** Verification of the successful completion of Induction (Mentoring and the Praxis III-Performance Assessment).

**8.00 REQUIREMENTS FOR OBTAINING AN INITIAL BUILDING LEVEL OR CURRICULUM PROGRAM ADMINISTRATOR LICENSE BY RECIPROCITY**

**8.01 ELIGIBILITY**

**8.01.1** The applicant shall hold or have previously held a standard “teaching area” of licensure in another state or country.

**8.01.2** The applicant shall hold a valid Initial Administrator license or its equivalent in another state or country.

**8.01.2.1** There are two Initial Administrator licenses.

**8.01.2.1.1** Building Level Administrator,

AND

**8.01.2.1.2** Curriculum Program Administrator

**8.01.3** Applicants shall have completed a graduate degree from ~~a college/university holding regional/national accreditation recognized by the U.S. Department of Education~~ an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

**8.01.4** If the graduate degree is not in Educational Leadership, the applicant shall have completed in addition to the degree: a graduate level Educational Leadership program of study at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation ~~holding regional/national accreditation recognized by the U.S. Department of Education in addition to the degree.~~

**8.01.5** If the applicant’s graduate degree and program of study are not from a college/university holding NCATE or TEAC national

accreditation as recognized by the US Department of Education then:

~~8.01.5.1~~ An applicant with at least one year of administrative experience, in the licensure area sought, shall receive an appropriate (Initial / Standard) Administrator's License.

~~An applicant with less than one year of administrative experience, in the licensure area sought, shall complete an Administrator Licensure Completion Plan (ALCP) of study from an approved Arkansas College/University.~~

~~8.01.6~~ The applicant seeking licensure as an Initial Building Level Administrator shall have a minimum of four years of teaching experience, with three years of classroom teaching experience at the level of licensure being sought.

~~8.01.56.1~~ Four (4) years of experience as a school counselor or librarian library media specialist may be counted toward the total of four (4) years of classroom teaching experience for Building Level Administrator only.

~~8.01.67~~ The applicant seeking licensure as an Initial Curriculum Program Administrator shall have a minimum of four years of teaching experience with at least three years of teaching experience at the level or in the area in which the applicant is seeking licensure.

~~8.01.78~~ Applicants for licensure as an Initial Curriculum Program Administrator shall also hold Arkansas licensure in the specialty area where applicable.

~~8.01.78.1~~ If the specialty area is an added endorsement area gained without a program of study, it will not serve as a platform for gaining the Curriculum Program Administrator License.

## **9.00 CONVERTING THE INITIAL BUILDING LEVEL ADMINISTRATOR LICENSE TO A STANDARD BUILDING LEVEL ADMINISTRATOR LICENSE**

**9.01** The Initial Building Level Administrator License shall be converted to a Standard Building Administrator license when:

**9.01.1** A minimum of one-year work experience as a Building Level Administrator is verified.

**9.01.2** The applicant has completed one year of the state mentoring program for Building Level Administrators.

**9.01.3** The applicant has passed and submitted a score report for the School Leaders Licensure Assessment.

**9.02** If experience and/or testing and/or mentoring were completed out of state, and/or verified, they shall be waived in Arkansas.

**10.00 CONVERTING THE INITIAL CURRICULUM PROGRAM ADMINISTRATOR LICENSE TO A STANDARD CURRICULUM PROGRAM ADMINISTRATOR LICENSE**

**10.00** The Initial Curriculum Program Administrator license shall be converted to a Standard Curriculum Program Administrator license when:

**10.00.1** A minimum of one-year work experience as a Curriculum Program Administrator is verified.

**10.00.2** The applicant has completed one year of the state mentoring program for Curriculum Program Administrator.

**10.00.3** The applicant has passed and submitted a score report for the School Leaders Licensure Assessment.

**10.02** If experience and/or testing and/or mentoring were completed out of state, and/or verified, they shall be waived in Arkansas.

**~~11.00 REQUIREMENTS FOR OBTAINING A STANDARD/PROFESSIONAL BUILDING LEVEL OR CURRICULUM PROGRAM ADMINISTRATOR LICENSE BY RECIPROCITY~~**

**~~11.01 ELIGIBILITY~~**

~~**11.01.1** The applicant shall hold or shall have previously held a Standard teaching area of licensure in another state or country.~~

~~**11.01.2** The applicant shall hold a valid Standard Building Level or Curriculum Program Administrator license or the equivalent in another state or country.~~

~~**11.01.3** Applicants shall have satisfied all requirements in Section 8.01 of these Rules.~~

**11.01.4** The applicant shall have successfully completed a specialty area assessment in Educational Leadership.

**11.01.4.1** If no assessment was required out of state, but the applicant has completed three years of employment as an administrator, the Arkansas-required assessment shall be waived.

**11.01.4.2** If no assessment was required out of state and the applicant has completed **less than** three years of employment as an administrator, he/she shall take and successfully complete the Arkansas required assessment for these areas of administration.

**11.01.5** When licensed as an Administrator in Arkansas, and employed as such, the administrator shall attend the Beginning Administrator Induction and Follow-up training sessions conducted as part of the State Mentoring Program for Administrators.

## **12.00 REQUIREMENTS FOR OBTAINING A STANDARD/PROFESSIONAL DISTRICT LEVEL ADMINISTRATOR LICENSE BY RECIPROCITY**

**12.01** Applicants shall hold or shall have previously held a Standard teaching area of licensure in another state or country.

**12.02** Applicants shall hold a valid Standard District Level Administrator license in another state or country.

**12.03** Applicants shall hold a valid Standard Building or Curriculum Program Administrator license in another state or country, or

**12.03.1** Document a minimum of five years experience as a District Level Administrator

**12.04** Applicants shall have satisfied all requirements contained in Section 8.01 of these Rules.

**12.04.1** The preparation for District Level Administrator shall consist of an advanced degree in Educational Leadership, or a graduate level degree with an advanced program of study in Educational Leadership.

**12.05** District Administrator licensure requires the School Superintendent's Assessment. This test may be waived if:

~~12.05.1 The applicant successfully completed an assessment out of state for this area.~~

~~OR~~

~~12.05.2 The applicant has completed three years or more of employment as a District Administrator.~~

### **113.00 REQUIREMENTS FOR ADDING ADDITIONAL AREAS OF LICENSURE/ENDORSEMENT BY RECIPROCITY**

**113.01** Applicants shall submit a completed application requesting the addition of the area(s) of licensure or endorsement.

**113.02** Applicants seeking to add content teaching areas, adult education, added endorsement areas, non-instructional student services areas, and professional and technical areas to an Arkansas license by reciprocity shall meet the requirements of the Rules Governing the Addition of Areas of Licensure or Endorsement and/or rules governing a particular licensure/endorsement area.

~~113.02.1 Applicants shall meet degree, program of study (coursework), Praxis Assessment and experience requirements when required for adding areas of licensure/endorsement.~~

**113.03** Arkansas required Praxis Assessment(s) shall be waived upon providing documentation of having completed the specialty area assessment required for the out-of-state licensure area.

**113.03.1** When testing was not required for the out-of-state teaching license, or the licensure area being added by reciprocity is incompatible with the equivalent Arkansas licensure/endorsement area, the applicant shall successfully complete the required Arkansas Praxis Assessment(s).

**113.04** A Master's Degree in an area other than Education Leadership shall be a Master's Degree in Education or a Master's Degree in a content/added endorsement area as identified in the areas and levels of licensure as approved by the State Board of Education.

### **12.0 ACT 1178 OF 2011 STANDARD LICENSE RECIPROCITY**

**12.01** A teacher holding a current, valid, standard teaching license or its equivalent from another state may apply for and receive an Arkansas

five-year Standard or Advanced Teaching License upon meeting the following requirements:

**12.01.1** Provide a copy of the out-of-state teaching license to the Office of Professional Licensure;

**12.01.2** Submit proof that the applicant is in good standing with the licensing state, and that the applicant has been in good standing with the licensing state during the most recent two (2) years of the applicant's teaching experience, if any;

**12.01.2.1** For the purpose of this section, "good standing" is defined as holding a current, unrestricted, non-probationary, non-provisional license to teach in the licensing state, with no ethics or similar proceedings pending against the license;

**12.01.3** Successfully pass a criminal background check, Child Maltreatment Central Registry check, and other background checks as required by law;

**12.01.4** Submit higher education transcripts evidencing the award of at least a bachelor's degree by an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation;

**12.01.5** Submit reports evidencing all test scores required for licensing in the licensing state;

**12.01.5.1** This requirement to submit test scores may be waived by submitting documentation of three (3) years of teaching experience as documented on school district, agency, or organization letterhead;

**12.01.6** Submit documentation of one (1) of the following:

**12.01.6.1** Completion of a program of teacher education at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation; or

**12.01.6.2** Completion of a program of teacher education accredited by the National Council for

Accreditation of Teacher Education (NCATE),  
Teacher Education Accreditation Council (TEAC),  
or Council for Accreditation of Educator  
Preparation (CAEP); or

12.01.6.3 Certification from the National Board of  
Professional Teaching Standards; and

12.01.7 Pay applicable licensure fees as established by the State  
Board of Education pursuant to Ark. Code Ann. § 6-17-  
422(h)(3)(C).

12.02 An applicant seeking licensure in Early Childhood P-4, Middle  
Childhood 4-8 or Secondary Social Studies, shall successfully  
complete three (3) college credit-hours in *Arkansas History* at an  
institution of higher education that is regionally or nationally  
accredited by an accrediting organization recognized by the U.S.  
Department of Education or the Council for Higher Education  
Accreditation before receiving an Arkansas five-year Standard or  
Advanced Teaching License.

12.02.1 A one-year, non-renewable provisional teaching license  
shall be available for an applicant who has not completed  
the three-hour *Arkansas History* course.

12.03 An applicant whose standard teaching area(s) are not recognized by  
Arkansas shall receive the teaching area and level that most closely  
parallels their out-of-state licensure area(s).

12.03.1 If none of the Applicant's standard teaching area(s) parallel  
an Arkansas teaching area, the Office of Professional  
Licensure shall issue a license reflecting the same area  
reflected on the out-of-state license, with a notation that the  
identified license area is by reciprocity and is not an  
approved Arkansas teaching area.

12.04 Standard or advanced teaching licenses will become effective  
January 1 of the year the license is issued and shall expire December  
31 of the last year the license is valid. A standard or advanced  
teaching license shall be valid for five years.

12.05 The areas of licensure and/or endorsement listed on an out-of-state  
license shall be recognized for licensure through reciprocity.

12.06 The Office of Professional Licensure, as authorized by the State  
Board of Education, reserves the right to amend and/or rescind any  
Arkansas teaching license that has been issued in error.

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING THE NON-TRADITIONAL  
LICENSURE PROGRAM**

**July 2007**

**1.0 PURPOSE**

**1.01** The purpose of these rules is to establish the requirements and procedures for obtaining teacher licensure through the Arkansas Department of Education (ADE) Non-Traditional Licensure Program.

**2.0 REGULATORY AUTHORITY**

**2.01** These rules shall be known as the Arkansas Department of Education Rules Governing The Non-Traditional Licensure Program.

**2.02** These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-11-105, ~~Ark. Code Ann. § 6-17-401~~, ~~Ark. Code Ann. § 6-17-409~~ and ~~Ark. Code Ann. § 25-15-204~~; and Act 1178 of 2011.

**3.0 DEFINITIONS**

For the purpose of these Rules the following terms shall be defined to mean:

**3.01 Area of Licensure** - a particular content field as approved by the State Board of Education identified in Appendix A, Areas and Levels of Licensure/Endorsement.

**3.02 Induction** - the period of time beginning with a teacher's first employment as the teacher of record in an Arkansas public school, cooperative or agency that requires an Arkansas teaching license. The novice teacher, operating under an Initial License, is provided mentoring support and accelerated professional development during the Initial license period. The induction period concludes with successful completion of the state mandated performance assessment.

**3.03 Initial Teaching License** - a three-year teaching license, issued by the State Board of Education, which allows one to teach in Arkansas public schools and is issued only in areas and levels of licensure as approved by the State Board of Education.

~~**3.03.1** The Initial license is issued only in areas and levels of licensure as approved by the State Board of Education as referenced in Appendix A, Areas and Levels of Licensure/Endorsement, which are hereby incorporated into these rules.~~

~~**3.03.2** The Initial license may be issued to:~~

~~**3.03.2.1** Teachers who have completed an approved teacher education program from a regionally and/or National Council for Accreditation of Teacher Education accredited~~

~~college or university (including the appropriate state-mandated assessments)~~

~~3.03.2.2 Teachers who have completed the Non-Traditional Licensure Program (including the appropriate state-mandated assessments).~~

~~3.03.2.3 Teachers who were prepared out of state but did not license.~~

**3.04 Level of Licensure** - the grade/age level parameter of the teaching license content area as approved by the State Board of Education identified in Appendix A, Areas and Levels of Licensure/Endorsement.

**3.05 Mentor** - a licensed master teacher with a minimum of three years successful teaching experience who is trained in the state-adopted mentoring model. Mentors are assigned in their districts to assist a novice teacher by providing focused feedback with regard to instructional skills, classroom management and professional behaviors.

**3.06 Mentoring** - the act of a certified mentor providing support and focused feedback to a novice teacher (through the state-adopted mentoring model) with the goal of enhanced instructional skills, competency and professional development.

**3.07 Non-Traditional Licensure Program (NTLP)** - the program administered by the Arkansas Department of Education, whose participants hold a minimum of a baccalaureate degree (and have passed the appropriate state-mandated assessments) and are allowed to teach in an Arkansas school via a Provisional license. The program requirements consist of two years of teaching and instructional modules, which must be completed within three years.

**3.08 Non-Traditional Provisional License** – the provisional teaching license issued to participants in the Non-Traditional Licensure Program.

**3.09 Novice Teacher** - any licensed teacher-of-record with less than one year of public school, or accredited private school, classroom-teaching experience, not including student internship or substitute teaching.

~~**3.10 Out-of-Country Candidate** – a person from a foreign country who holds the equivalent of a four-year degree, and who comes from a foreign country that does not have reciprocity with Arkansas.~~

**3.101 Performance Assessment** - an assessment tool used for evaluation of the classroom performance of a novice teacher, conducted by a trained assessor who utilizes a framework of essential teaching skills in which the novice teacher must demonstrate competency in an authentic classroom setting.

**3.11.1 Successful completion of the performance assessment is defined as meeting the state-adopted cut score/minimum passing score.**

- 3.112 Professional Teaching Permit** – a one-year permit issued to an experienced professional to teach one or two classes per semester as teacher-of-record in an Arkansas public school. This may be issued under the auspices of the Non-Traditional Licensure Program to any active or retired professional in the field related to the teaching/licensure subject area or any retired professional with at least three years of experience in the field related to the teaching/licensure subject area.
- 3.123 Program of Study** - a ~~state-approved teacher preparation~~ curriculum offered at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation ~~Arkansas college or university, based on the *Arkansas Licensure Standards*.~~ The program requires a candidate to demonstrate and document competency in the specific knowledge, skills and dispositions for a particular licensure area and level.
- 3.13 Provisional Professional Teaching License** - a three-year provisional license issued to an experienced professional for the purpose of teaching on a part-time or full-time basis as teacher-of-record in an Arkansas public school.
- 3.14 Provisional Teaching License** - a temporary teaching license available to candidates who have not completed all requirements for the Initial or Standard Arkansas teaching license.
- 3.15 Standard Teaching License** - a five-year renewable license, issued by the State Board of Education, which allows one to teach in Arkansas public schools. The Standard License is issued to:
- 3.15.1** Initial License holders who have successfully completed the state required induction for novice teachers and the performance assessment.
  - 3.15.2** Provisional License holders who have successfully completed the Non-Traditional Licensure Program (including all appropriate assessments); and the state required induction for novice teachers; and the performance assessment.
  - 3.15.3** Teachers who have completed all requirements for standard licensure through reciprocity.
  - 3.15.4** Individuals holding a Provisional Professional Teaching License who complete the requirements set forth in Section 5.05 of these Rules.
  - 3.15.5** Teach for America participants who complete the requirements set forth in Section 10.0 of these Rules.
  - 3.15.6** Individuals receiving a master’s degree in teaching who complete the requirements set forth in Section 11.0 of these Rules.

**3.16 Teach for America** – the nationally-established program operated by Teach for America, Inc., consisting of recent college graduates and professionals of all academic majors and career interests who commit to a minimum of two (2) consecutive years of classroom teaching in a low-income urban or rural public school.

**3.17 Teacher of Record** - an instructional teacher, who is officially responsible for a class and its grades, employed under contract (in a licensed staff position) by a school, school district or other Arkansas agency or organization requiring an Arkansas teaching license individual who has been assigned lead responsibility for a student's learning in a subject/course with aligned performance measures.

#### 4.0 REQUIREMENTS FOR ADMISSION TO THE NTL PROGRAM

4.01 The following is required for admission to the NTL program:

4.01.1 A completed Non-Traditional Licensure Program application with all required accompanying documentation.

4.01.2 Official transcript(s) documenting an awarded four-year college bachelor's degree or higher from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation. ~~a regionally and/or National Council for Accreditation of Teacher Education (NCATE) accredited institution.~~

4.01.2.1 For out-of-country candidates, an official college transcript evaluation from a private credential evaluation agency documenting that the bachelor's degree is equivalent to a four-year degree from an ~~accredited~~ institution of higher learning in the United States that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation. The degree is to be evaluated by a private credential evaluation agency. This must be a course-by-course-evaluation prepared in English indicating the candidate's major course of study to include documentation of the candidate's cumulative Grade Point Average (GPA).

4.01.3 Documentation of a minimum cumulative undergraduate or graduate grade point average (GPA) of 2.50 or a minimum GPA of 2.75 on the last 60 credit hours of coursework.

4.01.3.1 Candidates for the NTLP may be exempt from the standard minimum GPA requirement if all the following conditions are met:

4.01.3.1.1 Have at least fifteen (15) years of experience in the field related to the teaching/licensure subject area.

- 4.01.3.1.2 Demonstrate a minimum of a 2.0 undergraduate or graduate grade point average.
  - 4.01.3.1.3 Submit one (1) letter of justification from the applicant expressing the relevance of the applicants' credentials to teach the subject in question.
  - 4.01.3.1.4 Have two (2) professional letters of recommendation submitted by references to the NTL office.
  - 4.01.3.1.5 Complete the regular NTL application process.
- 4.01.4 An official score report reflecting passing scores, as approved by the State Board of Education, on the following state required assessments:
- 4.01.4.1 The basic skills assessment (all parts)
    - 4.01.4.1.1 If a candidate holds a Master's Degree or above, and has taken the graduate level assessment, and has scored at or above the State Board established cut-score/minimum passing score, that assessment shall be accepted in lieu of the basic skills assessment(s).
  - 4.01.4.2 The state required subject-content-area assessment(s) for the specific licensure area(s) sought.
- 4.01.5 Documentation of passing the required background checks by the Child Maltreatment Central Registry, Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann. § 6-17-410.
- 4.01.6 Payment of the Non-Traditional Licensure Program Fee which is established annually by the Arkansas Department State Board of Education pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C).
- 4.01.7 Applicable college/university coursework (in advance) from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation a ~~regionally/nationally accredited institution recognized by the U. S. Department of Education or the Council for Higher Education Accreditation~~. Required coursework includes:
- 4.01.7.1 Three (3) college credit-hours of *Arkansas History* (in advance) for the licenses of: Early Childhood Education (P-4), Middle Childhood Education (4-8), and Social Studies (7-12). Ark. Code Ann. § 6-17-418
  - 4.01.7.2 Six (6) college credit-hours in *Methods of Teaching Reading* (in advance, completed with a grade of "C" or better) for the licenses of: Early Childhood Education (P-4) and/or Middle Childhood Education (4-8).

## 5.0 PROFESSIONAL TEACHING PERMIT OR LICENSE

- 5.01** A Professional Teaching Permit (PTP):
- 5.01.1** Is a one-year permit issued to an experienced professional for the purpose of teaching one or two classes per semester as teacher-of-record in an Arkansas public school.
  - 5.01.2** Is issued for licensure content areas in grades 9-12 only.
  - ~~5.01.2.1~~ **5.01.3** Any candidate who teaches for three (3) years with a PTP and applies to the Non-Traditional Licensure Program (NTLP) would be eligible for the NTLP “one-year” track.
- 5.02** To obtain a Professional Teaching Permit a candidate must:
- 5.02.1** ~~A Bachelors~~ Hold a bachelor’s degree with a minimum of three years of working experience in the content area of the class to be taught.
  - 5.02.2** Be offered employment to teach one (1) or no more than two (2) regularly scheduled, for-credit classes in an AR public school.
  - 5.02.3** Submit to the Office of Teacher Quality a complete PTP application.
  - 5.02.4** Submit one (1) letter of justification from the applicant expressing the relevance of the applicants’ credentials to teach the subject in question.
  - 5.02.5** Have two (2) professional letters of recommendation submitted by references to the Office of Teacher Quality.
  - 5.02.6** Pass the appropriate Praxis II Content Knowledge test state-mandated content-knowledge assessment(s) for the class to be taught.
  - 5.02.7** Pass a ~~non~~-criminal background check, Child Maltreatment Central Registry check, and other background checks required by law.
  - 5.02.8** Successfully complete a thirty (30)-hour PTP pedagogy training within the first year of teaching. Reinforcement of pedagogical skills will be scheduled as needed by the ADE, Office of Teacher Quality.
- 5.03** A Provisional Professional Teaching License (PPTL):
- 5.03.1** Is a three-year provisional license issued to an experienced professional for the purpose of teaching on a part-time or full-time basis as teacher-of-record in an Arkansas public school.
  - 5.03.2** Is issued for a licensure content area(s).
- 5.04** To obtain a Provisional Professional Teaching License a candidate must:
- 5.04.1** Hold a bachelor’s degree from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.
  - 5.04.2** Have a minimum of three (3) years of working experience in the content area of the class to be taught.
  - 5.04.3** Be offered employment to teach classes for credit in an Arkansas public school.
  - 5.04.4** Submit one (1) letter of justification from the applicant expressing the relevance of the applicants’ credentials to teach the subject in question.

- 5.04.5 Have two (2) professional letters of recommendation submitted by references to the Office of Professional Licensure.
- 5.04.6 Pass all appropriate state-mandated content-knowledge assessment(s) for the specific licensure area(s) sought.
- 5.04.7 Pass all appropriate state-mandated pedagogical assessment(s).
- 5.04.8 Pass a criminal background check, Child Maltreatment Central Registry check, and other background checks required by law.

5.05 To obtain a Standard Teaching License, an individual holding a Provisional Professional Teaching License must:

- 5.05.1 Undergo a summative evaluation at the end of three (3) years of provisional licensure.
- 5.05.2 Successfully complete a performance assessment that includes student achievement.
  - 5.05.2.1 The assessment shall be administered no earlier than the completion of the first academic school year of teaching and before the expiration of the three-year provisional license.
- 5.05.3 Pay applicable licensure fees as established by the State Board of Education pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C).

**6.0 REQUIREMENTS FOR OBTAINING A (NON-TRADITIONAL) PROVISIONAL TEACHING LICENSE**

- 6.01** To obtain a Provisional Teaching License through NTLP a candidate must:
  - 6.01.1** Be admitted into the Arkansas Department of Education’s Non-Traditional Teacher Licensure Program (NTLP);
  - 6.01.2** Successfully complete the summer instructional modules; and
  - 6.01.3** Document appropriate employment as teacher-of-record, teaching a minimum of five hours per day in the appropriate licensure area(s), with a certified mentor approved by the ADE in an Arkansas public school or a private school within the state of Arkansas accredited by a nationally recognized accrediting association during the provisional licensure period.
    - 6.01.3.1** If employment is not secured by September 1, of the year of admission into the NTLP, the participant shall accept teaching employment (if offered) working in conjunction with the ADE Office of Teacher Recruitment.
    - 6.01.3.2** If the candidate does not accept said employment, he or she may be administratively withdrawn from the program.
    - 6.01.3.3** If appropriate employment is not found by the candidate or the Office of Teacher Recruitment, the candidate shall be maintained on “hold” (one year only), until the following year.
    - 6.01.3.4** A candidate on “hold” shall not be issued a license and shall be required to teach the following year. (The candidate shall still be

required to complete two years of teaching within a three-year period.)

- 6.02** A one-year Provisional teaching license is:
- 6.02.1** Issued to NTL participants at the beginning of each year of the program;
  - 6.02.2** Effective as of August first of the year of issue; and
  - 6.02.3** Active for one year.
- 6.03** Provisional licenses are issued to participants (in one license area, except as follows) based upon the areas and levels of teaching assignment approved by the State Board of Education according to Appendix A, NTL Teaching Areas and Levels of Licensure/Endorsement.
- 6.03.1** Secondary NTLP participants teaching in the content licensure areas of Mathematics, English, Science, Social Studies, Speech/ Drama, or any Foreign Language may be issued a license in two (2) of these areas. Participants may be licensed in both areas if they have successfully completed all content specific licensure Praxis exams, and have a teaching assignment, in both licensure areas. (Those candidates wishing to add social studies must also complete the required three (3) college credit-hours of *Arkansas History*, in advance of licensure.)
    - 6.03.1.1** A Journalism endorsement may be added as the second area of licensure to any of these five areas if the required program of study for Journalism has been successfully completed (including the required Praxis II assessment) and the teacher has a teaching assignment in Journalism.
    - 6.03.1.2** An English Second Language (ESL) endorsement (grades 7-12) may be added as the second area of licensure to any of these five areas if the required program of study for ESL, or the ESL Academy for college credit, has been successfully completed (including the required Praxis II assessment) and the teacher has a teaching assignment in ESL.
  - 6.03.2** An ESL endorsement (P-8) may be added to an Early Childhood (P-4) or Middle Childhood (4-8) provisional license if the required program of study for ESL, or the ESL Academy for college credit, has been successfully completed and the teacher has a teaching assignment in ESL.
    - 6.03.2.1** The ESL endorsement does not allow teachers licensed in Early Childhood or Middle Childhood to “test-out” in any Secondary Licensure area.
  - 6.03.3** A Coaching endorsement may be added as the second area of licensure to any license area if the required program of study for Coaching and the appropriate Praxis II assessment are successfully completed and the teacher has a position that requires a Coaching endorsement.
- 6.04** NTLP participants may not file an ALP or teach out-of- licensure area while enrolled in the NTLP.

**7.0 GENERAL POLICIES AND PROCEDURES RELATING TO THE NON-TRADITIONAL LICENSURE PROGRAM PROVISIONAL TEACHING LICENSE**

- 7.01** There are two tracks in the NTLP, a one-year program or a two-year program.
- 7.01.1** Candidates with a four-year degree who have completed a program of study in the field of Education (all coursework with the exception of Student Teaching) may be eligible to complete a one-year program if their degree was awarded within five years of the date of application.
- 7.01.2** Candidates with a four-year degree, who have not completed a program of study in the field of Education, or those whose Education degree was awarded more than five years before the date of application, must complete a two-year program.
- 7.02** Participants in the Non-Traditional Licensure Program shall:
- 7.02.1** Be employed as the teacher of record in an Arkansas school;
- 7.02.2** Teach a minimum of five hours per day in their licensure area(s);
- 7.02.2.1** Teach for one year, if in the one-year program; or
- 7.02.2.2** Teach for two years, if in the two-year program;
- 7.02.3** Be assigned to, and attend a Non-Traditional Licensure Program satellite site for instructional modules;
- 7.02.4** Be mentored according to the Arkansas Department of Education Teacher Induction Guidelines;
- 7.02.5** Complete all instructional modules prescribed by the Arkansas Department of Education;
- 7.02.6** Pass the appropriate state mandated pedagogical assessment; and
- 7.02.7** ~~Become eligible to participate in the state mandated performance assessment in their final semester in the program, after the pedagogical assessment has been successfully completed~~
- 7.02.8** ~~Adhere to and abide by all the policies and procedures as outlined in the published NTL Handbook for the year of admission.~~
- 7.03** The required NTL program prescribed by the Arkansas Department of Education includes:
- 7.03.1** Required Instructional Modules during the summer;
- 7.03.2** Required Instructional Modules during the school year;
- 7.03.3** Development of a professional portfolio;
- 7.03.4** Novice Teacher Induction (which includes Mentoring by a trained and certified mentor); and
- 7.03.5** Teaching a minimum of five hours per day (or the equivalent) in the licensure area(s).
- 7.04** Successful completion of the Non-Traditional Licensure Program may yield either an Initial or a Standard Teaching license:
- 7.04.1** To receive an Initial teaching license, the participant shall:

- 7.04.1.1 Complete all NTL program requirements prescribed by the Arkansas Department of Education, and
  - 7.04.1.2 Pass the appropriate state mandated pedagogical assessment(s).
  - 7.04.2 To receive a Standard teaching license, the participant shall:
    - 7.04.2.1 Complete all NTL program requirements prescribed by the Arkansas Department of Education;
    - 7.04.2.2 Pass the appropriate state mandated pedagogical assessment(s); and
    - 7.04.2.3 Successfully complete Induction ~~and the state required performance assessment.~~
  - 7.04.3 If the pedagogical assessment is not successfully completed within the NTL program period, a subsequent license will not be issued. The participant will be allowed to attend ADE-scheduled remedial sessions for one year, during which time the participant may attempt to pass the assessment and, if successful, will be issued an Initial license.
  - 7.04.4 If the pedagogical assessment is not successfully completed within the remedial year, the participant will be administratively withdrawn from the program.
- 7.05 Annual enrollment in the NTL program may be limited by:
- 7.05.1 Licensure requirements.
  - 7.05.2 Licensure area and level of candidates (shortage areas may be given preference).
  - 7.05.3 Program capacity (in which case applications will not be accepted after capacity is reached).

## **8.0 RULES PERTAINING TO NOVICE TEACHER INDUCTION FOR NON-TRADITIONAL NOVICE TEACHERS**

- 8.01 All Arkansas School Districts shall implement, support, and monitor the quality of mentoring as outlined in ADE Induction Guidelines and the district's approved plan for mentoring.
- 8.01.1 Implementation of the district mentoring plan shall include:
    - 8.01.1.1 Selecting mentor candidates according to the Arkansas Mentor Qualifications form; and
    - 8.01.1.2 Providing a trained mentor for each NTL enrollee.
  - 8.01.2 Support includes:
    - 8.01.2.1 Providing a minimum of two (2) hours every two weeks of released time (on average) during the contract day for the mentor and novice teacher to work together;
    - 8.01.2.2 Assisting the novice and mentor to schedule focused observations and professional development activities, and
    - 8.01.2.3 Providing activities for mentors and novice teachers, which engage them in collaborative dialogue, problem solving, and professional development

**8.01.3** Monitoring of the quality of the district program is achieved by review of the required mentoring documentation by the District Project Director.

**8.01.4** ~~All other mentoring observation documents shall become the sole possession of the novice teacher and shall not be utilized for employment decisions or employment evaluation decisions~~ be collected and maintained by the District's Project Director. At the conclusion of Induction all documentation, exclusive of the timesheets, end of the school year, the Professional Growth Plan and Observation forms shall become the sole possession of the Novice Teacher and shall not be utilized for employment decisions or employment evaluation decisions.

**8.02** Mentoring observational information shall not be utilized in any way to make employment decisions unless students are at risk, either physically or emotionally.

## **9.0 GENERAL POLICIES PERTAINING TO LICENSES**

**9.01** NTL participants are issued the Provisional License in level(s)/area(s) of licensure based on having passed the assessment(s) in that licensure level(s)/area(s) and securing appropriate teaching employment in that level(s)/area(s) in accordance with the published NTL Handbook for the year of admission.

**9.02** NTL participants will be issued either the Initial or Standard Teaching License in the level(s)/area(s) of licensure based on having passed the assessment(s) in that licensure level(s)/area(s) and successfully completing two years of employment in that level(s)/area(s) in accordance with the published NTL Handbook for the year of admission. (One year of teaching is permitted for those candidates who have been identified in the "one-year" program).

**9.03** NTL teachers must teach in a traditional classroom setting. An ESL endorsement is granted to allow the NTL teacher to work with ELL students in the regular classroom environment. (This excludes the NTL teacher from being assigned to a transitional or any other non-regular classroom setting.)

**9.04** Teachers who need a duplicate Arkansas teaching license must submit a completed application form (indicating "duplicate") to the Office of Professional Licensure.

**9.04.1** A duplicate license will be issued only for a license that is current.

**9.05** All information and documentation submitted for an Arkansas Teacher License must be timely, accurate, authentic and unaltered in any way.

**9.05.1** Any license issued as a result of information submitted that is not in compliance with section ~~8.04~~ 9.05 will be null and void and shall be rescinded by the Office of Professional Licensure, as authorized by the State Board of Education.

- 9.06** The Office of Professional Licensure, as authorized by the State Board of Education, reserves the right to amend and/or rescind any Arkansas Teacher License that has been issued in error.
- 9.07** The Office of Professional Licensure, as authorized by the State Board of Education, reserves the right to non-renew a Non-Traditional Provisional License if the licensee does not successfully complete the required preparation modules, and non-renewal is recommended by the Non-Traditional Licensure Office. The Office of Professional Licensure shall not convert a provisional license to an initial license if the candidate fails to meet all criteria of the NTL program.

## **10.0 TEACH FOR AMERICA PROVISIONAL AND STANDARD LICENSURE**

- 10.01** A Teach for America Provisional License is a provisional license issued to participants in Teach for America and is valid for up to two (2) years as long as the individual:
- 10.01.1** Is a participant in Teach for America;
  - 10.01.2** Passes a criminal background check, Child Maltreatment Central Registry check, and other background checks required by law;
  - 10.01.3** Submits an official score report reflecting passing scores, as approved by the State Board of Education, on all appropriate state-mandated content knowledge assessment(s) for the specific licensure area(s) sought;
  - 10.01.4** Is teaching in an Arkansas public school; and
  - 10.01.5** Successfully completes three (3) college credit-hours of *Arkansas History*, if required by the grade level or content area in which the participant is teaching, at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation, within one (1) year of the issuance of the provisional license.
- 10.02** So long as an individual possesses a Teach for America Provisional License, the individual must participate in mentoring as provided in Section 8.0 of these Rules, or its substantial equivalent as offered by Teach for America.
- 10.03** To obtain a Standard Teaching License, an individual holding a Teach for America Provisional License must:
- 10.03.1** Submit an application for licensure;
  - 10.03.2** Furnish evidence of successful completion of the two-year Teach for America program;
  - 10.03.3** Pass a criminal background check, Child Maltreatment Central Registry check, and other background checks required by law;

- 10.03.4 Submit an official score report reflecting passing scores, as approved by the State Board of Education, on all appropriate state-mandated pedagogical and content-area assessment(s); and
- 10.03.5 If required by the grade level or content area for which the applicant seeks licensure, furnish evidence of successful completion of three (3) college credit-hours of *Arkansas History* at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.
- 10.03.6 A one-year, non-renewable provisional teaching license shall be available for an applicant who has never held a Teach for America Provisional License under Section 10.01 and who has not completed the three-hour *Arkansas History* course, but who meets the remaining qualifications of this Section 10.03.

## **11.0 MASTER'S DEGREE IN TEACHING STANDARD LICENSURE**

- 11.01 To obtain a Standard Teaching License under these Rules, an individual holding a master's degree in teaching (MAT, M.Ed., or MTLL) must:
  - 11.01.1 Submit official transcript(s) documenting an awarded master's degree in teaching from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation, and whose teacher preparation program is:
    - 11.01.1.1 Nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation;
    - 11.01.1.2 Accredited by the National Council for Accreditation of Teacher Education (NCATE), **Teacher Education Accreditation Council (TEAC), or Council for Accreditation of Educator Preparation (CAEP)**; or
    - 11.01.1.3 Approved by a member entity of the National Association of State Directors of Teacher Education and Certification (NASDTEC);
  - 11.01.2 Pass a criminal background check, Child Maltreatment Central Registry check, and other background checks required by law;
  - 11.01.3 Submit an official score report reflecting passing scores, as approved by the State Board of Education, on the appropriate state-mandated pedagogical and content-area assessment(s);
  - 11.01.4 If required by the grade level or content area for which the applicant seeks licensure, furnish evidence of successful completion of three (3) college credit-hours in *Arkansas History* at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation; and

**11.01.5** If required by the grade level or content area for which the applicant seeks licensure, furnish evidence of successful completion of six (6) college credit-hours in *Methods of Teaching Reading* (completed with a grade of “C” or better) at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

**11.01.6** A one-year, non-renewable provisional teaching license shall be available for an applicant who holds a master’s degree in teaching but has not successfully completed the required three (3) hours of *Arkansas History* or six (6) hours of *Methods of Teaching Reading*.

**11.02** An individual receiving a Standard Teaching License under these Rules shall participate in mentoring as provided in Section 8.0 of these Rules, unless the individual has completed mentoring or its substantial equivalent within one (1) year prior to the date of licensure.

**Appendix A**  
**Arkansas Department of Education**  
**NTL Teaching Areas and Levels of Licensure/Endorsement**

<b>Areas of Licensure</b>	<b>Grade Levels*</b>		
Early Childhood	P-4	-	-
Middle Childhood: Math/Science	4-8	-	-
Middle Childhood: English Lang Arts/Social Studies	4-8	-	-
Mathematics	-	7-12	-
English	-	7-12	-
Social Studies	-	7-12	-
Physical/Earth Science	-	7-12	-
Life/Earth Science	-	7-12	-
Drama/Speech	-	7-12	-
P.E. Wellness & Leisure	P-8	7-12	
Art	P-8	7-12	
Music, Vocal, & Instrumental	P-8	7-12	
Spanish	P-8	7-12	
French	P-8	7-12	
German	P-8	7-12	
Family & Consumer Science	4-8	7-12	4-12
Agriculture	4-8	7-12	4-12
Industrial Technology	4-8	7-12	4-12
Business Technology	4-8	7-12	4-12
Marketing Technology	4-8	7-12	4-12
<b>Areas of Endorsement</b>	-	-	-
Coaching		7-12	
ESL	P-8	7-12	
Journalism	-	7-12	-
Mandarin Chinese		7-12	

\* Level of licensure issued is determined based on grade level(s) taught in the NTL program.

**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 was** 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.

**Public Comments: Rules Governing Public School End-of-Course Assessments and Remediation – October-November 2011**

<b>Date, Name, Affiliation</b>	<b>Section &amp; Comment</b>	<b>Resolution</b>
Tripp Walter, Staff Attorney, Arkansas Public School Resource Center November 17, 2011	5.07 – The last three (3) lines of this Section are now proposed to read “ <del>unless exempted under an</del> <u>because of the nature of his or her disabilities the student demonstrates alternative levels of competency as contained in the student’s IEP.</u> ” The current wording of this Section of the Rules properly captures the language of Ark. Code Ann. § 6-15-2009(d)(1)(B)(iii). The proposed change to the Rules is not contained within, and goes beyond the language of, the statute and therefore should not be adopted.	Comment considered. The proposed language avoids confusion and makes the statutory intent more clear. The statutory language is subject to a misinterpretation, namely that any student with an IEP is exempt altogether from the State’s assessment system. The proposed revision clarifies that students must be assessed in accordance with the provisions of the IEP, so as to implement the express legislative purpose that “[e]ach student shall participate in the statewide program of educational assessment....” Ark. Code Ann. § 6-15-2009(a)(1).

**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 master schedule”~~ “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;~~
- c. ~~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 the student shall not be allowed any other credit toward graduation for that same course.
- 4.02 A student must complete the entire semester and ~~must receive a passing grade for~~ pass 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.

**Public Comments – Physical Education Course Credit**

<b>Date</b>	<b>Respondent</b>	<b>Comment</b>	<b>ADE Response</b>
November 2, 2011	Barbara Kumpe, Government Relations Director, American Heart Association/Vice Chair, Child Health Advisory Committee	Section 3.01.2.1: We have some concerns with the use of the term “qualified” in this definition. We believe anyone teaching physical education should be a licensed physical education teacher for the recommended grade they are teaching, for both elementary and secondary grades. However, we are fine with a licensed JROTC instructor providing the instruction for JROTC.	Comment considered. The language in Section 3.01.2.1 is taken verbatim from Ark. Code Ann. § 6-16-137(b)(2)(A). We understand the position that everyone teaching physical education, even in elementary grades, should be a licensed physical education teacher for the recommended grade they are teaching. However, physical education requirements are set forth in Ark. Code Ann. § 6-16-132. Ark. Code Ann. § 6-16-132(e) states that “[n]othing in this section shall be construed to require any school or school district to hire personnel certified in physical education.”
		Section 7.0: Clarification is needed as to whether the phrase “organized physical activity” is inclusive of physical education. We would be very concerned about physical education being described as not a requirement for an adequate education or as not a core academic requirement.	Comment considered. The language in Section 7.0 is taken verbatim from Ark. Code Ann. §6-16-137(h). Physical activity is not the same as physical education.

**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, 6-18-505, 6-18-506, 6-18-507, 6-18-514 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 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 license 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 policies 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: Student 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.~~

**Public Comments – School Discipline and Safety Policies**

<b>Date</b>	<b>Respondent</b>	<b>Comment</b>	<b>ADE Response</b>
11/16/2011	Debbie Van Dyke Special Education Solutions	<ul style="list-style-type: none"> <li>In A.C.A 6-18-514 pertaining to the Antibullying Act 907 of 2011, there appears to be no specific amount of time required annually for public school employees for professional development on Antibullying. The regulations simply state, employees must receive professional development in the area of reporting and investigating bullying. Will the specific amount of time required for annual professional development be determined by the Arkansas Department of Education Standards and Assurance Department or Professional Development Department? Could the required annual hours for antibullying professional development be included in A.C.A. 6-18-514?</li> </ul>	<ul style="list-style-type: none"> <li>Comment considered. Neither Ark. Code Ann. § 6-18-514 nor Act 907 of 2011 provide the Arkansas Department of Education or the State Board of Education with the statutory authority to promulgate rules concerning antibullying policies. Moreover, the statute requires training, not a specific amount of professional development.</li> </ul>

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING THE GUIDELINES, PROCEDURES AND  
ENFORCEMENT OF THE ARKANSAS OPPORTUNITY  
PUBLIC SCHOOL CHOICE ACT**

**May 24, 2004**

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**1.00 PURPOSE**

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Opportunity Public School Choice Act.

1.02 The purpose of these rules is to provide enhanced opportunity for students in Arkansas to gain the knowledge and skills necessary for postsecondary education, a technical education, or careers.

**2.00 AUTHORITY**

2.01 The Arkansas State Board of Education's authority for promulgating these rules is pursuant to Ark. Code Ann. §§ 6-11-105, ~~and § 6-18-227, 25-15-201 et seq., and Acts 1124 and 1147 of 2011. (as amended by Act 35 of the Second Extraordinary Session of 2003).~~

**3.00 DEFINITIONS**

3.01 ~~ADE or~~ Department - the Arkansas Department of Education.

3.02 Level 1 school - a school which, according to the classification system established in Ark. Code Ann. ~~§ 6-15-1903 (as amended by Act 35 of the Second Extraordinary Session of 2003)~~ § 6-15-2103, is classified by the Arkansas Department of Education as a “school in need of immediate improvement.” Under the classification system established in Ark. Code Ann. ~~§ 6-15-1903 § 6-15-2103~~, Level 1 is the lowest ranking that a school may receive, and Level 5 is the highest ranking.

3.03 Level 3 school - a school which, according to the classification system established in Ark. Code Ann. ~~§ 6-15-1903 (as amended by in Act 35 of the Second Extraordinary Session of 2003)~~ § 6-15-2103, is classified by the Arkansas Department of Education as a “school meeting standards.”

3.04 Nonresident or receiving district - the public school district, ~~or open-enrollment public charter school~~, to which a student transfers or seeks to transfer to under the provisions of Ark. Code Ann. § 6-18-227.

3.05 Nonresident or receiving school – the public school to which a student transfers or seeks to transfer under the provisions of Ark. Code Ann. § 6-

18-227. A nonresident or receiving school may be a public school within the resident district, a public school within a nonresident district, or an open-enrollment public charter school.

3.056 Resident, sending or transferring district - the public school district in which the student resides and from which the student seeks to transfer under the provisions of Ark. Code Ann. § 6-18-227.

3.07 Resident or transferring school – the public school in which the student is enrolled at the time of application and from which the student seeks to transfer under the provisions of Ark. Code Ann. § 6-18-227.

#### **4.00 EFFECTIVE DATE**

Opportunity Public School Choice under these rules shall take effect with the implementation of the school performance levels found in Ark. Code Ann. § 6-15-2103. *The 2012-2013 school year will be the first school year during which student transfers under these rules will be possible.*

#### **5.00 GENERAL REQUIREMENTS**

5.01 Upon the request of a parent or guardian, or the student if the student is over eighteen (18) years of age, a student may transfer from his or her resident school to another public school in accordance with the provisions of these rules if:

5.01.1 The resident public school has been designated pursuant to Ark. Code Ann. § 6-15-2103 as a Level 1 school for two (2) or more consecutive school years;

5.01.2 The parent or guardian, or the student if the student is over eighteen (18) years of age, has notified the Department of Education and both the transferring and receiving school districts of the request to transfer no later than July 30 of the first year in which the student intends to transfer; and

5.01.3 The receiving public school has been designated pursuant to Ark. Code Ann. § 6-15-2103 as a Level 3 school or higher in the most recent annual school classification made by the Department of Education.

5.02 Each school district board of directors shall offer the Opportunity Public School Choice option within the public schools. The Opportunity Public School Choice option shall be offered in addition to other existing choice options.

5.03 The parent or guardian of a student, or the student if the student is over eighteen (18) years of age, enrolled in or assigned to a school that has been designated as a school in Level 1 under Ark. Code Ann. § 6-15-2103 for two (2) or more consecutive school years, may choose as an alternative to enroll the student in the public school nearest to the student's legal residence that has been designated pursuant to Ark. Code Ann. § 6-15-2103 as a Level 3 school or higher in the most recent annual school classification made by the Department of Education. **Subject to the requirements of Sections 5.04.3 and 5.04.4 below,** the school or school district shall accept the student and report the student for purposes of funding pursuant to applicable state law.

5.04 Within thirty (30) days from receipt of an application from a student seeking admission under these rules, the superintendent of the nonresident district shall notify in writing the parent or guardian, or the student if the student is over eighteen (18) years of age, whether the Opportunity Public School Choice application has been accepted or rejected.

5.04.1 If the application is accepted, the nonresident school/district shall state in the notification letter the deadline by which the student must enroll in the receiving school.

5.04.2 If the application is rejected, the nonresident school/district shall state in the notification letter the specific reasons for the rejection.

5.04.3 A school district shall not deny a student the ability to transfer to a nonresident school under these rules unless there is a lack of capacity at the nonresident school.

5.04.4 A lack of capacity may be claimed by a school district only if the nonresident school has reached the maximum student-to-teacher ratio allowed under federal law, state law, the rules for standards of accreditation, or other applicable regulations. For the purposes of these rules, a school district may claim a lack of capacity if, as of the date the application for opportunity school choice is made, ninety-five percent (95%) or more of the seats at the grade level at the nonresident school are filled.

5.04.5 The race or ethnicity of a student shall not be used to deny a student the ability to attend a nonresident school under these rules.

5.04.6 Pursuant to Section 8.00 of these rules, a parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal a school district's decision to deny admission to a nonresident school to the State Board after the student or the

student's parent or guardian receives written notice from the nonresident district that admission has been denied.

5.04.7 The provisions of these rules and all student choice options created under these rules shall comply with Ark. Code Ann. § 6-18-206(d), (e), and (i) and shall not be subject to any other limitation or restriction provided by law.

5.04.8 If any provision of these rules conflicts with the provisions of a federal desegregation court order applicable to a school district, the provisions of the federal desegregation order shall govern.

5.05 For each student enrolled in or assigned to a school that has been designated a Level 1 school for two (2) or more consecutive school years, a school district shall:

5.05.1 Timely notify the parent or guardian, or the student if the student is over eighteen (18) years of age, as soon as practicable after the designation is made, of all options available pursuant to these rules; and

5.05.2 Offer the parent or guardian, or the student if the student is over eighteen (18) years of age, an opportunity to enroll the student in any public school that has been designated by the Department of Education pursuant to Ark. Code Ann. § 6-15-2103 as a Level 3 school or higher in the most recent annual school classification made by the Department of Education. The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.

5.06 For the purposes of continuity of educational choice, a transfer under these Rules shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until:

5.06.1 The student completes high school; or,

5.06.2 The parent or guardian, or the student if the student is over eighteen (18) years of age, makes application **no later than July 30** for attendance or transfer as provided by Ark. Code Ann. §§ 6-18-202, 6-18-206 and 6-18-316. **Such a transfer shall be effective at the beginning of the next academic year.**

5.07 Students with disabilities who are eligible to receive services from the transferring school district under federal or state law, including students receiving additional funding through federal title programs specific to the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 et

seq., and who participate in the Opportunity Public School Choice Act program, shall remain eligible to receive services from the receiving school district as provided by state or federal law. Any funding for such a student shall be transferred to the receiving district.

5.08 The receiving district or charter school may transport students to and from the transferring district or charter school, and the cost of transporting students shall be the responsibility of the transferring district or charter school except as provided under Sections 5.08.1 and 5.08.2 of these rules.

5.08.1 A transferring district or charter school shall not be required to spend more than four hundred dollars (\$400) per student per school year for transportation required under 5.08 of these rules.

5.08.2 Upon the transferring school's being designated by the Department of Education pursuant to Ark. Code Ann. § 6-15-2103 as a Level 3 school or higher in the most recent annual school classification made by the Department of Education, the transportation costs shall no longer be the responsibility of the transferring district, and the student's transportation and the costs of transportation shall be the responsibility of the parents.

5.09 Unless excused by the school for illness or other good cause:

5.09.1 Any student participating in the Opportunity Public School Choice option shall remain in attendance throughout the school year and shall comply fully with the receiving school's code of conduct; and

5.09.2 The parent or guardian of each student participating in the Opportunity Public School Choice option shall comply fully with the receiving school's parental involvement requirements.

~~5.10 The parent or guardian shall ensure that the student participating in the Opportunity Public School Choice option takes all required assessments including without limitation benchmark exams required pursuant to Ark. Code Ann. § 6-15-433.~~

5.10 A student failing to comply with the requirements of these rules shall forfeit the Opportunity Public School Choice option.

5.11 A receiving district shall accept credits toward graduation that were awarded by *another* district.

5.12 The receiving district shall award a diploma to a student transferred under these rules if the student meets the receiving district's graduation requirements.

5.13 A district under this program shall request public service announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.

## **6.00 REPORTING REQUIREMENTS**

6.01 The Department of Education shall develop an annual report on the status of school choice and deliver the report to the State Board, the Governor, and the Legislative Council at least ninety (90) days prior to the convening of the regular session of the General Assembly.

6.02 Each school district board of directors shall annually report the number of students applying for and attending the various types of public schools of choice in the district, including schools such as magnet schools, according to these rules. The school district board of directors shall report this data through its cycle reports as prescribed by the Commissioner of Education.

6.03 All school districts shall report to the Department of Education on an annual basis the race and gender of each student identified in Section 6.02 above, and other pertinent information needed to properly monitor compliance with the provisions of these rules. The reports may be on forms prescribed by the Department of Education, or the data may be submitted electronically by the district using a format authorized by the Department of Education. The school districts shall report this data through its cycle reports as prescribed by the Commissioner of Education.

6.03.1 The Department of Education may put on probation the superintendent of any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the Department of Education so long as thirty (30) calendar days are given between the request for the information and the published deadline.

6.03.2 A copy of the report shall be provided to the Joint Interim Committee on Education.

6.04 The receiving school district shall report all students who transfer from another public school under this program. The students attending public schools pursuant to the Opportunity Public School Choice option shall be reported separately from those students reported for purposes of compliance with applicable state law.

## **7.00 FUNDING CONSIDERATIONS**

- 7.01 For the purposes of determining a school district's state funding, the nonresident student shall be counted as a part of the average daily membership of the receiving district.
- 7.02 The maximum Opportunity Public School Choice funds granted for an eligible student shall be calculated based on applicable state law.
- 7.03 The public school that provides services to students with disabilities shall receive funding as determined by applicable federal and state law.

## **8.00 APPEAL PROCEDURES**

- 8.01 A parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal a school district's decision to deny admission to a nonresident school due to a lack of capacity to the State Board pursuant to this section.
- 8.02 The student or the student's parent or guardian (hereinafter the appealing party) must present a written appeal to the State Board via certified mail, return receipt requested, no later than ten (10) days after the appealing party receives notice of rejection from the nonresident school/district in accordance with Section 5.04 of these rules.
- 8.02.1 The written appeal should be sent to:
- Office of the Commissioner  
ATTN: Opportunity School Choice Appeal  
Four Capitol Mall  
Little Rock, Arkansas 72201
- 8.02.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the appealing party must also mail a copy of the written appeal to the superintendent of the nonresident school/district.
- 8.02.3 The appealing party shall set forth its arguments and evidence in support of its appeal.
- 8.02.4 The appealing party must submit, along with its written appeal, a copy of the rejection letter from the nonresident school/district.
- 8.02.5 Any request for a hearing before the State Board must be made in the written appeal.

8.03 The nonresident school/district may submit, in writing, any additional information, evidence or arguments supporting its rejection of the student's application by mailing such response via certified mail, return receipt requested to the State Board no later than ten (10) days after receiving the appealing party's written appeal.

8.03.1 Any response from the nonresident school/district should be sent to:

Office of the Commissioner  
ATTN: Opportunity School Choice Appeal  
Four Capitol Mall  
Little Rock, Arkansas 72201

8.03.2 Contemporaneously with the filing of the written response with the Office of the Commissioner, the nonresident school/district must also mail a copy of the written response to the appealing party.

8.03.3 If the appealing party did not request a hearing before the State Board, the nonresident school/district may request a hearing in its response.

8.04 If a hearing is requested by either party, the State Board shall schedule the hearing for the next regularly scheduled State Board meeting in accordance with its procedures for the submission of agenda items.

8.05 If no hearing is requested by either party, the State Board shall consider the appeal during its next regularly scheduled State Board meeting in accordance with its procedures for the submission of agenda items.

8.06 State Board Hearing Procedures

8.06.1 A staff member of the Department of Education shall introduce the agenda item.

8.06.2 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school/district. The Chairperson of the State Board may, only for good cause shown and upon the request of either party, allow either party additional time to present their opening statements.

8.06.3 Each party will be given thirty (30) minutes to present their cases, beginning with the nonresident school/district. The Chairperson of the State Board may, only for good cause shown and upon request

of either party, allow either party additional time to present their cases.

8.06.4 The State Board, at its discretion, shall have the authority to require any person associated with the application (student, parent, guardian, nonresident school/district employee, or resident district employee) to appear in person before the State Board as a witness during the hearing. The State Board, at its discretion, may accept testimony by affidavit, declaration, or deposition.

8.06.5 Every witness giving oral testimony must be sworn under oath by the court reporter and shall be subject to direct examination, cross examination, and questioning by the State Board.

8.06.6 For the purposes of the record, documents offered during the hearing by the nonresident school/district shall be clearly marked in sequential, numeric order (1, 2, 3).

8.06.7 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A, B, C).

8.06.8 The nonresident/school district shall have the burden of proof in proving the basis for the denial of the transfer.

8.06.9 The State Board may sustain the rejection of the nonresident school/district or grant the appeal.

8.06.10 The State Board may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, and the nonresident district within fourteen (14) calendar days of the appeal.

**~~4.00 — PROCESS AND PROCEDURES FOR DETERMINING ELIGIBILITY AND APPLICATION PROCEDURES FOR PARTICIPATION IN THE OPPORTUNITY PUBLIC SCHOOL CHOICE PROGRAM~~**

~~4.01 — Pursuant to the provisions of Ark. Code Ann. § 6-15-1903 (b)(1) and (c)(1) (contained in Act 35 of the Second Extraordinary Session of 2003), the first school year for which a student shall be eligible to transfer to another school shall be the 2011-2012 school year, unless the resident school applies for an annual performance category level, and receives a "Level 1" classification, prior to the 2009-2010 school year.~~

- ~~4.02—Any student may make application to transfer from a failing school (i.e., a school defined in Section 4.03 below) within a school district inside whose boundaries he or she resides to another public school in a nonresident district, subject to the restrictions and procedures contained in these Rules and in Arkansas law.~~
- ~~4.03—Upon the request of a parent, guardian or the student (if the student is over eighteen (18) years of age), a student may transfer from his or her resident district to another public school in accordance with these Rules and applicable Arkansas law if:~~
- ~~(i)—The resident public school has been designated pursuant to Ark. Code Ann. § 6-15-1903 as a Level 1 school for two (2) or more consecutive school years (with the first school year being no earlier than the 2009-2010 school year), unless the resident school applies for an annual performance category level, and receives a "Level 1" classification, prior to the 2009-2010 school year, and~~
  - ~~(ii)—The parent, guardian or student (if the student is over eighteen (18) years of age) has notified the Department and both the sending and receiving districts of the request of a transfer no later than July 30 of the year in which the student intends to transfer, and~~
  - ~~(iii)—The public school to which the parent, guardian or the student (if the student is over eighteen (18) year of age) makes application to is classified as a Level 3 school or higher in the most recent annual school classification made by the Department.~~
- ~~4.04—The notification referenced in Section 4.03 (ii) above shall be accomplished by way of a completed Arkansas Opportunity Public School Choice application form to be promulgated and made available by the Department.~~
- ~~4.05—The opportunity to continue attending school in the receiving district shall remain in force until the student graduates from high school.~~
- ~~4.06—All student choice options contained in these Rules are subject to the limitations of Ark. Code Ann. § 6-18-206 (d) through (f) (Arkansas Public School Choice Act).~~
- ~~4.07—(i) Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, the nonresident district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.~~

~~(ii) If the application is rejected, the nonresident district must state in the notification letter the reason for rejection.~~

~~(iii) If the application is accepted, the nonresident districts shall state in the notification letter an absolute deadline for the student to enroll in the district, or the acceptance notification is null.~~

~~4.08 If the requirements of Sections 4.03, 4.04 and 4.06 of these Rules have been met, the nonresident school district shall accept the student for the upcoming school year.~~

~~4.09 A transfer made under these Rules and applicable Arkansas law shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until either the student completes high school or the parent, guardian or the student (if the student is over eighteen (18) years of age) makes application no later than July 30 for attendance or transfer under the following statutes: Ark. Code Ann. § 6-18-202 ("Age and residence for attending public schools"), § 6-18-206 ("Arkansas Public School Choice Act") or § 6-18-316 ("Transfer on petition of student"). A transfer granted under any of the above statutes shall be effective at the beginning of the next academic year.~~

~~4.10 The application form shall contain a notice that a transfer under the Arkansas Opportunity Public School Choice Act shall operate as an irrevocable choice for at least one (1) entire school year, and shall remain in force until the student complete high school, except as otherwise provided by law.~~

## **~~5.00 ALTERNATIVE SCHOOL CHOICE PROCEDURE~~**

~~5.01 The parent or guardian of a student assigned to a school that has been designated as a school in Level 1 under Ark. Code Ann. § 6-15-1903 for two (2) or more consecutive years may choose as an alternative to enroll the student in the public school nearest to the student's legal residence which is classified by the Department as a Level 3 school or higher in the most recent annual school classification.~~

~~5.02 A school district which receives a request from a student referenced in Section 5.01 shall, after verifying that the student meets the criteria in Section 5.01, accept the student and report the student to the Department for the purposes of funding pursuant to applicable Arkansas law.~~

## **~~6.00 SCHOOL DISTRICT RESPONSIBILITIES~~**

~~6.01 A school district shall, for each student enrolled in or assigned to a~~

school that has been designated as a Level 1 school for two (2) or more consecutive years:

- (i) — Provide timely notification to the parent, guardian or the student (if the student is over eighteen (18) years of age), as soon as practicable after such designation is made of all options available under the Arkansas Opportunity Public School Choice Act, and
- (ii) — Offer the parent, guardian or the student (if the student is over eighteen (18) years of age) an opportunity to enroll the student in any public school that has been designated by the Department pursuant to Ark. Code Ann. § 6-15-1903 as a school performing at no less than the Level 3 classification pursuant to the most recent annual school classification.

6.02 — Any student with disabilities who participates in this public school-choice program who is eligible to receive services from a resident school district under Federal or Arkansas law shall remain eligible to receive such services from the receiving school district.

6.03 — Any funding for a student described in Section 6.02 above shall be transferred to the receiving school district.

6.04 — Each school district's board shall offer the opportunity public school choice program within its schools, in addition to any other existing school choice program.

6.05 — Each school district's board shall annually report the number of students applying for and attending the various types of public schools of choice in the district, including schools such as magnet schools.

6.06 — A receiving school district shall accept credits toward graduation that were awarded by another district.

6.07 — The receiving district shall award a diploma to a nonresident student if the student meets the receiving district's graduation requirements.

6.08 — For purposes of determining a school district's state equalization aid, the nonresident student shall be counted as a part of the average daily membership of the district to which the student has transferred.

6.09 — All school districts shall report to the Department, on an annual basis, the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of Ark. Code Ann. § 6-18-227 and these Rules.

- 6.10—~~The Department may put on probation the superintendent of any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the Department so long as thirty (30) calendar days are given between the request for the information and the published deadline.~~
- 6.11—~~The receiving school district shall separately report all students who transfer from another public school under Ark. Code Ann. § 6-18-227.~~
- 6.12—~~The public school within the receiving school district which provides services to students with disabilities who have transferred into it pursuant to Ark. Code Ann. § 6-18-227 shall receive funding as determined by applicable Federal and Arkansas law.~~
- 6.13—~~A school district which contains one (1) or more school classified as described in Section 4.03 (i) of these Rules shall do the following:~~
- ~~(i)—Request public service announcements to be made over the broadcast and print media at such times and in such manner as to inform parents or guardians of students in the adjoining public school districts of the availability of the opportunity public school choice program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.~~

## **7.00—DEPARTMENT OR STATE RESPONSIBILITIES**

- 7.01—~~Transportation costs for students transferring under the opportunity public school choice program shall be the responsibility of the state.~~
- 7.02—~~The State's responsibility for transportation costs for a student transferring under the opportunity public school choice program shall cease if the student's resident school achieves a Level 3 or higher classification from the Department in the most recent annual school classification.~~
- 7.03—~~Funding for the transportation costs referenced in Sections 7.01 and 7.02 above shall be included in the base funding amount received by the district from the State, and the school district providing transportation may allocate that portion of the base funding necessary to cover transportation costs arising out of participation in the opportunity public school choice program.~~
- 7.04—~~Upon the occurrence of the event detailed in Section 7.02 above, the transportation costs shall be the responsibility of the student's parents or guardians.~~

~~7.05—If the acceptance of students pursuant to the opportunity public school choice program results in a receiving school district incurring expenses for required temporary facilities or faculty, such expenses which exceed the amount of state monies received by the district for the education of such students shall be paid by the State.~~

~~7.06—The Department shall develop an annual report on the status of the opportunity public school choice program and deliver the report to the State Board of Education, the Governor, and the Legislative Council at least ninety (90) days prior to the commencing of the regular session of the General Assembly.~~

## ~~8.00—PARENTAL AND STUDENT RESPONSIBILITIES~~

~~8.01—Any student participating in the opportunity public school choice program shall remain in attendance at the receiving public school throughout the school year, unless excused by the school for illness or other good cause, and shall fully comply with the school's code of conduct.~~

~~8.02—The parent or guardian of each student participating in the opportunity public school choice program shall fully comply with the receiving public school's parental involvement requirements, unless excused by the school for illness or other good cause.~~

~~8.03—The parent or guardian shall ensure that the student participating in the opportunity public school choice program takes all statewide assessments, including, but not limited to, Benchmark exams, required pursuant to Ark. Code Ann. § 6-15-433.~~

~~8.04—A participant who fails to comply with the provisions of Ark. Code Ann. § 6-18-227 shall forfeit the opportunity public school choice program option.~~

**APPLICATION FOR TRANSFER PURSUANT TO THE  
ARKANSAS OPPORTUNITY SCHOOL CHOICE ACT**

<b>APPLICANT INFORMATION</b>			
Applicant Name:			
Date of Birth:	Gender: Male	<input type="checkbox"/>	Female <input type="checkbox"/>
		Grade for Upcoming School Year:	
Does the applicant require special needs or programs? Yes <input type="checkbox"/>		No <input type="checkbox"/>	
<b>ETHNIC ORIGIN (CHECK ONE) (See Note 1)</b>			
2 or More Races	<input type="checkbox"/>	Asian	<input type="checkbox"/>
African American	<input type="checkbox"/>	Hispanic	<input type="checkbox"/>
Native American/ Native Alaskan	<input type="checkbox"/>	Native Hawaiian/ Pacific Islander	<input type="checkbox"/>
White	<input type="checkbox"/>		<input type="checkbox"/>
<b>RESIDENT SCHOOL AND SCHOOL DISTRICT OF APPLICANT</b>			
District Name:		School Name:	
Address:			
Phone:			
<b>NON-RESIDENT SCHOOL/ SCHOOL DISTRICT APPLICANT WISHES TO ATTEND</b>			
District Name:		School Name:	
Address:			
Phone:			
<b>PARENT OR GUARDIAN INFORMATION</b>			
Name:		Home Phone:	
Address:		Work Phone:	
Parent/Guardian Signature			Date
<p><u>Note 1:</u> The race or ethnicity of a student shall not be used to deny the student to attend a school district of choice under the Arkansas Opportunity School Choice Act. This information is gathered for district reporting purposes only.</p> <p><u>Note 2:</u> Pursuant to Ark. Code Ann. § 6-18-227, reviewers of this application are hereby notified that a transfer under the Arkansas Opportunity School Choice Act shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until the student completes high school or as otherwise provided by law.</p> <p><u>Note 3:</u> A school district shall not deny a student the ability to attend school in the student’s school district of choice unless there is a lack of capacity at the school in the student’s school district of choice as defined by Arkansas law and Arkansas Department of Education rules.</p> <p><u>Note 4:</u> Pursuant to Ark. Code Ann. § 6-18-227, a student may only transfer from a school that has been designated as a school in Level 1 under Ark. Code Ann. § 6-15-2103 for two (2) or more consecutive school years to a school that is classified as a Level 3 school or higher under Ark. Code Ann. § 6-15-2103 in the most annual school classification made by the Department of Education.</p>			
<b>DISTRICT USE ONLY</b>			
Application:	Accepted <input type="checkbox"/>	Rejected <input type="checkbox"/>	
Date Notification Sent to Parent/Guardian of Applicant:			
Date Notification Sent to Resident District (If Applicable):			

**Public Comments – Opportunity School Choice**

<b>Date</b>	<b>Respondent</b>	<b>Comment</b>	<b>ADE Response</b>
10/14/2011	Mr. Rich Nagel, Arkansas Education Association	<ul style="list-style-type: none"> <li>Section 2 of Act 1124 of 2011 struck (k)(2), but the codified version left (k)(2) as a part of the law. I was advised that the act remains as the authority, and the codification is in error. You were sent this information in an e-mail from code revision. The proposed rule drafted by ADE leaves (k)(2) as a part of your rule. We have no objection to its inclusion, other than that the rule should reflect the act as well as the ADE and State Board’s rulemaking authority.</li> </ul>	Comment accepted. The referenced section will be removed from the rule.
11/17/2011	Mr. Tripp Walter, Arkansas Public School Resource Center	<ul style="list-style-type: none"> <li>Section 5.04.4, Second Sentence – The authority for the proposed definition of “lack of capacity” contained in this Section is not given, nor does the language come from the statute. What is the basis for the “lack of capacity” definition?</li> </ul>	Comment considered. Ark. Code Ann. § 6-18-227(d)(4) requires the Arkansas Department of Education to promulgate rules governing the use of school capacity as a basis for denying admission under Opportunity Public School Choice. The 95% capacity definition listed in the rules is offered to provide flexibility to receiving districts that experience growth in their student populations over the summer. A 100% capacity definition would not be practical and may create an undue hardship for receiving districts that experience significant growth in enrollment during the summer.
		<ul style="list-style-type: none"> <li>“Attachment 1”, Application for Transfer – Why is the “Is the applicant currently under expulsion?” category included in the Application for Transfer? There is no specific mention of expulsion as a reason for denial of a transfer application under Ark. Code Ann. § 6-18-227, and 6-18-227 transfers are not subject to the Ark. Code Ann. Section 6-18-510 expulsion provision contained in Ark. Code Ann. § 6-18-206(b)(2)(A).</li> </ul>	Comment accepted. The application has been changed. However, Ark. Code Ann. § 6-18-510 allows local school districts to adopt policies that, after a hearing before the board of directors, any person who has been expelled as a student from any other school district may not enroll as a student until the time of the person’s expulsion has expired. While Ark. Code Ann. § 6-18-227 does not specifically mention Ark. Code Ann. § 6-18-510 as a reason to deny transfer, Ark. Code Ann. § 6-18-227 does not appear to invalidate Ark. Code Ann. § 6-18-510. A reviewing court would likely attempt to read the statutes together to determine whether Ark. Code Ann. § 6-18-510 remains a viable reason to deny transfer under Ark. Code Ann. § 6-18-227.

**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

---

**PROOF OF SERVICE**

---

SERVED

Date:

Place:

---

Served On: (Print Name)

Manner of Service:

---

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

---

**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 THE SCHOOL SUPERINTENDENT MENTORING PROGRAM**

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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 the School Superintendent Mentoring Program.

1.02 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-13-109, Act 586 of 2011, and 25-15-201 et seq.

**2.00 DEFINITION**

2.01 “First-year Arkansas superintendent” means a licensed educator who will become a superintendent in Arkansas for the first time during the 2011-2012 school year or each school year thereafter. The term does not refer to other district level administrators, such as deputy superintendents, assistant superintendents or associate superintendents. The term does not refer to acting superintendents or interim superintendents unless the acting superintendents or interim superintendents become the permanent superintendents of the district.

**3.00 GENERAL REQUIREMENTS**

3.01 Beginning with the 2011-2012 school year, a first-year Arkansas superintendent shall complete the superintendent mentoring program within twelve (12) months of obtaining or maintaining employment as a superintendent to maintain his or her superintendent’s license.

*3.01.1 Except as noted in subsection 3.01.2 below, the twelve (12) month superintendent mentoring program period shall begin upon the first day that the first-year Arkansas superintendent obtains employment with an Arkansas public school district, as evidenced by the effective date contained in the signed employment contract between the superintendent and an Arkansas public school district.*

*3.01.2 For an interim or acting superintendent of a school district who becomes the permanent superintendent of the same school district, the twelve (12) month superintendent mentoring program period shall begin upon the*

date the interim or acting superintendent becomes the permanent superintendent pursuant to official action of the school district's board of directors.

3.02 The Department of Education shall, in conjunction with the Arkansas Association of Educational Administrators, develop all curriculum and training materials for the superintendent mentoring program.

~~3.03 The Department of Education shall, in conjunction with the Arkansas Association of Educational Administrators, establish all necessary requirements pertaining to the qualification of mentors under the superintendent mentoring program. Such qualifications shall be in addition to the basic qualifications set forth in Section 6.00 of these rules.~~

3.04<sup>3</sup> Membership in the Arkansas Association of Educational Administrators, or any other organization, is not required in order for a superintendent to successfully complete the requirements of the program.

3.05<sup>4</sup> The requirements contained in these rules are in addition to those contained in other areas of Arkansas law or in other rules of the State Board of related to administrator licensure, including without limitation, the Arkansas Department of Education Rules Governing Initial and Standard/Advanced Level Administrator and Administrator – Arkansas Correctional School Licensure.

#### **4.00 PROGRAM REQUIREMENTS**

4.01 The superintendent mentoring program shall include the following components:

4.01.1 Curriculum and instruction;

4.01.2 Ethics;

4.01.3 Facilities;

4.01.4 Human resources;

4.01.5 Leadership;

4.01.6 School funding;

4.01.7 Technology;

4.01.8 School board relations;

4.01.9 Standards for Accreditation of Arkansas Public Schools and School Districts;

4.01.910 Understanding reports and trend data; and

4.01.1011 Legal issues.

4.02 The required course of study for the superintendent mentoring program shall not consist of less than thirty (30) hours of instruction. Twelve (12) of the thirty (30) hours of instruction shall consist of documented interaction between the mentor and superintendent mentee.

4.03 A first-year Arkansas superintendent who completes the requirements of the superintendent mentoring program may use the training toward fulfillment of the Initial Tier 1 training set forth by Ark. Code Ann. § 6-20-2204 and the Arkansas Department of Education Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements. A first-year Arkansas superintendent who has previously completed Initial Tier 1 training must nevertheless complete the requirements of the superintendent mentoring program.

4.03 Instruction under the superintendent mentoring program may take place in person, through distance learning, through Compressed Interactive Video (CIV), or a combination thereof.

4.04 The superintendent mentor and superintendent mentee shall keep a signed, written record of progress that includes a description of:

4.04.1 The subject of instruction and areas covered;

4.04.2 Whether the instruction took place in person, through distance learning, through Compressed Interactive Video (CIV), or a combination thereof; and

4.04.3 The amount of time of instruction during each session.

4.05 In order to successfully complete the superintendent mentoring program, a superintendent must:

4.05.1 Take and pass an assessment for each of the program components described in Section 4.01 of these rules; and

4.05.2 Complete a final assessment or project covering the entire program.

4.06 Upon **proof of** successful completion of the superintendent mentoring program, a superintendent will receive a certificate of program completion from the Department of Education.

## **5.00 SANCTIONS**

5.01 A first-year Arkansas superintendent who does not complete the requirements of the superintendent mentoring program within twelve (12) months of obtaining or maintaining employment as a superintendent shall be ineligible to maintain his or her superintendent's license.

5.02 If, due to the physical or mental disability of the superintendent or other extenuating circumstances as may be recognized by the State Board, a superintendent does not complete the requirements of the superintendent mentoring program within twelve (12) months of obtaining or maintaining employment as a superintendent, the State Board may permit the superintendent up to an additional twelve (12) months to complete the program.

~~5.03 — The twelve (12) month period described in section 5.01 of these rules shall begin upon the first day that the first year Arkansas superintendent obtains employment with an Arkansas public school district, as evidenced by the effective date contained in the signed employment contract between the superintendent and an Arkansas public school district.~~

## **6.00 MENTOR QUALIFICATIONS**

6.01 For the purposes of these rules, a mentor shall meet the following basic qualifications:

6.01.1 A practicing Arkansas superintendent or retired Arkansas superintendent;

6.01.2 Successfully completes an application and screening process as set forth by the Department of Education; and

6.01.3 Successfully completes a mentor training program as set forth by the Department of Education.

6.02 The Department of Education will certify mentors who meet the qualifications outlined in Section 6.01 of these rules.

## **7.00 FUNDING**

7.01 These rules are subject to the appropriation and availability of funding.

7.02 The Department of Education may, through the use of contracts, grants, or sub-grants, coordinate with qualified entities to provide training under the superintendent mentoring program to superintendents in Arkansas.

**Public Comments – Rules Governing Superintendent Mentoring Program**

Date	Respondent	Comment	ADE Response
8/26/2011	Ron Harder, Arkansas School Boards Association	<ul style="list-style-type: none"> <li>Section 3.01 – Unless 5.03 covers the issue of interim superintendents, since 2.01 rightfully excuses interim superintendents from the required mentoring, I suggest adding language clarifying when the 12 month time period starts for a superintendent who has been an interim superintendent, but was made permanent at some point during a school year. This language could also be added to 5.01.</li> </ul>	Comment accepted. Subsections 3.01.1 and 3.01.2 set forth the beginning dates for the twelve (12) month superintendent mentoring program period for new superintendents and interim superintendents who become permanent superintendents.
		<ul style="list-style-type: none"> <li>Section 7.01 – Please consider adding language stating that a commissioner’s memo will be issued annually to inform superintendents whether or not the rules are in effect for the current school year.</li> </ul>	Comment considered. The ADE will consider such a notification.
10/21/2011	Tripp Walter, Arkansas Public School Resource Center	<ul style="list-style-type: none"> <li>Section 3.02 and 3.03 – Other partners should be included here along with the Arkansas Association of Educational Administrators.</li> </ul>	Comment considered. The Arkansas Association of Education Administrators is uniquely qualified to partner with the Arkansas Department of Education in this effort. This section does not preclude other entities from participating in the development and implementation of the program. (See Section 7.02 of the proposed rules).
		<ul style="list-style-type: none"> <li>Section 3.03 – How will the public know the total requirements?</li> </ul>	Comment accepted. Section 3.03 is deleted. Section 6.00 contains the required qualifications for mentors.
		<ul style="list-style-type: none"> <li>Sections 4.05 and 4.06                             <ol style="list-style-type: none"> <li>Where is the authority to require the assessments?</li> <li>Who will develop the assessments?</li> <li>Does the mentor present to the Department (Sections 4.05.2 and 4.06)?</li> </ol> </li> </ul>	Comment considered and accepted in part. An assessment is a logical and reasonable method to determine successful completion of a mentoring program. As noted in Section 3.02 of the rules, the Arkansas Department of Education and the Arkansas Association of Educational Administrators will develop all curriculum and training materials. Those materials would include assessments. As noted above, this does not preclude involvement and input from other entities. Section 4.06 has been amended to read, “Upon <i>proof of</i> successful completion of the superintendent mentoring program, a superintendent will receive a certificate of program completion from the Department of Education.”
		<ul style="list-style-type: none"> <li>Section 5.02 – If a mental disability, may not want to allow.</li> </ul>	Comment considered. A mental disability may be an extenuating circumstance that would merit an extension.
		<ul style="list-style-type: none"> <li>Section 6.02 – Will the costs associated with training incurred by the mentors be reimbursable?</li> </ul>	Comment considered. A revision to the rule is not necessary at this time. Reimbursement expenses will be considered at a later date once the overall amount of funding for the program is determined.

ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING REQUIRED TRAINING  
FOR SCHOOL BOARD MEMBERS  
~~March 13, 2006~~

1.00 REGULATORY AUTHORITY

- 1.01 The State Board of Education promulgates this Rule pursuant to Ark. Code Ann. §§ 6-13-629 and 6-11-105.
- 1.02 This Rule shall be known as the Arkansas Department of Education (ADE) Rules Governing Required Training for School Board Members

2.00 PURPOSE

The purpose of this Rule is to outline the type and amount of training required for new and continuing local school board members.

3.00 DEFINITIONS

- 3.01 “Annual School Performance Report” means the report required to be published by the ADE for each school district annually under Ark. Code Ann. § 6-15-1402.
- 3.02 “Comprehensive School Improvement Plan” means the plan that each local school district must prepare annually under the ~~ADE Rule Governing Standards for Accreditation of Arkansas Public Schools and school District (ADE Standards Rule)~~, Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public School and School Districts Section 7.04.1.
- 3.03 “Publish” means to provide information to a local newspaper of general circulation and to arrange for placement of the information, including payment of all relevant fees.

4.00 TRAINING HOURS REQUIRED

- 4.01 ~~All~~ members of a local school district board of directors who ~~has~~ served on the board of directors for twelve (12) or more consecutive months shall obtain no less than six (6) hours of training and instruction by December 31 of each calendar year.
- 4.02 ~~All~~ members of a school district board of directors elected for an initial or non-continuous term shall obtain no less than nine (9) hours of training and instruction by December 31 of the calendar year following the year in which ~~they were elected~~ the member is elected.

4.02.1 The training or instruction under Section 4.02 of this Rule shall be accomplished within the first fifteen (15) months of service on the board of directors.

4.03 Hours of training and instruction obtained in excess of the minimum requirements each year may accumulate and be carried forward through December 31 of the third calendar year following the year in which the hours were obtained.

## 5.00 TRAINING CONTENT

5.01 The training and instruction required under this Rule shall include topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the board of directors, including without limitation:

- ~~• school laws;~~
- ~~• school operations; and~~
- ~~• the powers, duties, and responsibilities of the members of the board of directors, including, but not limited to, legal requirements, role differentiation, financial management, and improving student achievement.~~

### 5.01.1 Legal requirements, including without limitation:

5.01.1.1 The following items listed or required by the Legislative Joint Auditing Committee under Ark. Code Ann. § 6-1-101:

5.01.1.1.1 Audit management letter

5.01.1.1.2 Ethical guidelines

5.01.1.1.3 School elections

5.01.1.1.4 Management of schools

5.01.1.1.5 Revolving loan funds

5.01.1.1.6 School district finances

5.01.1.1.7 School district school bonds

5.01.1.1.8 Teachers and employees

5.01.1.1.9 Teachers' salaries

5.01.1.1.10 Deposit and investments of funds

5.01.1.1.11 Improvement contracts

5.01.1.2 Other financial laws or regulations designated by the Arkansas Department of Education;

5.01.2 Role differentiation;

5.01.3 Financial management, including without limitation how to read and interpret an audit report;

5.01.1.3 The training or instruction on how to read and interpret an audit report:

5.01.1.3.1 Shall be conducted by a person who is licensed to practice accounting by the Arkansas State Board of Public Accountancy and has prior experience conducting school district financial audit.

5.01.1.3.2 The instructor of the audit training must not be an employee of the Division of Legislative Audit unless the training is conducted for the boards of directors of multiple school districts.

5.01.1.3.3 The instructor must not be the person conducting the annual audit or other financial audit of the school district unless the training or instruction is presented in a large group setting sponsored by a statewide or regional organization that is attended by multiple school districts.

5.01.1.3.4 The audit training or instruction may be presented by electronic means, in person, or both.

5.01.4 Improving student achievement.

6.00 TRAINING PROVIDERS

6.01 This instruction may be provided to board members by an institution of higher learning in this state, by programs sponsored or approved by the ADE, or by an in-service training program conducted by or through the Arkansas School Boards Association

6.02 Any instruction directly provided to board members by either an institution of higher learning in this state, the ADE, or the Arkansas School Boards Association, which instruction meets the training content requirements of Section 5.00 of this Rule, shall not require pre-approval by the ADE.

6.03 At least thirty (30) days before a training program meeting the content requirements of section 5.00 of this Rule is offered to members of a local school district's board of directors, the provider shall provide a detailed description of the entire program including staff qualifications to the ADE.

- 6.04 The ADE shall promptly review the content of the program for compliance with any and all applicable statutes and department rules to determine if any or all of the program content shall be deemed to provide training and instruction credit and shall establish the time period the training and instruction provider is approved to offer the program.
- 6.05 Upon notification by the ADE of approval of the program (or a part or parts thereof) for training and instruction credit, the provider may enroll participants in the program and offer the program for training and instruction credit for the set time period.
- 6.06 The provider shall be responsible for the preparation and dissemination of proof of completion of the program (or parts thereof) to all attendees. All such proofs, or copies thereof, shall be submitted by the board member attendees to the superintendent of the district whose board they serve.

## 7.00 RECORDS OF TRAINING

- 7.01 A school district shall maintain a record of hours of training and instruction for board members, which may be in the form of an attested, cumulative annual report from the training providers and which shall be subject to verification and inspection during the school district's annual audit
- 7.02 A statement of the hours of training and instruction obtained by each board member in the preceding year shall be:
  - 7.02.1 Part of the school district's comprehensive school improvement plan and goals;
  - 7.02.2 Published in the same way that other components of the comprehensive school improvement plan and goals are required to be; and
  - 7.02.3 Made a part of the annual school performance report required under Ark. Code Ann. § 6-15-1402.

## 8.00 AUTHORIZATION TO REIMBURSE FOR RELATED EXPENSES

- 8.01 Local school district boards of directors are authorized to pay a reasonable ~~pay~~ per diem and other necessary expenses from funds belonging to the school district and to reimburse school board directors for expenses incurred in attending in-service workshops, conferences, and other courses of training and instruction required in completing the training and instruction as required under this Rule.

## 9.00 ENFORCEMENT

- 9.01 A school district shall demonstrate compliance with the requirements of this Rule in addition to complying with the provisions of Section 7.00 of this Rule by causing its superintendent to file a written statement of assurance with the ADE pursuant to Ark. Code Ann. § 6-15-202.

9.02 A school district which fails to comply with the provisions of Ark. Code Ann. § 6-13-629 and the procedural requirements articulated in this Rule shall be subject to being placed in probationary status pursuant to Section 24.18 of the ~~ADE Standards Rule~~ Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts.

Exhibit A

ARKANSAS DEPARTMENT OF EDUCATION  
REQUEST TO PRESENT A TRAINING PROGRAM TO  
SCHOOL BOARD MEMBERS

Please ~~complete-compile~~ the following information and submit it ~~to~~ electronically via the Department's website:

<http://www.arpdsam.org/>

~~Ms. Janinne Riggs  
Arkansas Department of Education  
#4 Capitol Mall, Room 406-B  
Little Rock, AR 72201-1071~~

Pursuant to Section 6.03 of the Department's Rules Governing Required Training for School Board Members (Rule), program providers must submit a detailed description of the entire program, including staff qualification, to the Department so as to be received at least thirty (30) days prior to the date of the program. This deadline will allow for departmental review of the program to determine whether training and instruction credit pursuant to Ark. Code Ann. § 6-13-629 and this Rule may be awarded.

1.) Name and Address of Provider: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.) Contact Person for Provider: Name: \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-Mail \_\_\_\_\_

3.) Title and Detailed Description of Program: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4.) Please indicate how the program content will apply to Section 5.00, Training Content, of the Rules Governing Required Training for School Board Members ~~One or More of the Content Areas Required by Ark. Code Ann. § 6-13-629:~~

a. ~~School Laws:~~ \_\_\_\_\_

\_\_\_\_\_

b. ~~School Operations:~~ \_\_\_\_\_

\_\_\_\_\_

c. ~~Powers, Duties and Responsibilities of the Members of the Board of Directors (including, but not limited to, legal requirements, role differentiation, financial management, and improving student management):~~ \_\_\_\_\_

\_\_\_\_\_

5.) Date(s) that program is to be presented: \_\_\_\_\_

6.) Members of provider's staff who will provide instruction at the program: with Their Qualifications:

a.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List Qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

b.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List Qualifications to Present Program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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c.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List Qualifications to Present Program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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d.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List Qualifications to Present Program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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e.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List Qualifications to Present Program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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f.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List Qualifications to Present Program (include relevant educational background, work experience, examples of similar programs presented, etc.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 7.) Please ~~attach~~ add to this document any other information that you believe would be helpful in assisting the Department in determining whether to grant your request.
- 8.) The ADE shall promptly review the content of the program for compliance with any and all applicable statutes and department rules to determine if any or all of the program content shall be deemed to provide training and instruction credit and shall establish the time period the training and instruction provider is approved to offer the program.
- 9.) Upon notification by the ADE of approval of the program (or parts thereof) for training and instruction credit, the provider may enroll participants in the program and offer the program for training and instruction credit for the set time period.
- 10.) The provider shall be responsible for the preparation and dissemination of proof of completion of the program (or parts thereof) to all attendees. All such proofs, or copies thereof, shall be submitted by the board member attendees to the superintendent of the district whose board they serve.

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

FOR ADE USE ONLY

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Date Provider Information Received \_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Request to Present Program: Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

Date of decision: \_\_\_\_\_

Signature of ADE Representative: \_\_\_\_\_

**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 tax0exempt 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) 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.

4.02.3.3 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;

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;

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

4.07.1 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.*

4.07.2 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 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.

Source: Ark. Code Ann. §§ 6-23-301 and 6-23-302 as amended by Act 993 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. § 6-23-304 as amended by Act 987 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

6.07.1.14.2.2 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 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 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 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 4.06 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;

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 the date required by Ark. Code Ann. § 6-23-501 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 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.

6.25 Charter School Facilities

*An open-enrollment public charter school shall not commence operations with students in any new or renovated facility unless the school has obtained for the new construction or renovation:*

*6.25.1 A certificate of occupancy issued by a local code official approved by the state fire marshal;*

*6.25.2 A certificate of occupancy or other approval of the state fire marshal; or*

6.25.3 A certificate of substantial completion issued by a licensed architect.

**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.

**Public Comments – Public Charter Schools – Public Comment Period 2**

Date	Respondent	Comment	ADE Response
November 18, 2011	Arkansas Public School Resource Center	<p>The Arkansas Department of Education (ADE or Department) should present all first time rules or revisions to existing rules in a “marked up” format (i.e. underline new or additional language to rules and strike-out that current language in rules or revisions to existing rules the agency is seeking to promulgate. This has been the prior practice of ADE for many years. Furthermore, the Arkansas Administrative Rules and Regulations Subcommittee of the Legislative Council by policy requires a marked-up version indicating any changes occurring after the original filing of the rules to be submitted by at least the fifteenth day (15<sup>th</sup>) of the month preceding the subcommittee meeting in which the rules will be considered. As a result, it seems only proper that the agency begin presentation of all rules by submitting a marked-up version for public review and comment.</p>	<p><b>Comment considered. The ADE is aware of the requirement for marking up revised rules. However, this is not a revised rule in the traditional sense. It is a new rule. At the same time the ADE promulgates this new rule, it will repeal existing rules governing public charter schools and limited public charter schools. The repeal of those two rules has also been made available for public review and comment.</b></p> <p><b>The ADE considered amending, rather than repealing, the existing rule governing public charter schools. However, because the existing rule required wholesale changes, it was more advisable to simply repeal that rule and replace it with the proposed rule.</b></p>
		<p>The proposed Rules fail to mention the creation/existence of the Charter Review Council (Council). We believe, as the Council is now an integral part of the charter review process, that the processes and procedures involving the Council should be clearly articulated in the Rules.</p>	<p><b>Comment considered. The Charter Review Council is an information-gathering advisory body. Its purpose is to gather information to better inform the decision-making of the State Board of Education. The Charter Review Council has not created any formal processes and procedures to govern its work. Instead, the Charter Review Council is part of the Arkansas Department of Education’s efforts to gather information as already envisioned by Section 4.08.10.</b></p>
		<p>There continues to be an issue with the local school district in which an open-enrollment public charter school applicant is proposing to locate submitting materials to the State Board of Education at the last minute before the applicant’s hearing. This practice causes the charter applicant to be at a great disadvantage, with little or no ability to respond to this new information which is submitted well past Department-established timelines.</p> <p>In order to address this practice, we strongly recommend that timelines for the submission of such information from the opposing school district(s) be incorporated into these Rules, and strict adherence to them be enforced by the Department and the State Board of Education.</p>	<p><b>Comment considered. To the extent not otherwise included in the rules, the State Board of Education adopts its general board submission timelines on an annual basis. The Arkansas Department of Education will work with applicants, local school districts, and other interested parties to clearly communicate the established deadlines.</b></p>
		<p>Section 3.04, definition of “Application”: We are concerned that this definition goes beyond the scope of Ark. Code Ann. §§ 6-23-103(1) and 6-23-104(b). Specifically, the proposed definition seems to create an open-ended process around a document. The term “Application” should be limited to the actual document attached to the ADE’s Rules and not defined to include any and all possible issues dealing with charter</p>	<p><b>Comment considered. Section 3.04 clearly delineates the types of applications allowed by statute. The definition includes the types of applications, in addition to the initial application, to which the term “application” refers: (1) applications involving a change to the physical location of the school; (2) applications for an amendment to the school’s charter; (3) applications for approval of licenses.</b></p>

**Public Comments – Public Charter Schools – Public Comment Period 2**

		<p>school consideration. When the term “Application” is used to describe or denote a process, it should be limited to the following three (3) processes: (1) Start-up; (2) Amendment; or (3) License. More particularly, we are concerned about how the additional terms will be construed.</p>	<p><b>Moreover, the rule itself sets forth separate procedures for each type of application.</b></p>
		<p>Section 3.08, definition of “Debt”: The ADE should not exercise any greater authority over short-term obligations for charter schools than is statutorily provided for any public school. The proposed “line of credit” definition contained within this Section can be more restrictive in practice than the general “Debt” definition. For example, if a charter school accesses its line of credit on June 1 of a year, under the proposed definition, it would only have until June 30 of that same year to repay the amount of money accessed. At minimum, the line-of-credit language should be no more restrictive than the remainder of the “Debt” definition contained in this section (which is more restrictive than the “Debt” language in the current Rules).</p>	<p><b>Comment considered. Based upon your previous request for a definition of “line of credit,” the rule was modified to include such a definition. Section 3.08 now contains a modified definition of “debt” and now includes a definition of “line of credit.” The comment apparently overlooks the express statutory language of Ark. Code Ann. § 6-34-401(a)(5), which states that an open-enrollment public charter school “[s]hall not incur any debts without the prior review and approval of the Commissioner of Education.” In that regard, as a matter of statutory law, open-enrollment public charter schools are treated differently than traditional public schools.</b></p>
		<p>Section 4.02.3:  a) There is no statutory authority to require the charter-holder to file an “application” seeking the State Board of Education’s approval of its’ change of physical location unless the charter-holder’s new location will be outside of the boundaries of the resident school district listed in its charter. All that should be required of charter-holders making an “intra-district” move is a facility lease review and assurances that the new facility meets all applicable ADA, IDEA, and health and safety requirements; and   b) The charter school should be required to send notice to the Department; the Department may send notice to any appropriate party.</p>	<p><b>Comment considered. The comment appears to overlook the express statutory language contained in Ark. Code Ann. 6-23-104(b), which states that “[a]ny revision or amendment of the charter for a public charter school may be made only with the approval of the state board.” To the extent that a change in physical location of the charter school constitutes a revision or amendment to the school’s charter, the State Board clearly has the statutory obligation to address such an issue. Additionally, such a change in physical location may trigger an additional desegregation analysis as may be required by Ark. Code Ann. § 6-23-106.</b></p> <p><b>In order for the timelines contained in the rules to serve their purposes and in order to preserve transparency, it is necessary for the notice to be sent by the public charter school to appropriate local school districts.</b></p>
		<p>Sections 4.02.3 and 4.02.4:  a) Forty-five (45) days is too long of a time period to require notice to the State Board of Education (Board); public charter schools should not be required to submit information to the Board beyond the time periods required for other public schools.</p> <p>The extensive regulatory process created for charter schools already creates a system of perpetual presence of charter school issues before the Board. The major complaint has been the exhaustive issue of charter schools before the Board. It is recommended that a less prescriptive requirement for any and all charter school issues before the Board would help alleviate</p>	<p><b>Comment considered and accepted in part. Public charter schools operate under the terms of a charter contract entered into with the State Board and in that regard, are different from other public schools. Any modification of that charter contract requires State Board approval. The Department of Education, acting for the State Board, must have adequate time to sufficiently review proposed modifications to a charter contract. In some instances, that review must allow time for local school districts to provide input. The timelines, as set forth in the rules, provide adequate opportunity to address these concerns.</b></p> <p><b>Based in part upon your previous public comments, Section</b></p>

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		<p>the massive hearing load of charter school issues by the Board; and</p> <p>b) Define “amendments” to charter. Otherwise, petty issues will be going to the Board. The term amendments should at least be changed to “substantive amendments.” For example, if the school will be operated in the same location, but wants to become affiliated with a charter network with no change in its leadership, board, etc., does it have to get Board permission to do that? Is that substantive or not?</p>	<p><b>4.02.6 allows the Commissioner of Education or his designee to waive the 45-day deadline in appropriate circumstances.</b></p> <p><b>Based upon recommendations from the National Association of Charter School Authorizers (NACSA), the Arkansas Department of Education is in the process of modifying the charter document. It is anticipated that those modifications will include an explanation of substantive and non-substantive provisions.</b></p>
		<p>Section 4.02.5: Other than the timeline, this is a good change and an improvement over the previous process.</p>	<p><b>Comment considered.</b></p>
		<p>Section 4.03.1.5: This proposed change creates a major potential problem. This section attempts to engraft a Federal requirement for state education agencies to receive charter school funding under the Consolidated Appropriations Act, 2010 from the United States Department of Education onto charter applications through these proposed Rules. The Federal funding Act requirement could seemingly be met by referencing the provisions of Ark. Code Ann. § 6-23-105(a)(1) and (4) and 6-23-306(3) and (4). Furthermore, the State does not appear to hold traditional public school district students to equitable academic accountability standards the same as a public charter school student with the Board’s request for waiver of ESEA accountability standards (see letter to Secretary of Education Arne Duncan from Board President Dr. Naccaman Williams, dated March 14, 2011) and the State’s incredibly low standards for State intervention for academic distress for school districts.</p>	<p><b>Comment considered. As is clearly set forth in the text of Section 4.03.1.5, this section was added in accordance with federal statute. The federal government would not provide federal charter school funding to the State of Arkansas if this section was excluded from the rule. To preserve federal charter school funding, this section of the rule must be in place by January 31, 2012.</b></p>
		<p>Sections 4.04.4 and 4.04.5: We have great concern with requiring a charter school to prepare and provide to the Department a desegregation analysis when seeking to amend its charter, or applying for a license. The proposed language exceeds the scope of the Ark. Code Ann. § 6-23-106. Furthermore, to require a race based analysis beyond an initial application may be used as proof of segregation of intent on the part of the State in limiting the race of students who may attend a public charter school. Finally, these proposed sections do not require a desegregation analysis from the local school district as is required by Ark. Code Ann. § 6-23-106 creating further possible equal protection considerations.</p>	<p><b>Comment considered. Ark. Code Ann. § 6-23-106 states, in part, that the “state board shall not approve any public charter school under this chapter or any other act or 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.” (emphasis added). Therefore, it is permissible to review referenced actions in light of any applicable desegregation orders. Finally, Section 4.04.5 of the rule clearly provides the opportunity for local school districts to provide desegregation analyses. If local school boards fail to submit such desegregation analyses within the required timeframe, they will waive their opportunity to do so.</b></p>
		<p>Section 4.06.6: This Section seems vague, and does not really provide guidance to the charter school as to what it should be reasonably expected to provide to the Department, and under</p>	<p><b>Comment considered. This section applies to all public records possessed by a charter school. This section is necessary for monitoring and oversight of charter schools</b></p>

**Public Comments – Public Charter Schools – Public Comment Period 2**

		what timeline(s) and goes beyond the scope and provisions of Act 993 of 2011.	<b>by the Department of Education. Traditional public school districts are held to the same standard. The commenter has not identified what public information it believes public charter schools should withhold from the Department of Education. As this section pertains only to public information, it should not present a problem for charter schools.</b>
		Section 4.07.1: Why is this requirement being added? Is this change due to a new requirement being imposed upon the Department at the Federal level? If this requirement remains, what are the consequences if the charter school fails to comply? The ADE should define “best or promising” practices.	<b>Comment considered. This requirement is added for those public charter schools that receive dissemination grants. To the extent those public charter schools may not be aware of the requirement to publish best or promising practices in accordance with their approved grant applications, this section provides clarity.</b>
		Section 6.01.3: We are concerned that the language in this proposed section may be “ultra vires.” The language of Ark. Code Ann.§ 6-23-304(a) and (a)(1) states that the Board may approve or deny an application based on criteria provided by law or rule adopted by the Board; the statute mentions nothing about the Board adopting criteria for a specific “program.” The Board’s authority in this general area, on a case-by-case basis, seems to reside in Ark. Code Ann. § 6-23-304(a)(2). Any accountability program should be adopted by Rules and Regulations under the Administrative Procedure Act to provide due process opportunities of public notice. To not do so may be to act outside the authority of the Administrative Procedure Act and expectations of accountability standards.	<b>Comment considered. The referenced language was taken verbatim from Ark. Code Ann. 6-23-301(a)(2) and falls squarely within the authority of the State Board.</b>
		Sections 6.01.7.1 and 6.01.8.1: The clear intent of Act 993 of 2011, in amending the provisions of Ark. Code Ann. §6-23-302(d), was to keep a local school board from delaying the open-enrollment charter school application process by either failing to vote on the application, or by voting on the application at a time beyond the deadline established by the Department.  This Section should be amended to establish a deadline for the local school board to review (if it so chooses) and either approve or disapprove the application, or state it is taking no action on the application and notify the Department of its decision. If the Department receives nothing from the local school board by the deadline, the application is forwarded to the Board for its consideration.	<b>Comment considered. The language in these sections was taken verbatim from Act 993. Based upon your similar comment during the first comment period, ADE staff combined former Sections 6.01.7 and 6.01.8 in order to avoid any confusion.</b>
		Sections 6.21.1 and 6.21.2: We are concerned that these proposed sections may result in an improper taking as they are not grounded in statutory authority as to any private funds that may be intended to assist a charter school but not expressly placed in the bank account or under the authority of the	<b>Comment considered. These sections would not result in an improper taking. These sections merely require two separate bank accounts so that charter school funds may be accurately tracked and accounted for. At any given point in time, it must be clear which assets belong to an open-</b>

**Public Comments – Public Charter Schools – Public Comment Period 2**

		governance of that charter school. See restrictions to state and federal funds per Ark. Code Ann. § 6-23-506 and Section 8.00 of this Rule.	<b>enrollment public charter school and which assets do not.</b>
		Section 8.00: We have general concerns about the broad, sweeping authority given to the Department in this proposed section of the Rules. While we are cognizant of the recent open-enrollment charter school closures, and the burden that such closures place upon the Department’s staff, we would urge the Department to reexamine this section. Comments about specific sections will now follow.	<b>Comment considered. One primary recommendation of the National Association of Charter School Authorizers (NACSA) was that the State Board develop a comprehensive process for the closing and dissolution of public charter schools. These procedures were based, in part, upon NACSA guidelines.</b>
		Section 8.02.2.3: We are concerned the closing charter school will not be given significant time to “prove” to the Department that an item or items has been purchased with sponsoring entity or private funds, and will be faced with trying to regain possession of its item or items from either the Department or a subsequent donee.	<b>Comment considered. The Department of Education has a legal duty to protect and account for state and federal funds/property. The situation raised in the comment will become an issue only if the public charter school fails to properly document and account for public funds/property.</b>
		Section 8.03: Again, there is a concern with the preservation/protection of the charter school's property purchased with sponsoring entity or private funds, or even donated to the school. Additionally, there appear to be no provisions made for segregating the non-state/federal funds in the state of items that were acquired with a combination of governmental and non-governmental funds, and returning the non-governmental proceeds to the sponsoring entity.	<b>Comment considered. The rule has been revised to add a definition of “net proceeds” that explicitly requires the satisfaction of any interest in the property held by the sponsoring entity or any other entity.</b>
		Section 8.03.4: It might be appropriate to indicate that approval of the Department of Finance and Administration’s Office of State Procurement might be necessary for the disposition of items acquired with state funds.	<b>Comment considered. The Department of Education will work with the Office of State Procurement to develop guidelines to dispose of items acquired with state funds in accordance with state law.</b>
		Section 8.04: Please provide the specific federal or state law granting the ADE/Board authority to establish the prioritization process in 8.04.	<b>Comment considered. The proposed prioritization is designed and intended to protect legally-cognizable interests which may supersede other claims on those funds. As noted above, the Department of Education has the legal responsibility to protect state and federal funds (8.02.2.4 and 8.02.2.5). The tax lien requirements, 8.04.2.2 and 8.04.2.3, are based upon I.R.C. § 6321 and Ark. Code Ann. § 26-18-701. The domestic support requirement, 8.04.2.1, is based upon Ark. Code Ann. §§ 9-14-102 and 9-14-219. The federal repayment requirements, 8.04.2.4 and 8.04.2.5, are based upon grant and other requirements which hold the State of Arkansas liable for federal fund repayments that are owed by local schools but unpaid. The remaining requirements have their basis in the law of implied trusts, but are also intended to avoid any violation of ERISA – because those funds were withheld to pay</b>

Public Comments – Public Charter Schools – Public Comment Period 2

			<p>specific obligations for the benefit of employees, there is an implied trust obligation to remit those funds for their intended purpose.</p>
		<p>Section 8.05: Upon what legal authority(-ies) are these records distribution/retention schedules based? Absent specific legal authority a public charter school is under no greater legal standard of record retention than any other public school.</p>	<p><b>Comment considered. Standard for Accreditation 7.03.2.1 requires all public schools to maintain all reports and records necessary for effective planning, operation, and education. In addition, all public schools have an obligation under FERPA to maintain records and make those records available to parents and students upon request.</b></p>

~~ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING LIMITED PUBLIC CHARTER SCHOOLS  
October 12, 2009~~

~~1.00 Regulatory Authority~~

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

~~1.02 The State Board of Education enacted these rules pursuant to its authority under Arkansas Code Annotated §§6-11-105, 6-23-206, and 6-23-201 et seq.~~

~~2.00 Purpose of Regulations~~

~~2.01 The purposes of these rules are to implement §6-23-601, and to establish the requirements and procedures for the application of a limited public charter school and for monitoring a school once it has been granted a limited charter by the State Board of Education.~~

~~3.00 Definitions~~

~~For the purpose of these rules:~~

~~3.01 "Limited Public Charter School" is defined as a public school operating under the terms of a charter approved by the State Board of Education for the purposes of implementing an alternative comprehensive staffing and compensation program designed to enhance student and teacher performance and improve employee salaries, opportunities, and incentives.~~

~~3.02 "Application" is defined as the proposal for obtaining conversion public charter school status, open enrollment public charter school status, or limited public charter school status presented to the State Board of Education requesting to enter into a charter that describes the school and provides all of the information required by law and the Arkansas Department of Education, in the form prescribed by the Charter School Office. The term application shall be synonymous with the term petition, and the terms are interchangeable throughout these rules. The application, in addition to any conditions or requirements agreed upon by the State Board, will serve as the terms and conditions of the charter.~~

~~3.03 "Letter of Intent" is defined as a written notice submitted to the Department of Education Charter School Office that a public school district intends to file a limited public charter school application. Such letter of intent shall be submitted on forms provided by the Department of Education.~~

#### **4.00—~~Observance of Anti-Discrimination Laws~~**

- 4.01—~~All limited charter schools shall observe and comply with all anti-discrimination laws, both federal and state.~~
- 4.02—~~For the purposes of the Individuals with Disabilities Education Act (IDEA) and these rules, all limited public charter schools are responsible for ensuring that the requirements of IDEA are met.~~
- 4.03—~~For the purposes of Section 504 of the Rehabilitation Act and these rules, all limited public charter schools are responsible for ensuring that the requirements of Section 504 are met.~~

#### **5.00—~~Application Process, Schedule, Forms and Technical Assistance~~**

- 5.01—~~A procedure for establishing a limited public charter school shall be published by the Department of Education, as approved by the State Board of Education. All dates and requirements in the procedures for establishing a limited public charter school shall be strictly followed by the charter applicant.~~
- 5.02—~~Application forms and other documents needed for the limited public charter school application process shall be provided by the Department of Education.~~
- 5.03—~~Any requests for technical assistance by a charter applicant shall be made to the Department of Education Charter School Office.~~

#### **6.00—~~Limited Public Charter School—Application Approval Procedures~~**

- 6.01—~~Each limited public charter applicant must submit, by certified mail on or before the established deadline, to the Department of Education Charter School Office a letter of intent signed by the school board president.~~
- 6.02—~~Each limited charter applicant shall prepare an application that describes the elements of the applicant's plan for establishing a limited public charter school. The application shall be on a form provided by the Department of Education. Technical assistance in preparing the application may be requested from the Department of Education Charter School Office.~~
- 6.03—~~The application shall be reviewed by the local board of the public school district as a regular agenda item at their local board meeting. The local board shall vote to approve or disapprove the application. If approved, the local board shall forward the application with sufficient written proof of the local boards' approval of the application to the State Board of Education.~~

**~~7.00 Responsibilities of the State Board of Education Limited Public Charter Schools~~**

- ~~7.01 The State Board shall not approve a limited public charter school application that has not been approved by the district's local board.~~
- ~~7.02 The Department of Education shall review the application and present to the State Board a written evaluation of the application. A copy of the evaluation shall be sent to the applicant. The applicant will be allowed to submit a written response to the evaluation by an established deadline. The applicant will not be allowed to supplement the original application with additional documents or new information prior to the State Board review.~~
- ~~7.03 The State Board shall review the applications for proposed limited public charter schools. The State Board shall vote whether or not to award charters to approved applications. The State Board may place conditions on the charters it awards.~~
- ~~7.04 The State Board of Education may defer the vote to approve or disapprove a limited charter application in order to allow a limited charter applicant to make modifications or receive technical assistance to correct deficiencies in the application.~~
- ~~7.05 The decision of the State Board of Education shall be final.~~

**~~8.00 Content of Application and Charter~~**

- ~~8.01 The limited public charter school application shall include, but is not limited to the following:~~
- ~~8.01.01 identification of the rules and the provisions of Title 6 of the Arkansas Code, if any, to be waived, with rationale for waiver request as allowed by Arkansas Code Annotated §6-23-601 (b) (1);~~
  - ~~8.01.02 description of a plan for school improvement that addresses how the school will improve student learning and meet the state education goals;~~
  - ~~8.01.03 description of how the certified employees at the limited public charter school will be involved developing and implementing the school improvement plan and in identifying performance criteria; and~~
  - ~~8.01.04 description of the performance criteria that will be used during the initial 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.~~

~~8.02—In addition to the requirements identified in section 8.01, an application for a limited public charter school shall include, but is not limited to, the following:~~

~~8.02.01—description of admission, enrollment criteria and student selection processes, including a provision for a random, anonymous student selection method if more eligible students apply for a first time admission than the limited public charter school is able to accept, except as allowed for in Arkansas Code Annotated §6-23-306;~~

~~8.02.02—a statement that the school district will not discriminate in admission on the basis of gender, national origin, race, ethnicity, religion, disability, academic or athletic eligibility, although the charter may provide for the exclusion of a student who has been expelled from another public school district;~~

~~8.02.03—A limited public charter school located in a school district under court ordered desegregation may use a weighted lottery in the student selection process in accordance with Arkansas Code Annotated §6-23-306; and~~

~~8.02.04—a statement that the school district 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.~~

## **9.00—Enrollment**

~~9.01—Enrollment for a limited public charter school will be determined in the manner similar to the enrollment procedures for the school district in which the limited public charter school is located.~~

~~9.02—If more eligible students apply for admission than the limited public charter school is able to accept, then the limited public charter school shall create an enrollment process based upon a random anonymous student selection method, except as allowed for in Arkansas Code Annotated §6-23-306.~~

## **10.00—Funding**

~~10.01—A limited public charter school shall receive funds equal to the amount apportioned by the district from state and local revenue per average daily membership.~~

~~10.02—The Department of Education shall establish procedures to ensure that every limited public charter school receives the Federal funds for which the limited public charter school is eligible.~~

~~10.03—The submission of an annual certified audit as required by Arkansas Code Annotated §6-23-101 et seq. shall be made according to Arkansas Law and to the Department of Education fiscal regulations and time lines. Failure to submit such audit in a timely manner would result in suspension of state aid payments until such audit is received by the Department of Education. The school's fiscal year shall run from July 1 through June 30.~~

### **~~11.00—Evaluation, Monitoring and Reporting Requirements of Limited Public Charter Schools~~**

~~11.01—The Arkansas Department of Education shall conduct an annual evaluation of all limited public charter schools, which shall include, but not be limited to, consideration of the following:~~

~~11.01.01—student scores on assessment instruments; and~~

~~11.01.02—other terms of the school's charter.~~

~~11.02—As a condition of its charter, each limited public charter school is required to provide an annual report to parents, the community, and the State Board that details its progress in meeting its academic performance objectives.~~

~~11.03—Each limited public charter school will participate in the Arkansas Public School Computer Network reporting requirements.~~

~~11.04—Each limited public charter school shall provide to the Department of Education the same data required of other public schools, unless such data requirement is waived by the terms of the charter.~~

### **~~12.00—Basis and Procedure for Charter Modification, or Limited Public Charter School Probation, Revocation, or Denial of Renewal.~~**

~~12.01—The State Board may modify the charter of a limited public charter school or it may place a limited public charter school on probation or revoke its charter or deny renewal of its charter at any time the Board deems it necessary to do so.~~

~~12.02—The State Board shall notify the superintendent of the sponsoring school district of the alleged violation of the school's charter or of the offense in question. The notice shall include the State Board's proposed action. The notice shall be delivered by certified mail to the superintendent of the school district where the limited public charter school is located.~~

~~12.03—The superintendent of the school district where the limited public charter school is located, on behalf of the limited public charter school, may request, in writing, a hearing before the State Board.~~

~~12.04—The State Board shall hold a hearing, if requested, within forty five (45) calendar days of receipt of the hearing request.~~

~~12.05—The hearing shall be held at the facility at which the limited public charter school is located.~~

~~12.05.01—Notice of the hearing shall be provided to the superintendent and the president of the local school board of the school district where the limited public charter school is located.~~

~~12.05.02—The hearing shall be open to the public.~~

~~12.06—The decision of the State Board shall be final.~~

### **~~13.00—Impact on Desegregation Efforts~~**

~~13.01—The petitioners of each application for a proposed limited public charter school must include a written evaluation describing the potential impact on the efforts of a public school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.~~

~~13.02—The local board shall also prepare a written evaluation of the potential impact the proposed limited public charter school will have on the efforts of the school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools. This evaluation shall be forwarded to the State Board.~~

~~13.03—Each application for a proposed limited public charter school shall be examined for its effect on the minority and majority percentages of student enrollment in the public school districts within the limited public charter school's proposed population outreach.~~

~~ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING PUBLIC CHARTER SCHOOLS  
October 12, 2009~~

**1.00 — Regulatory Authority**

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 under Arkansas Code Annotated §6-11-105, 6-23-101 et seq., 25-15-201 et seq., and Act 1469 of 2009.~~

**2.00 — Purpose of Regulations**

2.01 — ~~The purposes of these rules are to implement Arkansas Code Annotated §6-23-101, et seq. and to establish the requirements and procedures for the application of a public charter school, for monitoring a school once it has been granted a charter by the State Board of Education (State Board), for renewal, modification, and revocation of a charter granted by the State Board of Education, and for disbursing funds to a public charter school.~~

**3.00 — Definitions**

For the purpose of these rules:

3.01 — ~~“Debt” is defined as a financial obligation incurred by a public charter school, which is due in more than 365 days.~~

3.02 — ~~“Average daily membership (ADM)” is defined as the total number of days attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year, divided by the number of school days actually taught in the school during that period of time rounded up to the nearest hundredth.~~

3.03 — ~~“Local School Board” means a board of directors exercising the control and management of a public school district. In addition for the purposes of these rules a local school board refers to the board of directors of the school district where the public charter school will be physically located.~~

3.04 — ~~“Public school district in which enrollment is likely to be affected” is defined as the school districts in the geographical area surrounding the proposed open-enrollment public charter school from which students are likely to be drawn across district lines for enrollment in the public charter school.~~

- 3.05 — ~~“Application” is defined as the proposal for obtaining conversion public charter school status, open enrollment public charter school status, or limited public charter school status presented to the State Board of Education requesting to enter into a charter that describes the school and provides all of the information required by law and the Arkansas Department of Education, in the form prescribed by the Charter School Office. The term application shall be synonymous with the term petition, and the terms are interchangeable throughout these rules. The application, in addition to any conditions or requirements agreed upon by the State Board, will serve as the terms and conditions of the charter.~~
- 3.06 — ~~“Letter of Intent” is defined as 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. Such letter of intent shall be submitted on forms provided by the Department of Education by the established deadline.~~
- 3.07 — ~~“Eligible entity” is defined as a public or private, nonsectarian institution of higher education; governmental entity, or organization, which has applied for tax exempt status under §501(c)(3) of the Internal Revenue Code at the time of application for the open enrollment charter. The eligible entity must have 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.~~
- 3.08 — ~~“Charter” is defined as a performance based contract between the State Board of Education and an approved applicant for public charter school status which exempts the public charter school from specified state and local rules, regulations, policies, and procedures for an initial five-year (5) period and which operates under the specific terms of a charter granted by the State Board of Education.~~
- 3.09 — ~~“Public charter school” is defined as a conversion public charter school, an open enrollment public charter school, or a limited public charter school.~~
- 3.10 — ~~“Open enrollment public charter school” is defined as a public school that is operating under the terms of a charter granted by the s State Board of Education on the application of an eligible entity, may draw its students from any public school district in this state, and is recognized as 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.~~
- 3.11 — ~~“Conversion public charter school” is defined as an existing public school which has is converted to a school under the terms of a charter approved by the local school board and the State Board of Education.~~
- 3.12 — ~~“Limited public charter school” is defined as 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 of Education.~~

- 3.13 ~~“Founding member” is defined as any individual who is either a member or an employee of the eligible entity applying for the initial charter for an open-enrollment public charter school or a member of the initial governing non-advisory board of the open-enrollment public charter school.~~
- 3.14 ~~“Parent” is defined as any parent, legal guardian, or other person having custody or charge of a school-age child.~~
- 3.15 ~~“Public school” is defined as a school that is part of a public school district under the control and management of a local school board.~~
- 3.16 ~~“License” is that 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 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 meets the following minimum conditions: (1) open-enrollment public school charter from the State Board of Education, and (2) meets the requirements of Section 10.05.1 of these Rules.~~

#### ~~4.00 — Observance of Anti-Discrimination Laws~~

- 4.01 ~~All public charter schools shall observe and comply with all anti-discrimination law, both federal and state, except where otherwise exempted under federal charter school law as provided in § 10.02.02.~~
- 4.02 ~~For the purposes of the Individuals with Disabilities Education Act (IDEA) and these rules, all public charter schools are responsible for ensuring that the requirements of IDEA are met.~~
- 4.03 ~~For the purposes of Section 504 of the Rehabilitation Act and these rules, all public charter schools are responsible for ensuring that the requirements of Section 504 are met.~~

#### ~~5.00 — Application Process, Schedule, Forms and Technical Assistance~~

- 5.01 ~~A procedure for establishing a public charter school shall be published by the Department of Education at least thirty (30) days prior to the hearing of a charter school application or license request or issue, as approved by the State Board of Education. If all dates and requirements in the procedures for establishing a public charter school are not strictly followed, the State Board may refuse to consider the application for a charter.~~
- 5.02 ~~Application forms and other documents needed for the public charter school application process shall be provided by the Department of Education Charter~~

School Office and are attached as “Appendix A” to these Rules and incorporated into these Rules as if fully set forth herein.

~~5.03—Any requests for technical assistance by a charter applicant shall be made to the Department of Education Charter School Office.~~

~~5.04—A public school district is not eligible to apply for an open enrollment public charter.~~

#### ~~6.00—Conversion Public Charter School—Application Approval Procedures~~

~~6.01—Each conversion public charter applicant must submit, by certified mail on or before the established deadline, to the Department of Education Charter School Office a letter of intent signed by the school board president.~~

~~6.02—Each charter applicant shall prepare an application that describes the elements of the applicant’s plan for establishing a conversion public charter school. The application shall be on a form provided by the Department of Education. If requested, the Department of Education Charter School Office shall give technical assistance in preparing the application.~~

~~6.03—A public school application for a conversion public charter school may include, but shall not be limited to, the following purposes:~~

~~6.03.01—Adopting research-based school or instructional designs, or both, that focus on improving student and school performance;~~

~~6.03.02—Addressing school improvement status resulting from sanctions listed in Arkansas Code Annotated § 6-15-207(c)(8) and 6-15-429(a) and (b); or~~

~~6.04.03—Partnering with other districts or schools to address students’ needs in a geographical location or multiple locations.~~

#### ~~7.00—Responsibilities of the State Board of Education—Conversion Public Charter Schools~~

~~7.01—The State Board shall not approve a conversion public charter school application from a district that has not been approved by the district’s local board.~~

~~7.02—The Department of Education shall review the applications and present to the State Board a written evaluation of the application. A copy of the evaluation shall be sent to the applicant. The applicant will be allowed to submit a written response to the evaluation by an established deadline. The applicant will not be allowed to supplement the original application with additional documents or new information prior to the State Board review.~~

~~7.03 — The State Board shall review the applications for proposed public charter schools. The State Board shall vote whether or not to award charters. The State Board may place conditions on the charters it awards.~~

~~7.04 — The State Board of Education 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.~~

~~7.05 — The decision of the State Board of Education shall be final.~~

### ~~8.00 — Open Enrollment Public Charter School — Application Approval Procedures~~

~~8.01 — Each open enrollment public charter applicant must submit to the Department of Education Charter School Office a letter of intent sent by certified mail and received by the Department on or before the established deadline. A copy of the letter of intent shall also be sent by certified mail to the superintendent of each public school district 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.~~

~~8.02 — Within seven (7) calendar days following the first publication of the notice of the public hearing, letters announcing the public hearing shall be sent to the superintendent of each public school district 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.~~

~~8.03 — Each charter applicant shall prepare an application that describes the elements of the applicant's plan for establishing a public charter school. The application shall be on a form provided by the Department of Education. If requested, the Department of Education Charter School Office shall give technical assistance in preparing the application.~~

~~8.04 — The application shall be received by the Department on or before the established deadline. Each open enrollment public charter applicant shall send a copy of the application to all public school districts in which enrollment is likely to be affected by the public charter school by the established deadline. The application shall be sent by certified mail to the Superintendent(s) as required in § 8.01 by the established deadline. Documentation shall be provided to the Department of Education, in the form of copies of certified mail receipts that the applications were sent.~~

- ~~8.05~~—The board of the public school districts in which enrollment is likely to be affected by the proposed public charter school may review the open enrollment public charter school application and submit any written findings or statements of the board, signed by the board president, to the Department of Education Charter School Office by an established deadline. The school board shall send a copy of the written findings or statements to the applicant by certified mail. Failure to submit this information will constitute the conclusion that the proposed public charter school will have no impact on the district.
- ~~8.06~~—The local board of the district where the proposed public charter school is to be located shall review the open enrollment public charter school application. The local board shall vote to approve or disapprove the application and prepare written findings. The results of the vote and the written findings shall be sent by certified mail to the Department of Education Charter School Office and to the public charter school applicant by an established deadline. 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 by a deadline to be established by the State Board.
- ~~8.07~~—The applicant for an open enrollment public charter school whose application is disapproved by the local board shall have the immediate right to proceed with a written notice of appeal to the State Board of Education. To exercise the right to appeal, the applicant must send written notice of appeal to the State Board within ten (10) calendar days after receiving notice of the local board's disapproval of the application for an open enrollment public charter school. The notice of appeal shall be sent by certified mail to the State Board of Education and to the local board of the district where the proposed public charter school is to be located.

## ~~9.00~~—Responsibilities of the State Board of Education—Open Enrollment Public Charter Schools

- ~~9.01~~—The Department of Education shall review the applications and present to the State Board a written evaluation of the application. It is recommended that the evaluation form attached to these Rules as “Appendix C” and incorporated into these Rules as if fully set forth herein to be used by the Department in evaluating applications. A copy of the evaluation shall be sent to the applicant. The applicant will be allowed to submit a written response to the evaluation by an established deadline. The applicant will not be allowed to supplement the original application with additional documents or new information prior to the State Board review. The State Board of Education may request the Department of Education to contract with outside agencies to provide services concerning the review and evaluation of charter applications.
- ~~9.02~~—In the event an application is denied by the local board, the State Board shall hold a hearing within forty five (45) calendar days after receipt of the notice of appeal

at a location where all interested parties may appear and present relevant information regarding the proposed open enrollment public charter school.

~~9.02.01—The charter applicant shall have a period of time to be set at the discretion of the State Board as required by Section 5.01 of these Rules to present its arguments to the State Board for approval of the proposed public charter school. The local school board and boards of districts likely to be affected by the proposed public charter school shall have a combined period of time, to be set at the discretion of the State Board, to present the arguments for disapproval of the proposed public charter school to the State Board. The charter applicant shall then have a period of time, to be set at the discretion of the State Board, to respond to the arguments of the local school board and boards of districts likely to be affected by the proposed charter school. The State Board shall follow the presentations with discussion of the charter application and possible questions to the public school board representative(s) and/or the charter applicant.~~

~~9.03—The State Board shall review the applications for proposed public charter schools and utilize the same procedures set forth in Section 9.02.01 of these Rules. The Board shall vote whether or not to award charters to locally approved applications. The State Board may place conditions on the charters it awards.~~

~~9.04—The State Board of Education may defer the vote to approve or disapprove a charter application in order to allow a charter applicant to make modifications or to receive technical assistance to correct deficiencies in the application.~~

~~9.05—The decision of the State Board shall be final.~~

## **~~10.00—Content of Application and Charter~~**

~~10.01—The public charter school application shall include, but is not limited to the following:~~

~~10.01.01—educational mission;~~

~~10.01.02—educational need;~~

~~10.01.03—description of public hearing results;~~

~~10.01.04—description of educational plan, which clearly addresses how the public charter school will improve student learning and academic achievement and meet or exceed state goals;~~

~~10.01.05—description of governance and organizational structure;~~

- ~~10.01.06—description of facilities to be used, location of the proposed school, and the present use of the facility and the use for the past three (3) years; and a statement of the current permissible uses from the local zoning authority~~
- ~~10.01.07—copies of annual budget and financial plan (including all sources of funding);~~
- ~~10.01.08—establishes the entity has applied for tax exempt status under § 501(c) (3) of the Internal Revenue Code of 1986;~~
- ~~10.01.09—agreement to provide annual report of progress toward meeting performance goals to parents, community, local board and State Board;~~
- ~~10.01.10—description of admission procedure;~~
- ~~10.01.11—description of support services;~~
- ~~10.01.12—identification of regulations, if any, to be waived, with rationale for waiver request;~~
- ~~10.01.13—school calendar and school day schedule; and~~
- ~~10.01.14—description of age or grade range of pupils to be enrolled.~~
- ~~10.02—In addition to the requirements identified in Section 10.01 of these Rules, an application for an open enrollment public charter school shall include, but is not limited to, the following:~~
  - ~~10.02.01—specification of period for which the charter or any charter renewal is valid, contingent upon acceptable student performance levels established within the state accountability system;~~
  - ~~10.02.02—prohibition of discrimination in admission on the basis of gender, national origin, race, ethnicity, religion, disability, academic or athletic eligibility, except as follows: the open enrollment public charter school may adopt admissions policies that are consistent with federal law, regulations, or guidelines applicable to charter schools, except as allowed in § 4.00; although the charter may provide for the exclusion of a student who has been expelled from another public school district;~~
  - ~~10.02.03—specification of the qualifications to be met by professional employees of the program;~~
  - ~~10.02.04—description of budget process;~~

- ~~10.02.05—description of annual audit of financial and programmatic operations, including how the charter school will provide information needed by the public school district in which the charter school is located;~~
- ~~10.02.06—description of facility to be used and its location including the terms of the facility utilization agreement if the facility for the public charter school is owned or leased from a sectarian organization. All facilities lease agreements by applicants shall provide as much information as possible but should supply the general information required. The lease agreement form as attached to these Rules as Appendix B is provided as a standard form lease that may be used by the applicant,;~~
- ~~10.02.07—description of geographical area, school district or school attendance area to be served by the program;~~
- ~~10.02.08—description of admission and enrollment criteria and student recruitment and selection processes, including provision for a random, anonymous student selection method if more eligible students apply for a first time admission than the public charter school is able to accept; and~~
- ~~10.02.09—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, except as permitted in § 4.00 and 10.02.02.~~

#### ~~10.03—Preference for Approval of Open Enrollment Public Charter Schools~~

~~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:~~

- ~~10.03.1—Where the percentage of students who qualify for free or reduced price lunches is above the average for the state;~~
- ~~10.03.2—Where the district has been classified by the State Board as in academic distress under Ark. Code Ann. § 6-15-428; or~~
- ~~10.03.3—Where the district has been classified by the Department of Education as in some phase of school improvement under Ark. Code Ann. § 6-15-426 or some phase of fiscal distress under § 6-20-1902 et seq., if the fiscal distress status is a result of administrative fiscal mismanagement, as determined by the State Board.~~

~~10.04~~ The State Board may grant no more than a total twenty four (24) charters for open enrollment public charter schools, a charter applicant's school campus shall be limited to a single open enrollment public charter school per charter except as allowed in Section 10.05 of these Rules.

~~10.04.1~~ An open enrollment public charter school shall not open in the service area of a public school district administratively reorganized pursuant to the provisions of § 6-13-1601 et seq. until after the third year of the administrative reorganization.

## **11.00 License Applicants**

~~11.01~~ In accordance with Ark. Code Ann. § 6-23-304, the Knowledge Is Power Program instructional program is recognized as an effective method for meeting the statutory purpose and intent of Ark. Code Ann. § 6-23-101 et seq., closing the achievement gap in public schools for economically disadvantaged, racial and ethnic subgroups, Ark. Code Ann. § 6-15-401 et seq. and Ark. Code Ann. § 6-15-1601 et seq., and otherwise providing an alternative, proven, adequate and equitable education to Arkansas students.

~~11.01.1~~ Any charter applicant that receives an approved open enrollment public charter under Section 10.04 of these rules may petition the State Board at any time for a charter school to be opened no earlier than July 1 of the following school year for additional licenses to establish an open enrollment public charter school in any of the various congressional districts in Arkansas provided that the applicant meets the following conditions, subject to the normal application, review, and approval process of the State Board, with the exception that the license request does not have to be initially sent to the local board for its consideration:

~~11.01.1.1~~ The approved open enrollment public charter applicant has demonstrated success in student achievement gains, as defined by the State Board; and

~~11.01.1.2~~ The approved open enrollment public charter applicant has not been subject to any disciplinary action by the State Board; has not been classified as in school improvement, academic or fiscal distress; and has not had its open enrollment public charter placed on probation, suspended or revoked; pursuant to Arkansas Code Annotated § 6-23-105; and

~~11.01.1.3 — The State Board of Education determines in writing by 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 10.05.1 of these rules.~~

~~11.02 — Applicants for a license under this section of the rules are relieved from compliance with sections 8.01 and 8.02.~~

~~11.03 — The State Board shall consider any such license petition within ninety (90) business days after it receives the petition, utilizing the same procedures set forth in Section 9.02.01 of these Rules.~~

## **~~12.00 — Enrollment~~**

~~12.01 — Enrollment for an existing public school converted to a public charter school will be determined in the manner similar to the enrollment procedures for the school district in which the public charter school is located or similar to the enrollment procedures for district magnet schools.~~

~~12.02 — If more eligible students apply for admission than the public charter school is able to accept, then the public charter school shall create an enrollment process based upon a random anonymous student selection method.~~

~~12.03 — While a public charter school may operate on a traditional calendar or a year-long calendar, all public charter schools shall begin the school year in the fall.~~

~~12.04 — Documented student enrollment as of July 30 of each school year shall be reported by open enrollment public charter schools.~~

~~12.05 — An open enrollment public charter school may allow a preference for children of the founding members of the eligible entity. The number of enrollment preferences granted to the 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 siblings of students currently enrolled in the school.~~

~~12.06 — A public charter school may allow the use of a weighted lottery 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, as permitted by the Charter Schools Program, Title V, Part B, Non-Regulatory Guidance of the United States of the Department of Education, July, 2004.~~

**13.00 Funding**~~13.01 Funding for Public Charter Schools~~

- ~~13.01.01 An existing public school converted to a public charter school shall receive funds equal to the amount apportioned by the district from state and local revenue per average daily membership.~~
- ~~13.01.02 An open enrollment public charter school shall receive funds equal to the amount that any a public school would receive under 6-20-2305 (a) and (b) as well as any other funding that the public charter school is entitled to receive under law.~~
- ~~13.01.03 For the first year of operation and for the first year the open-enrollment public charter school adds a new grade, the foundation funding and enhanced educational funding for an open-enrollment public charter school is determined as follows: an initial funding estimate shall be based upon the enrollment as of July 30 of the current school year. In December, funding will be adjusted based upon the current year first quarter average daily membership; and a final adjustment will be made after the current three-quarter average daily membership is established. For the second year and each school year thereafter (if new grade(s) have not been added), the previous year's average daily membership will be used to calculate foundation funding and any enhanced educational funding amounts. Charter schools receiving foundation funding based on prior year three quarter ADM are eligible to receive student growth funding pursuant to §6-20-2305.~~
- ~~13.01.04 For the first year of operation, 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 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.~~
- ~~13.01.05 In the first year of operation the open-enrollment public charter school shall receive professional development funding based upon the initial projected enrollment student count as of July 30 of the current school year multiplied by the per-student professional development funding amount under §6-20-2305 (b) (5) for that school year. 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 under §6-20-2305 (b) (5) for that school year.~~

~~13.01.06—The Department of Education shall distribute other categorical funding under §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. Funding for Alternative Learning Education (ALE) students will be funded pursuant to §6-20-2305.~~

~~13.01.07—An open enrollment public charter school shall not be denied foundation funding, enhanced educational funding or categorical funding in any year of operation provided that the open enrollment public charter school submits to the department the number of students eligible for funding through the Arkansas Public School Computer Network (APSCN) reporting process as specified in applicable rules.~~

~~13.02—The Department of Education shall establish procedures to ensure that every public charter school receives the Federal funds for which the public charter school is eligible.~~

~~13.02.01—The Department of Education shall take such measures as necessary to ensure that a public charter school receives the federal funds for which the school is eligible not later than five (5) months after the public charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in the public charter school are not fully and completely determined until that public charter school actually opens.~~

~~13.02.02—The measures shall also ensure that every public charter school expanding its enrollment in any subsequent year of operation receives the federal funding for which the public charter school is eligible not later than five (5) months after such expansion.~~

~~13.03—The submission to an annual certified audit as required by Arkansas Code Annotated §6-23-101 et seq., shall be made according to Arkansas Law and to the Department of Education fiscal regulations and time lines. Failure to submit such audit in a timely manner shall result in suspension of state aid payments until such audit is received by the Department of Education. The school's fiscal year shall run from July 1 through June 30.~~

~~13.04—All open enrollment public charter schools operated by an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code are subject to the same auditing and accounting requirements as any other public school district in the state.~~

~~13.05—An open enrollment public charter school shall not use the moneys that it receives from the state for any sectarian program or activity or as collateral for debt. However, open enrollment public charter schools may enter into lease purchase agreements for school buildings built by private entities with facilities bonds exempt from federal taxes under 26 USCS 142(a) as allowed by 6-20-402. No indebtedness of an open enrollment public charter school shall ever become a debt of the state of Arkansas.~~

#### ~~14.00—Evaluation, Monitoring and Reporting Requirements of the Public Charter Schools~~

~~14.01—The Arkansas Department of Education shall conduct an annual evaluation of all public charter schools. The Department may choose to contract with an outside party to conduct such an annual evaluation. The evaluation shall include, but not be limited to, consideration of the following:~~

~~14.01.01—student scores under the statewide assessment program described in § 6-15-433;~~

~~14.01.02—student attendance;~~

~~14.01.03—student grades;~~

~~14.01.04—student discipline incidents~~

~~14.01.05—socioeconomic data on students' families;~~

~~14.01.06—parent satisfaction with the school;~~

~~14.01.07—student satisfaction with the schools;~~

~~14.01.08—on-site monitoring of the facility; and~~

~~14.01.09—other terms of the school's charter.~~

~~14.02—The State Board of Education 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 or State Board deems necessary.~~

~~14.03—As a condition of its charter, each public charter school is required to provide an annual report to parents, the community and the State Board that details its progress in meeting its academic performance objectives.~~

~~14.04—Each public charter school shall participate in the Arkansas Public School Computer Network reporting requirements.~~

~~14.05 Each public charter school shall provide to the Department of Education the same data required of other public schools, unless such data requirement is waived by the terms of the charter.~~

~~**15.00 Basis and Procedure for Public Charter Modification, or Charter School Probation, Revocation, or Denial of Renewal.**~~

~~15.01 The State Board may modify the charter of a public charter school or it may place a public charter school on probation or revoke its charter or deny renewal of its charter at any time the State Board deems it necessary to do so.~~

~~15.02 The State Board shall notify the chief operating officer of the public charter school of the alleged violation of the school's charter or of the offense in question. The notice shall include the State Board's proposed action. The notice shall be delivered by certified mail to the chief operating officer of the public charter school.~~

~~15.03 The chief operating officer of the public charter school, on behalf of the charter school, may request, in writing, a hearing before the State Board.~~

~~15.04 The State Board shall hold a hearing, if requested, within forty five (45) calendar days of receipt of the hearing request.~~

~~15.05 The hearing shall be held at the location of the regular or special meeting of the State Board of Education.~~

~~15.05.01 Notice of the hearing shall be provided to the superintendent and the president of the local school board of the school district where the conversion public charter school is located or to the chief operating officer of the open enrollment public charter school.~~

~~15.05.02 The hearing shall be open to the public.~~

~~15.06 The decision of the State Board shall be final.~~

~~**16.00 Impact on Desegregation Efforts**~~

~~16.01 The applicant petitioners for each application for a proposed public charter school must include a written evaluation describing the potential impact on the efforts of a public school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.~~

~~16.02 The local board shall also prepare a written evaluation of the potential impact the proposed public charter school will have on the efforts of the public school district or districts to comply with court orders and statutory obligations to create~~

~~and maintain a unitary system of desegregated public schools. This evaluation shall be forwarded to the State Board.~~

~~16.03— Technical assistance in this review may be provided by the Department of Education's section on Accountability and its unit on Desegregation Monitoring.~~

~~16.04— The State Board of Education shall not approve any public charter school which hampers, delays, or in any manner negatively affects the desegregation efforts of a public school district or districts in this state.~~

### ~~17.00—Renewal of Charters~~

~~17.01— Each open enrollment public charter school and conversion public charter school must apply for renewal of its charter prior to expiration on a form prescribed by the Charter School Office, by a deadline set by the Charter School Office.~~

~~17.02— A charter may be renewed by the State Board of Education for up to a five (5) year period. The State Board may decide not to renew a charter or to renew a charter for a period less than five years.~~

### ~~18.00—Assets of School as Property of State~~

~~18.01— Any holder of a charter for an open enrollment public charter school must give the Department at least thirty (30) business days' notice of its intent to cease operation as an open enrollment public charter school to allow the charter holder and the Department sufficient time to accomplish those items necessary and required to close the charter school.~~

~~18.02— Upon dissolution of an open enrollment public charter school or upon non-renewal or revocation of the charter, all net assets of the open enrollment public charter school, including any interest or real property, purchased with public funds shall be deemed the property of the state, unless otherwise specified in the charter of an open enrollment charter school.~~

~~18.03— 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 of Education may require that the property be sold.~~

~~18.04— 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. The open enrollment public charter school will assume sole responsibility of all expenditures at the close of the school.~~

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING  
THE ADMINISTRATION OF GLUCAGON TO ARKANSAS PUBLIC SCHOOL  
STUDENTS SUFFERING FROM TYPE 1 DIABETES**

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**1.00 REGULATORY AUTHORITY**

1.01 These rules shall be known as the Arkansas Department of Education Emergency Rules Governing the Administration of Glucagon to Arkansas Public School Students Suffering from Type 1 Diabetes.

1.02 These rules are enacted pursuant to the Arkansas State Board of Education’s authority under Ark. Code Ann. §§ 6-11-105, 17-87-103 and 25-15-201 et seq.

**2.00 PURPOSE**

2.01 The purpose of these rules is to set forth protocols and procedures for the administration of glucagon by trained volunteer school personnel to Arkansas public school students who suffer from Type 1 diabetes.

**3.00 DEFINITIONS**

3.01 “Emergency Situation” – circumstance in which students with low blood glucose cannot be treated with a glucose-containing substance by mouth because the student is unconscious or having a seizure.

3.02 “Glucagon” – an injectable hormone prescribed by a licensed healthcare practitioner that raises the level of glucose in the blood. Glucagon is dispensed as a “Glucagon Emergency Kit” or a “Glucagon Emergency Kit for Low Blood Sugar.” A “licensed healthcare practitioner” includes, but is not limited to, Medical Doctors, Doctor of Osteopathy, Advanced Practice Nurse, Registered Nurse Practitioners, or Physician Assistants with prescriptive authority or who work under physician-approved protocols.

3.03 “Licensed School Nurse Employed by a School District” – those nurses employed by an Arkansas public school district or open-enrollment public charter school who hold the following licenses or certificate:

3.03.1 Registered Nurse (RN);

3.03.2 Advanced Practice Nurse (APN); or

3.03.3 Diabetic Nurse Educators.

3.03.4 This definition does not include License Practical Nurses (LPNs). LPNs may assist in the provision of training under these rules. However, training under these rules must be performed by Registered Nurses, Advance Practice Nurses or Diabetic Nurse Educators.

3.04 “Other Healthcare Professional” – includes the following:

3.04.1 Registered Nurse (RN);

3.04.2 Advanced Practice Nurse (APN);

3.04.3 Diabetic Nurse Educators;

3.04.4 Medical Doctors (MD);

3.04.5 Registered Nurse Practitioners;

3.04.6 Doctors of Osteopathy; and

3.04.7 Physician Assistants.

3.05 “Type 1 Diabetes” – sometimes referred to as “insulin dependent diabetes,” a medical condition diagnosed by a licensed healthcare provider and caused by the human body’s failure to produce insulin.

3.06 “Trained Volunteer School Personnel” – Licensed or classified personnel employed by an Arkansas public school district or open-enrollment public charter school who volunteer and successfully complete training for the administration of glucagon to students suffering from Type 1 diabetes.

#### **4.00 GENERAL REQUIREMENTS**

4.01 Trained volunteer school personnel designated as care providers in a plan developed under Section 504 of the Rehabilitation Act of 1973, as it existed on July 1, 2011, who have been trained by a licensed nurse employed by a school district or other healthcare professional, may, in emergency situations, administer glucagon to students who suffer from Type 1 diabetes.

4.02 The training listed in Sections 4.01 and 6.00 of these rules shall be conducted at least annually, regardless whether a volunteer has previously completed training. Nothing in these rules prohibits training from being conducted more often than annually.

4.03 No trained volunteer school personnel designated as care providers pursuant to these rules may administer glucagon to a student who suffers from Type 1 diabetes unless the parent or guardian of the student first signs a written authorization allowing the administration of glucagon to the student by a trained volunteer school personnel designated as a care provider.

4.04 When a school nurse is available and on site during an emergency situation, the school nurse shall administer glucagon to the student, when necessary. Volunteer school personnel who are designated as care providers and trained to administer glucagon shall provide glucagon injections only in the absence or unavailability of a school nurse.

4.05 The training outlined in these rules is intended to be provided to volunteer school personnel. No school personnel shall be required, pressured or otherwise subjected to duress in such a manner as to compel their participation in training. Prior to receiving training, volunteers must sign a written acknowledgement indicating their desire to volunteer.

## **5.00 PROTECTION FROM LIABILITY**

A school district, school district employee, or an agent of a school district, including a healthcare professional who trained volunteer school personnel designated as care providers, shall not be liable for any damages resulting from his or her actions or inactions under these rules or under Ark. Code Ann. § 17-87-103.

## **6.00 TRAINING OF VOLUNTEERS**

6.01 Training under these rules shall include, at a minimum, the following components:

6.01.1 What glucagon is and how glucagon works;

6.01.2 When, how and by whom glucagon may be prescribed;

- 6.01.3 The requirements of Arkansas law pertaining to the administration of glucagon injections to Arkansas public school students suffering from Type 1 diabetes;
- 6.01.4 When glucagon should be administered, how glucagon should be prepared, the dosage and side effects of glucagon, and follow-up care after glucagon is administered;
- 6.01.5 How glucagon should be stored, including identifying the expiration date and need for replacement;
- 6.01.6 The role of the school nurse in the administration of glucagon and the delegation of the administration of glucagon; and
- 6.01.7 The signs of hypoglycemia in students with Type 1 diabetes, including techniques and practices used to prevent the need for glucagon.
- 6.02 Visual and audio aids may be used during the training required under these rules, but at least one individual listed in Sections 3.03 and 3.04 of these rules must be physically present to provide the training.
- 6.03 Before a volunteer may be deemed to have successfully completed the training required under these rules, a person listed in Sections 3.03 and 3.04 must sign a certification indicating that the volunteer has successfully completed all aspects of training and that the volunteer has successfully demonstrated mastery of procedures involving the administration of glucagon. No person listed in Sections 3.03 and 3.04 shall sign such a certification unless such person, in his or her professional judgment, believes that a volunteer has successfully completed all aspects of training and that the volunteer has successfully demonstrated mastery of procedures involving the administration of glucagon.
- 6.04 The Arkansas State Board of Nursing and the Arkansas Department of Education, in collaboration with the Arkansas School Nurses Association and diabetic education experts, shall identify and approve education programs that meet the requirements of Section 6.01 of these rules. Training under these rules shall be given according to the education programs approved under this section.
- 6.04.1 The Arkansas State Board of Nursing and the Arkansas Department of Education shall maintain and publish a list of approved education programs that meet the requirements of Section 6.01 of these rules. The

list of approved education programs may be published on the websites of the Arkansas State Board of Nursing and the Arkansas Department of Education.

6.04.2 The Arkansas State Board of Nursing and the Arkansas Department of Education, in collaboration with the Arkansas School Nurses Association and diabetic education experts, shall at least annually review the requirements associated with the administration of glucagon and shall, if necessary, recommend for adoption by the Arkansas State Board of Nursing and the Arkansas State Board of Education any revisions to these rules.

## **7.00 RECORDS**

7.01 Records of volunteer training must be kept on file at each school.

7.02 For each student with Type 1 diabetes who attends the school, the school district shall maintain a copy of the plan developed under Section 504 of the Rehabilitation Act of 1973, as it existed on July 1, 2011, a list of volunteer school personnel who are designated as care providers and trained to administer glucagon, and a copy of the parent's or guardian's signed authorization. The list of volunteer school personnel who are designated as care providers and trained to administer glucagon and a copy of the parent's or guardian's signed authorization shall also be attached to the student's Individualized Health Plan (IHP).

7.03 The list of volunteer school personnel who are designated as care providers and trained to administer glucagon shall only include the names of such personnel who successfully complete the required training as set forth in Section 6.00 of these rules. The list of volunteer school personnel trained to administer glucagon for each school should be published and made known to all school personnel.

7.04 The principal of each school, in conjunction with each school nurse, shall properly maintain all such records.

## **EMERGENCY ADOPTION**

WHEREAS, the Arkansas State Board of Education and the Arkansas State Board of Nursing are required to promulgate rules necessary for the implementation of Ark. Code Ann. § 17-87-103(11); and

WHEREAS, on December 1, 2011, the Arkansas State Board of Nursing adopted its version of these rules on an emergency basis; and

WHEREAS, Arkansas public schoolchildren suffering from diabetes may benefit from the immediate training of volunteers in the administration of glucagon.

THEREFORE, the Arkansas State Board of Education determines that imminent peril to the health, safety and welfare of students with diabetes who could benefit from the immediate adoption of these rules on an emergency basis. Therefore, an emergency is declared to exist and the Arkansas State Board of Education promulgates this rule as an emergency rule pursuant to Ark. Code Ann. § 25-15-204. This rule shall become effective immediately upon filing.