ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING EDUCATION SERVICE COOPERATIVES
~~March 2016~~ _____

1.00 REGULATORY AUTHORITY

1.1 These rules shall be known as the Arkansas Department of Education Rules Governing Education Service Cooperatives.

1.2 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-13-1001 et seq., and 25-15-201 et seq.~~, and Act 846 of 2015~~.

2.00 DEFINITIONS

2.1 "Capital Outlay Expenditures" means land, land improvements, buildings, infrastructure and equipment having a unit value of $1,000 or more and a life expectancy of more than one year.

2.2 "Declining Balance" means the current year expenditures exceeding current year revenues.

2.3 "Education Service Cooperative" means intermediate service units in the state's elementary and secondary education system established by the State Board of Education pursuant to Ark. Code Ann. § 6-13-1001 et seq.

2.4 "Fiscal integrity" means the education service cooperative's ability to comply completely, accurately, and timely with financial management, accounting, auditing, and reporting procedures required by state or federal law and regulations.

2.5 "Material" means that the act, omission, or violation jeopardizes the fiscal integrity of the education service cooperative.

Source: Ark. Code Ann. § 6-13-1027

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3.00 BOARD OF DIRECTORS

3.1 Each education service cooperative shall be governed by a board of directors consisting of one (1) representative appointed by each school district board of directors within the boundary of the education service cooperative.

3.2 No school district may have official representation on more than one (1) education service cooperative board of directors.

3.3 The board of directors of each established education service cooperative shall function as a public corporate body, shall meet, except as otherwise provided in Ark. Code Ann. § 6-13-1007 and Section 8.00 of these rules, at least eight (8) times each year, and shall exercise general fiduciary responsibilities for the education service cooperative with regard to policies and practices which guard the integrity of the agency and maintain public trust in its operation.

3.4 Such responsibilities, consistent with funds available, shall include, but not be limited to:

3.4.1 Employment of a director of the education service cooperative who shall serve as the nonvoting executive officer of the board of directors;

3.4.2 Establishment of policies and procedures for the operation and management of the education service cooperative which shall be in written form and shall be filed with the State Board of Education;

3.4.3 Preparation of an annual budget estimating income and expenditures for programs and services in accordance with procedures established by the state board;

3.4.4 Receipt and expenditure of funds needed to provide programs and services in the area;

3.4.5 Making such surveys or other inquiries which may be required to determine the service needs of school districts in the education service cooperative and developing plans to provide such needed services;

3.4.6 Employment, upon the recommendations of the director of the education service cooperative, of such personnel as may be required to provide the services requested by the school districts in the area;

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3.4.7 Implementation of policies established by the state board for the operation of education service cooperatives;

3.4.8 Cooperation with other education service cooperatives, school districts, and other agencies to provide programs and services for children and adults residing within their respective areas;

3.4.9 Renting, leasing, purchasing, constructing, or receiving by gift such facilities and buildings as may be required to provide authorized programs and services; and

3.4.10 Carrying out such other duties as may be required for the efficient operation of the education service cooperative for which the board of directors is responsible.

Source: Ark. Code Ann. § 6-13-1006

4.00 MULTICOUNTY EDUCATION SERVICE COOPERATIVES - ESTABLISHMENT

4.1 The State Board of Education is authorized to establish a statewide system of not more than fifteen (15) multicounty education service cooperatives of school districts. Such education service cooperatives shall be intermediate service units in the state's elementary and secondary education system and as such shall be eligible to receive and expend funds from state and federal governments, school districts, and other public or private sources.

4.2 Education service cooperatives established by Title 6, Chapter 13, Subchapter 10 of the Arkansas Code will provide to school districts which choose to use them assistance in:

4.2.1 Meeting or exceeding accreditation standards and equalizing educational opportunities;

4.2.2 Using educational resources more effectively through cooperation among school districts; and

4.2.3 Promoting coordination between school districts and the Department of Education in order to provide services which are consistent with the needs

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identified by school districts and the educational priorities of the state as established by the General Assembly or the State Board of Education.

Source: Ark. Code Ann. § 6-13-1002

5.00 BOUNDARIES AND ADJUSTMENTS

5.1 The State Board of Education shall establish tentative boundaries for the system of education service cooperatives authorized by Title 6, Chapter 13, Subchapter 10 of the Arkansas Code.

5.2 These education service cooperatives shall be established so that:

5.2.1 They include at least three (3) but no more than nine (9) counties;

5.2.2 They include at least ten (10) but no more than thirty-five (35) school districts;

5.2.3 They include at least twenty thousand (20,000) pupils in kindergarten through grade twelve (K-12) average daily membership;

5.2.4 They include at least one (1) postsecondary education institution; and

5.2.5 There is no more than fifty (50) miles distance or approximately one (1) hour driving time to the area's main offices for ninety percent (90%) of the school districts.

5.3 The State Board of Education may make adjustments in the boundaries when criteria such as minimum average daily membership and maximum driving distances conflict. However, no more than four (4) of the areas formed may contain fewer than twenty thousand (20,000) students. In no case shall any education service cooperative be established with fewer than twelve thousand (12,000) pupils.

Source: Ark. Code Ann. § 6-13-1003

6.00 REQUESTS FOR ESTABLISHMENT

6.1 Education service cooperatives shall be established when seventy-five percent (75%) of the school districts in a proposed education service cooperative area

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request such action by formal resolutions filed by the school district boards of directors with the Commissioner of Education.

6.2 Each resolution shall, in addition to requesting establishment of an education service cooperative, indicate by name or position that school district's representative on the board of directors of the proposed education service cooperative.

6.3 Requests must be filed by seventy-five percent (75%) of the school district boards of directors by May 1 if an education service cooperative is to be established for the following school year.

Source: Ark. Code Ann. § 6-13-1004

7.00 ALTERATION OF BOUNDARIES

7.1 The State Board of Education, upon the request of one (1) or more school district boards of directors, and consistent with the provisions of § 6-13-1003, may alter the boundaries of a proposed or operational education service cooperative when it determines such alteration to be in the best interest of the school districts in the education service cooperatives involved.

7.2 Consistent with § 6-13-1003, a member of an education service cooperative formed after January 1, 1984, under The Public School Educational Cooperative Act of 1981, § 6-13-901 et seq., may not be moved to another education service cooperative without that member's consent.

Source: Ark. Code Ann. § 6-13-1005

8.00 EXECUTIVE COMMITTEE

8.1 In a meeting, with a majority of its members present and voting, the board of directors of an education service cooperative may elect from its membership an executive committee of seven (7), nine (9), or eleven (11) members.

8.2 Candidates for the executive committee, if one is formed, shall be chosen so that the school districts within the education service cooperative are equitably represented.

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8.3 All subsequent members of the executive committee shall be elected by a majority vote of the board of directors in attendance at the annual meeting.

8.4 The function of the executive committee shall be to carry out those duties delegated to it by the governing board of directors, the provisions of Ark. Code Ann. § 6-13-1006 and Section 8.00 of these rules notwithstanding.

8.5 Terms of executive committee members shall be three (3) years except for the initial members which shall have terms assigned by lot so as to stagger terms to equalize as nearly as possible the number of members to be elected each year. Vacancies occurring after the annual meeting shall be filled by the executive committee until the next annual meeting.

8.6 Should an executive committee be established in any education service cooperative, it shall meet at least nine (9) times per year, and the requirements for board of directors meetings shall be reduced to three (3) times annually. The president of the board of directors shall serve as chair of the executive committee. No person, however, may serve in this position for more than two (2) consecutive years.

Source: Ark. Code Ann. § 6-13-1007

9.00 TEACHER CENTER AND TEACHER CENTER COMMITTEE

9.1 Each education service cooperative shall establish a teacher center which will provide, consistent with funds available, curriculum development assistance, educational materials, and staff development services to teachers within the school districts in the service area.

9.2 A teacher center committee, composed of at least one (1) representative from the staff of each school district, shall advise the director and the governing body on the staffing, programs, and operation of the teacher center.

9.3 The governing body of each cooperative shall determine the initial composition of the teacher center committee to achieve a balance of elementary, middle school or junior high, and high school personnel and assure that at least one-half (1/2), but not more than two-thirds (2/3), of the members are classroom teachers.

9.4 All positions on the committee shall be assigned to school districts by lot.

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9.5 Each teacher must be elected by colleagues in his or her school district, and each administrator or support person shall be appointed by the superintendent.

9.6 Initial terms shall be determined by lot for equal or nearly equal periods of one (1), two (2), and three (3) years.

9.7 Thereafter, terms shall be for three (3) years.

9.8 The committee shall meet at least three (3) times per year.

9.9 In the last meeting each year, positions represented by expiring terms shall be reassigned by lot.

Source: Ark. Code Ann. § 6-13-1008

10.00 OTHER NECESSARY COMMITTEES

Each education service cooperative may establish other committees of local school personnel needed to keep its programs responsive to the schools it serves.

Source: Ark. Code Ann. § 6-13-1009

11.00 DIRECTOR

11.1 Each education service cooperative shall be administered by a director who shall perform the following duties:

11.1.1 Administer the programs and services of the education service cooperative;

11.1.2 Recommend the employment of professional and nonprofessional personnel authorized by the education service cooperative's governing body;

11.1.3 Prepare the budget for adoption by the education service cooperative's governing body;

11.1.4 Direct expenditures of funds within the budget; and

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11.1.5 Perform other duties as required by the education service cooperative's governing body and the policies, rules, and regulations of the State Board of Education.

11.2 The director of each education service cooperative shall:

11.2.1 Hold an administrator's license and meet all requirements to serve as a superintendent of schools in the State of Arkansas; or

11.2.2 Have an equivalent level of education and administrative experience and obtain the approval of the state board.

11.2.3 The governing body of any education service cooperative may enter into a contract with a director for a period not to exceed three (3) years.

Source: Ark. Code Ann. § 6-13-1010

12.00 PERSONNEL

12.1 Personnel of education service cooperatives shall be employed in accordance with laws, rules, regulations, and procedures applicable to the school districts of this state.

12.2 In lieu of a salary schedule, an education service cooperative annually may submit to the Department of Education a complete listing of all employees of the education service cooperative and each employee's position, salary, and benefits.

12.3 Licensure requirements shall be the same as those expected of persons holding similar positions in local school districts.

12.4 Termination or contract nonrenewal of education service cooperative personnel shall be as provided by law for the school district personnel.

Source: Ark. Code Ann. § 6-13-1011

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13.00 PERSONNEL FROM THE DEPARTMENT OF EDUCATION

With the approval of an education service cooperative's governing body, the assistant commissioners in the Department of Education may assign state educational agency personnel to that education service cooperative.

Source: Ark. Code Ann. § 6-13-1012

14.00 GENERAL POLICIES, RULES AND REGULATIONS

14.1 The Board of Directors of each education service cooperative has the obligation to oversee administrative and program expenditures of the education service cooperative.

14.2 The Board of Directors of each education service cooperative shall operate the education service cooperative in accordance with all applicable state and federal laws and regulations.

14.3 Each education service cooperative shall adopt and file for approval by the Commissioner of Education guidelines for settling possible disputes between member school districts and in equity or jurisdictional matters relating to shared assets and services. The guidelines shall contain at a minimum:

14.3.1 The right of any school district within the boundaries of the education service cooperative to file a complaint regarding any issue related to the programs and services of the cooperative, or regarding any obligation of the cooperative under law or these Rules;

14.3.2 The right of any school district in contract with the education service cooperative under Section 19.04 to file a complaint regarding any issue related to programs and services of the cooperative for which the school district has contracted;

14.3.3 The procedure by which a complaint may be filed; this procedure may impose a time limitation on the filing of complaints of no less than thirty (30) days after the act or omission complained of;

14.3.4 The authority of the director of the education service cooperative to investigate the complaint and issue an initial written decision within no more than sixty (60) days of receipt of the complaint;

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14.3.5 The right of the complaining party, or any affected school district, to appeal the initial decision to the board of directors or executive committee of the education service cooperative, as chosen by the cooperative in its guidelines; and

14.3.6 The responsibility of the board of directors or executive committee to grant a hearing on no less than thirty (30) days' notice, and to issue a final written decision within no more than sixty (60) days of receipt of the appeal.

Source: Ark. Code Ann. § 6-13-1013

15.00 LIAISON FOR SHARING AND COORDINATION OF ACTIVITIES

15.1 The Department of Education shall encourage sharing and coordination of activities among the education service cooperatives.

15.2 The Commissioner of Education shall name a person to serve as liaison between the department and the education service cooperatives.

15.3 This liaison shall provide information on resources and programs and be the general contact person in the department for the education service cooperatives.

Source: Ark. Code Ann. § 6-13-1014

16.00 LIAISON WITH POSTSECONDARY INSTITUTIONS

16.1 Each education service cooperative, in carrying out its programs and services, shall cooperate with the various state-supported postsecondary educational institutions located within its area.

16.2 Each such postsecondary institution, within the availability of funds and personnel, shall establish liaison with the education service cooperatives in its service area and assist them in all practical ways.

Source: Ark. Code Ann. § 6-13-1015

17.00 ANNUAL SURVEYS AND NEEDS ASSESSMENTS

17.1 Each education service cooperative shall conduct annual surveys and needs assessments to assist the education service cooperative in its first priority of helping school districts improve their educational programs and practices.

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17.2 Such activities may include written surveys, visits to schools to meet with local personnel, and other means to identify local needs throughout the service area.

17.3 Each education service cooperative shall work with the Department of Education to conduct statewide surveys which complement, rather than duplicate, the work of the Department of Education.

17.4 The objective shall be to obtain statewide, area, and local data with as little duplication as possible.

Source: Ark. Code Ann. § 6-13-1016

18.00 PROGRAMS AND SERVICES

18.1 The programs and services of each education service cooperative shall be based upon the needs of the school districts included in its service area and upon the educational priorities of the state.

18.2 Each education service cooperative shall provide a teacher center as its basic curriculum and staff development capability.

18.3 Education service cooperatives may provide shared educational programs and services such as needs assessment and school improvement planning, staff development, curriculum development, itinerant teachers, instructional materials, adult and vocational education, programs for gifted and talented, education for children with disabilities, alternative educational programs, secondary area vocational centers, community-based education programs and other services which the State Board of Education may approve or which school districts may support with local funds.

Source: Ark. Code Ann. § 6-13-1017

19.00 PARTICIPATION OF LOCAL SCHOOL DISTRICTS

19.1 Each school district within the service area of the education service cooperative shall be entitled to participate in those programs and services which are fully supported by state funds.

19.2 No school district shall be required to participate in any service.

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19.3 School districts may enter into contracts with the education service cooperative for services supported partially or completely by local school funds.

19.4 School districts within one (1) education service cooperative may also contract for services with another education service cooperative.

Source: Ark. Code Ann. § 6-13-1018

20.00 FUNDING OF EDUCATION SERVICE COOPERATIVES

20.1 The state shall provide funds to support the basic structure of the education service cooperatives established under the provisions of Title 6, Chapter 13, Subchapter 10 of the Arkansas Code and these rules.

20.2 This structure shall include:

20.2.1 Salaries and fringe benefits for a director, a teacher center coordinator, and support staff;

20.2.2 Costs such as travel, utilities, rent, equipment, and supplies;

20.2.3 Funds to support staff and curriculum development activities; and

20.2.4 Funds in an annual amount not to exceed twenty-five thousand dollars ($25,000) for the travel expenses of itinerant personnel employed by the education service cooperative to serve the part-time needs of local school districts.

20.3 School districts may contract with their education service cooperative for services and part-time personnel to be supported in whole or in part by local funds, but no school district shall be assessed a membership fee.

20.4 Categorical state or federal funds may also be assigned to any education service cooperative upon approval of its governing body and under conditions set by the State Board of Education.

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20.5 As a public agency, each education service cooperative shall be eligible to receive and expend public and private funds.

Source: Ark. Code Ann. § 6-13-1019

21.00 POLICIES, PROCEDURES, EXPENDITURES, REPORTS AND AUDITS

21.1 On or before August 31 of each year, each education service cooperative shall file with the State Board of Education for the state board's approval:

21.1.1 The policies and procedures of the education service cooperative, including without limitation the board of directors' policies and procedures for overseeing the administrative and program expenditures of the education service cooperative;

21.1.2 A record of the education service cooperative's employment policies and practices for the year that includes without limitation:

21.1.2.1 The race and sex of each person the education service cooperative employed or terminated during the year;

21.1.2.2 The race and sex of every person who sought employment with the education service cooperative during the year;

21.1.2.3 The name of each person employed by the education service cooperative during the year who is related by blood or marriage to another employee or board member of the education service cooperative; and

21.1.2.4 A report of its receipts and expenditures made in accordance with uniform accounting procedures adopted by the Commissioner of Education.

21.1.2.5 The report shall contain without limitation:

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21.1.2.5.1 An itemization of administrative and program expenditures; and

21.1.2.5.2 The result of the board of directors' review of the expenditures made under its oversight function.

21.2 The Department of Education may prescribe the forms and procedures for filing the information required by Section 21.01 of these rules.

21.3 Each education service cooperative is subject to an annual audit by the Legislative Joint Auditing Committee.

21.4 In an annual meeting of the board of directors which must convene between May 15 and July 15, each education service cooperative shall report to its constituent school districts on the year's operations.

21.4.1 The report also shall include information on fiscal distress under Ark. Code Ann. § 6-13-1027 and Section 27.00 of these rules.

21.4.2 The education service cooperative shall supplement its report with written reports to each school district and to the department on a school-by-school, service-by-service accounting basis.

21.5 Following the end of each fiscal year, any balances in particular service accounts must be apportioned and returned to the schools involved or credited to their accounts for the following year.

Source: Ark. Code Ann. § 6-13-1020

22.00 EVALUATIONS AND PERFORMANCE RATING

22.1 Each education service cooperative shall be evaluated during the 2012-2013 school year, and at least once within each five-year period, on a schedule established by the Commissioner of Education, all active education service cooperatives must be visited by an evaluation committee of not more than nine (9) persons.

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22.2 Each evaluation shall include, but not be limited to, an investigation of user satisfaction, service adequacy, extent of local financial support, staff qualifications, and performance and administration effectiveness.

22.2.1 At least ~~*forty-five (45)*~~ *fifteen (15)* calendar days prior to the on-site evaluation conducted by the evaluation committee, the education service cooperative to be evaluated shall complete a self-study and submit the self-study to the Commissioner of Education or his or her designee. The self-study should include an analysis of each of the evaluation categories listed in Section 22.~~0~~5 of these rules. A self- study guide ~~and rubric for the evaluations are~~ is attached as ~~an~~ ~~a~~ Appendix 1 to ~~this rule~~ these rules.

22.2.2 During the on-site evaluation, the evaluation committee shall review available evidence to verify the conclusions of the self-study.

22.3 The final evaluation, including any self-evaluation, shall be included in the annual report to the Department of Education required by Ark. Code Ann. § 6-13-1020 and Section 21.00 of these rules, and made available on the website of the education service cooperative.

22.4 The evaluation criteria herein have been developed collaboratively between the Department of Education and the director of each education service cooperative.

22.5 The evaluation criteria ~~shall be as follows:~~ is outlined in the rubric for evaluation attached as Appendix 2 to these rules.

~~22.5.1 User Satisfaction~~

~~22.5.1.1 "Level 5": Summative data are provided for all phases of the program and evidence is provided to support improved district satisfaction linked to teacher and student performance. Narrative is coherent with data and documents adequacy of services to meet identified needs.~~

~~22.5.1.2 "Level 4": Data supporting the effective operation of the teacher center, professional development and technology are provided, but the~~

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~~narrative description is inconsistent with data provided or not linked to documented needs.~~

~~22.5.1.3 "Level 3": Data such as use records and teacher session evaluations are provided, but there is no synthesis of the data and the description is limited to organization, not teacher satisfaction or future offerings.~~

~~22.5.1.4 "Level 2": The operation and management of the teacher center are detailed but no data are presented to provide evidence that teacher/administrator satisfaction has been achieved.~~

~~22.5.1.5 "Level 1": Adequacy is supported by broad, general statements with minimal or no specifics related to data that support adequacy of service. Services provided are inconsistent with needs assessment if such data are available.~~

~~22.5.2 Service Adequacy~~

~~22.5.2.1 "Level 5": Summative data are provided for all phases of the program and evidence is provided to support improved services that can be linked to student performance at the local district level. Narrative is coherent with data and documents adequacy of services to meet identified needs.~~

~~22.5.2.2 "Level 4": Data supporting the effective operation of the teacher center, resources, curriculum, professional development and technology are provided, but the narrative description is inconsistent with data provided or not linked to documented needs.~~

~~22.5.2.3 "Level 3": Data such as use records and teacher session evaluations are provided, but there is no synthesis of the data and the use of the data is~~

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~~limited and not directed for future planning that would enhance local district student performance.~~

~~22.5.2.4 "Level 2": The operation and management of the teacher center are detailed but no data are presented to provide evidence that cooperative services are provided to meet the districts' needs.~~

~~22.5.2.5 "Level 1": Adequacy is supported by broad, general statements with minimal or no specifics related to data that support adequacy of service. Services provided are inconsistent with needs assessment if such data are available.~~

~~22.5.3 Extent of Local Financial Support~~

~~22.5.3.1 "Level 5": Resources of the educational service cooperative are enhanced by forming support networks among the member schools to provide extended services, provide new services and combine funding to support programs such as group purchasing, thus maximizing local school district funding. All or most all of the member LEAs participate by purchasing services and providing released time for staff to engage in specialized training and services.~~

~~22.5.3.2 "Level 4": External grants are secured but not all local districts participate in the extended services. At least half, but not all, LEAs enter into two or more externally funded activities or events supported with local contributions.~~

~~22.5.3.3 "Level 3": At least fifty percent (50%) of the local districts support the cooperative in offering extended services in one or two activities or events or purchased services with local district funds. Education service cooperative develops proposals for external funding but is not successful with acquiring outside funding.~~

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~~22.5.3.4 "Level 2": The education service cooperative documents proposals to extend services to local school districts, but a limited number of districts opt to purchase services with local funds. No external grants are submitted to extend local services.~~

~~22.5.3.5 "Level 1": Local districts do not support programs or extended services by purchasing additional services with local funds. There are no external grants to support extended services to local districts.~~

~~22.5.4 Staff Qualifications~~

~~22.5.4.1 "Level 5": All staff meet or exceed licensure qualifications for the position in which they are employed. Employment decisions are always based on professional qualifications.~~

~~22.5.4.2 "Level 4": Employment decisions are generally based on licensure qualifications; however, there may be documented reasons to employ a person(s) for a position for which no qualified individual is available.~~

~~22.5.4.3 "Level 3": No more than twenty-five percent (25%) of staff fail to meet appropriate licensure requirements. In cases where an employee was hired without having proper licensure, strategies were implemented to assure that the employee becomes qualified in a reasonable amount of time.~~

~~22.5.4.4 "Level 2": Employment decisions are made without regard for licensure requirements; deficiency plans are in place, but the employees fail to meet expected progress and are not dismissed.~~

~~22.5.4.5 "Level 1": Fifty percent (50%) or more of the staff hold positions for which they lack full~~

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~~licensure/certification. Employment decisions seem to be based on criteria other than professional licensure standards.~~

~~22.5.5 Performance and Administrative Effectiveness~~

~~22.5.5.1 "Level 5": The education service cooperative has personnel policies that are up-to-date (reviewed within the past year). Annual reports are developed and submitted to the Department of Education/State Board of Education and to local school districts. Any audit findings from the most recent audit report have been addressed completely. There is documentation of an annual performance evaluations of the director and staff.~~

~~22.5.5.2 "Level 4": There is clear documentation of performance of the director and staff. There is documentation of a recent state audit, but one or more deficiencies have not been addressed. There is a staff performance evaluation, but there is no evidence of a performance evaluation of the director. Annual reports are prepared and distributed, but not posted for public review.~~

~~22.5.5.3 "Level 3": Budgets and accounting policies are current and most audit findings have been addressed, but changes may not be fully implemented. Personnel policies are in place but have not been reviewed within the past three years. The director and staff have documented performance evaluations within the past three years. Annual reports are prepared, but not distributed to all local school participants.~~

~~22.5.5.4 "Level 2": Personnel policies are in place and up-to-date, but there is no evidence of performance evaluations for the director or staff. Annual reports have been prepared and submitted to the Department of Education and State Board, but were~~

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~~not posted or submitted to LEA members. Follow-up to audit report documents is incomplete.~~

~~22.5.5.5 "Level 1": Cooperative budgets are prepared but do not seem to be used for administration of the cooperative. There are audit findings from recent state audits that have not been addressed. Personnel policies, if available, are out of date and have not been reviewed for over five years.~~

22.5.~~6~~1 Each education service cooperative shall receive an overall evaluation rating from one (1) to five (5). The overall evaluation rating will consist of an average of the individual category ratings ~~from Sections 22.05.1 through 22.05.5 above~~ as outlined in the rubric for evaluation attached as Appendix 2 to this rule.

22.6 The report of the evaluation committee shall be filed with the education service cooperative visited, with its constituent school districts, and with the State Board of Education.

22.6.1 The State Board of Education shall acknowledge receipt of the report and comment on any deficiencies identified in the report that should be corrected for the education service cooperative to remain eligible for base funding.

22.6.2 The report shall identify each education service cooperative as being in one (1) of the following category levels, based on the evaluation:

22.6.2.1 "Level 5", education service cooperative of excellence;

22.6.2.2 "Level 4", education service cooperative exceeding standards;

22.6.2.3 "Level 3", education service cooperative meeting standards;

22.6.2.4 "Level 2", education service cooperative on alert; or

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22.6.2.5 "Level 1", education service cooperative in need of immediate improvement.

22.6.3 As set forth in Ark. Code Ann. §§ 6-13-1021-6-13-1022 and Sections 22.00-23.00 of these rules, the evaluation committee may recommend to the State Board of Education that an education service cooperative be dissolved.

22.7 The intent of this evaluation procedure is to provide a means for school districts to express their concerns about the operation of their education service cooperative and to ensure that each education service cooperative remains alert and responsive to the needs of the local schools it serves.

22.8 An education service cooperative that receives a performance category level of level 1 shall be reevaluated during the evaluation cycle the following year.

22.9 For all education service cooperatives that receive a performance category level of level 1 for two (2) consecutive years, the Department of Education shall:

22.9.1 Withhold base funding to the education service cooperative; or

22.9.2 Take over administration of the education service cooperative.

22.10 For each evaluation, the Commissioner of Education shall appoint the committee and designate its chairperson.

22.10.1 The committee shall include the following from outside the boundary of the education service cooperative being evaluated:

22.10.1.1 A Department of Education staff member;

22.10.1.2 A teacher;

22.10.1.3 An administrator;

22.10.1.4 A college staff member; and

22.10.1.5 A present or former staff member of an area education service agency.

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22.10.2 In addition, the committee shall include from within the education service cooperative's area:

22.10.2.1 A member of a school district board of directors;

22.10.2.2 A representative of business and industry; and

22.10.2.3 A school parent from each of two (2) school districts.

22.11 Each education service cooperative shall pay the reasonable costs of its evaluation.

Source: Ark. Code Ann. § 6-13-1021

23.00 DISSOLUTION OF AN EDUCATION SERVICE COOPERATIVE

23.1 The State Board of Education shall be authorized to dissolve any education service cooperative upon the request of a majority of its school district boards of directors or upon the recommendation of the evaluation committee provided for in Ark. Code Ann. §§ 6-13-1021-6-13-1022 and Sections 22.00-23.00 of these rules.

23.2 A dissolved education service cooperative's area shall be assigned to one (1) or more adjacent education service cooperatives, the provisions of Ark. Code Ann. § 6-13-1003 and Section 5.00 of these rules notwithstanding, with the dissolved education service cooperative's base funding apportioned to all remaining education service cooperatives in the state.

23.3 After payment of debts, the assets of a dissolved education service cooperative shall be distributed to the school districts in its service area based on each school district's three-quarter average daily membership for the immediately preceding school year.

23.4 Any active grant funds held by the dissolved education service cooperative shall be distributed to the Commissioner of Education in accordance with the grant requirements, state and federal law, and the best interests of the school districts within the boundaries of the dissolved cooperative. To the extent allowed by the grant requirement or by law, active grant funds may be transferred to one or more public school districts or education service cooperatives, or to the Department, for future administration of the grant funds.

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Source: Ark. Code Ann. § 6-13-1022

24.00 TECHNOLOGY CENTERS

24.1 Consistent with funds available and upon a majority vote of the members present and voting, the board of directors of each education service cooperative established under Title 6, Chapter 13, Subchapter 10 of the Arkansas Code is authorized to establish a technology training center and employ a technology coordinator who has demonstrated expertise in computer technology and staff development.

24.2 The duties of the technology coordinator at such technology training center shall include, but not be limited to, the following:

24.2.1 To provide staff development for personnel of member schools;

24.2.2 To assist member schools with determining technology needs and types of computer hardware and software necessary to meet those needs;

24.2.3 To assist with technology system analysis and local network design;

24.2.4 To provide member schools with information on technology standards and specifications;

24.2.5 To develop and coordinate a technology training center located at the education service cooperative;

24.2.6 To coordinate information with the Arkansas Public School Computer Network, the Instructional Microcomputer Project for Arkansas Classrooms, and the Governor's Technology Task Force so that member schools will be informed on technological activity in the state; and

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24.2.7 To assist with requests for proposal development and bid analysis so that member schools will be better able to spend funds for technology.

Source: Ark. Code Ann. § 6-13-1023

25.00 MATHEMATICS AND SCIENCE CENTER

25.1 Consistent with funds available and upon a majority vote of the members present and voting, the board of directors of each education service cooperative established under this subchapter is authorized to establish a mathematics and science center and to employ a mathematics and science coordinator who has demonstrated expertise in mathematics and science content, in pedagogy, and in staff development.

25.2 The duties of the mathematics and science coordinator at the mathematics and science resource center shall include, but not be limited to, the following:

25.2.1 Providing mathematics and science staff development for and individual technical assistance to personnel of member schools;

25.2.2 Assisting member schools with determining mathematics and science curricula, with instruction, and with assessment of needs and resources necessary to meet those needs;

25.2.3 Enhancing curricula and instruction using technology;

25.2.4 Providing member schools with information for curriculum alignment with mathematics and science standards and state frameworks;

25.2.5 Developing and coordinating a mathematics and science resource center located at the education service cooperative; and

25.2.6 Assisting with the development of requests for proposals for teacher enhancement in mathematics and science.

Source: Ark. Code Ann. § 6-13-1025

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26.00 COOPERATIVES AS LOCAL EDUCATION AGENCIES

26.1 Education service cooperatives created by Title 6, Chapter 13, Subchapter 10 of the Arkansas Code meet the definition of "local education agencies" by virtue of the fact that each is a public authority, legally constituted within this state to perform a service function for a public elementary and secondary school in school districts and other political subdivisions of the state and to form a consortia of school districts which are recognized by the General Assembly as administrative agents for public elementary and secondary schools.

26.2 This section intends to recognize the function of the cooperatives and to provide eligibility to cooperatives to receive state and federal funds upon written requests from the school districts.

Source: Ark. Code Ann. § 6-13-1026

27.00 FISCAL DISTRESS – EDUCATION SERVICE COOPERATIVES

27.1 Any education service cooperative that meets one (1) or more of the following criteria may be identified by the Department of Education as being in fiscal distress upon final approval of the State Board of Education:

27.1.1 A declining balance that jeopardizes the fiscal integrity of the education service cooperative. The Department of Education shall not use capital outlay expenditures from the education service cooperative's balance for facilities to identify the education service cooperative as being in fiscal distress;

27.1.2 A material failure to meet the education service cooperative's obligation to maintain the education service cooperative's facilities;

27.1.3 A material violation of local, state, or federal law or regulations relating to:

27.1.3.1 Fire, health, or safety codes;

27.1.3.2 Construction codes;

27.1.3.3 Audit requirements; or

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27.1.3.4 Procurement, bidding, and purchasing requirements;

27.1.4 A material failure to provide timely and accurate legally required financial reports to the department, the Division of Legislative Audit, the General Assembly, or the Internal Revenue Service;

27.1.5 A material failure to maintain sufficient funds to cover payroll, salary, employment benefits, or legal tax obligations;

27.1.6 A material default on any debt obligation;

27.1.7 A material discrepancy between budgeted and actual expenditures; or

27.1.8 Any other fiscal condition of the education service cooperative that the Department of Education determines materially impacts the education service cooperative's delivery of education services.

27.2 The Department of Education may identify an education service cooperative as being in fiscal distress at any time a fiscal condition of the education service cooperative is discovered to have a detrimental negative impact on the continuation of educational services provided by the education service cooperative.

27.3 If the Department of Education identifies an education service cooperative as being in fiscal distress, the Department of Education shall notify the education service cooperative in writing of the identification of fiscal distress within ten (10) calendar days.

27.4 The Department of Education shall identify in the notice each criteria for fiscal distress on which the department based the identification of fiscal distress.

27.5 The Department of Education shall deliver the notice by certified mail, return receipt requested, and addressed to:

27.5.1 The president of the education service cooperative’s board of directors; and

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27.5.2 The director of the education service cooperative employed under Ark. Code Ann. § 6-13-1010 and Section 11.00 of these rules.

27.6 The identification of fiscal distress made by the Department of Education under Ark. Code Ann. § 6-13-1027 and Section 27.00 of these rules may be appealed to the State Board of Education under Ark. Code Ann. § 6-13-1031 and Section 31.00 of these rules in which case the final order entered upon appeal is the final classification of fiscal distress.

27.7 Within two (2) weeks following the date the education service cooperative receives the final classification by the State Board of Education of fiscal distress, the education service cooperative shall:

27.7.1 Notify in writing each public school district in its service area that the education service cooperative is classified as being in fiscal distress; and

27.7.2 File with the Department of Education a fiscal distress plan under Ark. Code Ann. § 6-13-1028 and Section 28.00 of these rules.

27.8 An education service cooperative that is identified as being in fiscal distress shall not incur any debt without the prior written approval of the department.

27.9 The education service cooperative shall include in the annual report to constituent school districts under Ark. Code Ann. § 6-13-1020(d) and Section 21.00 of these rules the progress the education service cooperative had made on its fiscal distress plan.

Source: Ark. Code Ann. § 6-13-1027

28.00 FISCAL DISTRESS PLAN

28.1 An education service cooperative that is classified by the State Board of Education as being in fiscal distress shall file with the Department of Education a fiscal distress plan that:

28.1.1 Addresses each area of fiscal distress identified by the Department of Education;

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28.1.2 Describes how the education service cooperative will remedy the areas experiencing fiscal distress; and

28.1.3 Establishes the schedule by which the education service cooperative will implement the fiscal distress plan. The fiscal distress plan implementation schedule shall not exceed two (2) years from the date of the final classification of fiscal distress.

28.2 The Department of Education shall approve the fiscal distress plan before the education service cooperative implements the fiscal distress plan.

28.3 An education service cooperative identified as being in fiscal distress is required to receive on-site technical evaluation and assistance from the Department of Education.

Source: Ark. Code Ann. § 6-13-1028

29.00 FISCAL DISTRESS ACTIONS

29.1 To address the identified areas of fiscal distress of an education service cooperative, the Department of Education shall:

29.1.1 Conduct an on-site evaluation and make recommendations regarding the staffing and fiscal practices of the education service cooperative. The recommendations of the Department of Education are binding on the education service cooperative;

29.1.2 Every six (6) months during which the education service cooperative is classified as being in fiscal distress, submit to the State Board of Education a written evaluation on the fiscal status of the education service cooperative;

29.1.3 Monitor the fiscal operations and accounts of the education service cooperative; and

29.1.4 Require the education service cooperative administrative staff and employees to obtain instruction or training in areas of fiscal concern for the education service cooperative.

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29.2 The Department of Education also may take one (1) or more of the following actions:

29.2.1 Reorganize the administrative unit of the education service cooperative by:

29.2.1.1 Removing and replacing the director of the education service cooperative employed under Ark. Code Ann. § 6-13-1010 and Section 11.00 of these rules.

29.2.1.1.1 An individual appointed to replace the director shall administratively operate the education service cooperative under the supervision and approval of the Commissioner of Education.

29.2.1.1.2 The Department of Education may compensate nondepartment agents operating the education service cooperative from the education service cooperative's funding.

29.2.1.2 Removing, replacing, or reassigning other administrative staff of the education service cooperative; or

29.2.2 Impose reporting requirements on the education service cooperative.

29.3 Within two (2) consecutive school years of the State Board of Education's final classification of fiscal distress, the Department of Education shall determine whether to recommend that the education service cooperative be removed from fiscal distress status.

Source: Ark. Code Ann. § 6-13-1029

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30.00 REMOVAL FROM FISCAL DISTRESS

30.1 The Department of Education shall certify in writing to the education service cooperative that the education service cooperative may be removed from fiscal distress status when the department determines that the education service cooperative has:

30.1.2 Corrected all of the criteria under Ark. Code Ann. § 6-13-1027 and Section 27.00 of these rules that led to the classification of fiscal distress; and

30.1.3 Complied with all Department of Education recommendations and requirements for removal from fiscal distress status.

30.2 Within thirty (30) days of receiving the Department of Education's certification under Ark. Code Ann. § 6-13-1030(a) and Section 30.01 of these rules, an education service cooperative may petition the State Board of Education in writing for removal from fiscal distress. An education service cooperative may not petition the State Board of Education for removal from fiscal distress status before the Department of Education makes the certification under Ark. Code Ann. § 6-13-1030(a) and Section 30.01 of these rules.

30.3 Within sixty (60) days of receiving the petition for removal from fiscal distress, the State Board shall deny the petition or remove the education service cooperative from fiscal distress status.

30.4 If an education service cooperative fails to meet the Department of Education's requirements for removal from fiscal distress status within two (2) consecutive school years of being classified in fiscal distress, the State Board of Education shall:

30.4.1 Reorganize the administrative unit of the education service cooperative under Ark. Code Ann. § 6-13-1029 and Section 29.00 of these rules; or

30.4.2 Issue a written finding supported by a majority vote of the State Board of Education explaining in detail that the education service cooperative could not comply with Ark. Code Ann. § 6-13-1030 or Section 30.00 of these rules due to impossibility caused by external forces beyond the education service cooperative's control. The

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State Board of Education shall extend the classification of fiscal distress for one (1) additional year within which time the education service cooperative shall comply with all conditions for removal from fiscal distress status.

30.05 Within fifteen (15) days of making a decision under Ark. Code Ann. § 6-13-1030 and Section 30.00 of these rules, the State Board shall notify the education service cooperative of its decision and include with the notice a copy of a written finding issued under Ark. Code Ann. § 6-13-1030 and Section 30.04.2 of these rules.

Source: Ark. Code Ann. § 6-13-1030

31.00 APPEAL OF FISCAL DISTRESS IDENTIFICATION AND CLASSIFICATION

31.1 An education service cooperative may appeal to the State Board of Education the identification of fiscal distress under Ark. Code Ann. § 6-13-1027 and Section 27.00 of these rules.

31.2 The education service cooperative may lodge an appeal by filing a written appeal with the Commissioner of Education by certified mail, return receipt requested, within thirty (30) days of the date the education service cooperative received notice of the identification of fiscal distress.

31.3 The written appeal shall state in clear terms the reason why the education service cooperative should not be classified as being in fiscal distress.

31.4 The State Board of Education shall hear the appeal within sixty (60) days of receipt of the written notice of appeal.

31.5 Notwithstanding any appeal rights in this section, no appeal shall stay the State Board of Education's or the Department of Education's authority to take action to enforce the education service cooperative's compliance with financial management, accounting, auditing, and reporting procedures required by state or federal law and regulations.

31.6 The decision of the State Board on the appeal is a final order. There is no further right of appeal except to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.

Source: Ark. Code Ann. § 6-13-1031

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APPENDIX 1 - SELF-STUDY GUIDE

The Department of Education is charged by statute to conduct an evaluation of each educational service cooperative at least once each five-year period. In order to meet the provisions of the statute, the Commissioner of Education has determined that each education service cooperative will participate in an evaluation process that culminates with a one-day visit during the 2017-2018 school year, and every five years thereafter, by an evaluation team that meets the stipulations of the statute. This Self Study Guide provides a resource guide, such that when fully implemented, will meet the structure as outlined.

The Department of Education suggests the following steps so that the format will be consistent across each evaluation visit:

1. An assigned ADE staff member will organize the evaluation teams, coordinate the evaluation visits, and work with the regional service cooperative staffs to establish a schedule for the visits to be completed by the end of the school year.

2. This Self Study Guide organizes the statutes that authorize and provide structure for the management and programming of the cooperatives. Three areas of review are suggested:

- User Satisfaction and Service Adequacy
- Staff Qualification and Administrative Effectiveness
- Extent of Local Financial Support

3. Prior to an evaluation visit, the local staff of the education service cooperative shall conduct a self-study and prepare a written summary that can serve as an overview of how the cooperative has interpreted and implemented management and programming as it serves the local school districts in the region. These summaries along with all supporting evidence and displays should be available for electronic review fifteen (15) days prior to the evaluation visit. The self-study documents along with summary statements provided by the visiting evaluation committee shall comprise the evaluation documents to be maintained by the Department of Education and subsequently reported to the General Assembly.

4. The Commissioner will project a list of individuals to compose the visiting evaluation team in keeping with statute. The director and teacher center coordinator of each education service cooperative may suggest potential visiting evaluation committee members and should concur in the team composition prior to it becoming a final list. ADE staff will contact each proposed visiting evaluation committee member and confirm his/her participation in the evaluation visit. The agenda for the day shall include an orientation of visiting evaluation committee members to the evaluation process and a discussion of expectations of visiting evaluation committee members at the close of the day.

5. A calendar for the evaluation visits will be proposed by ADE staff with agreement from the education service cooperative staff.

6. The ADE staff member assigned to the team will serve as chair of the visiting evaluation committee.

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PROPOSED AGENDA FOR EVALUATION VISIT

Date:_____

LOCATION: _____

8:00 a.m.	Welcome and Introductions
8:15 – 9:00 a.m.	Presentation by Cooperative Staff
9:00 – 11:30 a.m.	Review of Prepared Evidence and Visits with Cooperative Staff
11:30 – 12:30 p.m.	Working Lunch to include Executive Committee, Teacher Center Committee Representatives, other users of services
12:30 – 1:30 p.m.	Committee Work Time
1:30 – 3:00 p.m.	Preparation of Reports
3:00 – 3:30 p.m	Exit Conference and Adjournment

The team chair will collect committee reports, edit the findings, and distribute as required in statute.

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Education Service Cooperative:
Director:
Teacher Center Coordinator:

Education Service Cooperative Demographics
Prepare a table of information that is an accurate and complete analysis of the cooperative demographics as it relates to A.C.A. § 6-13-1003, including any boundary changes within the previous five (5) years:

Section 6-13-1003	text	Status/Documentation
(1)	They include at least three (3) but no more than nine (9) counties;	
(2)	They include at least ten (10) but no more than thirty-five (35) school districts;	
(3)	They include at least twenty thousand (20,000) pupils in K-12 average daily membership (ADM);	
(4)	They include at least one (1) postsecondary education institution; and	
(5)	There is no more than fifty (50) miles distance or approximately one (1) hour driving time to the area's main offices for ninety percent (90%) of the school districts.	

User Satisfaction and Service Adequacy
Prepare a narrative description and data or other evidence to support the user satisfaction and service adequacy of the education service cooperative in meeting the documented needs and priorities of the local school districts in the established service territory as noted in "3 Meeting Standards." Additional narrative description, data or other evidence may be included to meet the requirements of "4 Exceeding Standards" or "5 Excellence." Evidence may include but not be limited to:

- Describe the teacher center committee and the impact on responsiveness to member districts.
- Describe the design and administration of such surveys (inquiries), which may be required to determine the service needs of school districts in the education service cooperative and develop plans to provide such needed services.
    - Describe procedures of data collection such as surveys and/or visits to local schools to meet with school personnel (administration and instructional staff).
    - Affirm that the focus of the cooperative programming coordinates with emphases of the State Department of Education and does not duplicate services provided directly by the Department.
    - Attest to collecting data in such fashion as to minimize duplication of reporting to the extent possible.
- Describe the analysis process for reviewing survey data and prioritizing needed services to be provided by the cooperative.
- Describe the extent to which state, local, and other resources collectively are deemed to meet the educational needs of participating local school districts as determined by assessments conducted.

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- Employ such personnel as may be required to provide the services requested by the schools and districts and documented by the surveys.
- Demonstrate how cooperative programming and sharing of services help extend educational resources of the local districts.

- Demonstrate cooperative relationships with other education service cooperatives, school districts, postsecondary institutions, and other agencies to provide programs and services for children and adults residing within the service area.
- Demonstrate how the services local districts are provided to meet and/or exceed accreditation standards and student performance expectations are equalizing educational opportunity for the member districts.
- Demonstrate how cooperative programming and services provided through the education service cooperative extend the priorities of the Department of Education, the State Board of Education and/or the General Assembly.
- Provide data regarding the satisfaction of users and evaluation of service adequacy including but not limited to:
  - User satisfaction surveys of services provided.
  - Evaluations from individual participants in the professional development events conducted by cooperative staff and consultants.
  - Evaluations of direct services provided to school districts and individual schools such as group purchasing, shared professional staff (special education supervisors, federal programs administration, gifted and talented supervisors, etc.)
- Provide documentation of reporting duplications, cost analysis studies, and/or best practices.

Reference In Rules	5 Excellence	4 Exceeding Standards	3 Meeting Standards	2 Alert	1 In Need of Immediate Improvement
22.2 Annual user Satisfaction Survey Results (all personnel of member districts)	90% or greater satisfied/very satisfied	80-89% or greater satisfied/very satisfied	70-79% or greater satisfied/very satisfied	60-69% or greater satisfied/very satisfied	50-59% or greater satisfied/very satisfied
22.2 Summative PD session evaluation responses	3.8 or higher on 4.0 scale	3.4 to 3.7 on 4.0 scale	3.0 to 3.3 on 4.0 scale	2.6 to 3.2 on 4.0 scale	2.5 or below on 4.0 scale

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17.00 Annual Surveys and Needs Assessments	Meets 4 of the 4 criteria AND Reports survey and needs assessment results to member districts and the Department AND Reports any duplications to the Department	Meets 4 of 4 criteria AND Reports survey and needs assessment results to member districts.	Meets 4 of 4 criteria listed below: 1. Evidence that a Professional Development Needs Survey was administered; 2. Evidence that the survey data was reviewed by cooperative leadership; 3. Evidence of ongoing input of district needs from various groups (id Teacher Center Committee, job alike groups, etc. 4. Works with the Department to conduct surveys that complement, rather than duplicate the work of the Department.	Meets 3 of 4 criteria.	Meets 2 or less of the 4 criteria.
4.2 Provide Assistance	Meets 3 of the 3 criteria AND Provides evidence that exceeds the expectation in at least two (2) areas such as exceeding accreditation standards and equalizing education	Meets 3 of the 3 criteria. AND Provides evidence that exceeds the expectation in at least one (1) area such as exceeding accreditation standards and equalizing education	Meets 3 of the 3 criteria listed below: 1. Assist member districts in meeting or exceeding accreditation standards and equalizing educational opportunities; 2. Using educational resources more effectively through cooperation among school districts; and 3. Promoting	Meets 2 of the 3 criteria.	Meets 1 of the 3 criteria.

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	opportunities AND a cost analysis study of coordinated services.	opportunities OR a cost analysis study of coordinated services.	coordination between school districts and the Department in order to provide services that are consistent with the needs identified by school districts and the education priorities of the state.		
9.00 Teacher Center Committee and 10.00 Other Necessary Committees	Meets 5 of the 5 criteria. AND Lists the other committees and the purposes or responsiveness to member districts. AND Best practices are shared publicly.	Meets 5 of the 5 criteria. AND Lists the other committees and the purposes or responsiveness to member districts.	Meets 5 of the 5 criteria listed below: 1. A teacher center will provide, if funds are available, curriculum development assistance, educational materials, and staff development services to teachers within the area. 2. A teacher center committee is composed of a least one (1) representative from the staff of each school district; 3. At least one-half (1/2), but not more than two-thirds (2/3) of the members are classroom teachers; 4. The committee meets at least three (3) times per year; and 5. Other committees of local school personnel are convened to be responsive to the member districts.	Meets 4 of the 5 criteria.	Meets 3 or less of the 5 criteria.

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16.00 Liaison with Postsecondary Institutions	Collaborates with more than two (2) postsecondary institutions on a regular basis. AND Best practices are shared publically.	Collaborates with more than one (1) postsecondary institution on a regular basis.	Shall cooperate with the state-supported postsecondary institution located within its area.	Cooperates with one (1) postsecondary institution within the state.	Does not cooperate or collaborate with a postsecondary institution.

Staff Qualifications and Administration Effectiveness

The impact of the education service cooperative is dependent on the effective and efficient performance of the director, teacher center coordinator and staff. In this section of the review, provide such policy documents and other documentation that determine the extent of effective administration and management of the cooperative.as noted in "3 Meeting Standards." Additional narrative description, data or other evidence may be included to meet the requirements of "4 Exceeding Standards" or "5 Excellence. Evidence may include but not be limited to:

- Provide evidence of Board of Director meetings and if applicable executive committee meetings.
- Provide evidence that the director holds an administrator's certificate and meets all requirements to serve as a superintendent of schools in the State of Arkansas
- Provide evidence that personnel of the education service cooperative maintain licensure or certification requirements, same as those expected of persons holding similar positions in local school districts.
- Provide evidence of established (written) policies and procedures for the operation and management of the education service cooperative.
- Provide evidence that Maintain fiscal accounting procedures are in keeping with APSCN and appropriate standard accounting procedures.
- Provide evidence that all Address recommendations (if any) from the most recent (five-year) cooperative evaluation report have been addressed or corrected.
- Provide evidence of current personnel policies and most recent review date.
    - Document that all personnel meet minimum certification requirements for the position(s) held.
    - Describe the process for staff performance evaluation and display the rubric used to conduct such personnel reviews. Describe the extent to which staff performance evaluations lead to merit pay or salary increases.
    - Describe the process adopted by the Board of Directors to review and evaluate the administrative effectiveness of the Director of the education service cooperative.

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Reference In Rules	5 Excellence	4 Exceeding Standards	3 Meeting Standards	2 Alert	1 In Need of Immediate Improvement
11.00 Director 12.00 Personnel 14.00 General policies, rules and regulations 21.00 Policies, procedures, expenditures, reports and audits	Meets 5 of the 5 criteria AND All audit findings are addressed AND Best practices are shared publicly	Meets 5 of the 5 criteria AND All audit findings are addressed	Meets 5 of the 5 criteria listed below: 1. All positions requiring licensure are occupied by personnel possessing licensure or approved alternative 2. Evidence of staff formal evaluations including performance evaluation of director 3. Personnel policies are in place and current 4. Annual reports are compiled and disseminated to individuals and entities required by statute 5. There is no evidence of fiscal distress as witnessed by any one of criteria in 27.00 of the Rules	Meets 4 of the 5 criteria.	Meets 3 or less of the 5 criteria.

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3.00 Board of Directors 8.00 Executive Committee	The Board of Directors meet more than eight (8) times each year, and written policies and procedures for operation are filed with the State Board. AND Records of internal improvement in efficiency of operation are available upon request. *May substitute: The executive committee and board of directors meet more than required.*	The Board of Directors meet more than eight (8) times each year, and written policies and procedures for operation are filed with the State Board. *May substitute: The executive committee or board of directors meets more than required.*	The Board of Directors meet at least eight (8) times each year, and general fiduciary responsibilities for the cooperative are documented. OR The executive committee meets at least nine (9) times per year, and the board of directors meets at least three (3) times annually. The president of the board shall serve as chair of the executive committee.	The Board of Directors meet less than eight (8) times each year, and/or general fiduciary responsibilities for the cooperative are minimally documented.	The Board of Directors meet less than eight (8) times each year, and/or general fiduciary responsibilities for the cooperative are not adequately documented.

Extent of Local Financial Support

Prepare a narrative and data that will define the Cooperative's procedures regarding local financial support. Documentation should include evidence of financial stability of the regional service cooperative and its financial ability to serve the local school districts as noted in "3 Meeting Standards." Additional narrative description, data or other evidence may be included to meet the requirements of "4 Exceeding Standards" or "5 Excellence. Evidence may include but not be limited to:

- Provide evidence of programs and services available to all member districts.
- the benefit of all district consortia members. The consortium financial resources are managed in ongoing fashion for the service benefit of all consortia members. Provide documentation that consortia members are provided monthly financial report of consortia revenue and expenditures.
- Provide evidence of all district contracts for services and part-time personnel to be supported in whole or in part by local funds
- Provide evidence, if applicable, that school districts outside of the education service cooperative contracted for services.

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- Provide evidence of all categorical state or federal funds approved by the governing body and under conditions set by the State Board of Education.
- Provide evidence of cost analysis studies and the reporting procedures of such studies.

Reference In current rules	5 Excellence	4 Exceeding Standards	3 Meeting Standards	2 Alert	1 In Need of Immediate Improvement
18.00 Programs and Services 19.00 Participation of Local School Districts 22.2 extent of local financial support 24.00 Technology Centers 25.00 Mathematics and Science Center	Meets 3 of the 3 criteria. AND Programs and services are documented based on needs assessment and evaluation is reported. AND Resources of the educational service cooperative are enhanced by forming support networks among the member schools to provide extended services, provide new services and combine funding to support	Meets 3 of the 3 criteria. AND Programs and services are documented based on needs assessment. AND 50% or more of member districts support the cooperative in offering extended services in two (2) or more activities or events or purchased services with local funds. AND At least one (1) cost analysis	Meets 3 of the 3 criteria listed below: 1. Programs and services are based on the needs of the member districts and priorities of the state; 2. Each member district is entitled to participate in programs and services that are fully supported by state funds 3. Programs and other services may be supported by local funds.	Meets 2 of the 3 criteria.	Meets 1 or less of the 3 criteria.

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	programs such as group purchasing, thus maximizing local school district funding. 90% or more of member districts participate by purchasing services and providing release time for staff to engage in specialized training & services. AND Cost analysis study has been performed for 1/5 of member districts annually and the findings have been shared in a face-to-face meeting with the superintendent. AND Best practices are shared publicly.	study has been performed and the findings have been shared in a face-to- face meeting with the superintendent (s)			

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Evaluation of Education Service Cooperative
The self-study (self-evaluation) documents and evidence along with summary statements provided by the visiting evaluation committee shall comprise the evaluation documents to be maintained by the Department of Education and subsequently reported to the General Assembly. Each education service cooperative shall be assigned an overall evaluation score.

TOTAL EDUCATION SERVICE COOPERATIVE EVALUATION

Cooperative Evaluation Level
Level 5 - Excellence
Level 4 – Exceeding Standards
Level 3 – Meeting Standards
Level 2 – Alert
Level 1 – In Need of Immediate Improvement

Level 5 – A cooperative must receive a majority score of 5 on categories (at least 6 out 8 categories); and no scores below 3.
Level 4 – A cooperative must receive at least six (6) scores of 4 or some combination of 4 or 5; and no scores below 3.
Level 3 – A cooperative must receive at least six (6) scores of 3 or some combination of 3, 4, or 5; may include only one score of a 2 (if some combination of 4 or 5 was assigned) with no additional scores below a 3.
Level 2 – A cooperative scores 2 in 2 or more categories.
Level 1 – A cooperative scores 1 in 1 or more categories.

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APPENDIX 2 – EVALUATION RUBRIC

User Satisfaction and Service Adequacy

Reference In current rules	5 Excellence	4 Exceeding Standards	3 Meeting Standards	2 Alert	1 In Need of Immediate Improvement
22.2 Annual user Satisfaction Survey Results (all personnel of member districts)	90% or greater satisfied/very satisfied	80-89% or greater satisfied/very satisfied	70-79% or greater satisfied/very satisfied	60-69% or greater satisfied/very satisfied	50-59% or greater satisfied/very satisfied
22.2 Summative PD session evaluation responses	3.8 or higher on 4.0 scale	3.4 to 3.7 on 4.0 scale	3.0 to 3.3 on 4.0 scale	2.6 to 3.2 on 4.0 scale	2.5 or below on 4.0 scale
17.00 Annual Surveys and Needs Assessments	Meets 4 of the 4 criteria AND Reports survey and needs assessment results to member districts and the Department AND Reports any duplications to the Department	Meets 4 of 4 criteria AND Reports survey and needs assessment results to member districts.	Meets 4 of 4 criteria listed below: 1. Evidence that a Professional Development Needs Survey was administered; 2. Evidence that the survey data was reviewed by cooperative leadership; 3. Evidence of ongoing input of district needs from various groups (id Teacher Center Committee, job alike groups, etc. 4. Works with the Department to conduct surveys that complement, rather than duplicate the	Meets 3 of 4 criteria.	Meets 2 or less of the 4 criteria.

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			work of the Department.		
4.2 Provide Assistance	Meets 3 of the 3 criteria AND Provides evidence that exceeds the expectation in at least two (2) areas such as exceeding accreditation standards and equalizing education opportunities AND a cost analysis study of coordinated services.	Meets 3 of the 3 criteria. AND Provides evidence that exceeds the expectation in at least one (1) area such as exceeding accreditation standards and equalizing education opportunities OR a cost analysis study of coordinated services.	Meets 3 of the 3 criteria listed below: 1. Assist member districts in meeting or exceeding accreditation standards and equalizing educational opportunities; 2. Using educational resources more effectively through cooperation among school districts; and 3. Promoting coordination between school districts and the Department in order to provide services that are consistent with the needs identified by school districts and the education priorities of the state.	Meets 2 of the 3 criteria.	Meets 1 of the 3 criteria.
9.00 Teacher Center Committee and 10.00 Other Necessary Committees	Meets 5 of the 5 criteria. AND Lists the other committees and the purposes or responsiveness to member districts. AND Best practices	Meets 5 of the 5 criteria. AND Lists the other committees and the purposes or responsiveness to member districts.	Meets 5 of the 5 criteria listed below: 1. A teacher center will provide, if funds are available, curriculum development assistance, educational materials, and staff development services to teachers within the area. 2. A teacher center committee is	Meets 4 of the 5 criteria.	Meets 3 or less of the 5 criteria.

MARK-UP

	are shared publicly.		composed of a least one (1) representative from the staff of each school district; 3. At least one-half (1/2), but not more than two-thirds (2/3) of the members are classroom teachers; 4. The committee meets at least three (3) times per year; and 5. Other committees of local school personnel are convened to be responsive to the member districts.		
16.00 Liaison with Postsecondary Institutions	Collaborates with more than two (2) postsecondary institutions on a regular basis. AND Best practices are shared publically.	Collaborates with more than one (1) postsecondary institution on a regular basis.	Shall cooperate with the state-supported postsecondary institution located within its area.	Cooperates with one (1) postsecondary institution within the state.	Does not cooperate or collaborate with a postsecondary institution.

MARK-UP

Staff Qualification and Administrative Effectiveness

Reference In current rules	5 Excellence	4 Exceeding Standards	3 Meeting Standards	2 Alert	1 In Need of Immediate Improvement
11.00 Director 12.00 Personnel 14.00 General policies, rules and regulations 21.00 Policies, procedures, expenditures, reports and audits	Meets 5 of the 5 criteria AND All audit findings are addressed AND Best practices are shared publicly	Meets 5 of the 5 criteria AND All audit findings are addressed	Meets 5 of the 5 criteria listed below: 1. All positions requiring licensure are occupied by personnel possessing licensure or approved alternative 2. Evidence of staff formal evaluations including performance evaluation of director 3. Personnel policies are in place and current 4. Annual reports are compiled and disseminated to individuals and entities required by statute 5. There is no evidence of fiscal distress as witnessed by any one of criteria in 27.00 of the Rules	Meets 4 of the 5 criteria.	Meets 3 or less of the 5 criteria.

MARK-UP

3.00 Board of Directors 8.00 Executive Committee	The Board of Directors meet more than eight (8) times each year, and written policies and procedures for operation are filed with the State Board. AND Records of internal improvement in efficiency of operation are available upon request. *May substitute: The executive committee and board of directors meet more than required.*	The Board of Directors meet more than eight (8) times each year, and written policies and procedures for operation are filed with the State Board. *May substitute: The executive committee or board of directors meets more than required.*	The Board of Directors meet at least eight (8) times each year, and general fiduciary responsibilities for the cooperative are documented. OR The executive committee meets at least nine (9) times per year, and the board of directors meets at least three (3) times annually. The president of the board shall serve as chair of the executive committee.	The Board of Directors meet less than eight (8) times each year, and/or general fiduciary responsibilities for the cooperative are minimally documented.	The Board of Directors meet less than eight (8) times each year, and/or general fiduciary responsibilities for the cooperative are not adequately documented.

MARK-UP

Extent of Local Financial Support

Reference In current rules	5 Excellence	4 Exceeding Standards	3 Meeting Standards	2 Alert	1 In Need of Immediate Improvement
18.00 Programs and Services 19.00 Participation of Local School Districts 22.2 extent of local financial support 24.00 Technology Centers 25.00 Mathematics and Science Center	Meets 3 of the 3 criteria. AND Programs and services are documented based on needs assessment and evaluation is reported. AND Resources of the educational service cooperative are enhanced by forming support networks among the member schools to provide extended services, provide new services and combine funding to support programs such as group purchasing, thus	Meets 3 of the 3 criteria. AND Programs and services are documented based on needs assessment. AND 50% or more of member districts support the cooperative in offering extended services in two (2) or more activities or events or purchased services with local funds. AND At least one (1) cost analysis study has been performed and the findings have	Meets 3 of the 3 criteria listed below: 1. Programs and services are based on the needs of the member districts and priorities of the state; 2. Each member district is entitled to participate in programs and services that are fully supported by state funds 3. Programs and other services may be supported by local funds.	Meets 2 of the 3 criteria.	Meets 1 or less of the 3 criteria.

MARK-UP

	maximizing local school district funding. 90% or more of member districts participate by purchasing services and providing release time for staff to engage in specialized training & services. AND Cost analysis study has been performed for 1/5 of member districts annually and the findings have been shared in a face-to-face meeting with the superintendent. AND Best practices are shared publicly.	been shared in a face-to- face meeting with the superintendent (s)			

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TOTAL EDUCATION SERVICE COOPERATIVE EVALUATION

Cooperative Evaluation Level
Level 5 - Excellence
Level 4 – Exceeding Standards
Level 3 – Meeting Standards
Level 2 – Alert
Level 1 – In Need of Immediate Improvement

Level 5 – A cooperative must receive a majority score of 5 on categories (at least 6 out 8 categories); and no scores below 3.
Level 4 – A cooperative must receive at least six (6) scores of 4 or some combination of 4 or 5; and no scores below 3.
Level 3 – A cooperative must receive at least six (6) scores of 3 or some combination of 3, 4, or 5; may include only one score of a 2 (if some combination of 4 or 5 was assigned) with no additional scores below a 3.
Level 2 – A cooperative scores 2 in 2 or more categories.
Level 1 – A cooperative scores 1 in 1 or more categories.

MARK-UP

03/30/2017	Phillip Young, Arch Ford Education Service Cooperative	**Comment:** We have noticed a conflict between the Rule and the Self Study Guide Instructions. **Rule page 15, 22.2.1 states cooperatives will submit 45 days prior to evaluation team visit a completed self study document.** **Self Study Guide, page 1, item 3 states that cooperatives will submit the self study document 15 days prior to the evaluation team visit.** Of course we would prefer the 15 day requirement if possible.	**Response:** Comment considered. Change made to Section 22.2.1 to reflect 15 days .

Subject: Re: Self Study Document
Date: Thursday, March 30, 2017 at 8:54:56 AM Central Daylight Time
From: Deborah Coffman (ADE)
To: ADE Phillip Young
CC: Jennifer Davis (ADE)

We will look at this today and respond.

Thanks,
Deb

From: Phillip Young <phillip.young@archford.org>
Date: Thursday, March 30, 2017 at 8:50 AM
To: Deborah Coffman <Deborah.Coffman@arkansas.gov>
Subject: Self Study Document

Deborah,
We have noticed a conflict between the Rule and the Self Study Guide Insturctions.

Rule page 15, 22.2.1 states cooperatives will submit 45 days prior to evaluation team visit a completed self study document.

Self Study Guide, page 1, item 3 states that cooperatives will submit the self study document 15 days prior to the evaluation team visit.

Of course we would prefer the 15 day requirement if possible.

We have a cooperative directors meeting this next Wednesday and I would like to be able to announce to them which time frame will be in effect.

Thannks
Phillip Young, Director
Arch Ford Education Service Cooperative
(501) 208-5434

Please provide their position (for or against) if known. _____

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Educaion

DIVISION Legal Services

PERSON COMPLETING THIS STATEMENT Jennifer Davis

TELEPHONE 501-682-1958 **FAX** 501-682-4249 **EMAIL:** Jennifer.davis@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE ADE Rules Governing Education Service Cooperatives

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

   If an agency is proposing a more costly rule, please state the following:

   (a) How the additional benefits of the more costly rule justify its additional cost;

   _____

   (b) The reason for adoption of the more costly rule;

   _____

   (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

   _____

   (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

   _____

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

   (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year		**Next Fiscal Year**	
General Revenue	_____	General Revenue	_____
Federal Funds	_____	Federal Funds	_____
Cash Funds	_____	Cash Funds	_____
Special Revenue	_____	Special Revenue	_____
Other (Identify)	_____	Other (Identify)	_____

Total _____ Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year		**Next Fiscal Year**	
General Revenue	_____	General Revenue	_____
Federal Funds	_____	Federal Funds	_____
Cash Funds	_____	Cash Funds	_____
Special Revenue	_____	Special Revenue	_____
Other (Identify)	_____	Other (Identify)	_____
Total	_____	Total	_____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year
$ _____

Next Fiscal Year
$ _____

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6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year
$ _____

Next Fiscal Year
$ _____

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7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars ($100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☐

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

(3) a description of the factual evidence that:
   (a) justifies the agency's need for the proposed rule; and
   (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

(4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

(5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

(6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and

(7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:

(a) the rule is achieving the statutory objectives;
(b) the benefits of the rule continue to justify its costs; and
(c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.