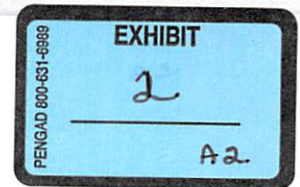


A-2: HAAS HALL ACADEMY  
EXHIBIT TWO (2)

SHARON K. HILL, CCR  
(501) 680-0888



February 14, 2019

SUBJECT: The Handling of Students With I.E.P.'s and 504 Plans by HAAS Hall

REPORTER: Carol Widder, M.S. Special Educator and Speech/Language Pathologist

I am a retired special educator and speech therapist with thirty-two years experience in teaching and advocating for students with disabilities. Some parents have come forward to ask my advice concerning the free and appropriate special services they are entitled to under the Individuals with Disabilities Act (I.D.E.A.) and Section 504.

I have reviewed correspondence between a parent and HAAS Hall concerning appropriate services and supports for their children. I have also reviewed an invoice from Rose Law Firm that shows well over ten thousand dollars worth of billing to dismiss a Due Process Complaint from a parent. This due process complaint seems to involve absenteeism, doctor's notes, requests for homebound services, and referral to DHS for a Family in Need of Services (FINS). It appears that HAAS Hall completely ignored all procedural safeguards stated in the Arkansas State Guidelines for Special Education and 504 plans. There are clear procedures for discussing and negotiating appropriate services that cost no money and are handled by the Office of Special Education at the local, state and federal level.

There is a Rose Law Firm statement dated 8/13/18 – The bill states "Review email [REDACTED] parent...meet with parent to directly avoid state reporting". It appears that the parent insisted that her child had an I.E.P. from Springdale Schools and he had for years. It appears that HAAS Hall insisted that they "don't do" I.E.P.'s and would switch her child to 504. Arkansas and Federal Guidelines have very clear procedures for change of placement of children. Switching from an I.E.P. to a 504 plan is a change in placement. There must be prior written notice to all parties, there must be parental permission, parents must be informed of their rights and be provided understandable instructions on how to make complaints if they feel they do not agree with the school's plan. The plan is supposed to be based on the needs of the child, not the needs of the school.

When a student transfers to a new school, the receiving school is supposed to send for the child's school cumulative file which is the "regular" file. If the child has a special education file, there will be notice stating that the child also has a "confidential" file with educational and psychological testing. The school must request that file and make sure to have a conference with the parent and rest of the I.E.P. team within 30 days of enrollment. At this meeting, the team decides whether to adopt the current I.E.P. or to modify it based on current curriculum. The I.E.P. must be reviewed annually regardless of which school the child is at.

It appears to me that HAAS Hall has blatantly ignored all of these procedures and guidelines and has chosen to claim they just don't have any students with I.E.P.'s, and it appears they are willing to pay tens of thousands of dollars to avoid any state paperwork or reporting. This does not look like a school that has the best interests of their students in mind. In fact, it looks like a school that discriminates against students who need special education and supports.

There needs to be a full audit of all enrolled students to see how students who originally had I.E.P.'s were arbitrarily switched to 504 plans. HAAS Hall should be bound to all procedural guidelines. This should be done under the auspices of the state special education department.

Carol Widder



## ROSE LAW FIRM

March 6, 2018

Billed through: March 5, 2018

INVOICE #: 109523 - 00001 - 108159 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3155 North College Ave.  
Fayetteville, AR 72703

General

### PROFESSIONAL SERVICES RENDERED

12/01/17	MMH	Meet with client; review hearing letter as forwarded to me by H. Holloway. Prepare for upcoming hearing before state board of education regarding the diversity report and efforts to recruit.	1.00 hrs	300.00
12/13/17	MMH	Prepare for hearing; communicate with H. Holloway; review notes in advance.	0.65 hrs	195.00
12/14/17	MMH	Prepare for hearing before State Board of Education; meet with H. Holloway in preparation for hearing and go over topics and issues; attend hearing; following hearing contact client to give update.	4.70 hrs	1,410.00
12/15/17	MMH	Review request from M. Schoppmeyer regarding service dog. Respond.	0.10 hrs	30.00
12/20/17	MMH	Prepare for and attend a meeting with the school board; Visit with P. Osborne regarding issues facing school; Discuss with M. Schoppmeyer several other issues, including unreturned deposits from the former location	1.60 hrs	480.00
02/13/18	MMH	Meet with client to discuss various topics including Bentonville parental disruption and update on other matters, including lottery.	1.00 hrs	300.00
02/23/18	MMH	Work with client regarding FOIA issue; check with client on other matters and general update on status of lottery and former employee Heather Holloway	0.60 hrs	180.00
03/01/18	VHJ	Review email correspondence from M. Henry; Phone conference with M. Henry; Review documents	0.50 hrs	120.00
03/02/18	VHJ	Research regarding letter; Draft revision to letter; Email conference with M. Henry regarding same	0.80 hrs	192.00

TOTAL FEES FOR THIS MATTER

\$3,207.00

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**BILLING SUMMARY**

TOTAL CHARGES FOR THIS INVOICE \$3,207.00

TOTAL BALANCE NOW DUE \$3,207.00

**ATTORNEY FEE SUMMARY:**

Jones, Victoria H.	1.30 hrs @	\$240.00 /hr	\$312.00
Henry, Mark M.	9.65 hrs @	\$300.00 /hr	\$2,895.00
FEE SUMMARY TOTALS	10.95 hrs		<u>\$3,207.00</u>



## ROSE LAW FIRM

March 30, 2018

Billed through: March 28, 2018

INVOICE #: 109523 - 00001 - 108406 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3155 North College Ave.  
Fayetteville, AR 72703

General

### PROFESSIONAL SERVICES RENDERED

03/05/18	VHJ	Begin reviewing information from client regarding Holoway issue	0.10 hrs	25.00
03/05/18	VHJ	Review email correspondence from M. Henry; Email conference with same; Phone conference with M. Henry	0.30 hrs	75.00
03/06/18	VHJ	Review information from M. Henry; Email conference with Dr. Schoppmeyer regarding Holoway employment issue; Email conferences regarding phone call	0.60 hrs	150.00
03/07/18	VHJ	Phone conference with M. Schoppmeyer; Draft note for file	0.30 hrs	72.00
03/07/18	VHJ	Email conference with M. Henry regarding status of Haas Hall matter	0.10 hrs	24.00
03/12/18	VHJ	Review email correspondence from M. Schoppmeyer	0.20 hrs	48.00
03/12/18	VHJ	Email correspondence with M. Schoppmeyer regarding employment question	0.10 hrs	24.00
03/14/18	MMH	Work with Rod Wittenberg through the issues involving the police officer arriving without proper protocol	1.10 hrs	330.00
03/19/18	VHJ	Review information from M. Schoppmeyer; Draft letter regarding same; Submit to M. Schoppmeyer	1.20 hrs	288.00

TOTAL FEES FOR THIS MATTER

\$1,036.00

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**BILLING SUMMARY**

TOTAL CHARGES FOR THIS INVOICE \$1,036.00

TOTAL BALANCE NOW DUE \$1,036.00

**ATTORNEY FEE SUMMARY:**

Jones, Victoria H.	1.90 hrs @	\$240.00 /hr	\$456.00
Jones, Victoria H.	1.00 hrs @	\$250.00 /hr	\$250.00
Henry, Mark M.	1.10 hrs @	\$300.00 /hr	\$330.00
FEE SUMMARY TOTALS	4.00 hrs		<u>\$1,036.00</u>



## ROSE LAW FIRM

May 7, 2018

Billed through: April 30, 2018

INVOICE #: 109523 - 00001 - 108933 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3880 N. Front Street  
Fayetteville, AR 72703

### General

Balance forward from previous invoice	\$1,036.00
Net balance forward	\$1,036.00

### PROFESSIONAL SERVICES RENDERED

04/02/18	MMH	Work with law clerk on research regarding Hoskins untimely failure to provide return of deposit money	0.40 hrs	120.00
04/02/18	ALH	Perform quick review of correspondence surrounding holdover and deposit dispute with Paradigm and Hoskins; meet with R. Smith to give overview of dispute and instructions for additional research to perform; review R. Smith's initial research.	0.40 hrs	106.00
04/10/18	VHJ	Email conferences regarding Holloway matter	0.10 hrs	25.00
04/10/18	MMH	Work with Marty regarding Heather Holloway's demands; conference with Tori on employment matters and settlement demand	1.00 hrs	300.00
04/11/18	VHJ	Email conference with M. Henry; Review email and documents from client; Phone conferences with M. Henry; Research; Draft email regarding release to H. Holaway; Submit same to H. Holaway and M. Henry	1.10 hrs	275.00
04/11/18	MMH	Work with Rod Wittenberg regarding issues involving JG and information surrounding the confiscation of materials	1.00 hrs	300.00
04/11/18	MMH	Continue working on the issue involving H. Holloway	0.60 hrs	180.00
04/16/18	VHJ	Email conferences with M. Henry and H. Holaway regarding Haas Hall matter; Email conference with M. Henry regarding next steps; Phone conference with M. Henry; Draft and submit email response to H. Holaway	0.70 hrs	175.00
04/16/18	MMH	Continue working on the H. Holloway matter in order to bring resolution to that unreasonable demand	1.25 hrs	375.00
04/17/18	VHJ	Review correspondence from H. Holaway; Email conference with M. Henry; Research	0.20 hrs	50.00

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04/17/18	VHJ	Review correspondence from M. Henry; Return call	0.10 hrs	25.00
04/17/18	MMH	Work with Tori Jones relative to the H. Holoway dispute	0.30 hrs	90.00
04/18/18	VHJ	Email conferences with M. Henry; Phone conference with M. Henry and M. Schoppmeyer; Review text message correspondence from H. Holaway	0.50 hrs	125.00
04/18/18	MMH	Drafting agreement and release; communicate with H. Holoway to obtain a resolution; multiple texts and emails to bring conclusion; provide W2 and additional information	4.60 hrs	1,380.00
04/19/18	VHJ	Review email correspondence from H. Holoway regarding documents and M. Henry regarding settlement	0.20 hrs	50.00
04/19/18	VHJ	Review H. Holoway resignation letter and M. Henry correspondence regarding same	0.10 hrs	25.00
04/19/18	MMH	Wrap up settlement with H. Holoway	1.60 hrs	480.00
04/20/18	MMH	Phone conference with W. Mertins regarding allegations involving [REDACTED]	0.60 hrs	180.00
04/24/18	MMH	Update client with copy of the executed settlement agreement	0.10 hrs	30.00

TOTAL FEES FOR THIS MATTER

\$4,291.00**BILLING SUMMARY**

TOTAL CHARGES FOR THIS INVOICE

\$4,291.00

TOTAL DUE FOR THIS INVOICE

\$4,291.00

NET BALANCE FORWARD

\$1,036.00

TOTAL BALANCE NOW DUE

\$5,327.00**ATTORNEY FEE SUMMARY:**

Jones, Victoria H.	3.00 hrs @	\$250.00 /hr	\$750.00
Henry, Mark M.	11.45 hrs @	\$300.00 /hr	\$3,435.00
Hopkins, Adam L.	0.40 hrs @	\$265.00 /hr	\$106.00
FEE SUMMARY TOTALS	14.85 hrs		<u>\$4,291.00</u>



## ROSE LAW FIRM

June 19, 2018

Billed through: June 18, 2018

INVOICE #: 109523 - 00001 - 109376 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3880 N. Front Street  
Fayetteville, AR 72703

General

Balance forward from previous invoice	\$5,327.00
Less payments received since 05/07/2018	\$4,500.00 CR
Net balance forward	\$827.00

### PROFESSIONAL SERVICES RENDERED

05/23/18	MMH	Work with information and evidence in responding to C. [REDACTED] complaints regarding NHS. Send email to C. mother.	4.25 hrs	1,275.00
05/23/18	MMH	Review correspondence with client and parents and teacher regarding [REDACTED] and adequacy of referral to DHS; Make in-depth analysis of separate matter for [REDACTED] outline documents and present position in response to [REDACTED] issues	4.60 hrs	1,380.00
05/29/18	MMH	Continue dialogue with [REDACTED] Wood	0.40 hrs	120.00
05/30/18	MMH	Continue dialogue with Wood [REDACTED] with resolution options for additional hearing regarding NHS issue	2.30 hrs	690.00
05/31/18	VHJ	Review email correspondence from H. Holaway	0.10 hrs	25.00
05/31/18	MMH	Work on complaint against Hoskins for unlawful retainage of deposit; continue working with Attorney Wood on [REDACTED] matter; review additional information regarding [REDACTED]	2.60 hrs	780.00
06/13/18	VHJ	Review email correspondence from H. Holoway	0.10 hrs	25.00
06/15/18	TRM	Complete Summons	0.25 hrs	56.25

TOTAL FEES FOR THIS MATTER	\$4,351.25
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### DISBURSEMENTS

WESTLAW COMPUTER RESEARCH, APRIL 2018	39.14
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**TOTAL DISBURSEMENTS FOR THIS MATTER**\$39.14**BILLING SUMMARY****TOTAL CHARGES FOR THIS INVOICE**\$4,390.39**TOTAL DUE FOR THIS INVOICE**\$4,390.39**NET BALANCE FORWARD**

\$827.00

**TOTAL BALANCE NOW DUE**\$5,217.39**ATTORNEY FEE SUMMARY:**

Jones, Victoria H.	0.20 hrs @	\$250.00 /hr	\$50.00
Murry, T. Reid	0.25 hrs @	\$225.00 /hr	\$56.25
Henry, Mark M.	14.15 hrs @	\$300.00 /hr	\$4,245.00
FEE SUMMARY TOTALS	14.60 hrs		<u>\$4,351.25</u>



## ROSE LAW FIRM

August 7, 2018

Billed through: July 30, 2018

INVOICE #: 109523 - 00001 - 109934 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3880 N. Front Street  
Fayetteville, AR 72703

General

Balance forward from previous invoice	\$300.00
Net balance forward	<u>\$300.00</u>

### PROFESSIONAL SERVICES RENDERED

07/09/18	MMH	Correspond with Attorney Wood regarding status of reinstatement of [REDACTED] student	0.30 hrs	90.00
07/12/18	MMH	Work on demand letter to CBRE	1.10 hrs	330.00
07/13/18	MMH	Finalize demand letter to CBRE and send with exhibits; update client	1.00 hrs	300.00
07/27/18	MMH	Teleconference with counselor for Haas regarding FINS matter	0.40 hrs	120.00

TOTAL FEES FOR THIS MATTER	<u>\$840.00</u>
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### BILLING SUMMARY

TOTAL CHARGES FOR THIS INVOICE	<u>\$840.00</u>
TOTAL DUE FOR THIS INVOICE	<u>\$840.00</u>
NET BALANCE FORWARD	\$300.00
TOTAL BALANCE NOW DUE	<u>\$1,140.00</u>

### ATTORNEY FEE SUMMARY:

Henry, Mark M.	2.80 hrs @	\$300.00 /hr	\$840.00
FEE SUMMARY TOTALS	2.80 hrs		<u>\$840.00</u>

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## ROSE LAW FIRM

September 12, 2018

Billed through: August 31, 2018

INVOICE #: 109523 - 00001 - 110276 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3880 N. Front Street  
Fayetteville, AR 72703

General

Balance forward from previous invoice	\$1,140.00
Net balance forward	\$1,140.00

### PROFESSIONAL SERVICES RENDERED

08/01/18	MMH	Receive additional demand for assignment of domain from Heather Holoway	0.40 hrs	120.00
08/07/18	MMH	Additional information from H. Holoway requesting information on status of the assignment of the domain transfer; urge client to respond	0.20 hrs	60.00
08/13/18	MMH	Review email involving [REDACTED] parent; work with client to set up meeting with parent to directly address problem to avoid state reporting	0.40 hrs	120.00
08/14/18	MMH	Communicate with Larry Henry and M. Schoppmeyer regarding issues involving scholar in Rogers	1.00 hrs	300.00
08/15/18	MMH	Communicate with [REDACTED] parent regarding NHS complaint; respond to her email	0.20 hrs	60.00
08/28/18	MMH	Work with Mindy; update Hopkins in preparation for upcoming hearing regarding Scholar FINS matter	0.60 hrs	180.00
08/29/18	MMH	Work on email to Larry Henry outlining issues regarding money and bylaws and parental groups and fundraising; additional emails regarding scholar tutoring and adhering to the high standards Marty expects	1.20 hrs	360.00
08/30/18	MMH	Continue corresponding with Larry Henry requesting additional documents	0.30 hrs	90.00
TOTAL FEES FOR THIS MATTER				\$1,290.00

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## ROSE LAW FIRM

November 7, 2018

Billed through: October 31, 2018

INVOICE #: 109523 - 00001 - 110825 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3880 N. Front Street  
Fayetteville, AR 72703

General

Balance forward from previous invoice	\$2,430.00
Net balance forward	\$2,430.00

### PROFESSIONAL SERVICES RENDERED

09/04/18	ALH	Received brief introduction to matter from M. Henry; research student-counselor privilege and other issues relating to confidentiality; meet with Ms. Grusing and Mr. Thurman regarding FINS case and advise on preparations for Thursday's juvenile court hearing.	1.90 hrs	380.00
09/05/18	MMH	Correspond with Larry Henry regarding bylaws	0.75 hrs	150.00
09/06/18	ALH	Attend hearing at juvenile court regarding FINS petition.	1.70 hrs	340.00
09/10/18	MMH	Review updated materials regarding English Proficiency Testing resulting from state board's directive do to so following how parents answer questions	0.40 hrs	80.00
09/13/18	VHJ	Review email correspondence from M. Henry; Review FOIA exemptions; Email conference and phone conference with M. Henry regarding same; Office conference with D. Martin; Email conference with M. Henry	0.80 hrs	200.00
09/13/18	MMH	Work in response to the FOIA request that is likely to involve H. Holaway; draft and send response to requesting attorney Matt Campbell; draft and send response to H. Holaway in compliance with contract; visit with M. Schoppmeyer; review settlement agreement and urge Schoppmeyer to finalize transfer of domain to Holaway.	5.30 hrs	1,060.00
09/14/18	MMH	Review emails from opposing counsel regarding FOIA. Work with law clerk. Communicate with V Jones.	2.75 hrs	550.00
09/14/18	MMH	Review materials from Larry Henry regarding Signature Bank and parent faculty council- Rogers	0.80 hrs	160.00
09/17/18	VHJ	Review correspondence from and to H. Holloway	0.10 hrs	25.00
09/17/18	MMH	Correspond with opposing counsel regarding FOIA. Work with clerk to update client; communicate with Hollaway	3.75 hrs	750.00

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09/17/18	JLG	drafting position statement defending non-disclosable nature of Confidential Settlement Agreement under AFOIA	3.25 hrs	325.00
10/09/18	MMH	Review materials regarding National Honor Society; respond to client	1.10 hrs	220.00
10/12/18	MMH	Work on NHS issue; review response prepared by Danalee Wise to NHS	0.40 hrs	80.00
10/22/18	MMH	Receive and review Due Process Complaint [REDACTED]	1.50 hrs	300.00
10/23/18	TRB	Review of information regarding [REDACTED] in preparation of litigation.	1.00 hrs	100.00
10/23/18	TRB	Research regarding the Individuals with Disabilities Improvement Act in preparation of litigation.	1.00 hrs	100.00
10/23/18	MMH	Review Due Process Complaint [REDACTED] with Bordenkircher clerk	2.00 hrs	400.00
10/24/18	TRB	Review of information regarding the student's absences from class, doctor's reports, and emails in preparation of dismissing the plaintiff's claim.	2.00 hrs	200.00
10/24/18	TRB	Research regarding case law interpreting the IDEA in preparation of a motion to dismiss the plaintiff's complaint.	3.00 hrs	300.00
10/24/18	TRB	Research regarding caselaw where retaliatory suits have been filed against schools under the IDEA for reporting students truancy.	2.00 hrs	200.00
10/24/18	MMH	Work on response to [REDACTED] nt; review additional materials from client regarding absenteeism	1.60 hrs	320.00
10/24/18	MMH	Receive responses to our requests for admission; review for completeness; work with clerk regarding updating them to reword some of the requests to avoid technical disputes	1.10 hrs	220.00
10/25/18	TRB	Preparation of a motion to dismiss the plaintiff's claims against Haas Hall under the IDEA.	3.50 hrs	350.00
10/25/18	TRB	Review of information regarding the student's medical condition, absences, and the parent's emails in preparation of a motion to dismiss.	1.50 hrs	150.00
10/26/18	TRB	Preparation of a motion to dismiss the plaintiff's complaint under the IDEA against Haas Hall.	4.00 hrs	400.00
10/26/18	TRB	Preparation and collection of exhibits to be used for the motion to dismiss the plaintiff's complaint against Haas Hall.	2.00 hrs	200.00
10/26/18	MMH	Work on additional requests for admission and correspond with opposing counsel on production of documents	1.50 hrs	300.00
10/29/18	TRB	Preparation of response to plaintiffs' due process complaint.	3.00 hrs	300.00
10/29/18	MMH	Correspond with client regarding additional information re: [REDACTED] int	0.25 hrs	50.00

TOTAL FEES FOR THIS MATTER

\$8,210.00

**BILLING SUMMARY**

TOTAL CHARGES FOR THIS INVOICE	\$8,210.00
TOTAL DUE FOR THIS INVOICE	\$8,210.00
NET BALANCE FORWARD	\$2,430.00
TOTAL BALANCE NOW DUE	<u>\$10,640.00</u>

**ATTORNEY FEE SUMMARY:**

Jones, Victoria H.	0.90 hrs @	\$250.00 /hr	\$225.00
Bordenkircher, Ty R	23.00 hrs @	\$100.00 /hr	\$2,300.00
Guarino, Jessica L.	3.25 hrs @	\$100.00 /hr	\$325.00
Henry, Mark M.	23.20 hrs @	\$200.00 /hr	\$4,640.00
Hopkins, Adam L.	3.60 hrs @	\$200.00 /hr	\$720.00
FEE SUMMARY TOTALS	53.95 hrs		<u>\$8,210.00</u>

Client Haas Hall Academy

Invoice # 109523 - 00001 - 110276

PAGE 2

### BILLING SUMMARY

TOTAL CHARGES FOR THIS INVOICE	<u>\$1,290.00</u>
TOTAL DUE FOR THIS INVOICE	<u>\$1,290.00</u>
NET BALANCE FORWARD	\$1,140.00
TOTAL BALANCE NOW DUE	<u>\$2,430.00</u>

### ATTORNEY FEE SUMMARY:

Henry, Mark M.	4.30 hrs @	\$300.00 /hr	<u>\$1,290.00</u>
FEE SUMMARY TOTALS	4.30 hrs		<u>\$1,290.00</u>



## ROSE LAW FIRM

September 12, 2018

Billed through: August 31, 2018

INVOICE #: 109523 - 00002 - 110277 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3880 N. Front Street  
Fayetteville, AR 72703

Contract Dispute

Balance forward from previous invoice	\$287.50
Net balance forward	<u>\$287.50</u>

### DISBURSEMENTS

WRIGHT INVESTIGATIONS; Invoice # CK 63581; Process Service	50.00
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TOTAL DISBURSEMENTS FOR THIS MATTER	<u>\$50.00</u>
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### BILLING SUMMARY

TOTAL CHARGES FOR THIS INVOICE	\$50.00
TOTAL DUE FOR THIS INVOICE	\$50.00
NET BALANCE FORWARD	\$287.50
TOTAL BALANCE NOW DUE	<u>\$337.50</u>

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## ROSE LAW FIRM

September 12, 2018

Billed through: August 31, 2018

INVOICE #: 109523 - 00003 - 110278 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3880 N. Front Street  
Fayetteville, AR 72703

CBRE, Inc.

Balance forward from previous invoice	\$24.15
Net balance forward	\$24.15

### PROFESSIONAL SERVICES RENDERED

08/31/18	MMH	Correspond with opposing counsel on status of the investigation into the claims of negligence; review file and deadlines set forth in original demand letter	0.30 hrs	90.00
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TOTAL FEES FOR THIS MATTER	\$90.00
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### BILLING SUMMARY

TOTAL CHARGES FOR THIS INVOICE	\$90.00
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TOTAL DUE FOR THIS INVOICE	\$90.00
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NET BALANCE FORWARD	\$24.15
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TOTAL BALANCE NOW DUE	\$114.15
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### ATTORNEY FEE SUMMARY:

Henry, Mark M.	0.30 hrs @	\$300.00 /hr	\$90.00
FEE SUMMARY TOTALS	0.30 hrs		\$90.00



## ROSE LAW FIRM

November 7, 2018

Billed through: October 31, 2018

INVOICE #: 109523 - 00003 - 110827 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3880 N. Front Street  
Fayetteville, AR 72703

CBRE, Inc.

Balance forward from previous invoice	\$114.15
Net balance forward	\$114.15

### PROFESSIONAL SERVICES RENDERED

05/31/18	JLG	Reviewed client file and began drafting complaint for knowingly including false information in the appraisal of property.	6.50 hrs	650.00
06/01/18	JLG	Continued drafting complaint for claims of negligence and breach of contract.	6.00 hrs	600.00
06/07/18	JLG	Continued reviewing client file and researching Arkansas law regarding professional negligence, breach of contract, and fraud.	3.00 hrs	300.00
06/08/18	JLG	Drafting complaint bringing claims of breach of contract, fraud, constructive fraud, negligence, and professional malpractice.	6.00 hrs	600.00
06/14/18	JLG	Drafting complaint bringing claims of breach of contract, fraud, constructive fraud, negligence, and professional malpractice.	4.50 hrs	450.00
06/21/18	JLG	Drafting and editing complaint bringing claims of breach of contract, fraud, constructive fraud, negligence, and professional malpractice.	4.00 hrs	400.00
06/22/18	JLG	Drafting and editing complaint bringing claims of breach of contract, fraud, constructive fraud, negligence, and professional malpractice.	5.25 hrs	525.00
06/25/18	JLG	Researching professional and ethical standards for appraisers.	3.00 hrs	300.00
06/27/18	JLG	Started drafting demand letter to Brett Billings	2.00 hrs	200.00
06/28/18	JLG	Continued drafting demand letter to Brett Billings	5.00 hrs	500.00
06/29/18	JLG	Continued drafting demand letter to Brett Billings	3.00 hrs	300.00
08/20/18	JLG	Drafting second letter to Brett Billings about nonresponse	1.00 hrs	100.00

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Client Haas Hall Academy

Invoice # 109523 - 00003 - 110827

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09/08/18	MMH	Receive update from opposing counsel and make note on calendar regarding when she will be providing a clear response	0.20 hrs	40.00
09/21/18	JLG	Finalizing and editing requests for production, requests for admission, and interrogatories	3.50 hrs	350.00
09/24/18	MMH	Meet with clerk on statute of limitations	0.25 hrs	50.00
09/24/18	JLG	Researching and confirming statute of limitations for bringing claims against CBRE	0.25 hrs	25.00
10/08/18	MMH	Correspond with opposing counsel for update on status of their review of our demand	0.30 hrs	60.00
10/17/18	MMH	Correspond with opposing counsel on status	0.35 hrs	70.00
TOTAL FEES FOR THIS MATTER				<u>\$5,520.00</u>

**BILLING SUMMARY**

TOTAL CHARGES FOR THIS INVOICE	<u>\$5,520.00</u>
TOTAL DUE FOR THIS INVOICE	<u>\$5,520.00</u>
NET BALANCE FORWARD	\$114.15
TOTAL BALANCE NOW DUE	<u>\$5,634.15</u>

**ATTORNEY FEE SUMMARY:**

Guarino, Jessica L.	53.00 hrs @	\$100.00 /hr	\$5,300.00
Henry, Mark M.	1.10 hrs @	\$200.00 /hr	\$220.00
FEE SUMMARY TOTALS	54.10 hrs		<u>\$5,520.00</u>



## ROSE LAW FIRM

November 7, 2018

Billed through: October 31, 2018

INVOICE #: 109523 - 00002 - 110826 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3880 N. Front Street  
Fayetteville, AR 72703

Contract Dispute

Balance forward from previous invoice	\$337.50
Net balance forward	\$337.50

### PROFESSIONAL SERVICES RENDERED

05/25/18	JLG	Reviewing client file and compiling research on holdover tenant law in Arkansas as well as researching Arkansas laws regarding the penalty for a failure to return a security deposit.	8.00 hrs	800.00
05/29/18	JLG	Continued research on holdover tenant law in Arkansas	0.75 hrs	75.00
05/30/18	JLG	Continued research on failure to return security deposit and calculated timeline in this case for when the security deposit/accounting was due.	1.00 hrs	100.00
06/14/18	JLG	Drafting complaint bringing claims of violation of Arkansas law regarding timely return of security deposit and providing tenant with accounting.	0.50 hrs	50.00
06/15/18	JLG	Continued drafting complaint bringing claim of violation of Arkansas law regarding timely return of security deposit by landlord to tenant and delivery of an accounting within 60 days of termination of tenancy.	5.50 hrs	550.00
07/17/18	JLG	Reviewing Paradigm Answer to Complaint and researching next steps	1.00 hrs	100.00
07/18/18	JLG	Reviewing Paradigm Answer and determining next steps	2.00 hrs	200.00
08/20/18	JLG	Recalculating timeline of events in order to draft discovery	1.00 hrs	100.00
08/27/18	JLG	Drafting interrogatories, requests for admission, and requests for production.	4.00 hrs	400.00
08/31/18	JLG	Drafting interrogatories, requests for admission, and requests for production	1.00 hrs	100.00
09/05/18	MMH	Review request for production, request for admissions and written discovery	0.75 hrs	150.00
09/05/18	JLG	Editing and revising interrogatories, requests for	3.00 hrs	300.00

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		admission, and requests for production.		
09/10/18	JLG	Editing interrogatories, requests for production, and requests for admission	0.75 hrs	75.00
09/14/18	JLG	Researching and drafting position statement for disclosing settlement agreement under AFOIA	2.75 hrs	275.00
09/20/18	MMH	Review and make edits to written discovery prior to serving	1.70 hrs	340.00
09/21/18	MMH	Propound written discovery, request for production and interrogatories	2.60 hrs	520.00

TOTAL FEES FOR THIS MATTER	<u>\$4,135.00</u>
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**BILLING SUMMARY**

TOTAL CHARGES FOR THIS INVOICE	<u>\$4,135.00</u>
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TOTAL DUE FOR THIS INVOICE	<u>\$4,135.00</u>
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NET BALANCE FORWARD	\$337.50
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TOTAL BALANCE NOW DUE	<u>\$4,472.50</u>
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**ATTORNEY FEE SUMMARY:**

Guarino, Jessica L.	31.25 hrs @	\$100.00 /hr	\$3,125.00
Henry, Mark M.	5.05 hrs @	\$200.00 /hr	<u>\$1,010.00</u>
FEE SUMMARY TOTALS	36.30 hrs		\$4,135.00



## ROSE LAW FIRM

December 12, 2018

Billed through: December 5, 2018

INVOICE #: 109523 - 00001 - 111379 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3880 N. Front Street  
Fayetteville, AR 72703

General

### PROFESSIONAL SERVICES RENDERED

11/01/18	MMH	Finalize Motion to dismiss and response to Due Process complaint [REDACTED]	3.00 hrs	600.00
11/03/18	MMH	Review notes from Mindy Grusing regarding FINS hearing	0.20 hrs	40.00
11/05/18	TRB	Preparation and review of Exhibits for motion to dismiss due process complaint.	1.70 hrs	170.00
11/05/18	MMH	Work on Motion to Dismiss [REDACTED] complaint for due process violations	4.20 hrs	840.00
11/05/18	TRM	Prepare exhibits	1.00 hrs	225.00
11/06/18	TRB	Review of materials concerning due process complaint.	0.50 hrs	50.00
11/07/18	MMH	Work on the [REDACTED] matter; respond to question from client regarding [REDACTED] back issues	0.30 hrs	60.00
11/08/18	TRB	Preparation and review of documents to be sent to opposing counsel for due process hearing.	1.00 hrs	100.00
11/08/18	MMH	Prepare Response to Motion to Strike filed by [REDACTED] attorney; work in producing additional documents to [REDACTED] attorney	2.20 hrs	440.00
11/09/18	TRB	Research of opposing counsel's prior IDEA litigation cases in preparation for anticipated further litigation after the due process hearing.	3.00 hrs	300.00
11/12/18	MMH	Respond to issue involving [REDACTED] - email parent to establish connection to confirm [REDACTED] being adequately addressed	0.40 hrs	80.00
11/14/18	MMH	Work on [REDACTED] matter regarding suspicious Dr. note; work on additional [REDACTED] request for homebound work, phone call with Ms. [REDACTED]	0.90 hrs	180.00
11/19/18	MMH	Meeting with Schoppmeyer regarding [REDACTED] matter	1.15 hrs	230.00
11/19/18	ALH	Draft medical records release	0.25 hrs	50.00

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Client Haas Hall Academy

Invoice # 109523 - 00001 - 111379

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11/26/18	MMH	Prepare for hearing preconference and attend. Review exhibits. Meet client at school.	2.00 hrs	400.00
11/27/18	MMH	Work on [REDACTED] matter; correspond with opposing counsel and witnesses and exhibits which are due	1.80 hrs	360.00
11/28/18	MMH	Work in preparation for hearing next week; review exhibits and medical records of [REDACTED]	1.90 hrs	380.00
11/30/18	MMH	Work in preparation for hearing next week	1.40 hrs	280.00
12/03/18	MMH	Work on exhibit notebook; prepare witnesses for tomorrow's hearing; review documents from opposing attorney and review motion to withdraw from Theresa Caldwell; Review attorneys' lien; update client	9.20 hrs	1,840.00
12/04/18	MMH	Work in preparation for hearing involving [REDACTED] prepare witness and attend hearing which was ultimately postponed until December 20.	4.20 hrs	840.00
12/05/18	MMH	Review file; review procedures going forward for December 20 hearing	0.30 hrs	60.00

TOTAL FEES FOR THIS MATTER

\$7,525.00

**BILLING SUMMARY**

TOTAL CHARGES FOR THIS INVOICE

\$7,525.00

TOTAL BALANCE NOW DUE

\$7,525.00

**ATTORNEY FEE SUMMARY:**

Murry, T. Reid	1.00 hrs @	\$225.00 /hr	\$225.00
Bordenkircher, Ty R	6.20 hrs @	\$100.00 /hr	\$620.00
Henry, Mark M.	33.15 hrs @	\$200.00 /hr	\$6,630.00
Hopkins, Adam L.	0.25 hrs @	\$200.00 /hr	\$50.00
FEE SUMMARY TOTALS	40.60 hrs		\$7,525.00



## ROSE LAW FIRM

December 12, 2018

Billed through: December 5, 2018

INVOICE #: 109523 - 00002 - 111380 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3880 N. Front Street  
Fayetteville, AR 72703

Contract Dispute

Balance forward from previous invoice	\$4,472.50
Net balance forward	\$4,472.50

### PROFESSIONAL SERVICES RENDERED

10/24/18	JLG	Redrafting requests for admission to comply with filing requirements and rephrasing questions	2.00 hrs	200.00
10/26/18	JLG	drafting second set of requests for admission	3.00 hrs	300.00
10/31/18	JLG	finalizing second set of requests for admission	1.50 hrs	150.00
11/28/18	JLG	Researching delivery of possession/surrender of property and reviewing the second response to requests for admission	2.00 hrs	200.00

TOTAL FEES FOR THIS MATTER	\$850.00
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### BILLING SUMMARY

TOTAL CHARGES FOR THIS INVOICE	\$850.00
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TOTAL DUE FOR THIS INVOICE	\$850.00
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NET BALANCE FORWARD	\$4,472.50
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TOTAL BALANCE NOW DUE	\$5,322.50
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### ATTORNEY FEE SUMMARY:

Guarino, Jessica L.	8.50 hrs @	\$100.00 /hr	\$850.00
FEE SUMMARY TOTALS	8.50 hrs		\$850.00

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## ROSE LAW FIRM

December 12, 2018

Billed through: December 5, 2018

INVOICE #: 109523 - 00003 - 111381 MMH

Please make checks payable to ROSE LAW FIRM (TAX ID#71-0438614)

Haas Hall Academy  
c/o Dr Marty W Schoppmeyer Jr.  
3880 N. Front Street  
Fayetteville, AR 72703

CBRE, Inc.

Balance forward from previous invoice	\$5,634.15
Net balance forward	\$5,634.15

### PROFESSIONAL SERVICES RENDERED

11/16/18	JLG	Updating and editing complaint to prepare for filing	2.00 hrs	200.00
11/28/18	JLG	Editing complaint	1.50 hrs	150.00
TOTAL FEES FOR THIS MATTER				\$350.00

### BILLING SUMMARY

TOTAL CHARGES FOR THIS INVOICE	\$350.00
TOTAL DUE FOR THIS INVOICE	\$350.00
NET BALANCE FORWARD	\$5,634.15
TOTAL BALANCE NOW DUE	\$5,984.15

### ATTORNEY FEE SUMMARY:

Guarino, Jessica L.	3.50 hrs @	\$100.00 /hr	\$350.00
FEE SUMMARY TOTALS	3.50 hrs		\$350.00

**ARKANSAS DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION AND RELATED SERVICES  
17.00 PROGRAM STANDARDS  
July 2008**

**17.01 ACADEMIC FACILITIES**

**17.01.1 General.**

**17.01.1.1 Barriers that limit child access to special education services must be eliminated.**

**17.01.1.2 Toilet areas, building and classroom entrances, etc., must conform to specifications for the accessibility of individuals with disabilities in conformance with the Americans with Disabilities Act, Public Law 101-336.**

**17.01.1.3 Classrooms should be located within an age-appropriate school building, which houses classrooms for nondisabled peers of children with disabilities.**

**17.01.2 Space requirements and other considerations.**

**17.01.2.1 Academic facilities used for the provision of special education and related services, or their components of FAPE, to a child with a disability must meet the standards set forth in the Arkansas Division of Public School Academic Facilities and Transportation Custodial and Maintenance Manual.**

**17.01.2.2 Exception. Facilities used to provide special education and related services constructed prior to the promulgation of the manual referenced in §17.01.2.1 must meet standards previously set forth in the ADE Special Education rules promulgated in 2000.**

**17.02 LEAST RESTRICTIVE ENVIRONMENT**

**17.02.1 General.**

**17.02.1.1 Each public agency shall ensure that -**

**A. To the maximum extent appropriate,**

children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

- B. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

- 17.02.1.2 Determination of least restrictive environment is made on an individual basis, taking into account both service(s) needed and the placement in which the child's IEP can be implemented appropriately.

17.02.2 Continuum of alternative placements.

- 17.02.2.1 Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

- 17.02.2.2 The continuum required in § 17.02.2.1 must -

- A. Include the alternative placements listed in the definition of special education (which includes instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
- B. Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

- 17.02.2.3 The continuum of alternative placements displayed on chart #1-17 found on page 4 delineates service delivery systems.

- 17.02.2.4 Any child three (3) to 21 years of age who, because of the severity or nature and/or extent of the

disability, requires homebound or hospital instruction -

- A. Must have the IEP implemented within the facility of confinement for as long as the disability adversely impacts the health, safety and/or well-being of the child and prevents school attendance; and
- B. Must have the IEP and subsequent placement reviewed every three (3) months.

Regular Class	Regular Class	Regular Class	Some/or no Instruction in Regular Class	Some/or no Instruction in Regular Class	No Instruction in Regular Class			
Indirect Service	Some Direct Instruction  More than 80% of time in the classroom for general education	40% to 79% of the Instructional Day in General Education	Less than 40% of the Instructional Day in General Education	School-based Day Treatment	Special Day School Facility  Greater than 50% of time at the facility	Residential School	Hospital Program	Homebound Instruction
1	2	3	4	5	6	7	8	9

## 17.03 MAXIMUM TEACHER/PUPIL CASELOAD

### 17.03.1 General.

17.03.1.1 When calculating the number of children being served, each child is counted only one time.

17.03.1.2 The following chart illustrates the maximum teacher/pupil caseloads for various service settings and disabilities.

**CHART # 2-17 MAXIMUM TEACHER/PUPIL CASELOAD**

	REGULAR EDUCATION/ SPECIAL EDUCATION CO-TEACHING CLASSROOM	REGULAR EDUCATION/ SPECIAL EDUCATION INTEGRATED CLASSROOM	*INDIRECT SERVICES	ITINERANT INSTRUCTION	RESOURCE SERVICES	SPECIAL CLASS SERVICES OPTIONS		
Noncategorical	1:30 ****	1:24 (2/3 Reg. to 1/3 Spec.)	1:40	1:35	1:25	1:15	1:1 0	1:6 ***
Categorical			1:40	1:25	1:25	1:15	1:1 0	1:6 ***
** 1. Speech/ Language Impairment			1:45	1:45				
2. Hearing Impairment				1:20	1:15			
3. Visual Impairment				1:20	1:15			

\* See § 17.03.7 of this part for additional information regarding part-time teacher/pupil caseload.

\*\* When a Speech/Language Pathologist has an approved Speech/Language Pathology Aide or Assistant the maximum caseload is left to the discretion of the Speech/Language Pathologist.

\*\*\* For a classroom with a 1:6 teacher/pupil caseload, a full-time paraprofessional is required.

\*\*\*\* See § 17.06.4.2 for part-time co-teacher.

- 17.03.2 Exceptions to the stated maximum teacher/pupil caseloads.
- 17.03.2.1 For each child receiving special class services within a resource setting, not to exceed a total of three (3) children, the maximum teacher/pupil caseload will be reduced by one (1) child.
- 17.03.2.2 Up to a maximum of five (5) children may receive resource services in a self-contained classroom with a teacher/pupil caseload of 1:15. Each child receiving resource services, up to the maximum of five (5) resource children, count the same as a self-contained child for figuring total teacher/pupil caseload, not to exceed an over-all caseload of 15 children.
- 17.03.2.3 For each child with a hearing impairment receiving services on a noncategorical basis in a resource setting, the teacher/pupil caseload will be reduced by two (2) children.
- 17.03.2.4 For each child receiving Braille instruction from an itinerant instructor, the maximum teacher/pupil caseload will be reduced by two (2) children.
- 17.03.3 Waiver of the maximum teacher/pupil caseload.
- 17.03.3.1 Should an emergency situation arise creating the need to request a waiver from the maximum teacher/pupil caseload, the public agency must submit a letter to the Administrator for Monitoring and Program Effectiveness stating the reason(s) for exceeding the maximum teacher/pupil caseload and outlining a plan to correct the problem. The Administrator for Monitoring and Program Effectiveness will respond in writing, either approving or disapproving the variance.
- 17.03.3.2 A ten percent (10%) variance (upward caseload adjustment) of the maximum teacher/pupil caseload is the maximum variance approvable before federal funding is affected. For example, the noncategorical resource setting teacher/pupil caseload is 1:25 with a ten percent (10%) allowable variance equal to 2.5. When approved, this teacher/pupil caseload may then increase to 1:28. For a special class setting with a maximum teacher/pupil caseload of 1:15, a ten percent (10%) variance equals 1.5. When approved, the teacher/pupil caseload may increase

to 1:17.

- 17.03.3.3 Prior to approval of the ten percent (10%) variance, a full-time paraprofessional must be employed for that class by the requesting district. For a 1:6 special class setting, a full-time paraprofessional is already required; therefore, an additional paraprofessional must be employed before a district's waiver will be approved.
- 17.03.3.4 If a district fails to secure approval for a variance of the teacher/pupil caseload, yet exceeds the teacher/pupil caseload as stated on the Maximum Teacher/Pupil Caseload Chart contained in this document, the district's special education program will not be considered an approved program. Consequently, federal funds cannot be generated by the nonapproved program.
- 17.03.3.5 Under no circumstances will a waiver be granted for an increase in maximum teacher/pupil caseloads for speech-language pathologists (SLP) unless the speech-language pathologist has an approved SLP-assistant or SLP-aide.
- 17.03.3.6 Special education personnel serving children in indirect services will not be granted any waivers of the maximum teacher/pupil caseloads.
- 17.03.4 Teacher/Pupil Caseload: per period class size.
  - 17.03.4.1 For itinerant instruction (excluding speech therapy) and resource services, a maximum of five (5) children per period is the guideline.
  - 17.03.4.2 Where scheduling does not permit an even flow of five (5) children per period, the number served should be as near to five (5) as possible.
  - 17.03.4.3 Districts will not be cited for noncompliance with state standards when the per period class size is eight (8) children without a paraprofessional. However, the adopted guideline of five (5) children per period is considered to be the best educational practice and should be adhered to whenever possible.
- 17.03.5 Exceptions to the adopted guideline of five (5) children.

- 17.03.5.1 When the special education teacher teaches one class per day in the area of personal/social adjustment as a prevocational or vocational class, the per period load may be adjusted upward not to exceed the maximum caseload.
- 17.05.5.2 When the teacher has a paraprofessional to assist in follow-through activities, the per period class load may be adjusted upward not to exceed forty percent (40%) of the teacher/pupil caseload listed on the Maximum Teacher/Pupil Caseload Chart contained in this document. For example, the per period load may be increased to ten (10) children for noncategorical resource classes.
- 17.03.5.3 The number of children served per period may not be increased beyond the allowable adjustments noted in the two exceptions in §§17.03.5.1 and 17.03.5.2 regardless of the approved maximum caseload, inclusive of waivers granted.
- 17.03.5.4 When special education class services are delivered in a “departmentalized” manner (configured to group children by specific deficit areas, including but not limited to, course/subject content areas), under no circumstances will the teacher’s total number of child contacts per day be allowed to exceed 48 different children. Guidelines for per period class size apply to departmentalized service delivery.
- 17.03.5.5 The per period class size must be reduced when the square footage of the classroom is less than stated facility requirements.
- 17.03.6 Noncategorical Classrooms.
- 17.03.6.1 At any time children with differing disabilities may be provided services within the same setting. For example, children with mild disabilities across categories of disability served within the same service setting, and children with moderate to severe disabilities across disability categories may be served within the same service setting. Such a setting is designated as a noncategorical class. Refer to the Maximum Teacher/Pupil Caseload Chart to determine the caseload for such classes.
- 17.03.7 Indirect Instructional Services Caseload.

#### 17.03.7.1 Full-time Consulting Teacher

The maximum teacher/pupil caseload for a full-time consulting teacher is 1:40. For the full-time consulting teacher, the following apply -

- A. May serve only children with disabilities on indirect services in accordance with an IEP.
- B. May not serve any children with disabilities receiving resource services.
- C. May not receive a waiver or approval for a variance on the maximum caseload (cap) of 40 children.
- D. A paraprofessional is recommended, but is not required.

#### 17.03.7.2 Half-time Resource/Half-time Consulting Teacher

The maximum teacher/pupil caseload for this teacher is 32 children. The caseload composition is a maximum of 12 resource children and 20 indirect children. The following apply -

- A. May not seek a waiver for a 10% variance from the maximum caseload.
- B. A paraprofessional is recommended, but is not required.

#### 17.03.7.3 Part-time Resource/Consulting Teacher

- A. In this situation, a resource teacher may serve children on indirect by adjusting the resource room caseload. The resource teacher may “swap” resource children for indirect children at the ratio of two indirect for each resource child, up to a maximum of 14 indirect children. A “swap” of more than this increases the caseload more than what is allowable for a teacher who is half resource and half consulting teacher. This combination of resource/consulting teacher is particularly helpful for school districts where the population of children with disabilities is small and staff are fewer in

number to serve these children; thus a mixed service pattern is allowable.

B. The maximum teacher/pupil caseload for the part-time resource/consulting teacher described above is 32 children. The caseload composition is a maximum of 18 resource children and 14 indirect children. The following apply -

1. May not seek a waiver for a 10% variance from the maximum caseload.
2. If more than 14 children need indirect services and this teacher is the only one available to provide the services, then the teacher must convert to the half-time resource/half-time consulting teacher status, and its maximum caseload requirements must be followed (12 resource children and 20 indirect children for a total caseload of 32).

#### 17.03.7.4 Half-time Direct/Half-time Indirect Speech/Language Pathologist

The maximum teacher/pupil caseload for this split position is 45 children. The caseload composition is a maximum of 25 children on direct services and 20 children on indirect services. The following apply -

- A. The maximum caseload of 25 children receiving direct speech therapy services is a maximum, not a minimum.
- B. May not seek a waiver for a variance on the maximum caseload of 45 children.
- C. An SLP Assistant or Aide is recommended, but is not required.

### 17.04 RELATED SERVICES

#### 17.04.1 General.

##### 17.04.1.1 Related services, by definition, do not stand alone in

the absence of special education instruction. (See §2.00 of this document for the full federal definition and 34 CFR 300.34 for examples of related services.)

- 17.04.1.2 The examples of related services at 34 CFR 300.34 are not exhaustive and may include other developmental, corrective and supportive services if they are required to assist a child with a disability to benefit from special education.
- 17.04.1.3 A child's need for related services must be determined on an individual basis.
- 17.04.1.4 Not every child with a disability needs a related service in order to benefit from special education.
- 17.04.1.5 Children with disabilities who need one (1) or more related services in order to benefit from special education do not necessarily need all related services that may be available or that are listed as examples in 34 CFR 300.34.

## 17.05 INDIRECT SERVICES

### 17.05.1 General.

- 17.05.1.1 Children with disabilities who receive special education in the general education classroom are considered to be receiving indirect services if these services are provided by the general education classroom teacher in consultation with qualified special education personnel (consulting teacher).
- 17.05.1.2 Indirect services should consist of consultation with, and technical assistance to, the teacher which could be in the form of communication, observation, monitoring, and maintenance of a child's skills (i.e., program/content, modifications, modeling of instruction, etc.).

### 17.05.2 Eligibility criteria.

- 17.05.2.1 The child has been determined to be an eligible child with a disability under these regulations.
- 17.05.2.2 The IEP Team has developed an IEP for the child and has determined the extent to which indirect services are to be provided for the child to achieve

his goals and objectives in the regular classroom.

- 17.05.2.3 By selecting the indirect services delivery model the IEP Team has determined that there is no compelling instructional reason why the child's instruction cannot be provided in the general education classroom with the assistance of a consulting teacher. (The general education classroom teacher should be an active participant in the IEP conference.)
- 17.05.2.4 The child is not receiving direct services in the same placement (service setting) in which indirect services are being provided. For example - a child may not receive both direct and indirect services for speech therapy or for special education, etc. However, the child may be receiving indirect services in lieu of resource services but continue to receive direct speech therapy or vice versa.
- 17.05.2.5 Children receiving indirect services will have their progress reviewed and documented a minimum of twice each semester. Program reviews should coincide with grading periods.
- 17.05.2.6 Indirect services can be provided on a part-time basis by any designated special education instructor, consistent with Caseload Guidelines in § 17.03.7, but must be provided during the instructional day and without interruption to the special education provided to direct services children assigned to that instructor.
- 17.05.2.7 A 2:1 child to teacher equivalency ratio can be used to determine the upward caseload adjustment for itinerant and resource teachers who are assigned consulting teacher duties for part of the instructional day. (See § 17.03.7 of these regulations.)
- 17.05.2.8 Children receiving indirect services on December 1 are eligible to be included in the federal child count.
- 17.05.2.9 Costs associated with the consulting teacher may be applied to meeting the district's special education expenditure requirements.
- 17.05.2.10 Costs associated with the general education program may not be treated as special education

expenditures.

17.05.3 Procedures for reviewing progress.

- 17.05.3.1 The consulting teacher will, at a minimum, review and document each child's progress in indirect services twice each semester. Progress reports are to be filed in the child's due process folder. Such program reviews should coincide with grading periods.
- 17.05.3.2 If the child does not pass content area course(s) or satisfactorily complete goals and objectives set out in the IEP for two (2) consecutive progress reviews, the consulting teacher will initiate a program review conference in accordance with established due process procedures. The committee will document its decision as to either the continuation of indirect services or placement in direct services, consistent with any revision of the child's IEP.
- 17.05.3.3 For secondary children, should a progress review at any grading period indicate that a child is in danger of failing a content area course(s), a formal review conference should be scheduled immediately.

17.05.4 Standards for Indirect Instructional Services.

- 17.05.4.1 Location. The child will receive regular classroom instruction with the majority of the direct instruction being provided by general education personnel. Implementation of indirect services will be within the regular education environment.
- 17.05.4.2 Total Amount of Time. The total amount of time that indirect services will be provided per week (a minimum of 30 minutes and a maximum of 90 minutes per week) must be reflected on each child's IEP.
- 17.05.4.3 Grading Responsibilities. Regular education personnel are responsible for assigning the child's grade(s).
- 17.05.4.4 Teacher/Pupil Caseload. The teacher/pupil caseload for a full-time consulting teacher is 1:40. A 2:1 child to teacher equivalency ratio can be used to determine the upward caseload adjustment for itinerant and resource teachers who are assigned

consulting teacher duties for part of the instructional day.

**17.05.5 Consulting Teachers.**

**17.05.5.1 General**

- A. Consulting teachers are special education personnel who have the primary role of consulting with general and special education teachers regarding the modification and/or adaptation of instruction for specific children with disabilities.
- B. The consulting teacher may provide limited direct instruction to the child.

**17.05.5.2 Consulting Teacher responsibilities**

- A. The consulting teacher provides a minimum of 30 minutes per week and a maximum of 90 minutes per week of consultation/technical assistance (i.e., communication, observation, monitoring, and maintenance of skills) for each child served in indirect services.
- B. On a regularly scheduled basis, the child's program will be reviewed in conjunction with the general education teacher(s) serving the child.
- C. Consultation with the regular teacher(s) regarding modifications in instructional methods or pacing which may be necessary for a child with a disability in the general education classroom may include, but is not be limited to:
  - 1. Assisting the regular teacher(s) in modifying existing materials or in locating alternate materials for use by the child;
  - 2. Assisting the children and teachers with special modifications, such as test construction and administration on an "as needed" basis;

3. Providing limited demonstration, diagnostic or team teaching to model alternative instructional approaches for integrating the child with a disability into the regular classroom; and
  4. Providing consultation in the development of behavioral intervention plans (BIP), use of learning strategies, etc.
- D. Consulting teachers should participate, as appropriate, in meetings regarding the children they serve, such as the evaluation/programming conference to develop the child's IEP.

## 17.06 CO-TEACHING

### 17.06.1 General.

- 17.06.1.1 Children with disabilities who receive special education in the general education classroom are considered to be receiving direct services if these services are provided by both the general education classroom teacher and qualified special education personnel.

### 17.06.2 Eligibility criteria.

- 17.06.2.1 The child has been determined to be an eligible child with a disability under these regulations.
- 17.06.2.2 The IEP Team has developed an IEP for the child and has determined the extent to which co-teaching services are to be provided for the child to achieve his goals and objectives in the regular classroom.
- 17.06.2.3 By selecting the co-teaching services delivery model the IEP Team has determined that there is no compelling instructional reason why the child's instruction cannot be provided jointly in the general education classroom. The general education classroom teacher must be an active participant in the IEP conference.
- 17.06.2.4 The child is not receiving co-teaching services in the same placement (service setting) in which

indirect or other direct services are provided. For example - a child may not receive both co-teaching and indirect services for speech therapy or for special education, etc. However, the child may be receiving co-teaching services in lieu of resource services but continue to receive direct speech therapy or vice versa.

- 17.06.2.5 Co-teaching services can be provided on a part-time basis by any designated special education personnel and general education teacher, consistent with Caseload Guidelines in §17.06.4.2, but must be provided during the instructional day and without interruption to the special education provided to direct services children assigned to that instructor.
- 17.06.2.6 Children receiving co-teaching instructional services on December 1 are eligible to be included in the federal child count.
- 17.06.2.7 Costs associated with the co-teaching special education teacher may be applied to meeting the district's special education expenditure requirements.
- 17.06.2.8 Costs associated with the general education program may not be treated as special education expenditures.

17.06.3 Procedures for reviewing progress.

- 17.06.3.1 The general education and special education teachers will review and document each child's progress in co-teaching services. Progress reports are to be filed in the child's due process folder.
- 17.06.3.2 If the child does not pass content area course(s) or satisfactorily complete goals set out in the IEP for two (2) consecutive progress reviews, the special education teacher will initiate a program review conference in accordance with established due process procedures. The committee will document its decision as to either the continuation of co-teaching services or placement in other direct services, consistent with any revision of the child's IEP.
- 17.06.3.3 For secondary children, should a progress review at any grading period indicate that a child is in danger

of failing a content area course(s), a formal review conference must be scheduled immediately.

17.06.3.4 Grading responsibilities. General education personnel in consultation with the special education co-teacher(s) are responsible for assigning a child's grade(s).

17.06.3.5 The total amount of time that co-teaching services will be provided per week is to be divided equally between the general education teacher and the special education teacher as documented on the child's IEP.

17.06.4 Teacher/Pupil caseload.

17.06.4.1 Full-Time Co-Teacher. The Teacher/Pupil caseload for a full-time Co-Teaching special education teacher is 1:30.

17.06.4.2 Part-Time Co-Teacher. The Teacher/Pupil caseload for a part-time Co-Teaching special education teacher is 1:30 split between co-teaching duties and other direct services provision.

## 17.07 INCLUSION OF NONDISABLED CHILDREN IN SCHOOL BASED DAY TREATMENT

17.07.1 Purpose.

It is the purpose of these regulations to set out the general guidelines for the inclusion of a limited number of children who, while not found to be eligible in accordance with IDEA definition, have been otherwise diagnosed as having an emotional disturbance and are in need of a school-based day treatment program.

17.07.2 Definitions.

17.07.2.1 Day Treatment Program. A cooperative program which includes both the provision of education and mental health services for each participating child in a coordinated, therapeutic manner.

17.07.2.2 School-based Services. Services located on a school campus in an age-appropriate "general education" school building.

17.07.2.3 Properly Diagnosed. The child has been determined to have an emotional disturbance on the basis of a DSM-IV-R classification by professionals qualified

to make such a diagnosis, which includes -

- A. Psychiatrist (licensed in the State of Arkansas and having completed an accepted residency in psychiatry);
- B. Psychologist (licensed in the State of Arkansas);
- C. Psychological Examiner (licensed in the State of Arkansas);
- D. Master of Social Work (licensed in the State of Arkansas);
- E. Licensed Professional Counselor (licensed in the State of Arkansas);
- F. Registered Nurse (licensed in the State of Arkansas) with one (1) year supervised experience in a mental health setting;
- G. Physician (licensed in the State of Arkansas); and
- H. Persons in a related profession (licensed in the State of Arkansas and practicing within the bounds permitted by their licensing authority) with at least a Master's Degree and appropriate experience in a mental health setting, including documented, supervised training and experience in diagnosis and therapy of a broad range of mental disorders.

17.07.2.4 DSM-IV-R. Diagnostic and Statistical Manual of Mental Disorder IV-Revised.

17.07.2.5 Mental Health Professional. A person whose credentials allow them to diagnose and/or treat individuals with mental health needs and who may be employed by a Mental Health facility (public or private), a public school, educational service agency cooperative or may be engaged in private practice.

17.07.3 Child eligibility.

17.07.3.1 Children who are not eligible in accordance with IDEA eligibility criteria, but who are eligible for

inclusion in the school-based day treatment program funded with special education funds includes those children diagnosed as having emotional disturbance under recognized criteria (such as the DSM IV-R).

- A. These children may have a diagnosis such as adjustment disorders, disorders of impulse control, conduct disorders, suicidal, substance abuse and/or affective disorders; and
- B. Such children may exhibit characteristics of juvenile delinquency, truancy and runaway behavior.
- C. However, juvenile delinquency, truancy and runaway behaviors alone do not qualify a child for this program.

17.07.3.2 The child's need for the day treatment program must be determined by a team comprised of, at a minimum, the following –

- A. Mental Health Professional;
- B. Teacher in the day treatment program;
- C. Principal;
- D. Parent; and
- E. Other persons knowledgeable about the day treatment program and/or the child, as appropriate.

17.07.3.3 The child's needs must be compatible with the services offered.

17.07.3.4 When the placement of a child who is not eligible under the IDEA is foreseen or determined to be disruptive to the delivery of services to children who are eligible under the IDEA, then the child who is not eligible under the IDEA must be removed and served elsewhere.

17.07.4 District eligibility for inclusion of nondisabled children in School-based Day Treatment.

17.07.4.1 The school district must have in place a school-

based day treatment program which has been approved as such by the ADE, Special Education Unit. If such approval is not in place, see §17.06.4.2 of this part.

17.07.4.2 If the district is anticipating the opening of a school-based day treatment program, then, prior to the issuance of approval as a day treatment program by the ADE, Special Education Unit, the district must demonstrate that it has -

- A. Participated in a planning process including mental health professionals;
- B. Conducted staff development for both the staff of the school-based day treatment program and staff in the "regular" education program in the building, to include bus drivers and cafeteria personnel; and
- C. Developed a written agreement with mental health professionals if they are not employees of the school district or ESA, as to their participation in the program.

17.07.4.3 At least one-third (1/3) of the total teacher/pupil caseload must be children who are eligible under the IDEA and who need a school-based day treatment program. If the teacher/pupil caseload is 1:6, then at least two (2) children must be eligible under the IDEA. If the teacher/pupil caseload is 1:8 with three (3) additional staff (including mental health professionals), then at least three (3) children must be eligible under the IDEA.

17.07.4.4 The school district must submit a letter to the Administrator for Monitoring and Program Effectiveness in the ADE Special Education Unit requesting approval for the inclusion of nondisabled children in the school-based day treatment program. The letter must include -

- A. The number of children not eligible under the IDEA;
- B. The number of children eligible under the IDEA; and
- C. The number and type of personnel in the

program.

17.07.4.5 The Administrator for Monitoring and Program Effectiveness will provide the district with written notice as to whether the request is approved or disapproved.

17.07.5 Funding.

17.07.5.1 This provision is intended to allow the expenditure of federal special education funds for children who are not eligible under the IDEA, but who have been otherwise properly diagnosed with emotional disturbance and who need a school-based day treatment program. No additional funds accompany this provision.

17.07.5.2 Children who are not eligible under the IDEA are to be counted in the district's regular average daily membership report.

17.07.5.3 Children who are not eligible under the IDEA shall not be counted on the district's December 1 child count for funds under Part B of the IDEA.

17.07.6 Program Guidelines. The ADE Guidelines for School-based Day Treatment Programs are located in Special Education Eligibility Criteria and Program Guidelines for Children with Disabilities, Ages 3-21, (ADE, 2008) the companion document to these regulations, and are to be followed in implementing school-based day treatment programs.

17.08 STANDARDS FOR INTEGRATED CLASSROOM MODEL (ICM)  
(REGULAR/SPECIAL EDUCATION)

17.08.1 Description.

17.08.1.1 The ICM is designed to educate children with mild disabilities in the general education classroom with their nondisabled peers on a full-time basis for the entire school day.

17.08.1.2 For the purpose of this model, "mild" is defined as children with disabilities who receive resource services for not more than two (2) hours. Where integrated therapy (i.e., speech therapy, physical therapy, and/or occupational therapy) is clearly an inappropriate method of service delivery, children may receive such therapies in a "pull-out" program.

- 17.08.1.3 The integrated classroom is highly structured, with clear behavioral and academic expectations.
- 17.08.1.4 Special education children are completely integrated in all classroom activities, with the majority of teacher time being spent on active instruction.
- 17.08.1.5 High positive reinforcement levels are established and maintained and materials are adapted to meet all children's needs.
- 17.08.1.6 ICM teachers use a variety of teaching methods to meet child needs and abilities as indicated by the goals and objectives specified in children's individualized education programs (IEPs).
- 17.08.1.7 District-adopted curricula and materials are also used in the integrated classroom and are modified to meet the needs of the children.
- 17.08.1.8 The district curricula are supplemented by differentiated materials when needed.
- 17.08.2 Teacher/Pupil caseload and class composition.
  - 17.08.2.1 Integrated classrooms are composed of up to one-third (1/3) children with mild disabilities with appropriate IEPs and two-thirds (2/3) children who are nondisabled.
  - 17.08.2.2 The maximum teacher/pupil caseload of an integrated classroom cannot exceed a total of 24 children.
- 17.08.3 Child selection.
  - 17.08.3.1 Children with disabilities whose IEPs can be implemented in an integrated general education classroom, and for whom this type of setting is determined to be the child's least restrictive environment, may be selected for the integrated classroom.
  - 17.08.3.2 The selection of this model on the continuum of alternative options is "regular class/some direct instruction."
  - 17.08.3.3 All eligible children are assigned to the integrated

classroom at the appropriate grade level and, whenever possible, in the building they would normally attend if not disabled.

17.08.3.4 The assignment of nondisabled children to the integrated classroom is made on the same basis as all other class assignments.

17.08.3.5 Nondisabled children should be performing academically in the average to above average range.

17.08.3.6 Participation in "pull-out" programs should be limited for both the child with disabilities and his nondisabled peers.

17.08.4 Facilities.

17.08.4.1 The integrated classroom must meet state facility standards established for regular classrooms.

17.08.5 Personnel.

17.08.5.1 Teachers participating in the ICM should be selected jointly by the building principal and special education administrator.

17.08.5.2 The ICM teacher must be dually licensed in special education and general education or be fully licensed in either special education or general education and have a current Additional Licensure Plan for completion of licensure in the collateral area.

17.08.5.3 A paraprofessional must be assigned to the integrated classroom for a minimum of 50% of the day.

17.08.6 Funding.

17.08.6.1 A child with disabilities whose IEP is implemented in an integrated classroom on December 1 may be included in the December 1 federal child count.

17.08.6.2 The costs associated with the provision of special education by the integrated classroom teacher may be considered as special education expenditures. Such costs include materials and supplies needed to implement the IEPs of children with disabilities.

17.08.6.3 Up to one-third (1/3) of the teacher's salary and

benefits may be charged as special education expenditures.

17.08.6.4 The costs associated with the general education program may not be considered a special education expenditure.

17.08.6.5 The total cost of the half-time paraprofessional in the integrated classroom may be considered as a special education expenditure.

17.08.7 Related services.

17.08.7.1 Related services must be provided as specified in each child's IEP. It may be necessary to provide related services in a location other than the general education classroom.

17.08.8 Staff development.

17.08.8.1 Prior to implementing the integrated classroom model, the ICM staff must receive at least five (5) hours of in service training before the classroom is operational.

17.08.8.2 During the first year of operation, an additional five (5) hours of in service training must be provided for the ICM staff.

17.08.8.3 A minimum of five (5) hours of staff development must be provided annually following the first year of implementation.

17.08.8.4 At least one-half (1/2) of the required training must be selected from the following areas -

- A. Classroom management
- B. Teaching strategies, such as cooperative learning, peer tutoring, learning strategies, etc.
- C. Learning styles/modalities
- D. Roles and responsibilities of teachers and paraprofessionals
- E. Communication skill training/team building

- F. Teaching social skills
- G. Coping/self-esteem strategies for children
- H. Study skills for children

17.08.8.5 Additional staff development topics should be identified and training provided based upon needs assessment.

17.08.8.6 Training must be provided in the context of regular staff development at the building or district level, provided it is identifiable.

## 17.09 USE OF DUALY-LICENSED TEACHERS TO IMPLEMENT IEPs

17.09.1 Purpose.

17.09.1.1 The purpose of this provision is to verify that dually-licensed teachers used to implement the IEPs of children with disabilities are considered to be qualified providers.

17.09.2 Conditions.

17.09.2.1 When a district has a teacher or teachers who are dually-licensed in general education and special education, then it may be determined that the IEP for a particular child can be fully implemented within the general education classroom with no additional assistance from a certified special education teacher.

17.09.2.2 The maximum number of children with disabilities for whom a dually-licensed teacher is solely responsible for implementing their IEPs is limited to two (2).

17.09.2.3 When a district has more than two (2) children with disabilities for whom it is appropriate for a dually-licensed teacher to implement their IEPs, the district must comply with the requirements of the Integrated Classroom Model described at § 17.07 of this part.

17.09.2.4 A paraprofessional is required to be in the classroom.

17.09.2.5 The total teacher/pupil caseload must conform to maximum class size for a general education

classroom in accordance with the ADE's standards for accreditation of schools.

## **17.10 HOMEBOUND CHILDREN**

### **17.10.1 Purpose.**

- 17.10.1.1** The purpose of this part is to provide the criteria governing the conditions under which a school district may count a homebound child to generate Formula Foundation Aid. These regulations were adopted by the State Board of Education at its September 1982 meeting.
- 17.10.1.2** The application of these criteria is required in order for a school district to count children with disabilities who are on homebound services on its December 1 federal child count.

### **17.10.2 Criteria.**

- 17.10.2.1** The child is absent from school because of an illness, an accident resulting in serious injury, pregnancy or other physically disabling conditions. (Or in the case of a child with disabilities, the IEP team has determined that the child's LRE is a homebound placement.)
- 17.10.2.2** The school district must provide a licensed teacher for the homebound child for at least four (4) hours per week on at least two (2) different visits to the child's home each week.
- 17.10.2.3** The school may use an aide (paraprofessional) to work with the child if the aide (paraprofessional) works under the supervision of the regular teacher(s). (Or in the case of a child with a disability, the teacher(s) responsible for implementing the child's IEP.)
- 17.10.2.4** The child's attendance record should show the child as being absent but on roll and a note should be entered in the (child) Register, or the form being used, indicating that the child was (is) receiving instruction at home and was (is) being counted as a "Homebound" child for the purpose of generating Formula Foundation Aid.

- 17.10.2.5 For a child with disabilities who is “homebound,” the district must implement the child’s IEP using an appropriately qualified provider, i.e., for speech therapy a licensed speech-language pathologist; for instruction implementing goals and objectives in the IEP, a special education-licensed teacher.
- 17.10.2.6 For a child with disabilities who is “homebound,” the district must provide the related services identified in the IEP during the duration of the period of the child’s confinement.

## 17.11 BRAILLE ASSESSMENT AND INSTRUCTION

### 17.11.1 General.

- 17.11.1.1 Ark. Code Ann. §§ 6-41-403 and 6-41-404 provide for -
  - A. The annual assessment of child progress of children with visual impairments; and
  - B. The identification of the need for and corresponding provision of Braille instruction.
- 17.11.1.2 Ark. Code Ann. §§ 6-41-403 and 6-41-404 further require that the Arkansas Department of Education -
  - A. Develop procedures to determine when a child with a visual impairment needs Braille instruction, and
  - B. Establish requirements to become qualified as a Braille instructor.

### 17.11.2 Definitions.

- 17.11.2.1 ADE - Arkansas Department of Education
- 17.11.2.2 IDEA - Individuals with Disabilities Education Act
- 17.11.2.3 IEP - Individualized Education Program
- 17.11.2.4 LMA - Learning Media Assessment
- 17.11.2.5 Braille - A tactual symbol system for reading and writing used by individuals who are visually impaired. Braille codes are available in literacy,

math, science, music and computer.

- 17.11.2.6 Conventional Literacy Program - An instructional program of reading and writing in print or Braille that generally begins in kindergarten and continues throughout the school years.
- 17.11.2.7 Compliance Citation - A citation issued by the ADE which documents a school's failure to comply with state or federal education laws.
- 17.11.2.8 Core academic subjects - means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.
- 17.11.2.9 Functional Literacy Program - An instructional program that focuses on survival reading and writing skills needed for increased independence in daily life.
- 17.11.2.10 Learning Media Assessment - An objective process of systematically selecting learning and literacy media for children with visual impairments.
- 17.11.2.11 Learning Medium - The broad range of general instructional materials used to teach children with visual impairments in literacy and other academic programs.
- 17.11.2.12 Visually Impaired - Visual impairment including blindness means an impairment in vision that, even with correction adversely affects a child's educational performance. The term includes both partial sight and blindness.
  - A. Children with partial sight are those whose vision, although impaired, is still the primary channel of learning and, with adjustments, are able to perform the visual tasks required in the usual school situation. Generally, their visual acuity with correction is 20/70 or less.
  - B. Children with blindness are those with no vision or with little potential for developing vision as a primary channel for learning and, therefore, must rely upon tactile and auditory senses to obtain information.

**17.11.3 Assessment of child progress.**

**17.11.3.1 The assessment shall -**

- A. Address the child's need for Braille instruction, using procedures developed by the ADE, and specify the learning medium most appropriate for the child's educational progress;**
- B. Identify the child's strengths and weaknesses in Braille skills, when that medium is used for instruction; and**
- C. Identify appropriate and necessary related services and technologies for use in combination with Braille instruction.**

**17.11.3.2 The results of the assessment shall be used to develop the child's IEP.**

**17.11.3.3 The assessment team may include –**

- A. Reading specialist;**
- B. General education teacher (including the preschool teacher);**
- C. Teachers of the visually impaired;**
- D. Certified Educational Vision consultant;**
- E. Medical specialist;**
- F. Parent(s); and**
- G. Other personnel, as appropriate.**

**17.11.3.4 Data collected by the team will provide information to determine if further assessment is warranted or to develop and/or revise the IEP.**

**17.11.4 Process for assessment - for "reading" children.**

**17.11.4.1 Step 1. Screening to determine the child's reading speed and rate and grade level.**

- A. Tools. Informal reading inventories**

administered by a reading specialist and/or general education classroom teacher.

- B. Results. Data regarding reading rate, comprehension and grade level are obtained.
- C. Action to be taken. The child either continues with current established reading medium or the child is referred for a LMA.

17.11.4.2 Step 2. Administer the LMA to determine the appropriateness/need for Braille instruction and strengths and weaknesses.

- A. Tools. Forms 2, 6 and 7 from the LMA Resource Guide for Teachers and a Braille Skills Inventory administered by a teacher of the visually impaired or a certified educational vision consultant.
- B. Results. Data regarding current level of literacy functioning, strengths and weaknesses, and literacy tools (visual, tactual, auditory) are obtained.
- C. Action to be taken. Convene the IEP Team to decide if a media change is warranted and to review and revise the IEP, if appropriate.

17.11.5 Process for assessment. For children with “no established reading medium” (pre-readers) who will more than likely be taught to read through a conventional literacy program (typically these children are in preschool, kindergarten or first grade) -

17.11.5.1 Step 1. Determine the readiness level for Braille instruction.

- A. Tools. Forms 2, 4 and 5 from the LMA Resource Guide for Teachers administered by a teacher of the visually impaired or a certified educational vision consultant.
- B. Results. Data regarding use of sensory channels, indicators of readiness for a conventional literacy program and initial selection of literacy medium are obtained.
- C. Action to be taken. Convene the IEP committee to develop or revise the IEP, if

appropriate.

17.11.5.2 Step 2. Once the child becomes a “reading” child, go to Step 1: Screening for “reading” children in §17.10.4.1 of this part.

17.11.6 Process for assessment. For children with no established reading medium (non-readers and/or children with additional disabilities) who will more than likely be taught to read through a functional literacy program -

17.11.6.1 Step 1. Screening to determine readiness for Braille instruction.

- A. Tools. Forms 2, 9 and 10 from the LMA Resource Guide for Teachers administered by a teacher of the visually impaired or a certified educational vision consultant.
- B. Results. Data regarding use of sensory channels, readiness indicators for a functional literacy program, selection of functional literacy program are obtained.
- C. Action to be taken. Convene the IEP committee to determine readiness level for appropriate Braille instruction or select an alternate medium, and to develop or revise the IEP, if appropriate.

17.11.7 Braille instruction.

17.11.7.1 Individuals providing Braille instruction must -

- A. Hold current teacher licensure designated as “Visually Impaired” issued by the ADE, or
- B. Hold current teacher licensure and have an approved Additional Licensure Plan ( ALP) in the area of Visually Impaired.

## 17.12 USE OF READING SPECIALISTS TO IMPLEMENT IEPs

17.12.1 General.

17.12.1.1 Individuals who hold a reading endorsement or who are licensed as reading specialists by the ADE may be considered to be qualified providers to implement the goals and objectives related to

reading that are stated in an IEP for a child with disabilities.

17.12.1.2 A pro-rata portion of the salary of such individuals may -

- A. Count toward meeting the special education state/local expenditure requirement; or
- B. Be funded with federal special education monies.

17.12.1.3 Materials and supplies that are needed by children with disabilities may be purchased with special education funds.

A-3 (a) : DIERKS SCHOOL DISTRICT  
EXHIBIT ONE (1)

SHARON K. HILL, CCR  
(501) 680-0888



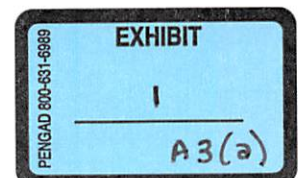
Dierks School District

# Act 1240

## District Waiver Request

February 14, 2019

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- The balanced number of student interaction days per quarter of the preferred 2019-2020 calendar by the faculty and staff of the Dierks School District is as follows:  
1<sup>st</sup> Quarter: 43 Days  
2<sup>nd</sup> Quarter: 44 Days  
3<sup>rd</sup> Quarter: 45 Days  
4<sup>th</sup> Quarter: 46 Days
- With the approval of the Act 1240 waiver, semester exams prior to the Christmas break would allow for more efficient planning and review by teachers for the exams, which leads to our students being more prepared for testing at Dierks High School. In the event credit recovery is needed, our high school counselor will be able to enroll students in Virtual Arkansas or make other schedule changes for a smooth transition into the second semester to ensure student progress.
- An earlier start date would allow for more instructional days prior to the ACT Aspire and other mandated testing for both elementary and high school students. The Dierks School District feels this allows our students an opportunity to achieve higher scores as a result.
- In the event of inclement weather or other emergency situations that result in school closure, professional development opportunities for teachers could be affected by make-up days if school continues into June.
- The Dierks School District has shown more than adequate attendance records in the previous three years with the last day of school before Memorial Day. The following attendance data is reflective of the dates ranging from the first school day in April through the end of the school year prior to Memorial Day:  
  
2016: 95.55%  
2017: 95.7%  
2018: 94.45%
- In large part, the parents/students, teachers, and staff tend to prefer for the school year to end before Memorial Day to allow for more flexibility in planning family vacations.

Dierks School District  
February 14, 2019  
Resolution  
A.C.A 6-10-106

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In support of a Waiver Request Affecting the Allowable First Day of School

A.C.A 6-10-106

WHEREAS Arkansas law, A.C.A 6-10-106, provides for the school year to begin no earlier than the Monday of the week containing August 19; and

WHEREAS under this law, A.C.A 6-10-106, the start of school varies from year to year, beginning some years as early as August 14, or as late as August 26; and

WHEREAS under this law, A.C.A 6-10-106, the earliest school can begin in 2019 is August 19; and

WHEREAS a late start to the school year creates unbalanced semesters, reduces the preparation time for state testing, and limits flexibility in scheduling inclement weather make-up-days;

THEREFORE be it resolved that the Dierks School District Board of Education endorses the Superintendent's waiver request affecting the allowable first day of school, and recommends its approval by the Arkansas State Board of Education.

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President, Board of Education

A-4: PINE BLUFF LIGHTHOUSE ACADEMY  
EXHIBIT ONE (1)

SHARON K. HILL, CCR  
(501) 680-0888

# Pine Bluff Lighthouse Charter School ACT Aspire Interim

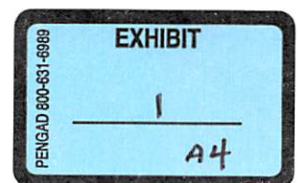
*Action Item A 4*

2018-2019 ACT Aspire Interim Scores								
Grade Levels	English		Reading		Science		Math	
	Interim I	Interim II	Interim I	Interim II	Interim I	Interim II	Interim I	Interim II
3 <sup>rd</sup>	36%	48%	5%	14%	9%	14%	17%	32%
4 <sup>th</sup>	63%	73%	33%	39%	36%	30%	29%	28%
5 <sup>th</sup>	53%	62%	5%	15%	5%	18%	11%	21%
6 <sup>th</sup>	53%	68%	18%	32%	28%	32%	28%	14%
7 <sup>th</sup>	59%	65%	17%	26%	26%	26%	5%	9%
8 <sup>th</sup>	63%	65%	31%	47%	12%	16%	12%	18%
Overall	54.5%	63.5%	18.1%	28.8%	19.3%	23%	17%	20.3%
	+9%		+10.7%		+3.7%		+3.3%	

Pine Bluff Lighthouse Charter has recently completed the ACT Aspire Interim II assessments. The chart above contains the ACT Aspire Interim I and Interim II scores in English, Reading, Science and Math. There was a 9% increase in the number of scholars meeting benchmark in English, almost 11% increase in scholars meeting benchmark in Reading, 3.7% meeting benchmark in Science and 3.3% increase in scholars meeting benchmark in Math.

ACT Aspire Interim II comparison from 2018 to 2019				
	English	Reading	Science	Math
	Interim II	Interim II	Interim II	Interim II
3 <sup>rd</sup>	+10%	+5%	+2%	+11%
4 <sup>th</sup>	+27%	+24%	+23%	+24%
5 <sup>th</sup>	+28%	+7%	0%	+5%
6 <sup>th</sup>	+10%	+13%	+3%	-5%
7 <sup>th</sup>	+4%	-7%	+15%	-2%
8 <sup>th</sup>	+12%	+18%	+4%	+18%
Overall	+15.5%	+10.8%	+7.2%	+8.5%

The ACT Aspire Interim II scores from 2018 school year was compared to the scores from the current school year to determine the progress of the school. As indicated in the chart there is a 15.5% increase in English, 10.8% increase in Reading, 7.2% increase in Science, and 8.5% increase in Math.



## Pine Bluff Lighthouse Charter School ESSA Breakdown 2018

### Pine Bluff Lighthouse Elementary

Table 1:

Overall ESSA Score	57.79
Weighted Achievement	37.5
Value-Added Growth	78.72
School Quality and Success Score	35.34

### Weighted Achievement for Pine Bluff Lighthouse Elementary

The overall Weighted Achievement is calculated based upon each student's achievement on ELA and Math on the ACT Aspire.

Table 2:

Performance Level	ELA-Students	Math-Students	Total Points	ELA+Math
Needs Support	86	34	0	120
Close (.5)	34	71	52.5	105
Ready (1)	16	26	42	42
Exceeds (1 or 1.25)	2	7	9	9
Totals			103.5	276

Weighted Performance  $(103.5/276)*100=37.5$

The change in the ELA cut scores affected the overall weighted performance of the students at Pine Bluff Lighthouse Charter School. This resulted in a lower weighted achievement from the 2017 school year. As per the Arkansas Education Commissioner's memo, LS-18-108 data analysis of the ELA scores should compare scale scores. In analysis of scale scores, Pine Bluff Lighthouse scholars had a 3.8 increase in the ELA scale score.

In the analysis of weighted achievement, the 2017 Benchmark cut scores were used to isolate the influence of the change of ELA Benchmark cut scores in 2018. The chart below illustrates the calculation of weighted achievement without the change in cut scores.

Table 3:

Performance Level Indicators	ELA	Math	ELA+ Math	Total Points
In Needs of Support	71	34	105	0
Close	36	71	107	53.5
Ready	27	26	53	53
Exceeding	4	7	11	11
Weighted Performance= $(117.5/276)*100= 42.5724$				
Overall ESSA				
Weighted Achievement	42.5724	35%	14.9003	
Value-Added Growth	78.72	50%	39.36	
*School Quality and Student Success	35.34	15%	5.301	
			59.56136	D

The weighted achievement of students at Pine Bluff Elementary would have increased from the 2017 ESSA report from 37.5 to 42.6. The overall ESSA score would have increased from 5

### Value-Added Growth Score for Pine Bluff Lighthouse Elementary

Table 4:

School Value Added Growth for Subgroups	
All Students	78.72
African American	77.99
Hispanic/Latino	98.41
White	88.51
Economically Disadvantaged	78.72
English Learners	98.41
Students with Disabilities	75.54

A score of 80 represents the expected growth for all students in Math and ELA. Three of the subgroups (Hispanic, White, and English Learners) had a value added growth significantly over 80, although overall value-added growth is below the expected 80. However, as noted the margin of confidence depends on the number of students in the mean. A smaller group have a larger margin of confidence because of a single score.

### **School Quality and Success Score for Pine Bluff Lighthouse Elementary**

Table 5:

Student Engagement	52.97
Reading at Grade Level	18.12
Science Achievement	14.49
Science Growth	37.38

In analyzing the student engagement score, it was determined that Pine Bluff Lighthouse had 56 scholars that represented 35 families that were chronically absent over 10% of their enrollment. This caused a decrease in the overall Student Engagement points earned in 2017 from 68.01 to 52.97 in 2018.

Scholars reading on grade level affected the SQSS. However, the number of students reading on grade level increased from 17 scholars in 2017 to 25 in 2018.

Science achievement and growth decreased from 2017 to 2018. The overall reading levels of the scholars affected the science achievement and growth.

### **Pine Bluff Lighthouse College Preparatory Academy**

Table 6:

Overall ESSA Score	54.23
Weighted Achievement	27.34
Value-Added Growth	78.44
School Quality and Success Score	36.26

## Weighted Achievement for Pine Bluff Lighthouse College Preparatory Academy

Table 7:

Performance Level	ELA-Students	Math-Students	Total Points	ELA+Math
Needs Support	19	19	0	38
Close (.5)	7	10	8.5	17
Ready (1)	4	2	6	6
Exceeds (1 or 1.25)	2	1	3	3
Totals			17.5	64

Weighted Performance  $(17.5/64)*100=27.34$

Table 8:

In Needs of Support	12	19	31	0
Close	10	10	20	10
Ready	8	2	10	10
Exceeding	2	1	3	3
	Weighted Performance= $(23/64)*100= 35.9$			
Overall ESSA				
Weighted Achievement	35.9	35%	12.58	
Value-Added Growth	78.44	50%	39.22	
*School Quality and Student Success	36.26	15%	5.44	
			57.24	D

## **Value-Added Growth Score for Pine Bluff Lighthouse College Academy**

Table 9:

<b>School Value Added Growth for Subgroups</b>	
All Students	78.44
African American	78.2
Economically Disadvantaged	78.44
Students with Disabilities	77.96

A score of 80 represents the expected growth for all students in Math and ELA. Three of the subgroups (Hispanic, White, and English Learners) had a value added growth significantly over 80, although overall value-added growth is below the expected 80. However, as noted the margin of confidence depends on the number of students in the mean. A smaller group have a larger margin of confidence because of a single score. The value added growth score encompasses only 32 scholars. The ELA value added growth score was 79.2 whereas Math was 77.55.

## **School Quality and Success Score for Pine Bluff College Preparatory Academy**

Table 10:

Student Engagement	68.57
Reading at Grade Level	25
Science Achievement	6.25
Science Growth	42.19

In analyzing the student engagement score, it was determined that Pine Bluff Lighthouse had 56 scholars that represented 35 families that were chronically absent over 10% of their enrollment.

Scholars reading on grade level affected the SQSS. Pine Bluff Lighthouse College Preparatory Academy had 25% of the scholars reading on grade level. The Science achievement decreased from 2017 to 2018. Upon analysis of the Science ACT Aspire score, the areas of greatest weakness was Scientific Investigations.

## ATTENDANCE

### YEAR ONE

- At Risk Task Force (5%+)
- \* Increased Communication
- \* Attendance Task Force

### YEAR TWO

- Family Coordinator
- Aligned Calendar
- Build Community Resource Center

## INSTRUCTIONAL DESIGN

- Implement RISE K-6+
- Redesign of Intervention
- Highly Skilled Interventionists

- Strong Start Summer Program
- K-8 RISE
- Personalized Learning

## TEACHER CAPACITY AND RETENTION

- \* RISE Training
- \* Literacy and Math Specialists\*
- \* PD Saturdays
- \* Recruitment and Retention Specialist

- Eureka Math Training
- Competitive Salaries and Bonuses
- Embedded MAT

# YEAR THREE AND BEYOND

## The Primary Promise

- Every student enrolled for 3 years or more will meet or exceed grade level standards.

B-14: LRSD DYSLEXIA PROGRAM REPORT  
EXHIBIT ONE (1)

SHARON K. HILL, CCR  
(501) 680-0888



## Dyslexia Audit Response

### Mike Poore

I would like to first apologize that I am not in attendance today. I am out of town on a trip, planned this past fall, that ties to both business and family. This week I received a verbal overview of the Dyslexia and Special Education Audits from Assistant Commissioner Stacy Smith.

I want to thank Commissioner Key and his entire team for their quick action to conduct both audits. The approach to these audits was rare and to the best of my knowledge, the first of its kind for a dyslexia assessment. We were pleased to host teams of educators in late January and I am proud of the reception they received from the LRSD community. I have been told multiple times that our staff was open to the visits and genuine in their responses to the ADE teams.

We have work to do! I can share that in response to the findings, we actually have already begun to address deficiencies and other areas that need to be modified in our processes. LRSD will digest the results of both audits and will create action plans.

The report on dyslexia is much more concerning, however. Simply put, the findings share a need for modifications in multiple areas. A very positive step has already occurred with the hiring of staff member, Chandle Carpenter, whose specific focus will be dyslexic services, training, and monitoring. Ms. Carpenter has been well received by our Literacy Task Force, Community Advisory Board, and LRSD staff. Additionally, we have been working with ADE to do a thorough vetting of new literacy materials to support our K-5 staff. These materials are being reviewed to ensure that they best support the science of reading while also providing appropriate support for dyslexic students. Parents and staff will benefit from these services as well. LRSD will also continue training for teachers and administrators on RISE. All K-5 LRSD schools have received some training and almost half of our schools will have all their K-5 staff trained by the end of this year. All 6<sup>th</sup> grade English teachers are receiving training and there is a plan to continue that rollout to all 6-12 staff. It is important to note that with the help of ADE, we have a structured system being implemented to monitor classroom instruction to make sure the science of reading is being delivered with fidelity.

I think one of the key findings in the report is that LRSD is not reaching the target of properly identifying students who need support. This must be addressed, and it will. It is also clear that our support of dyslexic learners at the secondary level will need to be addressed with additional training, staffing allocation, and schedule development.

The timing of these audit reports could not be better. In the education world we have multiple decisions that must take place in the coming months to address these deficiencies in our delivery and support to our students, staff, and parents. I believe that LRSD staff will approach these findings with passion, collaboration, and diligence. I also know that ADE will continue to collaborate with LRSD. We will address and meet expectations as outlined in both audits.

