



AGENDA STATE BOARD OF EDUCATION

March 10, 2008

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

Chair's Report – Diane Tatum
Commissioner's Report – Dr. T. Kenneth James

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Reports

Report-1 Presentation and Discussion on Reauthorization of No Child Left Behind Legislation

Mr. Simon will discuss issues related to reauthorization of the No Child Left Behind legislations and entertain questions from Board members regarding implementation of the program in Arkansas.

The Council of Chief State School Officers has developed a series of recommendations related to the reauthorization. Those recommendations are provided as an attachment to this item.

Presenter: Ray Simon, Deputy Secretary, U.S. Department of Education

Report-2 Seventeen High Schools Receive College Readiness Recognition

The "2007 College Readiness" awards were given recently to seventeen high schools in Arkansas for increasing the number of students taking the ACT Assessment over the past five years and significantly increasing their level of achievement and college readiness.

The Arkansas ACT Council wanted to recognize those high schools that have made significant strides in increasing the college readiness of their graduates as demonstrated by their ACT score increases over the past five years. This can only happen as a result of the commitment of teachers, students, parents, and the high school administration to increase college readiness.

Presenter: Dr. Charity Smith, Assistant Commissioner

Report-3 Review of Proposed Annual Improvement (Gains) for Grades 3-8 and Report from the Standard-Setting Process

Act 35 of the 2nd Extraordinary Session of 2003 requires that the Department of Education develop a school rating system and publish annually results that shall be designated in two (2) category levels for each school; (1) for the "school's improvement gains" tracked longitudinally using value-added calculation known as the annual improvement category level, and (2) based on the "performance from the prior year," referred to as the annual performance category (or "status"). Today's presentation will focus on the results of the School Standard Setting Process for category (1).

Presenter: Dr. Charity Smith, Assistant Commissioner

Consent Agenda

C-1 Minutes - February 11, 2008

Presenter: Diane Tatum

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

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

Presenter: Dr. Charity Smith/Willie Morris

C-3 Newly Employed, Promotions and Separations

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

Presenter: Ms. Beverly Williams Ms. Clemetta Hood

C-4 Reports on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001.

Act 1623 of 2001 requires local school districts to secure a waiver when classrooms are staffed with unlicensed teachers for longer than 30 days. Waiver requests were received from 110 school districts covering a total of 313 positions. None of these requests were from a district in academic distress. These requests have been reviewed, either approved or denied by Department Staff and are consistent with program guidelines.

Presenter: Beverly Williams, Assistant Commissioner HR/Licensure

C-5 Consideration of Request for Waiver of Three Days Missed by Clinton School District Due to Tornado Damage.

On February 5, 2008, a tornado passed through sections of northcentral Arkansas including the area served by the Clinton School District. As a result of the storm, many area residents were left homeless and power outage was widespread. Clinton School District superintendent, Randal Betts, reports that power was not restored to school buildings until Sunday, February 10. Mr. Betts is requesting a waiver of three (3) days from the mandatory number of days attendance for February 6, 7, and 8, during which time there was no power to any of the district buildings.

Presenter: Alice Barnes-Rose/Annette Barnes

C-6 Consideration of Request for Waiver of Five Days by Mountain View School District Due to Tornado Damage.

On February 5, 2008, a tornado passed through much of northcentral Arkansas including the region served by the Mountain View School District. Damage to the area left many school employees and students homeless and the entire area was without electrical power until Tuesday, February 12. Al Davidson, superintendent, states that inclement weather days built into the school calendar were previously used due to snow days that occurred earlier in the winter. Mr. Davidson is requesting a waiver of five (5) days from the mandatory number of days in the school year due to this event.

Action Agenda

A-1 2007-2008 Arkansas Better Chance Recommendations for Funding

Pursuant to the Rules and Regulations Governing the Arkansas Better Chance Program, the Division of Child Care and Early Childhood Education presents these recommendations for funding and funding modifications to the State Board for approval.

Presenter: Paul Lazenby and Jamie Morrison, DHS DCCECE

A-2 Consideration for Public Comment: Proposed Arkansas Annual State Application Under Part B of the Individuals with Disabilities Education Act (IDEA) as amended in 2004 for Federal Fiscal Year (FFY) 2008.

For the State education agency (SEA) to receive a grant under Part B of the IDEA as amended in 2004 for FFY 2008, (funds which should become available to the State on July 1, 2008), the SEA must complete and submit a Part B Application for those funds to the U.S. Department of Education on or before May 16, 2008. Prior to this submission, the State must meet public participation requirements relevant to Part B as set forth in the Part B regulations and in the General Education Procedures Act (GEPA). The State is required to publish the proposed Application for a period of at least 60 days prior to the date on which the plan is submitted to the Secretary, with an opportunity for public comments on the Application to be accepted for at least 30 days. The Application consists of Assurances and Certifications; a description of Use of Funds relative to Part B state set-aside for program administration; required activities and other state-level activities; and appropriate submission statements.

Presenter: Donald Watkins, Administrator ADE, Special Education Grants and Data Management

A-3 Consideration for Public Comment: Proposed Rules Governing the Code of Ethics for Arkansas Educators

Act 846 of the 86th regular legislative session calls for the establishment of a Professional Licensure Standards Board. One of the items Act 846 requires of the Professional Licensure Standards Board is to establish a Code of Ethics for administrators and teachers in educational environments for students in prekindergarten through grade 12. The Professional Licensure Standards Board respectfully requests that the Proposed Rules Governing the Code of Ethics for Arkansas Educators be released for public comment at this time.

Presenter: Beverly Williams, Assistant Commissioner HR/Licensure

A-4 Request from Strong-Huttig School District for Approval to Close an Isolated School (Huttig Elementary School)

The Strong-Huttig School District has submitted a request to the Department seeking State Board of Education approval, pursuant to Ark. Code Ann. § 6-20-602(b), to close an isolated school (Huttig Elementary School).

On February 11, 2008, the Strong-Huttig Board of Directors voted 5-2 to close the Huttig Elementary School for the 2008-2009 school year. As the vote to close the school was not unanimous, the district must obtain the State Board's approval to close the school.

Presenter: Scott Smith

A-5 Renewal of District Conversion Charter School Application: Academic Center of Excellence, Osceola, AR

AcademicCenter of Excellence is a District Conversion Charter School located on 112 North School Street, Osceola,

Arkansas. Academic Center Excellence serves students in grades 1-10 with a current enrollment of 402 students. The charter was first granted in 2002 and expires June 30th, 2008.

The Osceola Board of Education approved the proposed renewal of the charter on December 10, 2007.

Staff members from the Arkansas Department of Education (ADE) have reviewed the renewal application and have submitted reports regarding monitoring of the school. Copies of the renewal application and the ADE report have been included for review by the Board.

The applicant is requesting renewal of their charter.

Presenter: Dr. Mary Ann D. Brown

A-6 Renewal of District Conversion Charter School Application: Blytheville Charter School and ALC, Blytheville, AR

Blytheville Charter School and ALC is a District Conversion Charter School located on 415 Tennessee Street, Blytheville, Arkansas. Blytheville Charter School and ALC serves students in grades 7-12 with a current enrollment of 76 students. The charter was first granted in 2001 and expires June 30th, 2008.

The Blytheville Board of Education approved the proposed renewal of the charter on November 26, 2007.

Staff members from the Arkansas Department of Education (ADE) have reviewed the renewal application and have submitted reports regarding monitoring of the school. Copies of the renewal application and the ADE report have been included for review by the Board.

The applicant is requesting renewal of their charter.

Presenter: Dr. Mary Ann D. Brown

A-7 Renewal of District Conversion Charter School Application: Felder Alternative Learning Academy, Little Rock, AR

Felder Alternative Learning Academy is a Tri-District Conversion Charter School located on 6900 Pecan Avenue, Little Rock, Arkansas. Felder Alternative Learning Academy serves students in grades 6-12 with a current enrollment of 110 students. The charter was first granted in 2005 and expires June 30th, 2008.

The Little Rock School Board of Education approved the proposed renewal of the charter on January 24, 2008. The North Little Rock School District Board also approved the proposed renewal of the charter on January 17, 2008. The Pulaski County Special School District Board voted to discontinue the participation in the tri-district charter school on January 24, 2008.

Staff members from the Arkansas Department of Education (ADE) have reviewed the renewal application and have submitted reports regarding monitoring of the school. Copies of the renewal application and the ADE report have been included for review by the Board.

The applicant is requesting renewal of their charter.

Presenter: Dr. Mary Ann D. Brown

A-8 Renewal of Open-Enrollment Charter School Application: Imboden Area Charter School, Imboden, AR

Imboden Area Charter School is an Open-Enrollment Charter School located on 605 West 3rd St., Imboden, Arkansas. Imboden Area Charter School serves students in grades K-8 with a current enrollment of 64 students. The charter was first granted in 2002 and expires June 30th, 2008.

The Imboden Area Charter Schoolboard approved the proposed renewal of the charter on January 2, 2008.

Staff members from the Arkansas Department of Education (ADE) have reviewed the renewal application and have submitted reports regarding monitoring of the school. Copies of the renewal application and the ADE report have been included for review by the Board.

The applicant is requesting renewal of their charter.

Presenter: Dr. Mary Ann D. Brown

A-9

Renewal of Open-Enrollment Charter School Application: KIPP Delta College Preparatory, Helena, AR

KIPP Delta College Preparatory is an Open-Enrollment Charter School located on 215 Cherry Street, Helena, Arkansas. KIPP Delta College Preparatory serves students in grades 5-10 with a current enrollment of 269 students. The charter was first granted in 2002 and expires June 30th, 2008.

The KIPP Delta College Preparatory board approved the proposed renewal of the charter on December 18, 2007.

Staff members from the Arkansas Department of Education (ADE) have reviewed the renewal application and have submitted reports regarding monitoring of the school. Copies of the renewal application and the ADE report have been included for review by the Board.

The applicant is requesting renewal of their charter.

Presenter: Dr. Mary Ann D. Brown

A-10

Hearing on Waiver Request for Certified Teacher's License - Andrea Vancil

Ms. Vancil was convicted of Delivery of a Controlled Substance, a Class C Felony, on November 30, 1994. This is a disqualifying offense for a certified teacher's license pursuant to Ark. Code Ann. § 6-17-401(c)(13). On February 26, 2008, Ms. Vancil was notified of the denial of her application for a certified teacher's license. Ms. Vancil submitted a request for a waiver pursuant to Ark. Code Ann. § 6-17-410(f).

Presenter: Scott Smith / Tripp Walter

Minutes
State Board of Education
Monday, February 11, 2008

The State Board of Education met on Monday, February 8, 2008, in the Auditorium of the State Education Building. Diane Tatum, Chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: Diane Tatum, Chairman; Jim Cooper; Brenda Gullett; Dr. Tim Knight; Dr. Ben Mays; MaryJane Rebick; and Dr. Naccaman Williams.

The following Board members were absent: Randy Lawson, Vice Chairman; Sherry Burrow.

CHAIR'S REPORT

Ms. Tatum reported attending the first anniversary celebration of the El Dorado Promise.

Ms. Rebick attended the work session sponsored by the Department of Education to set standards for the State Growth Model related to implementation of Act 35 and a Legislative Committee meeting for which the topic was No Child Left Behind and Arkansas Act 35. She commended Department of Education personnel for their work at both of these sessions.

COMMISSIONER'S REPORT

Dr. James distributed brochures and commented on implementation of the Non-Traditional Licensure Program. He also commented on the El Dorado Promise session and the potential impact of that action on the local school district and the community.

CONSENT AGENDA

Ms. Rebick inquired about the maximum a local district can borrow under the Revolving Loan Program. Cindy Hedrick reported that districts can borrow up to one half million and once the balance is paid down, then the district can apply for additional loans as long as the maximum does not exceed the half million.

Dr. Mays asked that the court reporter's transcript that was added as an attachment to the December 10, 2007, Minutes be revised as follows: Page 23, lines 9 and 16 the word advocacy be changed to adequacy.

Dr. Williams moved approval of the Consent Agenda with revisions to the Minutes as noted. Dr. Knight seconded the motion. The motion was adopted unanimously.

- Adoption of Minutes, December 10, 2007, as revised
- Minutes, January 2008
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001
- Review of Loan and Bond Applications

- Approval for Payment of Stipends and Expenses to Board Members

ACTION AGENDA

Hearing of District Conversion Charter School Application and ADE Review: Mississippi County STEM Charter – Blytheville Public School District

(A complete transcript of the presentation and discussion of this item can be found in the Court Reporter transcript in the State Board of Education Office, Department of Education.)

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown introduced members of the Blytheville School District, Mississippi County Community College and representatives from other school districts in Mississippi County.

Scott Smith was recognized and stated that the Department of Education Legal Office holds that this proposal fails to meet the definition of a conversion charter school in the following ways: it does not appear to be under the control and management of a single local school district, instructors seem to be employees of the community college not the Blytheville School District, and there is a concern for the negative desegregation impact that this charter school may have on the Blytheville School District and other districts that agree to participate.

Dr. Williams asked why this concept could not be accomplished among the school districts and the community college under some agreement rather than formally organizing a charter school. He also inquired about the impact that such a program might have on advanced courses as required by the standards in Blytheville as well as other participating districts. Ms. Kenner responded that this program was not intended to replace advanced courses, but be extended offerings for able students throughout the county. She stated that Physics 1 would be offered in each high school, but advanced physics would be available to students throughout the county through the community college program.

Mr. Cooper asked what would prevent districts from mutually adopting a compact to offer these courses, which would be much simpler than trying to manage a charter school. Ms. Kenner suggested that advanced courses need long-term stability and some structure to assure continuation over time needs to be in place. She opined that without some structure, changes in leadership could erode participation by one or more of the parties. She also stated that a charter school could be eligible for funds to support costs incurred in operation of the courses that would not be available if the formal charter agreement were not in place.

Dr. Knight asked about possible enrollment. Ms. Kenner stated that approximately 100 students from the six high schools. Dr. Knight asked about the option for offering concurrent credit for such courses.

Ms. Gullett suggested that STEM education should be an option for every student in the state and questioned why a charter school was needed to do something that should already be in place.

Dr. Mays asked about the role of technology and the use of local district technology funding to purchase computers and equipment for student use. He questioned the extent that the adequacy program as approved by the state was implemented in each of the participating districts. The Manila superintendent suggested that the districts in Mississippi County believe they have implemented all required components as required in the Standards, with most

pushing to go beyond just being adequate. He stated that this program could be one way that schools could move programs beyond just being adequate and offer courses that currently do not exist.

Dr. Williams asked about potential student interest in enrollment in STEM courses and if any student would be able to attend. Ms. Kenner indicated that students would be selected based on application and placement tests.

Mr. Cooper asked about any response from the developers regarding the opinion of legal counsel regarding the eligibility of the school in meeting the definition of a conversion charter school. No response was provided.

Mr. Smith reiterated that it was his office's interpretation that the managing entity was the Mississippi County Community College, not the school district. He also noted that there was no description of how the organization unit would provide for a full program of 38 required units as outlined in the Standards.

Ms. Gullett questioned why a proposal that is purported to not meet the required legal definition would be forwarded to the Board for consideration. Dr. Brown responded that there is no provision in the Rule for the Department of Education to deny a charter: that is the charge to the State Board. She did note that the Department seeks to advise applicants, but she does not believe the Department can refuse to forward an application to Board review.

Ms. Rebick moved to deny the Mississippi County STEM Charter School. Dr. Knight seconded the motion. The motion was adopted unanimously. Reasons cited for denial of the application were stated as follows:

- Gullett: Denied based on legal advice that the application does not meet the definition of a conversion charter school.
- Knight: Denied based on assumption that the applicant is attempting to charter courses, not a school.
- Mays: Based on legal advice regarding definition of charter
- Rebick: Based on evidence does not support the required 38 units of credit
- Williams: Based on legal advice regarding definition of charter.

Ms. Tatum suggested that the developers should consider a compact agreement to see that some of the ideas advanced could be implemented.

Request for Approval: Fourth Year High School Mathematics Courses

Dr. Ellen Treadway was recognized to present this item. Dr. Treadway explained that these new courses were designed at the request of school districts so that students would have additional options for a fourth year of mathematics. She noted that once students had completed Algebra II, there were few options for the next course, especially for students who were intending to major in mathematics or the sciences beyond high school.

Dr. Williams asked if there were an intended sequence to the two courses. Dr. Treadway responded no sequence was intended and that the committee worked to design topics that would have no prerequisite skills beyond Geometry and Algebra II.

Dr. James stated that these courses were created to meet the request of local districts and that additional courses may be designed in the future. Charlotte Marvell, mathematics content specialist, added that these courses were primarily for senior level students and neither requires advanced algebra nor trigonometry; but, could be taken in lieu of those courses.

Ms. Gullett moved approval as presented. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration for Adoption: Arkansas Department of Education Technology Plan 2008-2012

James Boardman was recognized to present this item. Mr. Boardman reviewed major components of the plan and stated that such a plan was needed in the state and required to meet legislative mandates as well as to enable school districts to participate in the e-rate program.

Dr. Mays asked if the plan provided a clear description of adequate technology that all schools should have. Mr. Boardman stated that technology is ever-changing and what is state of the art for today will probably be very different by 2012. He suggested that the intent of the plan was to keep it open and purposefully did not attempt to define adequacy for the future. Dr. Mays raised the issue of how school districts spend the \$220 provided in the funding formula for technology acquisition. Dr. Mays also asked about the impact of technology in homes and schools on the overall achievement gap and he observed that he does not see the number of computers in schools to meet the needs of students. Mr. Boardman noted that schools are not required to spend any specific amount on technology.

Ms. Rebick asked about requirements on the local districts. Mr. Boardman responded that each local district must prepare a district/school plan to be eligible to participate in e-rate funding. He noted that local plans are submitted to the Department, each is reviewed and approved.

Dr. Williams asked about plans from regional service cooperatives. Mr. Boardman indicated that they, too, have technology plans. Dr. Williams asked about new technologies that may be available to schools in the next few years and how those products and programs will impact instruction. Dr. Williams also asked about "cheap" laptop computers and their viability for public schools. Mr. Boardman responded that his group is monitoring the development as these computers become available.

Ms. Gullett asked about access and connectivity across the state and noted that what we need and what we can afford are different. Mr. Boardman indicated that access is not an issue anywhere in the state: every district and every school in each district has high-speed internet access and connectivity. Dr. Mays opined that each district has allocated \$220 per student for technology in the funding formula and questioned if that money was being spent on the "right" things.

Dr. James commented that future exploration of virtual delivery of instruction will increase student opportunity. He noted new opportunities from the Council of Chief State School Officers and from NASA that will be available in the fall 2008.

Mr. Cooper moved approval as presented. Dr. Knight seconded the motion. The motion was adopted unanimously.

Revocation of 2007-2008 ABC Grant Agreements: Southwestern Economic Development Association (SWEDA)

Jamie Morrison was recognized to present this item. Ms. Morrison reported that monitoring and investigation of financial records of this grant revealed irregularities. She requested that the grant be revoked due to these findings. Ms. Morrison did state that the State ABC staff was working with other providers in the area to meet the needs of students being served. Ms. Rebick moved that the grant be revoked effective March 1. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration for Approval for Public Comment: Proposed Rule Changes to Arkansas Better Chance (ABC) Program

Jamie Morrison was recognized to present this item. Ms. Morrison highlighted proposed revisions in the Rule. She noted that the major item was to require that all funded teachers have a bachelor's degree. Dr. Knight moved approval for public comment. Ms. Gullett seconded the motion. The motion was adopted unanimously.

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

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that the primary reason for submitting this revision is to include a new type of funding for districts that are experiencing rapid growth. She noted that this option was made available by legislation adopted in the 2007 Session. Ms. Rebick asked for clarification as to the State Board of Education's responsibility in review and approval of these new loan options. Dr. Davis noted that the Facilities Board would have the task of first review, but the State Board would also consider any loan requests. Dr. Mays asked if the State Board would have veto power over applications that were approved by the Facilities Board. Scott Smith responded that the authorizing legislation and the Rule under consideration requires State Board review and approval.

Ms. Gullett inquired as to the source of funds to support these new loans. Dr. Davis responded that the intent is that it will operate under the existing revolving loan program and that a source of additional funds for that program has not been clearly identified.

Dr. Williams observed that the requirements seem high for a district to qualify under the Rule as drafted. Dr. Davis responded that currently 14 districts would qualify.

Mr. Cooper moved approval for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration for Approval for Public Comment: Proposed Rules Governing the Minimum Qualifications for General Business Managers of Public School Districts

Mr. Bill Goff was recognized to present this item. Mr. Goff outlined the proposed components of the Rule and stated that his staff had worked with a committee from the School Business Officials organization in preparation of the proposed draft. Mr. Cooper asked about the status of individuals who currently hold such positions in public schools. Mr. Goff responded that anyone who is in a position and stays in that position would not have to meet the new criteria. However, any new hires or anyone who changed positions or was hired by a different school district would

be required to meet the new requirements. Dr. Knight asked about any required professional development for those continuing in the position. Mr. Goff responded that the legislation does not require any, but individuals generally attend sessions and conferences on a regular basis.

Mr. Cooper moved approval for public comment. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consideration for Approval for Public Comment: Proposed Rule Changes in Special Education Rules Contained in the Documents Special Education and Related Services: Procedural Requirements and Program Standards, and Special Education Eligibility Criteria and Program Guidelines for Children with Disabilities, Ages 3-21

Marcia Harding was recognized to present this item. Ms. Harding stated that this Rule is voluminous and is guided by state and federal regulations. She noted that all of the proposed changes are made due to changes in statute and are required to keep the state program in compliance with federal guidelines.

Ms. Rebick asked about requirements to support children enrolled in private schools. Ms. Harding responded that local districts must assure support for students enrolled in private schools.

Ms. Gullett asked about testing accommodations. Ms. Harding responded that accommodations are required to meet the needs of individual children; however, those accommodations cannot invalidate the test.

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

Hearing on Waiver Request for Certified Teacher's License – Jack Bailey

(A complete transcript of the presentation and discussion of this item can be found in the Court Reporter transcript in the State Board of Education Office, Department of Education.)

Courtney Salas-Ford was recognized to present this item. Ms. Salas-Ford indicated that Mr. Bailey was present and was represented by counsel – Craig Wilson. She noted that Mr. Bailey is currently a teacher at the Hamilton Learning Academy and has one charge and conviction, which was in 1999.

Following statements by Mr. Wilson and Mr. Bailey, Dr. Williams asked if the Department sought a stipulated agreement in this case. Scott Smith responded that the Department felt it important to allow the Board to review and decide in this instance.

Mr. Cooper moved that consideration be tabled to allow Department staff the opportunity to consider a stipulated agreement. Dr. Mays seconded the motion.

Ms. Rebick asked if the parties would consider a stipulated agreement involving a probationary period. Mr. Wilson responded affirmative.

Mr. Cooper withdrew the motion with the approval of Dr. Mays.

Dr. Mays moved to grant a waiver with the stipulation of a two (2) year probationary period and should there be any criminal charges or any sexual offense charges, Mr. Bailey would agree to full revocation of his teaching license without further consideration by the Board. Ms. Gullett seconded the motion. The motion was adopted on a vote 5 yes, 1 no. (Knight voted no.)

Appointment of Nominating Committee for 2008-2009

Ms. Tatum stated that the members of the Nominating Committee would be Ms. Rebick, Dr. Williams and Dr. Knight, with Ms. Rebick serving as chair. Ms. Tatum noted that the Committee should report at the May meeting.

SPECIAL RECOGNITION

Dr. James, Ms. Tatum and Justin Minkel recognized Margaret Lockhart, a reading teacher from Lingle Elementary School in Rogers and Corey Oliver a language arts teacher from Bob Courtway Middle School in Conway as recipients of the Milken Family Foundation Educator Awards, which were announced in September. Dr. James noted that these awardees would be attending the national Milken recognition celebration in California in March at which time they would receive the \$25,000 cash award.

Dr. Williams moved adjournment. Mr. Cooper seconded the motion. The motion was adopted unanimously. The meeting adjourned at 12:10 p.m.

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

**ADE'S PROJECT MANAGEMENT TOOL EXECUTIVE SUMMARY
FEBRUARY 29, 2008**

This document summarizes the progress that ADE has made in complying with the provisions of the Implementation Plan during the month of February 2008.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF FEBRUARY 29, 2008
<i>I. Financial Obligation</i>	<p>As of January 31, 2008, State Foundation Funding payments paid for FY 07/08 totaled \$36,197,747 to LRSD, \$19,463,004 to NLRSD, and \$29,395,622 to PCSSD. The Magnet Operational Charge paid as of January 31, 2008, was \$8,350,452. The allotment for FY 07/08 was \$15,240,298. M-to-M incentive distributions for FY 07/08 as of January 31, 2008, were \$2,241,881 to LRSD, \$1,930,746 to NLRSD, and \$5,235,224 to PCSSD. In September 2007, General Finance made the first one-third payment to the Districts for their FY 07/08 transportation budget. As of September 30, 2007, transportation payments for FY 07/08 totaled \$1,401,197 to LRSD, \$409,917 to NLRSD, and \$1,127,985 to PCSSD. In July 2007, 16 new Magnet and M-to-M buses were delivered to the districts in Pulaski County. Finance paid Central States Bus Sales \$1,036,115. In July 2007, Finance paid the Magnet Review Committee \$92,500. This was the total amount due for FY 07/08. In July 2007, Finance paid the Office of Desegregation Monitoring \$200,000. This was the total amount due for FY 07/08.</p>
<i>II. Monitoring Compensatory Education</i>	<p>On January 10, 2008, the ADE Implementation Phase Working Group met to review the Implementation Phase activities for the previous quarter. Mr. Willie Morris, ADE Lead Planner for Desegregation, updated the group on all relevant desegregation issues. He handed out news articles about the districts in Pulaski County seeking unitary status. The Joshua Intervenors filed a motion with the 8th U.S. Circuit Court of Appeals to overturn the ruling that gave the Little Rock School District unitary status. The Little Rock School District filed its response to the motion by the Joshua Intervenors. After the Pulaski County Special School District sought unitary status, the Joshua Intervenors requested that school desegregation monitors do a study on the quality of facilities in the district, or on the district's compliance with its desegregation plan. Judge Wilson denied the requests by Joshua Intervenors. The North Little Rock School District asked for unitary status and Joshua Intervenors objected and asked for a hearing. The next Implementation Phase Working Group Meeting is scheduled for April 10, 2008 at 1:30 p.m. in room 201-A at the ADE.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF FEBRUARY 29, 2008
<i>III. A Petition for Election for LRSD will be Supported Should a Millage be Required</i>	Ongoing. All court pleadings are monitored monthly.
<i>IV. Repeal Statutes and Regulations that Impede Desegregation</i>	In July 2007, the ADE sent letters to the school districts in Pulaski County asking if there were any new laws or regulations that may impede desegregation. The districts were asked to review laws passed during the 86 th Legislative Session, and any new ADE rules or regulations.
<i>V. Commitment to Principles</i>	On February 11, 2008, the Arkansas State Board of Education reviewed and approved the PMT and its executive summary for the month of January.
<i>VI. Remediation</i>	On February 9, 2007, ADE staff provided District Test Coordinator Training at the School for the Blind Auditorium in Little Rock. Two staff members from the LRSD and three staff members from the PCSSD attended.
<i>VII. Test Validation</i>	On February 12, 2001, the ADE Director provided the State Board of Education with a special update on desegregation activities.
<i>VIII. In-Service Training</i>	A Tri-District Staff Development Committee meeting was held on February 5, 2008. Staff from PCSSD, NLRSD, LRSD and the ADE attended. The Director of Professional Development for the LRSD handed out a list of the dates and topics for eleven days of professional development. Topics included classroom management, school improvement, curriculum preparation, Next Step, Arkansas history, ESL, interventions for diverse learners, AEA, ACT, technology, parental involvement and health/physical activity. Flex days, make up sessions, and tracking professional development hours were discussed.
<i>IX. Recruitment of Minority Teachers</i>	In February 2008, the ADE Office of Professional Licensure mailed a list of the fall 2007 minority teacher graduates from reporting colleges and universities to all the Pulaski County school districts.

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF FEBRUARY 29, 2008						
<i>X. Financial Assistance to Minority Teacher Candidates</i>	Collin Callaway of the Arkansas Department of Higher Education reported minority scholarships for Fiscal Year 2007-2008 on October 15, 2007. These included the State Teacher Assistance Resource (STAR) Program, the Minority Teacher Scholars (MTS) Program, and the Minority Masters Fellows (MMF) Program. The scholarship awards for STAR are as follows:						
	STAR	Male	Male	Female	Female	Total	Total
	Race	Count	Award	Count	Award	Count	Award
	White	58	264,000	328	1,402,500	386	1,666,500
	Black	10	51,000	29	136,500	39	187,500
	Hispanic			4	18,000	4	18,000
	Native Amer	1	3,000	1	6,000	2	9,000
	Other	4	21,000	11	42,000	15	63,000
	Totals	73	339,000	373	1,605,000	446	1,944,000
	The scholarship awards for MTS are as follows:						
	MTS	Male	Male	Female	Female	Total	Total
	Race	Count	Award	Count	Award	Count	Award
	Black	7	35,000	28	137,500	35	172,500
	Hispanic			6	30,000	6	30,000
	Asian			2	10,000	2	10,000
	Native Amer			4	20,000	4	20,000
	Totals	7	35,000	40	197,500	47	232,500
	The scholarship awards for MMF are as follows:						
MMF	Male	Male	Female	Female	Total	Total	
Race	Count	Award	Count	Award	Count	Award	
Black	2	8,750	27	125,000	29	133,750	
Asian			2	11,250	2	11,250	
Totals	2	8,750	29	136,250	31	145,000	
<i>XI. Minority Recruitment of ADE Staff</i>	The MRC met on October 9, 2007 at the ADE. Demographic reports were presented that showed ADE employees grade 21 and above by race and section as of June 30, 2007 and September 30, 2007. A spreadsheet was handed out that showed for grade 21 and above the number and percentage of black, white, and other race employees in each unit of the ADE. After reviewing the September report, it was determined that it needs some corrections. A new September report will be handed out after the changes have been made.						

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF FEBRUARY 29, 2008
<i>XII. School Construction</i>	This goal is completed. No additional reporting is required.
<i>XIII. Assist PCSSD</i>	Goal completed as of June 1995.
<i>XIV. Scattered Site Housing</i>	This goal is completed. No additional reporting is required.
<i>XV. Standardized Test Selection to Determine Loan Forgiveness</i>	Goal completed as of March 2001.
<i>XVI. Monitor School Improvement Plans</i>	<p>On February 5, 2008, ADE staff met with the Superintendent and the Associate Superintendent for Educational Services for the LRSD at the LRSD Central Office. They discussed Title I compliance issues in ACSIP. On February 12 they discussed Title I again and the Federal Programs Coordinator for the LRSD also attended.</p> <p>ADE staff met with the school leadership teams to discuss revisions to ACSIP and preparation for the ACSIP/COE monitoring visits in March at the following schools in the PCSSD: January 29 at Arnold Drive Elementary; February 5 at Sylvan Hills Middle; February 7 at Joe T. Robinson Elementary; February 8 at Jacksonville Elementary; February 11 at Oak Grove Elementary, Pine Forest Elementary and Oak Grove High; February 12 at Harris Elementary and Landmark Elementary; February 13 at College Station Elementary and Crystal Hill Elementary; February 14 at Joe T. Robinson High and Wilbur D. Mills High; February 15 at Tolleson Elementary and Maumelle Middle; February 18 at Maumelle Middle, Sylvan Hills Middle and Oak Grove High; February 19 at Arnold Drive Elementary; February 20 at Warren Dupree Elementary and Oakbrooke Elementary; February 21 at Pinewood Elementary; and February 22 at Baker Elementary.</p> <p>On February 4, 2008, ADE staff met at the PCSSD Central Office with the Federal Programs Director, the Title I Coordinator, and the Director of Elementary Education to discuss ACSIP/COE Monitoring.</p> <p>On February 6, 2008, ADE staff met at the PCSSD Central Office with the Federal Programs Director, the Title I Coordinator, and the Professional Development Coordinator to discuss Professional Development.</p>

IMPLEMENTATION PHASE ACTIVITY	PMT EXECUTIVE SUMMARY AS OF FEBRUARY 29, 2008
<i>XVII. Data Collection</i>	<p>The ADE Office of Public School Academic Accountability has released the 2006 Arkansas School Performance Report (Report Card). The purpose of the Arkansas School Performance Report is to generally improve public school accountability, to provide benchmarks for measuring individual school improvement, and to empower parents and guardians of children enrolled in Arkansas public schools by providing them with the information to judge the quality of their schools. The Department of Education annually publishes a school performance report for each individual public school in the state, and distributes the report to every parent or guardian of a child in kindergarten through grade twelve (K-12) in the public schools of Arkansas. The annual school performance report is based on reliable statistical information uniformly required to be collected and submitted by each local school district to the department and published in a format that can be easily understood by parents or guardians who are not professional educators and distributed to the parents or guardians of children enrolled in the public schools via the postal service. Individual school reports are also made available via the Internet. Statistical information in the Arkansas School Performance Report is organized into the following seven essential accountability indicators: 1: ACHIEVEMENT, 2: ACCESS, 3: RETENTION, 4: DISCIPLINE, 5: DEMOGRAPHICS, 6: CHOICE, 7: ECONOMIC.</p>
<i>XVIII. Work with the Parties and ODM to Develop Proposed Revisions to ADE's Monitoring and Reporting Obligations</i>	<p>On July 10, 2002, the ADE held a Desegregation Monitoring and Assistance Plan meeting for the three school districts in Pulaski County. Mr. Willie Morris, ADE Lead Planner for Desegregation, presented information on the No Child Left Behind Act of 2001. A letter from U.S. Secretary of Education, Rod Paige, was discussed. It stated that school districts that are subject to a desegregation plan are not exempt from the public school choice requirements. "If a desegregation plan forbids the school district from offering any transfer option, the school district should secure appropriate changes to the plan to permit compliance with the public school choice requirements". Schools in Arkansas have not yet been designated "Identified for Improvement". After a school has been "Identified for Improvement", it must make "adequate yearly progress". Schools that fail to meet the definition of "adequate yearly progress", for two consecutive years, must provide public school choice and supplemental education services. A court decision regarding the LRSD Unitary Status is expected soon. The LRSD and the NLRSD attended the meeting. The next meeting about the Desegregation Monitoring and Assistance Plan will be held in August, 2002, after school starts.</p>

NEWLY EMPLOYED FOR THE PERIOD OF February 1, 2008 – February 29, 2008

James Camp – School Bus Transportation Inspector, Grade 18, Division Public School Academic Facilities and Transportation, effective 02/25/08.

*Victor McMurray – Area Project Manager, Grade 23, Division Public School Academic Facilities and Transportation, effective 02/19/08.

Heather Speyer-Rainbolt – Administrative Assistant II, Grade 17, Division of Academic Accountability, Desegregation Monitoring Unit, effective 02/26/08.

PROMOTIONS/ LATERAL TRANSFERS FOR THE PERIOD OF February 1, 2008 – February 29, 2008

*Gracie Douthard – from a Secretary II, Grade 13, Professional Development, K-12 Literacy, to an Administrative Assistant I, Grade 15, Division of Learning Services, ACSIP/Federal Programs, effective 02/18/08.

SEPARATIONS FOR THE PERIOD OF February 1, 2008 – February 29, 2008

*Kirtida Gandhi – Applications and Systems Analyst, Grade 21, Division of Research and Technology, Data Administration, effective 02/22/08. 7 Years, 8 Months, 27 Days. Code: 01

Charles Howell – Area Project Manager, Grade 23, Division Public School Academic Facilities and Transportation, effective 02/06/08. 0 Years, 9 Months, 22 Days. Code: 01

Susan Shurley – Public School Program Advisor, Grade 21, Central Administration, Special Education, effective 02/01/08. 1 Year, 6 Months, 5 Days. Code: 01

Christina Villareal – Public School Program Advisor, Grade 21, Division of Human Resources/Licensure, Teacher Quality, effective 01/31/08. 3 Years, 4 Months, 4 Days. Code: 01

*Minority

AASIS Code:

Voluntary – 01

Teachers Teaching Out of Area for More than 30 Days
March 2008

LEA	District	# of Waivers	Teacher	Current Areas of Licensure	Out of Area Teaching Assignment	Years on ALP	Granted /Denied
17-01	Alma School District	1	Vincent, Janice	Early Childhood (P-4) Middle Childhood	Special Education	07-08	Granted
74-01	Augusta School District	2	Murphy, Reginald Shields, Sonny	PE 7-12 Social Studies 7-12 Secondary PE Coaching	Physical/Earth Science Middle Childhood 5-8	07-08 07-08	Granted Granted
72-03	Beebe School District	2	Heffington, Paula Hickey, Cari	Middle Childhood PE/Well/Lei P-12 Coaching 7-12	Special Education Special Education	06-07, 07-08 06-07 07-08	Granted Granted
30-01	Bismark School District	2	Flowers, Jeffrey Taggard, Justen	PE/Well/Lei P-12 Coaching 7-12 PE/Wellness/Lei Coaching	Social Studies 7-12 Social Studies 7-12	07-08 07-08	Granted Granted
	Brownwood School	1	Pool, Teresa	Early Childhood (P-4) Elem K-6	Special Education	07-08	Granted
63-03	Bryant School District	1	Walker, Joan	Elementary 1-6 Special Education	Gifted/Talented	07-08	Granted
60-01	Center for Youth and Families	1	Mitchell, Elizabeth	Early Childhood (P-4)	Special Education	06-07, 07-08	Granted
12-01	Concord School District	1	Thornton, Paula	Early Childhood (P-4)	Special Education	07-08	Granted
51-06	Deer/Mt. Judea School District	2	Middleton, Elvis Napier, Brenda	Health Physical Education Bldg. Level Adm. Secondary Math	Bldg. Level Adm. Curriculum Program Adm.	07-08 06-08 07-08	Granted Granted
22-02	Drew Central School District	1	Holley, Joy	Health Physical Education Drama/Speech 7-12	Special Education	06-07 07-08	Granted
18-02	Earle School District	2	Watson, Felicia Williams, Donald	Middle School Math Agriculture	School Counselor Coaching Endorsement 7-12	07-08 07-08	Granted Granted

Teachers Teaching Out of Area for More than 30 Days
March 2008

LEA	District	# of Waivers	Teacher	Current Areas of Licensure	Out of Area Teaching Assignment	Years on ALP	Granted /Denied
72-03	Fayetteville School District	2	Harrell, Melissa	Early Childhood (P-4) MS Social Studies 5-8 Elementary K-6	Special Education	07-08	Granted
			Lietzke, Anita	Spanish 7-12	French 7-12	07-08	Granted
20-02	Fordyce School District	1	Smead, Ronald	PE/Health 7-12	Life/Earth Science	07-08	Granted
08-03	Green Forrest School District	1	Hawkins, Kaela	ECE P-4	Middle Childhood English/SS	07-08	Granted
66-02	Greenwood School District	2	Hardgrave, Hillary	ECE P-4	Middle Childhood Math/Science	07-08	Granted
			Hays, Joe		Long Term Substitute	N/A	Granted
07-01	Hampton School District	1	Murphy, Katy	ECE P-4 5/6 Endorsement	Mathematics 7-12	06-07 07-08	Granted
67-03	Horatio School District	1	Walker, Sharon	Elem. Education 1-6 Elem. Principal K-9 District Admin. (P-12)	Special Education	07-08	Granted
26-03	Hot Springs School District	1	Duke, Lorrie	Art P-8 & 7-12	Drama/Speech	07-08	Granted
09-03	Lakeside/Lake Village School District	1	Selph, John	Mathematics (7-12)	Coaching	07-08	Granted
97-30	Learning Center of NE AR, Inc	1	Hazlewood, Jodi	ECE P-4	Special Education	07-08	Granted
14-02	Magnolia School District	1	Flowers, Cassidy	ECE P-4	Gifted & Talented	07-08	Granted
30-04	Malvern School District	1	Efird, Sara		Long Term Substitute	N/A	Granted
56-04	Marked Tree School District	1	Kirby, Pam	ECE P-4 Elem K-6	Art P-8	06-07 07-08	Granted
21-05	McGehee School District	1	Fortenberry, Caprice	Middle School Science Family & Consumer Science (7-12)	Life/Earth Science	07-08	Granted
33-02	Melbourne School District	1	Lawrence, Angela		Long Term Substitute	N/A	Granted
22-03	Monticello School District	1	Moore, Jillian		Long Term Substitute	N/A	Granted

Teachers Teaching Out of Area for More than 30 Days
March 2008

LEA	District	# of Waivers	Teacher	Current Areas of Licensure	Out of Area Teaching Assignment	Years on ALP	Granted /Denied
17-03	Mountainburg School District	4	Bramucci, Amy	English 7-12	Drama/Speech	06-07, 07-08	Granted
			Johnson, Cindy	Agri Science	Life/Earth Science	07-08	Granted
			Pinkerton, Deborah	Early Childhood (P-4)	Special Education	07-08	Granted
			Ray, Kelly	Elem 1-6	Gifted/Talented	05-06, 06-07, 07-08	Granted
60-02	No. Little Rock School District	9	Cochrane, Kelly	PE/Wellness/Leisure P-8	School Counselor	07-08	Granted
			Duke, Shannon	Drama/Speech	Early Childhood P-4	05-06, 06-07, 07-08	Granted
			Dumas, Emily	Social Studies	Special Education	07-08	Granted
			Gorman, Arnett		Long Term Substitute	N/A	Granted
			Jones, Dorothy		Long Term Substitute	N/A	Granted
			Mellon-Walls, Melissa	Health	Special Education	05-06, 06-07, 07-08	Granted
			Shadid, Sammie		Long Term Substitute	N/A	Granted
			Shadman, Shannon		Long Term Substitute	N/A	Granted
			Swift, Gladys	Health Secondary PE	Special Education	06-07 07-08	Granted
60-06	Pulaski Co. Special School Dist.	8	Baughtman, Erin		Long Term Substitute	N/A	Granted
			Borecky, Kathy	MS Science 5-8 Special Education K-12	Middle Childhood Education	07-08	Granted
			Bracknell, Judy		Long Term Substitute	N/A	Granted
			Lawrence, Gloria	Social Studies 7-12	Middle Childhood Education	07-08	Granted
			Marshall, Elizabeth		Long Term Substitute	N/A	Granted
			Martin, Rebecca		Long Term Substitute	N/A	Granted
			Moore, Sonya		Long Term Substitute	N/A	Granted
			Stout, Camille		Long Term Substitute	N/A	Granted
69-01	Rural Special School of Mountain View	1	Peden, John	Social Studies	Art and Family & Consumer Science	07-08	Granted

Teachers Teaching Out of Area for More than 30 Days
March 2008

LEA	District	# of Waivers	Teacher	Current Areas of Licensure	Out of Area Teaching Assignment	Years on ALP	Granted /Denied
58-05	Russellville School District	5	Boles, Leslie	English 7-12 Drama/Speech	5th/6th Endorsement	05-06, 06-07, 07-08	Granted
			Burnett, Marci	English 7-12	5th/6th Endorsement	05-06, 06-07, 07-08	Granted
			Crumpton, Jeff	PE 7-12 Coaching 7-12	Middle Childhood 5-8	06-07 07-08	Granted
			Grant, Danette	Business Tech Career Orientation	Special Education	05-06, 06-07, 07-08	Granted
			Lamoureux, Kristi	Social Studies	Gifted/Talented	07-08	Granted
15-07	South Conway County School District	1	Palmer, Melissa		Long Term Substitute	N/A	Granted
71.05	South Side Bee Branch	1	Smith, Tim	Physical Education 7-12 Health/Coaching 7-12	Bldg. Level Adm.	07-08	Granted
40-03	Star City School District	1	Stone, Jennifer		Long Term Substitute	N/A	Granted
46-05	Texarkana School District	3	James, Leroy	Social Studies 5-12	Bldg. Level Adm.	07-08	Granted
			Jones, Diane	English 7-12 Guidance & Counseling P-12	Bldg. Level Adm.	07-08	Granted
			Peevy, David	Health 7-12 PE 7-12 Coaching 7-12	Bldg. Level Adm.	07-08	Granted
	Texarkana Special Ed Ctr (DDTCS)	2	McDaniel, Molly	ECH P-4	Special Education		Denied
			Murphy, Kimberly	ECH P-4	Special Education		Denied

Teachers Teaching Out of Area for More than 30 Days
March 2008

LEA	District	# of Waivers	Teacher	Current Areas of Licensure	Out of Area Teaching Assignment	Years on ALP	Granted /Denied
75-10	Two Rivers School District	4	Caples, Tim McCullary, Tracy	Business Technology Elem 1-6 MS Math/Science	Journalism Drama/Speech	07-08 07-08	Granted Granted
			Minnie, Kathy	Elem K-6 Middle Childhood 5-8 Guidance & Counseling P-8 Gifted & Talented	Middle Level Social Studies/Language Arts	07-08	Granted
			Qualls, Teddy	PE/Wellness/Leisure	Mathematics 7-12	07-08	Granted
17-05	Van Buren School District	1	Powers, Kimberly	Middle Childhood Language Arts/SS 4-8 Middle Childhood Science/Math 4-8	Coaching Endorsement 7-12	07-08	Granted
18-03	West Memphis School District	1	Clark, Shannon	PE/Wellness/Leisure 7-12	Middle Childhood	07-08	Granted
16-08	Jonesboro School District	1	VanStralen, Errol		Long Term Substitute	N/A	Granted
45-02	Yellville-Summit	2	Buel, Pamela DeVore, Sharon	Middle Childhood Middle Childhood	Physical/Earth Science Mathematics 7-12	07-08 07-08	Granted Granted
School Districts Requesting Waivers in March 2008		Total Number of Waivers Requested in March 2008 77		Waivers Granted in March 2008		75	
				# on ALP		58	
				# Long Term Substitutes		17	
				Waivers Denied in March 2008		2	

CLINTON PUBLIC SCHOOLS

Randal L Betts, Superintendent

851 Yellow Jacket Lane

Clinton, AR 72031

(501) 745-6000 ext 4 Fax: (501) 745-2475

RECEIVED
COMMISSIONER'S OFFICE

FEB 13 2008

February 11, 2008

Arkansas Department of Education
Dr. Ken James
#4 State Capitol Mall, Room 304 – A
Little Rock, AR 72201-1071

DEPARTMENT OF EDUCATION

Dear Dr. James:

I am writing to request a waiver of the three days missed (February 6th, 7th, and 8th) due to the tornado that struck Clinton. We were unable to attend school until today due to the fact that power to the entire campus was finally restored on Sunday night. The district and I would appreciate any consideration you can give us in regards to this matter.

Respectfully submitted,


Randal L. Betts, Superintendent
Clinton Public Schools



MOUNTAIN VIEW SCHOOL DISTRICT

210 High School Drive
Mountain View, Arkansas 72560



Phone (870) 269-3443
Fax (870) 269-3446

RECEIVED
COMMISSIONER'S OFFICE

FEB 15 2008

February 13, 2008

DEPARTMENT OF EDUCATION

Dear Dr. Ken James,

I am appealing to you and the State Board of Education for a waiver for the Mountain View Public School System due to the direct result of an F-4 Tornado that shut our electricity down for the entire Stone County for Wednesday, February 6th, Thursday, February 7th, Friday, February 8th, Monday, February 11th and Tuesday, February 12th. We have used our inclement weather days that were built into our school calendar for the 2007-2008 year prior to the requested days above. This was a horrific catastrophe that has affected all our lives. We had numerous students, teachers and patrons loose everything during this event of nature.

Please consider the above request. Just an added note, we are a very sound academic district, having been awarded 8th place in the state in the Golden Apple Award this year.

Thank you again for all you do to improve our state in making it competitive globally in the academic and all other areas of public school and thank you for considering the above request.

Respectfully Yours,

Al Davidson

BOARD OF EDUCATION

President—Lorraine Jordan • Vice-President—Shawn Strutton • Secretary—Lori Dobbins
Doug Daniel • Mike Chitwood • Bill Ditto • John Griswold

—◆—
A PROMISE OF OPPORTUNITY AND EXCELLENCE

CCSSO RECOMMENDATIONS ON ESEA REAUTHORIZATION

8 KEYS TO SUCCESS: THE REAUTHORIZED ESEA SHOULD ...

PROMOTE INNOVATIVE MODELS AND REINVENT PEER REVIEW

By encouraging innovation and improving the peer review process to make it a true state-federal partnership

IMPROVE ACCOUNTABILITY DETERMINATIONS

By ensuring states' right to use true growth models and additional confirmatory data in accountability determinations

DIFFERENTIATE CONSEQUENCES

By permitting states to exercise appropriate judgment and differentiate both accountability determinations and consequences based on school performance

IMPROVE ASSESSMENT SYSTEMS

By permitting states to use multiple state and local assessments to promote the most educationally meaningful judgments

PROPERLY INCLUDE STUDENTS WITH DISABILITIES

By permitting the use of alternate assessments measured against alternate/modified achievement standards for a small number of students with disabilities

PROPERLY INCLUDE ENGLISH LANGUAGE LEARNERS

By permitting a range of options for assessment and accountability

ENHANCE TEACHER QUALITY

By establishing multiple measures, setting ambitious but meaningful bars, and leveraging those bars to improve teacher preparation and performance over time

STRENGTHEN RESOURCES

By providing support that reflects states' increased roles and responsibilities

ESEA REAUTHORIZATION: COMMITTED TO GETTING IT RIGHT

STATES ARE ACHIEVING RESULTS UNDER NO CHILD LEFT BEHIND

ALL 50 STATES AND THE DISTRICT OF COLUMBIA HAVE

- reading/language arts and mathematics **assessments** for grades 3-8 and once in high school;
- adopted **standards** in English, mathematics, and science; and
- have **accountability** plans in place.

STATES ARE INNOVATING AND MOVING BEYOND THE REQUIREMENTS OF NO CHILD LEFT BEHIND

- **43 states are now using unique, statewide student identifiers in their data systems** compared to only 8 states in 1999.
- **35 states extend their school improvement assistance** to non-Title 1 low-performing schools.
- **23 states have accountability systems that go beyond NCLB** by providing a separate state rating of schools and/or taking into account other performance measures.
- **21 states are working to promote effective formative assessment** through the development of policy guidance, a web-based toolkit, and professional development modules.

Sources: U.S. Department of Education "Achieving Results," 2007; Quality Counts, 2007; Editorial Projects in Education Research Center, 2006; CCSSO "State Accountability Systems Beyond NCLB," 2006.

Arkansas College Readiness Recognition Award

High School	School District	2007	2003	Gain
Dewitt High School	Dewitt	20.6	19.2	1.4
Bentonville High	Bentonville	22.7	21.7	1.0
Gravette High School	Gravette	21.5	20.4	1.1
Siloam Springs High School	Siloam Springs	21.8	20.5	1.3
Arkadelphia High School	Arkadelphia	20.3	19.2	1.1
Cedarville High School	Cedarville	20.0	18.9	1.1
Dumas High School	Dumas	19.0	18.0	1.0
Monticello High School	Monticello	21.1	20.1	1.0
Spring Hill High School	Spring Hill	19.5	17.4	2.1
Midland High School	Midland	21.6	19.7	1.9
Ashdown High School	Ashdown	19.9	18.7	1.2
Central High School	Helena-West Helena	17.6	16.2	1.4
Des Arc High School	Des Arc	20.5	19.4	1.1
Horatio High School	Horatio	20.0	17.8	2.2
Greenland High School	Greenland	20.5	18.7	1.8
Prairie Grove High School	Prairie Grove	21.1	19.8	1.3
Dardanelle High School	Dardanelle	22.1	20.7	1.4



**Standards-Setting Process
Act 35 Annual Improvement (Gains) for Grades 3-8**

**List of Participants
February 7, 2008**

<u>Participants</u>	<u>Organization</u>
Dr. Richard Abernathy	AAEA
Phoebe Bailey	AAEA
Pam Blake	AAEA
Betty Brewer	AAEA
Diana Gray	AAEA
Roger Hill	AAEA
Joan Jones	AAEA
Marilyn Johnson	AAEA
Kenny Pennington	AAEA
Hazel Wallace	AAEA
Donnie Whitten	AAEA
Dr. Kim Wilbanks	AAEA
Joyce Bender	AEA
Paulette Crawford	AEA
Chuck Ellery	AEA
Teresa Gordon	AEA
Roger Darren High	AEA
Bennie Lard	AEA
Gracie Mays	AEA
Eva Nadeau	AEA
Ruth Ann Sanders	AEA
Diann Skelton	AEA
Jerri Tabor	AEA
Jennette Washington	AEA
Patty Barker	APTA
Shana Chaplin	APTA
Karen Curren	APTA
Roxanne Dority	APTA
Debra Ganter	APTA

Don Johnson	APTA
Melinda Kinnison	APTA
Jessica Kinsey	APTA
Ginny Kurrus	APTA
Ann Norris	APTA
Vonda Norwood	APTA
Reginald Wilson	APTA
Erma Brown	ASBA
William Campbell	ASBA
Rich Carvell	ASBA
Vonda Cranford	ASBA
Amy Daniel	ASBA
Damon Daniels	ASBA
Dr. Paul Hance	ASBA
Carolyn Lewis	ASBA
Kathy McFetridge	ASBA
Maxine Nelson	ASBA
Danna Schneider	ASBA
Horace Smith	ASBA
Dr. Clara Carrol	EA
Geanie Channell	EA
Bob Dunn	EA
Luke Gordy	EA
Marsha Masters	EA
Kathy Moore	EA
Karla Neathery	EA
Barry Owen	EA
Hazel Wallace	EA
Mary Jane Rebick	EA
Janice Warren	EA
Donnie Wright	EA
Facilitators	
Dr. William Brown	TAC on Accountability, Chair
Louis Ferren	ADE staff
Dr. Thomas Fisher	TAC on Accountability Member
Dr. Andre Guerrero	ADE staff
Dr. Huynh Huynh	TAC on Accountability Member
Dr. Eugene Kennedy	TAC on Accountability Member
Dr. Robert Kennedy	TAC on Accountability Member
Dr. Roger Trent	TAC on Accountability Member

Janinne Riggs	ADE staff
Dr. Charity Smith	ADE staff
Willie Morris	ADE staff

2007-2008 Arkansas Better Chance Program
Funding Recommendations - Round #6

New Funding:

ABC Name	Vendor No.	Site Location	Program Type	Grant Type	Amount Requested in Round 6
Integrated Systems Development and Management	100107873	Little Rock	N/A	Prof. Dev./Training	27,500
					27,500

Modified Funding:

ABC Name	Vendor No.	Site Location	Program Type	Grant Type	Modified Amount for 2007-08 Agreement
Southwestern Economic Development Association	100126981	El Dorado	Classroom-based	Direct Services	74,080
Southwestern Economic Development Association	100126981	El Dorado	Classroom-based	Direct Services	82,685
					153,449

OMB NO. 1820-0030
Expires: 08/31/2009

**ANNUAL STATE APPLICATION UNDER PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FOR FEDERAL FISCAL YEAR 2008**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS
Washington, DC 20202-2600**

Section I**A. Submission Statement for Part B of IDEA**

Please select 1 or 2 below. Check 3 if appropriate.

- ☐ 1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A of this Application.
- ☒ 2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2009. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

- ☐ 3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

1. Conditional Approval Related to Assurances in Section II.A:

- ☐ a. Section II.A provides documentation of completion of all issues identified in the FFY 2007 conditional approval letter.
- ☒ b. As noted in Section II.A, the State has not completed all issues identified in the FFY 2007 conditional approval letter.

2. Conditional Approval Related to Other Issues:

- ☐ a. The State previously submitted documentation of completion of all issues identified in the FFY 2007 conditional approval letter.
- ☐ b. The State is attaching documentation of completion of all issues identified in the FFY 2007 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ☐ c. The State has not completed all issues identified in the FFY 2007 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

Section II

A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
	✓ 6/30/08	1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.
✓		2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)
✓		3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.
	✓ 6/30/08	4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.325. (20 U.S.C. 1412(a)(4); 34 CFR §300.112)
✓		5. 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 not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		§§300.114-300.120.
✓		6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
✓		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
✓		8. Agencies in the State comply with 34 CFR §§ 300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
✓		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
	✓ 6/30/08	10. To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)
✓		11. The State educational agency is responsible for ensuring that the requirements of Part B are met according to 34 CFR §300.149 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608.

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		(20 U.S.C. 1412(a)(11); 34 CFR §300.149)
✓		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under clause (iii). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
✓		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
	✓ 6/30/08	14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E); 34 CFR §300.156.
	✓ 6/30/08	15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C); 34 CFR §300.157.
	✓ 6/30/08	16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); 34 CFR §300.160.
✓		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C);

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		34 CFR §300.162.
✓		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §300.163.
✓		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
	✓ 6/30/08	20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
	✓ 6/30/08	21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
	✓ 6/30/08	22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
✓		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		23b. (Note: Check either "23b.1" or "23b.2" whichever applies.)
✓		<p>23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to:</p> <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or • purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)
		23b.2 The State Educational Agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)
	✓ 6/30/08	24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)
	✓ 6/30/08	25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.

B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
✓	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
✓	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
✓	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
✓	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

C. Certifications

The State Educational Agency is providing the following certifications:

Yes	
✓	1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i> , is on file with the Secretary of Education. With respect to the <i>Certification Regarding Lobbying</i> , the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.
✓	2. The State certifies that certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.
✓	3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A); 34 CFR §300.154 are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20

U.S.C. 1411(e)(1); 34 CFR §300.171.

D. Statement

I certify that the State of *Arkansas* can make the assurances checked as 'yes' in Section II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of the Part B of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2009. (34 CFR §76.104)

I, the undersigned authorized official of the

Arkansas Department of Education

(Name of State and official name of State agency)

am designated by the Governor of this State to submit this application for FFY 2008 funds under Part B of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:

<i>Dr. T. Kenneth James, Commissioner of Education</i>

Signature:	Date:
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	<i>February 29, 2008</i>
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Section III**Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act - 20 U.S.C. 1411(e)(5); 34 CFR §300.171**

States must provide the Description of Use of Funds by completing and submitting the Excel Interactive Spreadsheet with the 2008 Application.

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7)) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).¹ The dollar amounts **listed in the Excel Interactive Spreadsheet** by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

Enter whole dollar amounts (do not enter cents) in appropriate cells on the State's Excel Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State's application.

The Arkansas Excel Interactive Spreadsheet is attached.

Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR §300.704)

The SEA seeks input and information from LEAs through a variety of means, including surveys, monitoring visits, reports, meeting and conferences, and LEA membership on SEA committees and workgroups.

¹ Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

Section IV**State Administration**

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local education agencies in writing of such State-imposed rules, regulation or policy. (20 U.S.C. 1407(a); 34 CFR §300.199)

Not applicable

PROBABLE AWARD AMOUNT

\$106,603,388

ADMINISTRATION

Maximum Available for Administration.

Sec. III

\$1,928,686

How much do you want to set aside for Administration in dollars?

\$1,928,686 OK

You must distribute, in whole dollars, the amount you want to set aside for Administration among the following activities:

For the purpose of administering IDEA Part B including Preschool Grants under 20 U.S.C. 1419, a High Cost Fund, and the coordination of activities under Part B with, and providing technical assistance to, other programs that provide services to children with disabilities. (Note: These funds may be used for Administering but not Financing a High Cost Fund)

a. \$1,928,686

For the administration of Part C of IDEA, if the SEA is the Lead Agency for the State under Part C.

b.

You may set aside a portion of your Administration funds resulting from inflation for the following 4 Other State-Level Activities. Additional funds for these purposes may also be set aside under Other State-Level Activities. Based on the amount that you propose to set aside for Administration, the maximum amount of Administration funds that you may use for these 4 activities is:

\$220,953

For support and direct services, including technical assistance, personnel preparation, and professional development and training.

c. \$0

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

d. \$0

To assist local educational agencies in meeting personnel shortages.

e. \$0

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

f. \$0

Subtotal, Administration funds used for Other State-Level Activities

\$0

OK

If you receive a Preschool Grant under 20 U.S.C. 1419, you may use Administration funds, along with other funds, to develop and implement a State policy jointly with the lead agency under Part C and the SEA to provide early intervention services (which must include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under the Preschool Grant program and who previously received services under Part C until such children enter, or are eligible under State law to enter, kindergarten, or elementary school as appropriate.

g. \$0

The total of details for your Administration set-aside is

\$1,928,686 OK

If you propose to set aside more than \$850,000 for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:
Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

\$10,845,417

If you propose to set aside more than \$850,000 for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$9,760,875

If you propose to set aside \$850,000 or less for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:
Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

\$11,387,687

If you propose to set aside \$850,000 or less for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$10,303,146

Do you wish to use funds for a High Cost Fund? (Yes or No)

No

Based on the amount that you intend to set aside for Administration, the size of your total award, and your decision
NOT TO use set aside funds to support a High Cost Fund, the maximum that you may use for Other State-Level Activities is:

\$9,760,875

How much do you want to set aside for Other State-Level Activities?

\$9,760,875

OK

You must distribute the amount you want to set aside for Other State-Level Activities the following activities. You can distribute amounts in any order you wish. The total balance remaining to be distributed at any time appears in red.

Leave Blank

Required Activities:

For monitoring, enforcement, and complaint investigation. (You must use at least \$1 for this purpose)

h. \$1,935,875

\$0 More needs to be distributed.

To establish and implement the mediation process required by 20 U.S.C. 1415(e), including providing for the cost of mediators and support personnel. (You must use at least \$1 for this purpose)

i. \$50,000

\$0 More needs to be distributed.

Optional Authorized Activities:

For support and direct services, including technical assistance, personnel preparation, and professional development and training

j. \$3,500,000

\$0 More needs to be distributed.

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

k. \$1,500,000

\$0 More needs to be distributed.

To assist local educational agencies in meeting personnel shortages.

l. \$250,000

\$0 More needs to be distributed.

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

m. \$850,000

\$0 More needs to be distributed.

To support paperwork reduction activities, including expanding the use of

\$0 More needs to be distributed.

technology in the IEP process.

To improve the use of technology in the classroom by children with disabilities to enhance learning.

To support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities.

Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities.

Alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools.

To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with Sections 1111(b) and 6111 of the Elementary and Secondary Education Act of 1965.

To provide technical assistance to schools and LEAs, and direct services, including supplemental educational services as defined in Section 1116(e) of the Elementary and Secondary Education Act of 1965 to children with disabilities, in schools or local educational agencies identified for improvement under Section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement to meet or exceed the objectives established by the State under Section 1111(b)(2)(G) of the Elementary and Secondary Education Act of 1965.

The total of details for your Other State-Level Activities set-aside is

\$9,760,875 OK

You are almost done.

If you are using money for a High Cost Fund. You must report how much you will use for each of the following two activities. You reported that you would use

To establish and make disbursements from the high cost fund to local educational agencies in accordance with 20 U.S.C. 1411(e)(3) during the first and succeeding fiscal years of the high cost fund.

To support innovative and effective ways of cost sharing by the State, by an LEA, or among a consortium of LEAs, as determined by the State in coordination with representatives from LEAs, subject to 20 U.S.C. 1411(e)(3)(B)(ii) (Amount may not be more than 5% of the amount reserved for the LEA Risk Pool.)

Establishment of High Cost Fund (20 U.S.C. 1411(e)(3)(B)(i) - A State shall not use any of the funds the State reserves pursuant to 20 U.S.C. 1411(e)(3)(A)(i), but may use the funds the State reserves under 20 U.S.C. 1411(e)(1), to establish and support the high cost fund.

Subtotal, High Cost Fund

\$0

OK

n.

\$0 More needs to be distributed.

o.

\$0 More needs to be distributed.

p.

\$0 More needs to be distributed.

q.

\$0 More needs to be distributed.

r.

\$0 More needs to be distributed.

s.

\$0 More needs to be distributed.

t.

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE CODE OF ETHICS FOR ARKANSAS EDUCATORS
As of February 14, 2008

1.00 Title

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

2.00 Regulatory Authority

- 2.01 These rules are promulgated pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-410, 6-17-422 (Act 846 of 2007) and 25-15-201 et seq.

3.00 Purpose

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

4.00 Definitions

For the purposes of these rules, the following terms mean:

- 4.01 **Complaint** is any validated, written and signed statement from the Arkansas Department of Education, local school board, the Arkansas State Board of Education, or public school superintendent of this state filed with the Professional Licensure Standards Board alleging that an educator has breached one or more of the Standards in the Code of Ethics for Educators.
- 4.02 **Conviction** includes a plea of guilty or a plea of *nolo contendere*, or a finding or verdict of guilty, regardless of whether an appeal of the conviction has been sought, or a criminal conviction has been sealed or expunged; a situation where first offender treatment without adjudication of guilt pursuant to the charge

was granted; and a situation where an adjudication of guilt or sentence was otherwise withheld or not entered on the charge or the charge was otherwise disposed of in a similar manner in any jurisdiction.

- 4.03 **Denial** is the refusal to grant a teaching license to an applicant for a teaching license.
- 4.04 **Dispositions are** the values, commitments, and professional ethics that influence behaviors toward students, families, colleagues and communities and affect student learning, motivation, and development as well as the educator's own professional growth. Dispositions are guided by beliefs and attitudes related to values such as caring, fairness, honesty, responsibility and social justice.
- 4.05 **Educator** is a teacher, school or school system administrator or other education personnel who has been issued a teaching license by the Arkansas State Board of Education. For the purposes of the Code, *educator* also refers to a licensed student intern.
- 4.06 **Monitoring** is at a minimum a semi-annual appraisal of the educator's conduct by the Professional Licensure Standards Board through contact with the educator and his or her employer. As a condition of monitoring, an educator may be required to submit a criminal background check or other requested information. The Arkansas State Board of Education specifies the length of the monitoring period.
- 4.07 **Moral Turpitude** is an act or omission of such baseness, vileness, shamefulfulness or depravity in a private, public or social setting, which is so contrary to a duty or standard of conduct which a person owes his/her fellow person, profession or society in general.
- 4.08 **Probation** is the placing of conditions, requirements or circumstances on the status of a teaching license for a period of time established by the Arkansas State Board of Education. Generally, a license under probation must sufficiently satisfy such conditions, requirements or circumstances in order to maintain or be reinstated to the original non-probationary teaching license status.
- 4.09 **Reprimand** is a written admonishment from the Arkansas State Board of Education to the license holder for his or her conduct. The written reprimand cautions that further unethical conduct will lead to a more severe action and shall become a permanent entry in the licensure file of the educator and is associated with a monetary fine of the educator.
- 4.10 **Revocation** is the permanent invalidation of any teaching license held by the educator.

- 4.11 **School-sponsored activity** is any event or activity sponsored by the school or school system which includes but is not limited to athletic events, booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum (i.e., Foreign Language trips, etc.) whether on school-campus or not.
- 4.12 **Student** is any individual enrolled in the state’s public or private schools from prekindergarten through grade 12.
- 4.13 **Suspension** is the temporary invalidation of any teaching license for a period of time specified by the Arkansas State Board of Education.
- 4.14 **Teaching License** refers to any teaching, service, or leadership certificate, license, or permit issued by authority of the Arkansas State Board of Education.
- 4.15 **Warning** is a written communication from the Arkansas State Board of Education to the license holder that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more severe action and shall become a permanent entry in the licensure file of the educator.

5.00 Standards of Professional Conduct

The Standards of Professional Conduct are set forth in the following format: first, the Standard is stated, followed by a listing, which is not all-inclusive, of examples of “ethical” and “unethical” conduct under the particular Standard (commentary).

The commentary portions of the rule carry the same weight and authority as every other portion of the rule and may form the basis for disciplinary action against a teacher, pursuant to Section 6.00 of these rules.

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

Commentary: Ethical conduct includes, but is not limited to, the following:

- Advocating and providing for equitable educational opportunities for each student.
- Nurturing the intellectual, physical, emotional, social, and civic potential of each student.
- Creating, supporting and maintaining an environment conducive to learning for each student.
- Providing an environment that does not expose any student to embarrassment or disparagement.
- Making reasonable efforts to protect students from conditions detrimental to their health and safety.

Unethical conduct includes, but is not limited to, the following:

- Committing any act of child abuse, including physical, sexual and verbal abuse;
- Committing or soliciting any unlawful sexual act;
- Engaging in harassing behavior on the basis of race, gender, sexual orientation, national origin, religion or disability;
- Soliciting, encouraging or consummating an inappropriate written, verbal or physical relationship with a student; and

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

Commentary: Ethical conduct includes, but is not limited, to the following:

- Completing all state licensure requirements.
- Completing all state and local professional development requirements.
- Ensuring that instruction does not deny student access to varying points of view.
- Ensuring that instruction does not suppress or distort subject matter.

Unethical conduct includes, but is not limited to, the following:

- Unreasonably denying students access to varying points of view, suppressing or distorting subject matter to promote personal bias or to proselytize.
- Failing to fulfill professional development requirements.

5.03 Standard 3: An educator honestly fulfills reporting and contractual obligations associated with professional practices.

Commentary: Ethical conduct includes, but is not limited to, the following:

- Submitting accurate and honest reports, data, and information to the Arkansas Department of Education, Arkansas Bureau of Legislative Audit, the Arkansas State Board of Education and other state and federal governmental organizations.
- Submitting accurate and honest reports regarding professional qualifications, criminal history, college or staff development credit and/or degrees, academic awards and employment history when applying for employment and/or license.
- Submitting accurate and honest reports when recommending an individual for employment, promotion, or licensure.
- Fulfilling all terms and obligations detailed in a contract with the local board of education or education agency.
- Striving to uphold the responsibilities inherent in the code of ethics of the education profession.

Unethical conduct includes, but is not limited to, the following:

- Abandoning the contract for professional services without prior release from the contract by the employer as determined by a court of law.
- Willfully refusing to perform the services and/or obligations required by a contract as determined by a court of law.
- Falsifying reports and/or failing to provide all requested information on documents required by the Arkansas Department of Education or State Board of Education when applying for or renewing any license with the Arkansas State Board of Education.
- Failing to report when there is reasonable cause to suspect that an alleged violation of one or more Standards of the Code of Ethics for Educators has occurred no later than thirty (30) days from the date the educator became aware of an alleged violation unless the law or local procedures require reporting sooner.

5.04 Standard 4: An educator entrusted with public funds and property honors that trust with honest, responsible stewardship.

Commentary: Ethical conduct includes but is not limited to the following:

- Maximizing state and local resources through efficient and judicious utilization.
- Modeling for students and colleagues the responsible use of public property.

Unethical conduct is acts or omissions which are in violation of local policy, state or federal rules, regulations, or laws, and includes, but is not limited to, the following:

- Misusing public or school-related funds.
- Failing to account for funds collected from students or parents.
- Submitting fraudulent requests for reimbursement of expenses or for pay.
- Co-mingling public or school-related funds with personal funds or checking accounts.
- Using school property without the approval of the local board of education/governing board/appropriate designated authority.

5.05 Standard 5: An educator maintains integrity with students, colleagues, parents, patrons and businesses regarding gifts, gratuities, favors and additional compensation.

Commentary: Ethical conduct includes, but is not limited to, the following:

- Ensuring that institutional privileges are not used for personal gain.
- Ensuring that school policies or procedures are not impacted by gifts or gratuities from any person or organization.
- Avoiding the solicitation of students and/or parents of students to purchase equipment, supplies, and/or services from the educator or to participate in activities that financially benefit the educator unless approved by the local board of education and, when necessary, the Arkansas Department of Education.

- Avoiding the acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest.
- Avoiding the tutoring of students assigned to the educator for remuneration unless approved by the local board of education/governing board/superintendent/or appropriate designated authority.
- Avoiding coaching, promoting and/or providing athletic camps, summer leagues, etc. that involves students in the school system in which the educator is employed unless approved by the local board of education/governing board or the superintendent. These types of activities must be in compliance with all rules and regulations of the Arkansas Athletic Association.

Unethical conduct includes, but is not limited to, the following:

- Soliciting students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by the local board of education/governing and when necessary the Arkansas Department of Education.
- Accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest.
- Tutoring students assigned to the educator for remuneration unless approved by the local board of education/governing board/superintendent/or appropriate designated authority.
- Coaching, instructing, promoting athletic camps, summer leagues, etc., that involves students in an educator's school system and from whom the educator receives remuneration unless approved by the local board of education/governing board or the superintendent. These types of activities must be in compliance with all rules and regulations of the Arkansas Athletic Association.
- Any act or omission which is in violation of Ark. Code Ann. § 6-24-101 *et seq.*

5.06 Standard 6: An educator keeps in confidence student records, personnel records, standardized test material and other information covered by confidentiality agreements.

Commentary: Ethical conduct includes, but is not limited to, the following:

- Keeping in confidence information about students that has been obtained in the course of professional service unless disclosure serves professional purposes or is allowed or required by law.
- Maintaining the security of standardized test materials, scores, supplies and resources.

Unethical conduct includes, but is not limited to, the following:

- Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information.

family status and/or income, and assessment/testing results, unless disclosure is required or permitted by law.

- Sharing of confidential information restricted by state or federal law.
- Violating confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, violating local school system or state directions for the use of tests or test items, etc.
- Violating other confidentiality agreements required by state or local policy.

5.07 Standard 7: An educator factually and appropriately presents the dangers of alcohol, tobacco and unauthorized /illegal drug use during the course of professional practice and in accordance with current state law.

Commentary: Ethical conduct includes, but is not limited to, the following:

- Refraining from the use of alcohol, tobacco and unauthorized drugs while on school premises or at a school-sponsored activity involving students.
- Fulfilling school expectations regarding participation in curricular and extra-curricular programs that communicate the dangers of alcohol, tobacco and drug abuse.

Unethical conduct includes, but is not limited to, the following:

- Being on school premises and/or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs.
- Being on school premises or at a school-sponsored activity involving students while documented as being under the influence of, possessing, or consuming alcoholic beverages.

5.08 Standard 8: An educator abides by local, state and federal laws.

6.00 Disciplinary Action.

6.01 The Professional Licensure Standards Board (Board) is authorized to recommend to the Department of Education for presentation to the State Board probation, suspension, revocation or denial of a teaching license or the issuance of a reprimand or warning after an investigation is held after notice and an opportunity for a hearing are provided to the license holder. The Board is also authorized to recommend other avenues to assist the educator via training, coursework or rehabilitative treatment. All costs would be assumed by the educator. Any of the following grounds shall be considered cause for recommendation of disciplinary action against the holder of a teaching license:

- Breach of conduct as outlined in Section 5.00 of these rules.
- Disciplinary action against a teaching license/certificate in another state on grounds consistent with unethical conduct specified in Section 5.00 of these rules.
- Order from a court of competent jurisdiction or an administrative finding from the Office of Child Support Enforcement of the Arkansas Department

of Finance & Administration pursuant to Ark. Code Ann. § 9-14-239 that the license should be suspended or the application for licensure should be denied for non-payment of child support.

- Notification from the Arkansas Department of Higher Education that the educator is in default and not in satisfactory repayment status on a student loan guaranteed by the Arkansas Higher Education Assistance Corporation pursuant to the authority contained in rules and regulations enacted by the Arkansas Department of Higher Education.
- Failure by an educator to repay any amounts owed to the Department of Education pursuant to Ark. Code Ann. § 6-17-413 concerning the repayment by educators of participation fees for the National Board of Professional Teaching Standards (NBPTS) but does not complete the requirements set forth in Ark. Code Ann. § 6-17-413(b).
- Failure by an educator to repay any funds paid to the educator pursuant to Ark. Code Ann. § 6-17-811 (“Incentives for Teacher Recruitment and retention in High-Priority Districts.”) if the educator did not fulfill all contractual obligations necessary to obtain the funds.
- Violation of any other laws and rules that specifically are relevant to an individual’s ability to maintain his/her teaching license.
- Any other cause that renders an educator unfit for employment as an educator because of acts or omissions that constitutes unprofessional conduct and/or moral turpitude.

6.02 An individual whose license has been revoked, denied or suspended may not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of his or her revocation, suspension or denial for a violation of the Arkansas Code of Ethics for Educators.

6.03 The Arkansas State Board of Education shall notify local and state officials of all disciplinary actions. In addition, suspensions and revocations are reported by the Arkansas Department of Education to national officials, including the NASDTEC Clearinghouse.

7.00 Procedures for the Investigative Process and Final Determination of Alleged Ethics Violations

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

8.00 Fines and Fees

8.01 The State Board of Education, for violations of these Standards of Professional Conduct in all areas and as authorized by Ark. Code Ann. § 6-17-422 (Act 846 of 2007:

- a. May impose fines up the amounts listed in *Appendix B* to these rules, which is attached and is hereby fully incorporated into these rules as if fully set forth herein.
- b. Shall impose fees for action taken pertaining to an educator's license as set for in the attachment *Appendix B*.
- c. Shall use the revenue collected by the State Board of Education from the fees and fines imposed per *Appendix B* of these Rules for the operation of the Professional Licensure Standards Board.

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

1. Complaint Received by the PLSB:

A *complaint* will be deemed a request to investigate. A request for investigation may be a written and validated signed statement of allegations from a citizen of Arkansas filed with the Arkansas Department of Education, local school board, the Arkansas State Board of Education, or public school superintendent of this state which is filed with the Professional Licensure Standards Board (PLSB). The request for investigation will be validated (i.e., verified as actually being submitted by the requestor) by the agency listed above with which it is filed and forwarded as a complaint by that agency to the PLSB. When appropriate, the PLSB will provide a copy of the complaint to the superintendent or the president of the local school board (if the educator in question is the superintendent of the district) where the educator is employed.

- i. The Ethics Review Sub-Committee determines whether to investigate.
- iii. Letter sent to complainant about disposition of complaint.
- iv. Letter sent to Superintendent or President of the local school board if appropriate about disposition of complaint.
- v. The following will automatically go to the sub-committee to open an investigation:
 - a) An affirmative answer concerning criminal or ethical violations on a licensure application.
 - b) Confirmation from the Arkansas State Police or the FBI, regarding criminal convictions.

2. Investigation Initiated by Professional Licensure Standards Board (PLSB)

- i. A letter will be sent to the educator requesting information/statement.
- ii. An Investigation is conducted.
- iii. An Investigative Summary will be sent to the Ethics Sub-Committee.

3. Probable Cause Determination Made

- i. The Ethics Sub-Committee determines if *probable cause* exists to take a recommendation to the State Board of Education for disciplinary action and, if so, what action.

4. Proposed Action or Hearing Offered

- i. A letter sent notifying the educator and the school district, if appropriate, of proposed PLSB action.
- ii. Educator may consent to the proposed action or may request a hearing before the Ethic Sub-Committee of the PLSB.

- iii. If an educator does not respond in thirty (30) days, the proposed action becomes a final decision recommended for Arkansas State Board of Education (SBE) action.

5. PLSB Evidentiary Hearing

- i. If the educator requests a hearing, an evidentiary hearing will be held before the Ethics Sub-Committee of the PLSB within ninety (90) days, but no earlier than thirty (30) days, from the date that the PLSB receives the educator's hearing request unless both parties agree to a longer period of time.
- ii. A decision by the Sub-Committee will be made.
- iii. The educator will be notified in writing of the Sub-Committee's decision. The educator may accept the initial decision or request a review before the SBE.

6. Evidentiary Hearing Procedures of the PLSB Sub-Committee

- i. The educator shall be notified in writing of the date, time and location of the Ethics Sub-Committee of the Professional Licensure Standards Board (PLSB) meeting at which his/her case will be considered. The notice will also state a deadline by which the educator must submit items to the sub-committee for consideration.
- ii. A representative of the PLSB and the educator (or his/her attorney) shall have up to twenty-five (25) minutes each to present their cases to the sub-committee. The chairperson of the sub-committee, at his/her discretion, may grant additional time to either or both parties, if necessary.
- iii. Each party will have the opportunity, should it so choose, to make an opening statement. The statement shall be no longer than five (5) minutes in length; any such times used for an opening statement shall be deducted from the time allowed for case presentation listed in ii. above.
- iv. The representative PLSB shall present its case (and opening statement, if it so chooses) to the hearing subcommittee of the Board first.
- v. Any written documents, photographs or any other items of evidence may be presented to the hearing subcommittee with the permission of the Chairperson. The items of evidence shall be marked as either "PLSB Exhibit Number 1(et seq.)" or "Educator's Exhibit Number 1 (et seq.)." After an item of evidence has been allowed to be presented to the hearing subcommittee by the Chairperson, the introducing party shall give one (1) copy to the court reporter for the record and one (1) copy to the Chairperson.
- vi. After one party has questioned a witness, the other party shall have the same opportunity.

- vii. Members of the hearing subcommittee shall also have the opportunity to ask questions of any witness or any party.
- viii. While the scope of each party's presentation ultimately lies within the chairperson's discretion, case presentation should be arranged in such a way as to avoid redundant testimony.
- ix. After the educator has presented his/her case, the chairperson may allow each party to present limited rebuttal testimony.
- x. After the rebuttal evidence has been presented, the educator shall have up to five (5) minutes to present a closing statement, if desired.
- xi. After educator has made a closing statement, or waived the opportunity for the same, the representative of the PLSB shall have up to five (5) minutes to make his/her closing statement, if desired.
- xii. After closing statements have been made (or the opportunity to make them has been waived), the hearing subcommittee may orally announce its decision. Alternatively, the hearing subcommittee may take the case under advisement and render a written decision at a later time.
- xiii. A written order reflecting the hearing subcommittee's final decision shall be promptly prepared by the PLSB for the chairperson of the hearing subcommittee's signature. A copy of the order shall be timely transmitted to the educator, the PLSB and the SBE.
- xiv. The educator shall have thirty (30) days from the receipt of the order to appeal the sub-committee's decision to the SBE. Should the educator not file an appeal to the SBE within the above-referenced thirty (30) day time period, the decision of the sub-committee shall become non-appealable.

LIST OF APPLICABLE FINES

<u>Action Taken</u>	<u>Maximum Fine Amount</u>
<u>Permanent Revocation of License</u>	<u>\$0</u>
<u>Suspension of License</u>	<u>\$100</u>
<u>Probation of License</u>	<u>\$75</u>
<u>Written Reprimand by State Board of Education</u>	<u>\$50</u>
<u>Written Warning by State Board of Education</u>	<u>\$0</u>

LIST OF APPLICABLE FEES

License Issued	New or Renewal	Fee Amount
One-Year Provisional Teacher's License	New Renewal	\$0.00 \$0.00
Three-Year Initial Teacher's License	New	\$0.00
Five-Year Standard Teacher's License	New Renewal	\$100.00 \$100.00
Five-Year Vocational Permit	New Renewal	\$100.00 \$100.00
One-Year Probationary Teaching Permit	New	\$35.00
Lifetime Teacher's License	New	\$25.00
Adding Area or Level to Existing License <u>(If not occurring at the time of renewal)</u>	Not Applicable	\$50.00
Adding Degrees to Existing License <u>(If not occurring at the time of renewal)</u>	Not Applicable	\$50.00
Duplicate License	Not Applicable	\$50.00

Strong-Huttig Public Schools

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(870) 797-7322
Fax: (870) 797-2257

Huttig Office
(870) 943-2606
Fax: (870) 943-2322

P.O. Box 735
635 S. Concord
Strong, Arkansas 71765

Huttig Elementary
(870) 943-2411

Gardner-Strong Elementary
(870) 797-2321

RECEIVED
ATTORNEY'S OFFICE

FEB 20 2008

DEPARTMENT OF EDUCATION
GENERAL DIVISION

February 16, 2008

Mr. Scott Smith, General Counsel
Arkansas Department of Education
#4 State Capitol Mall, Room 404-A
Little Rock, AR 72201-1071

Dear Mr. Smith,

This letter is being written on behalf of the majority of the Strong-Huttig School Board seeking the State Board of Education's permission to close the Huttig Elementary School, located in Union County in Huttig, Arkansas.

1. In September of 2008, the district asked patrons to approve an 8.8 mill increase to help keep the Huttig Elementary School open and to make improvements to existing facilities and to help finance new construction so that the district could continue meet new facilities standards. This proposal was defeated by a two to one margin.
2. On January 14th, 2008, at a regular scheduled board meeting, it was motioned and seconded that because of financial concerns, the Huttig Elementary School would close for the 2008-09 school year. The vote was unanimous, but the two board members representing the Huttig community were not present.
3. On February 11, 2008, at a regular scheduled board meeting, it was moved and seconded that the Huttig Elementary School would close for the 2008-09 school year. The vote was 5 for and 2 against, with the motion passing by majority vote.
4. The closing of the Huttig Elementary School, the district would eliminate 15 to 16 personnel positions and would save least \$297,000 in personnel salaries alone.
5. Students who currently attend Huttig Elementary School would be transferred to Gardner-Strong Elementary School in Strong, AR. Gardner-Strong Elementary School has adequate space to accommodate the 67 children that would be transferring.

Mr. Scott Smith, General Counsel
Page 2

6. With the exception having to do a small reduction in force, personnel currently employed at the Huttig Elementary School would be transferred to jobs openings at the Gardner-Strong Elementary School and to other positions that they are certified for throughout the district.
7. The district currently operates three cafeterias with full staffing. By closing the Huttig Elementary School would only operate two cafeterias

Because of the Huttig School Campus being deemed as an isolated school, the majority of the Board of Directors of the Strong-Huttig School District request to appeal these facts to the State Board of Education at it's earliest convenience.

Sincerely,



Saul Lusk, Superintendent
On behalf of the Strong-Huttig Board of Education

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RECEIVED
ATTORNEY'S
FEB 27 2008
DEPARTMENT OF EDUCATION
GENERAL DIVISION

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

IN THE MATTER OF THE CLOSURE OF THE HUTTIG ELEMENTARY SCHOOL OF THE STRONG-HUTTIG SCHOOL DISTRICT OF UNION COUNTY

PETITION FOR CLOSURE OF AN ISOLATED SCHOOL

COMES NOW the Strong-Huttig School District of Union County (Petitioner),

acting by the through it's Superintendent and the President of the Board of Directors duly
authorized, to petition the State Board of Education to close the Huttig Elementary School, and
hereby would submit to the Board as follows:

1. Pursuant to Act 1397 of 2005, the Petitioner hereby submits and incorporates in this petition as Exhibit A attached hereto, proof of the legally binding local board resolution to close the Huttig Elementary School of the Strong-Huttig School District as approved by a majority of the quorum present of the local board of education.
2. The Petitioner submits that the average daily membership for Huttig Elementary School for the 2007-08 school year is 69 students and that to continue to operate and staff a school for that number of students would result in over one hundred thousand to a one hundred fifty thousand dollar loss in a year for the district, while a closure would effect an approximate savings of at least three hundred thousand dollars.

- 3 The petitioner submits that the distance from the Huttig Elementary School to the Gardner- Elementary School in Strong is 11.5 miles. The students will be bused on almost all paved roads
4. The petitioner submits that the certified staff at Huttig Elementary School will be given employment at the Gardner Strong-Elementary School and or assigned to other openings throughout the district. Most of this will done through attrition and there will not be a need to hire additional certified personnel. There will have to be a reduction in force for the classified staff. The district will save 15 to 16 positions overall by doing this.
5. The Petitioner submits that the transfer of students from Huttig Elementary to Gardner-Strong Elementary will not create any undue hardship for students and that the transition will take place smoothly with students having access to expanded programs and curriculum.
6. The Petitioner submits that the petitioned closure will not have a negative impact on desegregation efforts or violate any valid court order from a court of proper jurisdiction.
7. The Petitioner submits that the Board should approve the petition closure because such closure will result in overall improvement in the educational costs and service to all of the students in the district.

WHEREFORE, Petitioner requests that the State Board approve the closure of the Huttig Elementary School; that it issue an order closing the affected school and approving transfer of students to the Gardner-Strong Elementary School; and that it file it's Order with the County Clerk of Union county.

Respectfully submitted,

Strong-Huttig School District

Union County

 2/27/08
Superintendent Date

 2/27/08
School Board President Date

Strong-Huttig Public Schools

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TO: Strong-Huttig School Board Members

FROM: Saul Lusk

DATE: February 05, 2008

RE: February Board Meeting

The Strong-Huttig School Board will hold it's monthly meeting on Monday, February 11, 2008 at 6:30 p.m. in the library at Strong High School. Please bring your audit reports with you.

AGENDA

- I. Call to Order
- II. Establish a Quorum
- III. Approval of minutes of previous meetings
- IV. Approval of minutes of the financial report
- V. Review 2006-07 Audit Report
- VI. Old Business
 - A. Facilities Master Plan
- VII. New Business
 - A. Reorganization of Elementary School
 - B. Request to use Huttig Cafetorium by Manning family
 - C. Surveillance Maintenance Agreement
- VIII. Other
- IX. Personnel
- IX. Adjournment

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February 11, 2008

The Strong-Huttig School Board met in regular session on February 11, 2008 at 6:30 p.m. in the library at Strong High School. The meeting was called to order by President Boyd Fife and a quorum was established. Members present were Patricia Warren, Barbara Furlow, Amy Linder, Carrie Daniels, Bonnie Bennett and Billy Ray Smith.

Mr. Smith made a motion to approve the minutes of the previous meetings. Mrs. Bennett seconded the motion. Motion carried unanimously. Mrs. Daniels made a motion to approve the financial report. Mrs. Warren seconded the motion. Motion carried unanimously.

Mrs. Daniels made a motion to table the audit report until the March Board meeting. Mrs. Warren seconded the motion. Motion carried unanimously.

Mrs. Warren made a motion to allow the Manning Family to use the Huttig cafetorium on April 5th, 2008. Mrs. Bennett seconded the motion. Motion carried unanimously.

Mrs. Daniels made a motion to allow the new gym to be used for a funeral service for Kathy Ford on February 16, 2008 at 1:00 p.m. Mrs. Warren seconded the motion. Motion carried unanimously.

Mrs. Daniels made a motion to pay for the expenses for Sr. Basketball teams out of the Operating Fund if they earn trips to the Regional and State Tournaments. Mrs. Warren seconded the motion. Motion carried unanimously.

Mrs. Warren made a motion to close the Huttig Elementary School for the 2008-08 school year. Mrs. Smith seconded the motion. The record shows that Mrs. Linder and Mrs. Furlow were opposed to this motion. Motion carried by a majority vote.

Mrs. Warren made a motion to accept the resignation of Roy Lemons as a maintenance worker for the district effective April 1, 2008. Mrs. Daniels seconded the motion. Motion carried unanimously.

Mr. Smith made a motion to accept the resignation of Saul Lusk as Superintendent effective June 30, 2008. Mr. Smith seconded the motion. The record shows that Mrs. Warren, Mrs. Furlow and Mrs. Daniels were opposed to this motion. Motion carried by majority vote.

Page 2

Mrs. Linder made a motion to hire James Jones as Assist. Superintendent for the 2008-09 school year. Mrs. Furlow seconded the motion. The record shows that Mrs. Warren and Mrs. Daniels was opposed to this motion. Motion carried by majority vote.

Mr. Smith made a motion to hire Bill Neikirk as High School Principal for the 2008-09 school year. Mrs. Linder seconded the motion. The record shows that Mrs. Warren, Mrs. Furlow and Mrs. Daniels were opposed to this motion. Motion carried by majority vote.

Mr. Smith made a motion to hire Billie Gathright as Dean of Students for the 2008-09 school year. Mrs. Bennett seconded the motion. Motion carried unanimously. The record shows that Mrs. Daniels and Mrs. Warren and Mrs. Furlow were opposed this motion. Motion carried by a majority vote.

Motion and seconded to adjourn at 8:20 p.m.

School Board President

School Board Secretary

6-20-602. Isolated schools.

(a) "Isolated school" means a school within a school district that:

(1) Prior to administrative consolidation or annexation under this section, § 6-13-1601 et seq., and § 6-13-1405(a)(5) qualified as an isolated school district under § 6-20-601; and

(2) Is subject to administrative consolidation or annexation under this section, § 6-13-1601 et seq., and § 6-13-1405(a)(5).

(b) Any isolated school within a resulting or receiving district shall remain open unless the school board of directors of the resulting or receiving district adopts a motion to close the isolated school or parts thereof by:

(1) Unanimous vote of the full board of directors; or

(2) (A) A majority vote of the full board of directors, but less than a unanimous vote, and the motion is considered by and approved by a majority vote of members of the State Board of Education.

(B) Any school board of directors seeking the state board approval to close isolated schools or parts thereof under subdivision (b)(2)(A) of this section shall:

(i) No less than thirty (30) days prior to a regularly scheduled state board meeting, request a hearing on the matter before the state board and file a petition to have the motion reviewed and approved by the state board.

(ii) The petition shall:

(a) Identify the specific isolated schools or part thereof that the local board of directors has moved to close;

(b) State all reasons that the isolated schools or part thereof should be closed;

(c) State how the closure will serve the best interests of the students in the district as a whole;

(d) State if the closure will have any negative impact on desegregation efforts or violate any valid court order from a court of proper jurisdiction; and

(e) Have attached a copy of the final motion approving the closure by the local board of directors.

(C) (i) Upon receiving a petition for approval of a motion to close all or part of an isolated school under subdivision (b)(2)(A) of this section, the state board shall have the authority to review and approve or disapprove the petition.

(ii) The state board shall only approve a motion to close isolated schools or parts thereof under subdivision (b)(2)(A) of this section if the closure is in the best interest of the students in the school district as a whole.

(iii) The state board shall not close a school if the state board finds that the closure will have any negative impact on desegregation efforts or will violate any valid court order from a court of proper jurisdiction.

(D) The state board is not authorized to require the closure of an isolated school or any parts thereof without a motion from the local board of directors as required under subdivision (b)(2)(A) of this section.

(c) Funding for isolated school districts shall be expended by the resulting or receiving district only on the operation, maintenance, and other expenses of the isolated schools within the resulting or receiving district.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 5; 2005, No. 1397, § 2.

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE CLOSING OF ISOLATED SCHOOLS
July 2005

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Closing of Isolated Schools Following an Annexation or Consolidation of Public School Districts.

2.00 AUTHORITY

- 2.01 The State Board of Education's authority for promulgation of these rules is pursuant to Ark. Code Ann. §§ 6-11-105 and 6-13-1603.

3.00 DEFINITIONS

- 3.01 "Affected district" means a school district that loses territory or students as a result of administrative annexation or consolidation.
- 3.02 "Closure" means the cessation of use of a school or part thereof for the purpose of daily classroom instruction.
- 3.03 "Isolated school" means a school within a school district that, prior to administrative consolidation or annexation pursuant to Ark. Code Ann. §§ 6-13-1601 *et seq.*, qualified as an isolated school district under Ark. Code Ann. § 6-20-602.
- 3.04 "Partial closure" means the cessation of some, but not all, daily classroom instruction within a school (e.g., changing the use of the school from grades one (1) through eight (8) to grade one (1) through five (5)).
- 3.05 "Receiving district" means a school district that receives territory or students, or both, from an affected district as a result of an administrative annexation.
- 3.06 "Resulting district" means the new school district created from an affected district or districts as a result of an administrative consolidation.

4.00 CLOSING OF ISOLATED SCHOOLS

- 4.01 Procedures for Closure by Local School District Board of Directors

Isolated schools within resulting or receiving districts shall remain open unless:

4.01.1 The school board of the resulting or receiving school district adopts a motion to close the isolated school or parts thereof by:

4.01.1.2 Unanimous vote of the full board of directors, or

4.01.1.3 A majority vote of the full board of directors, but less than a unanimous vote, and such motion is considered by and approved by a majority vote of members of the State Board of Education.

4.02 Procedures For State Board of Education Consideration of Local School District's Motion To Close Part or All of an Isolated School

Any school board seeking the State Board of Education's approval to close an isolated school or schools or parts thereof pursuant to Section 4.01 above shall do the following:

4.02.1 Request, in writing, a hearing on the matter of the isolated school closure before the State Board of Education no less than thirty (30) days before a regularly scheduled meeting of the State Board of Education.

4.02.2 The hearing request shall be accompanied by a petition to have the local school board's motion on the matter of the isolated school's closure reviewed and approved by the State Board of Education. Hearing requests which are not accompanied by a petition shall be returned to the submitting school district and shall not be considered by the State Board of Education.

4.02.3 The petition shall address all of the following:

4.02.3.1 Identify the specific isolated schools or part thereof that the local board has moved to close;

4.02.3.2 State all reasons that the isolated schools or part thereof shall be closed;

4.02.3.3 State how the closure will serve the best interests of the students in the district as a whole;

4.02.3.4 State if the closure will have any negative impacts on desegregation efforts or violate any valid court order from a court of proper jurisdiction; and

4.02.3.5 Have attached a copy of the final motion approving the closure by the local board of directors.

- 4.03 Upon reviewing the local school board's motion to close all or part of an isolated school or schools, the State Board of Education shall have the authority to review and approve or disapprove the petition.
- 4.04 The State Board of Education shall only approve a local school board's motion to close all or part of an isolated school or schools if the closure is in the best interest of the students in the school district as a whole.
- 4.05 The State Board of Education shall not close a school if it finds that the closure will have any negative impact on desegregation efforts or will violate a court order from a court of competent jurisdiction.
- 4.06 The State Board of Education is not authorized to require the closure of an isolated school, or any parts thereof, without a motion from the local school board of directors as described in Section 4.01 above.
- 4.07 This Rule shall become effective on August 12, 2005.

ARKANSAS DEPARTMENT OF
Education

Dr. T. Kenneth James, Commissioner

4 State Capitol Mall • Little Rock, AR 72201-1019
(501) 682-4475
<http://ArkansasEd.org>

VIA CERTIFIED MAIL AND FACSIMILE ((870) 797-2257)
February 27, 2008

Saul Lusk
Superintendent
Strong-Huttig School District
P. O. Box 635
Strong, AR 71765

RE: Petition to Close the Huttig Elementary School

Dear Mr. Lusk:

Your recent request and Petition for Closure of an Isolated School (Petition) has been received by the Arkansas Department of Education and forwarded to the Attorney's Office for review. Please be advised that your Petition will be placed on the March 10, 2008, agenda of the State Board of Education (Board). The Board meeting will begin at 9:00 a.m. in the auditorium on the first floor of the Arch Ford Education Building, #4 Capitol Mall in Little Rock.

You, and any member of your Board of Directors who wish to address the Board on the Petition, should attend the meeting.

If you have any questions, please contact my office at your convenience at 501-682-4227.

Sincerely,



Tripp Walter
Staff Attorney

cc: Dr. Charles Watson, State Board Office

STATE BOARD OF EDUCATION: Chair: Diane Tatum, Pine Bluff • Vice Chair: Randy Lawson, Bentonville
Members: Sherry Burrow, Jonesboro • Jim Cooper, Melbourne
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