



## **AGENDA STATE BOARD OF EDUCATION**

November 14, 2011

Arkansas Department of Education

Arkansas Department of Education Auditorium, State Education Building

9:00 AM

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### **Reports**

#### **Report-1 Chair's Report**

*Presenter: Dr. Ben Mays*

#### **Report-2 Commissioner's Report**

*Presenter: Dr. Tom Kimbrell*

#### **Report-3 Informational Update on Common Core State Standards and PARCC**

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

*Presenter: Dr. Laura Bednar*

### **Consent Agenda**

#### **C-1 Minutes - October 10, 2011**

*Presenter: Phyllis Stewart*

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

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

*Presenter: John Hoy and Willie Morris*

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

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

process.

**Presenter:** Dr. Karen Cushman and Clemetta Hood

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

*Arkansas Code Annotated §6-17-309 requires local school districts to secure a waiver when classrooms are staffed with unlicensed teachers for longer than 30 days. Waiver requests were received from 110 school districts covering a total of 304 teaching positions. Fifteen school districts requested waivers for 30 long-term substitutes. These requests have been reviewed, either approved or denied by Department staff, and are consistent with program guidelines.*

**Presenter:** Dr. Karen Cushman

**C-5      Progress Report on the Status of Districts Classified in Fiscal Distress**

*Currently, ten districts are classified by the State Board as being in Fiscal Distress. Department staff conducts on-site visits, reviews district financial improvement plans and financial reports, and works with Fiscal Distress districts on issues specific to the individual districts. The ten districts in Fiscal Distress are: Armored, Dermott, Earle, Forrest City, Helena-West Helena, North Little Rock, Pulaski County Special, Strong-Huttig, West Side and Yellville - Summit.*

*The Department is requesting the State Board to accept this report in compliance with Ark. Code Ann. §6-20-1908(g), which requires the Department to submit an evaluation on the status of each district in Fiscal Distress every six months.*

**Presenter:** Hazel Burnett

**C-6      Voluntary Surrender of Certified Teaching License – Chet Pike**

*Arkansas law does not provide for the mere surrender of a license. Accordingly, the Board's acceptance of the voluntary surrender of Chet Pike's license results in the permanent revocation of his license. Mr. Pike signed a voluntary surrender of his license. He was represented by attorney James Pratt.*

**Presenter:** Katherine Donovan

**C-7      Consideration of Recommendation of the Professional Licensure Standards Board for Suspension of License for Three Years, Rehab, and Fine of \$100 for Case #11-063 – Tara Chantelle Kegley**

*The Professional Licensure Standards Board's Subcommittee on Ethics is recommending suspension of the teaching license of Tara Kegley for three years, successfully complete rehab, and a fine of \$100 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom and Standard 7: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs while on school premises or at school-sponsored activities involving students. Ms. Kegley was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated June 21, 2011, but has failed to respond. The timeline for any hearing has now passed.*

**Presenter:** Michael Smith

**C-8      Consideration of Recommendation of the Professional Licensure Standards Board for Probation of License for Three Years, Semi-Annual Reports, and Fine of \$75 for Case #11-089 – Laura Renee Ferguson**

*The Professional Licensure Standards Board's Subcommittee on Ethics is recommending probation of the teaching license of Laura Ferguson for three years, semi-annual reports from her therapist, and a fine of \$75 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.*

**Presenter:** Michael Smith

**C-9      Consideration of Recommendation of the Professional Licensure Standards Board for Permanent Revocation of Teacher’s License for Case #11-100 – Michael Arlie Clark**

*The Professional Licensure Standards Board's Subcommittee on Ethics is recommending permanent revocation of the teaching license of Michael Clark for violation of Standard 4: An educator entrusted with public funds and property honors that trust with honest, responsible stewardship. Mr. Clark was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated September 14, 2011, but has failed to respond. The timeline for any hearing has now passed.*

**Presenter:** Michael Smith

**C-10      Consideration of Recommendation of the Professional Licensure Standards Board for Permanent Revocation of Teacher’s License for Case #T-11-008 – Connie Noreen Sisk**

*The Professional Licensure Standards Board's Subcommittee on Ethics is recommending permanent revocation of the teaching license of Connie Sisk for violation of Standard 6: An educator keeps in confidence secure standardized test material as well as information about students and colleagues obtained in the course of professional service unless disclosure serves a professional purpose or is allowed or required by law. Ms. Sisk was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated September 13, 2011, but has failed to respond. The timeline for any hearing has now passed.*

**Presenter:** Michael Smith

**C-11      Consideration of Recommendation of the Professional Licensure Standards Board for Probation of License for Two Years and Fine of \$75 for Case #T-11-002 - Lynda Leon Miller**

*The Professional Licensure Standards Board's Subcommittee on Ethics is recommending probation of the teaching license of Lynda Miller for two years and a fine of \$75 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom and Standard 6: An educator keeps in confidence secure standardized test material as well as information about students and colleagues obtained in the course of professional service unless disclosure serves a professional purpose or is allowed or required by law.*

**Presenter:** Michael Smith

**C-12      Consideration of Recommendation of the Professional Licensure Standards Board for Written Reprimand and a Fine of \$50 for Case #12-002 – Debby Lou Holobaugh**

*The Professional Licensure Standards Board's Sub-Committee on Ethics is recommending a written reprimand and a fine of \$50 for Debby Holobaugh for violation of Standard 6: An educator keeps in confidence secure standardized test material as well as information about students and colleagues obtained in the course of professional service unless disclosure serves a professional purpose or is allowed or required by law. Ms. Holobaugh was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated September 14, 2011, but has failed to respond. The timeline for any hearing has now passed.*

**Presenter:** Michael Smith

## **Action Agenda**

**A-1      Appeal of Denial of School Choice Eligibility - Donaldson**

*Pursuant to Ark. Code Ann. § 6-18-206, the Arkansas State Board of Education received a petition from Warren and*

*Amy Donaldson whose child was denied admission to the Harmony Grove School District under the Arkansas Public School Choice Act. The law allows the State Board to consider the district's decision and decide whether to uphold or overturn the decision.*

**Presenter:** *Jeremy Lasiter*

## **A-2 Appeal of Denial of School Choice Eligibility - Reede**

*Pursuant to Ark. Code Ann. § 6-18-206, the Arkansas State Board of Education received a petition from Barry and Susan Reede whose children were denied admission to the Harmony Grove School District under the Arkansas Public School Choice Act. The law allows the State Board to consider the district's decision and decide whether to uphold or overturn the decision.*

**Presenter:** *Jeremy Lasiter*

## **A-3 Consideration of Removal of Armorel School District from Fiscal Distress Classification Effective November 14, 2011**

*The Armorel School District was classified in Fiscal Distress for the 2010-2011 school year. The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Armorel School District.*

*The Department is reporting the Armorel School District has currently corrected all criteria for being removed from Fiscal Distress and recommends the District be removed from Fiscal Distress effective November 14, 2011.*

*Upon the Board's approval of the Department's recommendation and in compliance with Ark. Code Ann. §6-20-1908 (c), the Department will certify in writing to the Armorel School District that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all the Department recommendations and requirements for removal from Fiscal Distress. Subsequent to a district receiving this notice of compliance, the district may petition the State Board for removal from Fiscal Distress status.*

*Included in this item is a letter from the Armorel School District petitioning the State Board for removal from Fiscal Distress status.*

**Presenter:** *Hazel Burnett*

## **A-4 Consideration of Removal of Yellville-Summit School District from Fiscal Distress Classification Effective November 14, 2011**

*The Yellville-Summit School District was classified in Fiscal Distress for the 2010-2011 school year. The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Yellville-Summit School District and is reporting the Yellville-Summit School District has currently corrected all criteria for being removed from Fiscal Distress. The Department recommends that the Yellville-Summit School District be removed from Fiscal Distress effective November 14, 2011.*

*Upon the Board's approval of the Department's recommendation and in compliance with A.C.A. § 6-20-1908 (c), the Department will certify in writing to the Yellville-Summit School District that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all the Department recommendations and requirements for removal from Fiscal Distress. Subsequent to a district receiving this notice of compliance, the district may petition the State Board for removal from Fiscal Distress status. Included in this item is a letter from the Yellville-Summit School District petitioning the State Board for removal from Fiscal Distress status.*

**Presenter:** *Hazel Burnett*



## **A-5      Hearing on Waiver Request for Certified Teacher License – Minta Lynch**

*Minta Lynch applied for renewal of her license when her DHS Child Maltreatment Registry check revealed a “true” finding which makes her ineligible for licensing under Ark. Code Ann. § 6-17-410. Ms. Lynch requests that the State Board of Education waive her “true” finding on the Child Maltreatment Registry so that she may receive her license. Ms. Lynch has been informed that even if the State Board of Education issues her a standard license, she remains ineligible for employment in any public school under Ark. Code Ann. § 6-17-411 unless her name is removed from the Child Maltreatment Registry by the Department of Human Services. Ms. Lynch has applied to DHS to have her name removed from the Child Maltreatment Registry.*

**Presenter:** Katherine Donovan

## **A-6      Hearing on Waiver Request for Certified Teacher’s License – Rodney Major**

*Rodney Major’s license was revoked in AL and MS, which has since been reinstated by each state. He had a felony conviction in Alabama which was pardoned. Mr. Major failed to report that he was convicted of a felony and that his license had been revoked in another state. Under Ark. Code Ann. § 6-17-410(c), the State Board may revoke, suspend, or order probation of a license who has been convicted of a felony theft of property, even if the offense was pardoned. In addition, under section (d) of the same statute, the Board may revoke, suspend, or order probation of a license if an educator’s license has been revoked in another state or if an educator knowingly submits or provides false or misleading information or knowingly fails to submit or provide information request or required by law. Mr. Major is not represented by counsel.*

**Presenter:** Katherine Donovan

## **A-7      Hearing on Waiver Request for Certified Teacher License – Bobbie McLean**

*Bobbie Jean McLean applied to the Department to convert her initial three year license to a standard license when her child maltreatment registry check revealed a “true” finding from 2006 which makes her ineligible for licensing under Ark. Code Ann. § 6-17-410. Ms. McLean requests that the State Board of Education waive her 2006 “true” finding on the Child Maltreatment Registry so that she may receive her license. Ms. McLean has been informed that even if the State Board of Education issues her a standard license, she remains ineligible for employment in any public school under Ark. Code Ann. § 6-17-411 unless her name is removed from the Child Maltreatment Registry by the Department of Human Services. Ms. McLean’s initial license was issued just before the new rules went into effect. Ms. McLean has applied to DHS to have her name removed from the Child Maltreatment Registry and is scheduled for an October 20, 2011 hearing. Ms. McLean is not represented by counsel.*

**Presenter:** Katherine Donovan

## **A-8      Hearing on Waiver Request for Certified Teacher’s License – Scott Wright**

*Scott Wright’s license was revoked by the Missouri Department of Education for violation of his teaching contract. Under Ark. Code Ann. § 6-17-410(d), when an educator’s license has been revoked in another state, the State Board of Education is authorized, for cause, to revoke a license permanently, suspend a license for a period of time or indefinitely, or place a person on probationary status for a terminable period of time. The Department presents this item for the Board’s consideration of what action, if any, it chooses to take against Mr. Wright’s license. Mr. Wright is not represented by counsel.*

**Presenter:** Katherine Donovan

## **A-9      Consideration of Recommendation for New Praxis II Cut Score for Reading Specialist (0301)**

*To support the decision-making process for state departments of education with regards to establishing a passing score, or cut score, for the Praxis Reading Specialist (0301) test, research staff from Educational Testing Service (ETS)*

designed and conducted a two-panel, multi-state standard-setting study. The study also collected content-related validity evidence to confirm the importance of the content specifications for entry-level reading specialists. This new test (0301) will be an updated version of the current Reading Specialist test (0300). The new test will be a combination of multiple-choice and constructed-response items with a cut score of 164. The current Reading Specialist test (0300) has 120 multiple-choice items. The first administration of the new test is planned for the 2012-13 testing year. Test 0300 will be discontinued at the end of the 2011-12 testing year. State Board approval is requested.

**Presenter:** Dr. Karen Cushman

## **A-10 Waiver of Requirement to Teach Oral Communication for School Districts that Adopt the New Tech Network Approach**

Several Arkansas school districts have indicated their willingness to implement the New Tech Network approach in their high schools. The New Tech Network approach requires students to effectively communicate foundational understanding of core content knowledge and present that information in formal and informal settings. Students express this understanding by providing, on average, sixty (60) oral presentations per school year.

Section 9.03.4.1 of the Arkansas Standards for Accreditation requires high schools to teach one (1) unit of oral communications or one-half (1/2) unit of oral communications and one-half (1/2) unit of drama each school year. The Smart Core and Core curricula, also outlined in the Arkansas Standards for Accreditation, requires students to complete one-half (1/2) unit of oral communications in order to receive graduation credit.

While the New Tech Network approach requires students to demonstrate all of the skills set forth in the oral communications curricula, it does not include a separate course for oral communications. As noted above, the oral communications curricula are embedded in other core content subject areas.

Ark. Code Ann. § 6-15-202(b)(2) allows the State Board of Education to grant a waiver of any standard for accreditation for a time period no longer than one (1) school year. It is important to note that the school districts do not request a waiver of teaching the oral communications content, nor do they request a waiver of requiring students to demonstrate knowledge of the oral communications content. The waiver would simply allow the school districts not to teach separate, stand-alone courses in oral communications. If granted by the State Board of Education, the waiver will only apply to school districts that implement the New Tech Network model for the 2012-2013 school year and do not receive approval for a conversion public charter school for the purpose of implementing the New Tech Network model.

**Presenter:** Dr. Tracy Tucker

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

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

**Presenter:** Jeremy Lasiter

## **A-12 Consideration of Approval for Public Comment: Proposed Rules Governing Background Checks and License Revocation; Proposed Repeal of Rules Governing Criminal Background Checks for Substitute Teachers; Proposed Repeal of Rules Governing the Requirement of a Criminal Background Check for the Employment of Personnel in School Districts; and Proposed Repeal of Arkansas**

## **State Board of Education Policy and Procedures Concerning Teacher Licensure Hearings**

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

**Presenter:** Mark White and Dr. Karen Cushman

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

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

**Presenter:** Mark White and Dr. Karen Cushman

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

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

**Presenter:** Mark White and Dr. Karen Cushman

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

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

**Presenter:** Mark White and Dr. Karen Cushman

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

*The Arkansas Department of Education Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools, last approved by the State Board in 2007, need to be updated to be in accordance with applicable federal and state law. In its meeting of June 13, 2011, the State Board*

*approved and released for public comment proposed revisions to the Rules. As a result of comments received during the public comment period, the Department has substantially modified the proposed revisions. The Arkansas Department of Education respectfully requests that these proposed rules as modified be approved for a second public comment period.*

**Presenter:** Jeremy Lasiter

**A-17      Consideration of Final Approval: Proposed Rules Governing Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members and Other Parties**

*Act 878 of 2011 amended Arkansas law concerning ethical guidelines for educational administrators, employees, board members and other parties. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in July 2005. A public hearing was held in the Auditorium of the Arch Ford Education Building on September 28, 2011, and no oral comments were received. Arkansas Department of Education staff respectfully requests that the State Board give final approval to the proposed revisions.*

**Presenter:** Jeremy Lasiter

**A-18      Consideration of Final Approval: Proposed Rules Governing Instructional Materials**

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

**Presenter:** Kendra Clay

**A-19      Consideration of Final Approval: Proposed Rules Governing Loan and Bond Applications**

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

**Presenter:** Kendra Clay

**A-20      Consideration of Final Approval: Proposed Rules Governing the School Worker Defense Program and the School Worker Defense Program Advisory Board**

*Act 993 of 2011 amended Arkansas law concerning the School Worker Defense Program. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in August 1999. A public hearing was held in Room 201-A of the Arch Ford Education Building October 18, 2011, and no oral comments were received. Arkansas Department of Education staff respectfully requests that the State Board give final approval to the proposed revisions.*

**Presenter:** Jeremy Lasiter

**A-21      Consideration of Final Approval: Proposed Rules Governing Training for School Board Members**

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

*Presenter: Kendra Clay*

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

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

*Presenter: Kendra Clay*

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

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

*Presenter: Drew Blankenship*

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

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

*Presenter: Drew Blankenship*

**A-25      Consideration of Final Approval: Revisions to Arkansas Department of Education Rules Governing Publicly Funded Educational Institution Audit Requirements**

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

*Presenter: Mark White*

**A-26      Consideration of Final Approval: Revisions to Arkansas Department of Education Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements**

*These rules are being amended to clarify and update the rule language, and to reflect changes made by Acts 633 and 701 of 2011. Act 633 clarified statutory language concerning collections and distributions related to the uniform rate of tax, while Act 701 imposed new reporting requirements on districts receiving desegregation funds from the state. A public hearing was held in Room 201-A of the Arch Ford Education Building October 18, 2011, and no oral comments were received. Minor changes were made subsequent to the comment period to correct grammatical errors and add two clarifications. The rules were also reformatted for ease of reading. The Board is requested to give final approval to*



these proposed rule revisions.

**Presenter:** Mark White

**A-27      Consideration of Final Approval: Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites**

*The Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites combines the provisions of two current rules governing district personnel policies and salary schedules. The language of the two current rules has been modified for clarity and to incorporate changes made by Act 989 of 2011. A public hearing was held in Room 201-A of the Arch Ford Education Building October 18, 2011. Written comments were received; however, no oral comments were received. Arkansas Department of Education staff respectfully requests the State Board give final approval to these rules.*

**Presenter:** Drew Blankenship

**A-28      Consideration of Final Approval: Rules Governing the Regulatory Basis of Accounting**

*The Rules Governing the Regulatory Basis of Accounting were amended to reflect changes made by made by Act 871 of 2011, which clarifies the definition of a school district's revenue receipts and eliminates what was known as the "40% Pullback." A public hearing was held in Room 201-A of the Arch Ford Education Building October 18, 2011, and no comments were received. Arkansas Department of Education staff respectfully requests that the State Board give final approval to these rules.*

**Presenter:** Drew Blankenship

**A-29      Consideration of Final Approval: Rules Governing the Calculation of Miscellaneous Funds**

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

**Presenter:** Drew Blankenship

**A-30      Consideration of Final Approval: Rules Governing Distance Learning and Repeals of Rules Governing Distance Learning (August 11, 2003); Rules Governing Availability of Distance Learning (May 24, 2004); and Rules Governing Grants for Distance Learning (June 14, 2004)**

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

**Presenter:** Kendra Clay

**A-31      Consideration of Final Approval: Proposed Rules Governing the Distribution of Supplemental Transportation Funds**

*The State Board approved these rules for public comment September 12, 2011. A public hearing was held in Room*

201-A of the Arch Ford Building October 18, 2011. The public comment period expired October 21, 2011, with no oral or written comments received. Arkansas Department of Education staff respectfully requests the State Board give final approval to these rules.

**Presenter:** Kendra Clay

**A-32      Hearing of Open Enrollment Charter Application Appeal and ADE Review: Special Training in Remedial Instruction and Vocational Education (STRIVE) Institute of Technology, Marianna, Arkansas**

*STRIVE Institute of Technology is a proposed open-enrollment public charter school to be located within the Lee County School District in Marianna, Arkansas. The sponsoring entity on the letter of intent and charter application is Strive Incorporated. Grades 9-12 will be served with a maximum enrollment of 200 students. The proposed site for the school is 351 Moton Street, Marianna, Arkansas. The applicant has notified affected districts for this proposed public charter school. Barton-Lexa School District, Brinkley Public Schools, Clarendon School District, Forrest City Public Schools, Hughes Public Schools, Lee County School District, and Palestine-Wheatley School District have notified the Arkansas Department of Education (ADE) of their support to the opening of STRIVE Institute of Technology.*

*Staff members from several units of the ADE reviewed the application for the STRIVE Institute of Technology. Evaluation concerns were then mailed to the applicant for response. The applicant responded to the ADE evaluation in writing. Copies of the appeal letter, documentation from the affected district, the letter of intent, the application, the ADE evaluation and the written response by the applicant have been included for review by the Board. The applicant is requesting to be granted an Open-Enrollment Charter from the State Board of Education.*

**Presenter:** Dr. Mary Ann Duncan

**A-33      Hearing of Open Enrollment Charter Application Appeal and ADE Review: KidSmart Bilingual Education Academy, Little Rock, Arkansas**

*KidSmart Bilingual Education Academy is a proposed open-enrollment public charter school to be located within the Little Rock School District in Little Rock, Arkansas. The sponsoring entity on the letter of intent and charter application is KidSmart. Grades K-5 will be served with a maximum enrollment of 600 students. The proposed site for the school is 3516 Baseline Road, Little Rock, Arkansas. The applicant has notified affected districts for this proposed public charter school. Little Rock School District and Pulaski County Special School District has notified the Arkansas Department of Education (ADE) of their opposition to the opening of KidSmart Bilingual Education Academy. Since that time the applicant has given notice of appeal to the State Board of Education in request of a hearing regarding this matter.*

*Staff members from several units of the ADE reviewed the application for the KidSmart Bilingual Education Academy. Evaluation concerns were then mailed to the applicant for response. The applicant responded to the ADE evaluation in writing. Copies of the appeal letter, documentation from the affected district, the letter of intent, the application, the ADE evaluation and the written response by the applicant have been included for review by the Board. The applicant is requesting to be granted an Open-Enrollment Charter from the State Board of Education.*

**Presenter:** Dr. Mary Ann Duncan



**Minutes  
State Board of Education Meeting  
Monday, October 10, 2011**

The State Board of Education met Monday, October 10, 2011, in the auditorium of the Department of Education building. Dr. Ben Mays, Chair, called the meeting to order at 9 a.m.

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

Absent: Jim Cooper, Vice Chair

**Reports**

**Chair's Report:**

Ms. Mahony expressed appreciation for the opportunity to attend a recent meeting of the Data Quality Campaign (DQC)—a national, collaborative effort to encourage and support state policymakers to improve the availability and use of high-quality education data to improve student achievement. She said Arkansas and Georgia were leading the way in providing data to teachers to help students succeed.

**Commissioner's Report**

Commissioner Kimbrell said the state would seek waivers from some of the current NCLB standards as provided for in the USDE's recent announcement of Flexibility. He said the state would apply in mid-February 2012 after seeking input from stakeholders statewide. Dr. Kimbrell pointed out the process was not as simple as the state's previous request for waiver and would require a coherent, comprehensive plan.

**Recognition of Superintendent of the Year**

Dr. Kimbrell recognized Mike Mertens, Assistant Executive Director, Arkansas Association of Educational Administrators, who introduced Dr. Kay Johnson as 2011 State School Superintendent of the Year. Dr. Johnson, superintendent of the Greenwood School District, addressed the Board.

**Presentation of Arkansas Department of Education Strategic Plan**

Commissioner Kimbrell presented his strategic plan, outlining the Department's strategies for supporting districts and schools in reaching academic objectives.

- Learning Standards, Next Generation Assessments and Accountability
- Supporting Persistently Struggling Schools
- Improving Educator Effectiveness
- Strengthening Stakeholder Partnerships

Dr. Kimbrell said the goals provide strategic direction for organizational effectiveness. The plan provides a basis for monitoring progress, and for assessing results and impact. It establishes a three-year blueprint and enables the Department of Education to look into the future in an orderly and systemic way.

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

In an update on Common Core State Standards, Dr. Laura Bednar, Assistant Commissioner of Learning Services, said the collaborative efforts in Arkansas around Common Core were bringing positive attention to the state. She said Achieve would offer PARCC states opportunities to work collectively toward important objectives during the transition process.

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

In an update to the Board, Mr. Johnie Walters, with Standards Assurance, reported Armored and Cutter Morning Star school districts had corrected the violations that placed them in two-year accredited probationary status.

### **Consent Agenda**

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

Items included in the Consent Agenda:

- Minutes of the September 12, 2011, Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Waivers to Educational Agencies for Teachers Teaching Out of Area for Longer than 30 Days
- Review of Loan and Bond Applications
- Appointment of Representative to Distance Learning Council (Cathi Swan)
- Approval of Education Service Cooperatives' Annual Reports
- Approval of State Adoption List and Authorization for Contracts for Computer Science K-12

- Sanction for Teachers as Recommended by the Professional Licensure Standards Board
  - Paula Calvert

### **Action Agenda**

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

### **Consideration of Adoption of Resolution: Arkansas School Board Member Recognition Month**

Ms. Saviers moved, seconded by Ms. Newton, adoption of a resolution designating January 2012, as Arkansas School Board Member Recognition Month. The motion carried unanimously.

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

Katherine Donovan, PLSB attorney, reviewed the facts of the case regarding Larry Traylor who applied for a provisional teaching license and was requesting the Board grant him a waiver of his 1996 felony conviction for violation of the Uniform Controlled Substances Act because the criminal offense made him ineligible for licensure under Ark. Code Ann. § 6-17-410 in the absence of a waiver.

Mr. Traylor had not authorized access to his sealed records and did not have a job offer.

Ms. Gullett moved, seconded by Ms. Saviers, to deny the waiver.

Mr. Ledbetter made a substitute motion to table indefinitely. The motion carried six to two in a roll call vote.

Black-yes  
 Gullett-no  
 Ledbetter-yes  
 Mays-yes  
 Mahony-yes  
 Newton-yes  
 Reith-yes  
 Saviers-no

Ms. Gullett moved, seconded by Ms. Newton, the item could not be brought back to the Board unless Mr. Traylor gave authorization to PLSB to look at his records and he had an offer of employment. The motion failed four to four in a roll call vote.

Black-no  
Gullett-yes  
Ledbetter-no  
Mahony-no  
Newton-yes  
Reith-no  
Saviers-yes  
Mays-yes

### **Consideration of Revocation of Certified Teacher's License—Timothy Ballard**

In presenting this case, Ms. Donovan said Timothy Ballard was convicted of four counts of sexual abuse in the second degree and one count of sexual abuse in the first degree July 29, 2011 for his conduct with students while he was a licensed teacher. Ms. Donovan said the State Board is required by law to revoke the license of any person who has been convicted of the noted offenses unless the Board grants the licensee a waiver of the disqualifying offense after a hearing.

The Department attempted to notify Mr. Ballard of his right to a hearing by mailing the notice to his last known address and to his attorney of record, all mail to Mr. Ballard was returned as "unclaimed" and "unable to forward." Mail to his attorney was not returned.

Mr. Ledbetter moved, seconded by Ms. Saviers, to revoke the teacher license of Timothy Ballard. The motion carried unanimously.

### **Consideration of Waiver of National Board for Professional Teaching Standards Repayment of State Funds—Tammy Deaton**

Dr. Karen Cushman, Assistant Commissioner of HR and Licensure, recommended the State Board waive the repayment of fees expended for Tammy Deaton as a candidate for National Board Professional Teaching Standards. She explained Ms. Deaton had extenuating health circumstances.

Ms. Saviers moved, seconded by Ms. Newton, to grant the waiver for Tammy Deaton. The motion carried unanimously.

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

Dr. Cushman presented the recommended cut score of 140 for the Praxis Instructional Facilitator test (1031) effective November 1, 2011.

Ms. Gullett moved, seconded by Ms. Reith, approval. The motion carried. Ms. Mahony voted no.

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

Dr. Cushman presented a recommendation for dropping the Praxis Art: Content Knowledge (0134) effectively immediately.

Ms. Saviers moved, seconded by Ms. Gullett, approval of dropping the Praxis Art: Content Knowledge (0134) effective immediately. The motion carried unanimously.

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

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

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

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

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

Ark. Code Ann. § 6-17-425 provides the State Board the authority to issue subpoenas. It was advisable for the State Board to have a rule governing the issuance of subpoenas. The State Board was requested to approve and release the proposed revisions for public comment.

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

Act 989 of 2011 moved the onset of high-stakes EOC assessments for English II

from 2013-2014 to 2014-2015. The rule is proposed to be revised to reflect this change, to remove obsolete data references and to make grammatical and stylistic corrections. The State Board was requested to approve and release the proposed revisions for public comment.

Ms. Saviers moved, seconded by Ms. Gullett, to approve the release for public comment. The motion carried unanimously.

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

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

Mr. Ledbetter moved, seconded by Ms. Reith, to approve for public comment agenda items A-7, A-8, A-9, A-11 and A-13. The motion carried unanimously.

### **Consideration of Approval for Second Public Comment Period: Proposed Rules Governing Public Charter Schools**

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

Mr. Ledbetter moved, seconded by Ms. Reith, to approve the release for public comment. The motion carried unanimously.

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

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

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

The State Board approved these rules for public comment August 8, 2011. A public hearing was held in the ADE Auditorium August 29, 2011. The public comment period expired September 19, 2011 with no oral or written comments received. The State Board was requested to give final approval to the rules.

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

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

The statutes underlying these rules have been repealed by the General Assembly, and these rules have been superseded by the Department's Rules Governing the Distribution of Student Special Needs Funding. A public hearing was held in the ADE Auditorium August 29, 2011, and no comments were received. The State Board was requested to give final approval to repeal the rule.

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

### **Consideration of Arkansas Joining States to Write Next Generation Science Standards**

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

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

### **Adjournment**

The meeting adjourned at 1:15 p.m.

*These minutes were recorded by Phyllis Stewart.*



ADE'S PROJECT MANAGEMENT TOOL EXECUTIVE SUMMARY  
OCTOBER 31, 2011

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

IMPLEMENTATION PHASE ACTIVITY

***I. Financial Obligations***

- A. As of September 30, 2011, State Foundation Funding payments paid for FY 11/12 totaled \$11,255,870 to LRSD, \$6,360,668 to NLRSD, and \$7,821,486 to PCSSD.
- B. As of September 30, 2011, the Magnet Operational Charge paid for FY 11/12 totaled \$2,727,463. The allotment for FY 11/12 was \$15,001,049.
- C. As of September 30, 2011, the M-to-M incentive checks paid for FY 11/12 totaled \$445,846 to LRSD, \$556,485 to NLRSD, and \$976,188 to PCSSD.
- D. ADE pays districts three equal installments each year for their transportation budgets.
  - 1. In September 2010, General Finance made the last one-third payment to the Districts for their FY 09/10 transportation budget. As of September 30, 2010, transportation payments for FY 09/10 totaled \$4,054,730.00 to LRSD, \$1,471,255.67 to NLRSD, and \$2,544,356.20 to PCSSD.
  - 2. In September 2010, General Finance made the first one-third payment to the Districts for their FY 10/11 transportation budget. As of September 30, 2010, transportation payments for FY 10/11 totaled \$1,354,368.33 to LRSD, \$510,218.13 to NLRSD, and \$905,109.15 to PCSSD.
  - 3. In February 2011, General Finance made the second one-third payment to the Districts for their FY 10/11 transportation budget. As of February 28, 2011, transportation payments for FY 10/11 totaled \$2,708,736.66 to LRSD, \$1,020,436.26 to NLRSD, and \$1,810,218.30 to PCSSD.
- E. Bids were released in July, 2011 for sixteen Magnet and M-to-M buses. The bid was awarded to Diamond State Bus Sales for a total of \$1,078,790. There were ten 65 passenger buses at \$67,398 per unit, four 47 passenger busses at \$65,835 per unit and two 47 passenger with lift busses at \$70,735 per unit. As of September 30, 2011 all buses have been delivered. Little Rock received 7-65 passenger busses and 1-47 passenger with lift bus. Pulaski County Special received 1-65 passenger bus, 4-47 passenger busses and 1-47 passenger with lift bus. North Little Rock received 2-65 passenger busses.
- F. In July 2011, Finance paid the Magnet Review Committee \$92,500. This was the total amount due for FY11/12.
- G. In July 2011, Finance paid the Office of Desegregation Monitoring \$200,000. This was the total amount due for FY 11/12.

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

On October 13, 2011, the ADE Implementation Phase Working Group met to review the Implementation Phase activities for the previous quarter. Mr. Willie Morris, ADE Lead Planner for Desegregation, updated the group on all relevant desegregation issues. Mr. Morris also discussed that a monitoring instrument has been developed for use with PCSSD. The instrument has been through the ADE legal department for approval and is currently at the Attorney Generals' Office under review. Once approved, Mr. Morris will take a team of monitors to PCSSD and will utilize the new monitoring instrument in order to help them better address the 9 areas of compliance that were designated non-unitary. Mr. Jeremy Lasiter, ADE General Council for Legal Services, updated the group on his trip to St. Louis where the 8<sup>th</sup> Circuit Court heard the appeals for LRSD, NLRSD, and PCSSD. No decision was made on the appeals. Mr. Lasiter said Judge Miller really liked the PMT and stressed that it will be very important for us to continue documenting everything this way. Mr. Morris informed the group that Judge Miller has stepped down and Judge Marshall is now presiding over this case. The next Implementation Phase Working Group Meeting is scheduled for January 5, 2012 at 1:30 p.m. in room 201-A at the ADE.

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

Ongoing. All court pleadings are monitored monthly.

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

In June 2011, the ADE sent letters to the school districts in Pulaski County asking if there were any new laws or regulations that may impede desegregation. The districts were asked to review laws passed during the 88th Legislative Session, and any new ADE rules or regulations.

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

On October 10, 2011, the Arkansas State Board of Education reviewed and approved the PMT and its executive summary for the month of August.

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

On September 20-23, 2011 Charlotte Marvell and Questar provided "Alternate Portfolio Training." This training was provided to all school districts on how to develop the alternate portfolio for students with disabilities. The training took place at the Holiday Inn Airport.

On September 28, 2011 Susan Gray and Suzanne Knowles provided training for new district test coordinators in the requirements of testing. The training took place at the Holiday Inn Airport.

On October 3-6, 2011 Questar provided "End-of-Course Exam Training." This training was provided to all school districts on how the end-of-course exams are scored. Each district was allowed to send two math, one science, and one literacy participant. The training took place at the Holiday Inn Airport.

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

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

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

On September 29, 2011, ADE staff facilitated a statewide CIV professional development training. Dr. Linda Griffith presented information on "Math Problem Types in the Common Core State Standards." LRSD staff participated in the meeting at the District Metro Center; NLRSD staff participated in the CIV at the CIV Poplar Annex; PCSSD staff participated in the CIV at the CIV Fuller Annex. Topics that were presented included 1) Differentiation between Common Core Mathematics Content Standards and Mathematics Curriculum, 2) Role of teacher understanding of problem types in mathematics curriculum development in grades K-4, and 3) Extending problem types to middle and high school for continuity in mathematics curriculum. Following the presentation, a Joint ADE Panel from Curriculum, Assessment and Professional Development responded to questions.

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

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

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

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

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

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

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

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

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

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

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

***XII. School Construction***

This goal is completed. No additional reporting is required.

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

Goal completed as of June 1995.

***XIV. Scattered Site Housing***

This goal is completed. No additional reporting is required.

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

Goal completed as of March 2001.

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

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

***XVII. Data Collection***

The ADE Office of Public School Academic Accountability has released the 2010 Arkansas School Performance Report (Report Card). The purpose of the Arkansas School Performance Report is to generally improve public school accountability, to provide benchmarks for measuring individual school improvement, and to empower parents and guardians of children enrolled in Arkansas public schools by providing them with the information to judge the quality of their schools. The Department of Education annually produces a school performance report for each individual public school in the state.

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

On October 11, 2011 the ADE held a Desegregation Monitoring and Assistance Plan Meeting. Those in attendance were Margie Powell, Willie Morris, Dr. Bradley Scott (IDRA/EAC), and Dr. Brenda Bowles. During the meeting the following items were discussed:

- Clarification of roles and responsibilities of the Office of Desegregation Monitoring (ODM) and Arkansas Department of Education (ADE).
- Ms. Powell will continue to serve as a monitor for the Federal Court.
- Mr. Morris stated that he had developed a monitoring instrument and the instrument was currently being reviewed by the attorney for the State.
- Dr. Scott asked how the two (2) monitoring entities would make sure that the District was not doing double work.
- Mr. Morris stated that he had spoken with the State Department personnel to provide the District with certain areas of professional development, more specifically Pathwise.
- Dr. Bowles will continue to meet monthly with Mr. Morris and Ms. Powell to assess process and to address any areas of concern.
- The role of Joshua Intervenors as a party to the case was discussed. Ms. Powell and Dr. Scott stated that they should be involved per our Plan and be kept informed.
- Dr. Scott stated that the EAC would be willing to provide resources and technical assistance with addressing compliance issues. He also shared the working definition for a "racially identifiable school" in a meeting that morning with Dr. Bowles, Terri Williams, and Shawn Burgess, Director of Human Resources.

The next meeting of this committee is scheduled for October 26, 2011 at 2:30pm in the Equity and Pupil Services Conference room.

**NEWLY EMPLOYED FOR THE PERIOD OF September 17, 2011– October 21, 2011**

**\*Gheric Bruce – ADE Assistant to Director, Grade C129, Division of Learning Services, Federal Programs, effective 10/17/11.**

**Pamela Butler – Administrative Specialist II, Grade C109, Division of Learning Services, Coordinated School Health, effective 10/03/11.**

**June Haynie – Public School Program Advisor, Grade C122, Division of Learning Services, School Improvement, effective 09/26/11.**

**\*Glennesia Skipper – Public School Program Advisor, Grade C122, Division of Learning Services, School Improvement, effective 10/03/11.**

**Connie Storey – Public School Program Advisor, Grade C122, Division of Learning Services, Student Assessment, effective 10/17/11.**

**Kristin Weber – Administrative Specialist III, Grade C112, Division of Fiscal and Administrative Services, Financial Accountability and Reporting, effective 10/03/11.**

**PROMOTIONS/ LATERAL TRANSFERS FOR THE PERIOD OF September 17, 2011– October 21, 2011**

**Phyllis Stewart – from ADE Program Administrator, Grade C124, Central Administration, to ADE Assistant to Director, Grade C129, Central Administration, effective 09/19/11.**

**SEPARATIONS FOR THE PERIOD OF September 17, 2011– October 21, 2011**

**\*Candice Akins – Administrative Specialist III, Grade C112, Division of Learning Services, Federal Programs, effective 10/20/11. 1 Year, 10 months, 20 days. Code: 02**

**Dottie Belk – Administrative Specialist III, Grade C112, Division of Fiscal and Administrative Services, Financial Accountability and Reporting, effective 09/30/11. 33 Years, 9 months, 19 days. Code: Retirement**

**Bill Goff – Assistant Commissioner, Grade N912, Central Administration, Division of Fiscal and Administrative Services, effective 10/07/11, effective 10/07/11. 6 Years, 2 months, 27 days. Code: 01**

**Alisha Howard – Student Applications Specialist, Grade C116, Division of Fiscal and Administrative Services, Arkansas Public School Computer Network (APSCN), effective 09/20/11. 2 Years, 0 months, 16 days. Code: 01**

**Emily Jo Porter – ADE APSCN Field Analyst, Grade C121, Division of Fiscal and Administrative Services, Arkansas Public School Computer Network (APSCN), effective 09/30/11. 13 Years, 5 months, 24 days. Code: Retirement**

**Dauphne Trenholm – Website Developer, Grade C118, Central Administration, Communications, effective 09/30/11. 5 Years, 8 months, 21 days. Code: 01**

**\*Minority**

**AASIS Code:**

**01 – Voluntary Termination**

**02– Involuntary Termination**

**Retirement**

Teachers Teaching Out of Area for More Than 30 Days  
November 2011

LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
6092	Ark. School For The Deaf	1	Mann-Dale, Lorette	English	114	Speech Endorsement 7-12	11-12	Granted
1002	Arkadelphia School District	4	Hardage, Bridgette	ECE P-4, Special Ed P-4, ESL P-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Phillips, Jennifer	Art P-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Phillips, Lori	Business Technology	222	Marketing Technology 7-12	10-11, 11-12	Denied
			Smith, Nancy	PE/Wellness/Leisure 7-12, ESL P-12	200	Mathematics 7-12	11-12	Granted
7301	Bald Knob School District	1	Roberts Brandi	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
5401	Barton-Lexa School District	1	Morris, Ben	Middle Childhood Education, Coaching	236	Physical Education, Wellness & Leisure 7-12	11-12	Granted
3201	Batesville School District	1	Mergy, Melissa	ECE P-4	107	Grade 5/6 Endorsement (P-4)	10-11, 11-12	Denied
6301	Bauxite School District	1	Brakebill, Andrew	PE/Wellness/Leisure, Coaching, Career Academy Endorsement	411	Career Orientation Endorsement 7-12	11-12	Granted
	Baxter County Alternative School	1	Dement, Stephanie	Middle Childhood Education	166	English/Language Arts 7-12	11-12	Granted
1601	Bay School District	1	Jones, Karla	Art K-12, Reading K-12	411	Career Orientation Endorsement 7-12	11-12	Granted
7302	Beebe School District	1	Shannon, Sarah	MS Social Studies, Elementary 1-6	312	Building Administrator P-8	11-12	Granted
0401	Bentonville School District	31	Bachelor, Julia	English 7-12	307	English As A Second Language P-8	10-11, 11-12	Granted
			Bachelor, Julia	English 7-12	308	English As A Second Language 7-12	10-11, 11-12	Granted



Teachers Teaching Out of Area for More Than 30 Days  
November 2011

LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
Bentonville School District Continued			Blakely, Joanna	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Blakely, Joanna	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Bodenstein, Nathan	PE/Wellness/Leisure	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
			Bradbury, Shari	ECE P-4, Elem 1-6	203	Vocal Music P-8	10-11, 11-12	Granted
			Bradbury, Shari	ECE P-4, Elem 1-6	205	Instrumental Music P-8	10-11, 11-12	Granted
			Bradley, Jennifer	Life/Earth Science	169	Physical /Earth Science 7-12	11-12	Granted
			Burke, Ashley	ECE P-4	167	Social Studies 7-12	11-12	Granted
			Chapman, Kristi	ECE P-4, Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Egger, Dena	Elem Principal, Elementary K-6	239	Curriculum/Prog/Adm/Curriculum P-12	10-11, 11-12	Granted
			Gilliam, Alana	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Heffington, Amy	Elem K-6, Special Ed P-4	299	Guidance & Counseling P-8	10-11, 11-12	Granted
			Heffington, Amy	Elem K-6, Special Ed P-4	300	Guidance & Counseling 7-12	10-11, 11-12	Granted

Teachers Teaching Out of Area for More Than 30 Days  
November 2011

LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
Bentonville School District Continued			Hudson, Brett	Social Studies	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Jefferson, Deborah	Business Ed, MS Math, MS Social Studies, Mathematics, Business Technology	299	Guidance & Counseling P-8	11-12	Granted
			Lane, Jayme	ECE P-4, Middle Childhood Education, 5th/6th Endorsement	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			McConnell, Dena	Elementary K-6, MS Social Studies	295	Library Media Science P-8	11-12	Granted
			McConnell, Dena	Elementary K-6, MS Social Studies	296	Library Media Science 7-12	11-12	Granted
			Morrison, Teresa	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Orum, Nancy	Art	305	Gifted & Talented P-8	09-10, 10-11, 11-12	Granted
			Orum, Nancy	Art	306	Gifted & Talented 7-12	09-10, 10-11, 11-12	Granted
			Poole, Susan	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Rentschler, Briana	ECE P-4, Middle Childhood Education	307	English As A Second Language P-8	09-10, 10-11, 11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
Bentonville School District Continued			Rentschler, Briana	ECE P-4, Middle Childhood Education	308	English As A Second Language 7-12	09-10, 10-11, 11-12	Granted
			Salling, Katie	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Siedsma, Stefanie	ECE P-4, 5th/6th Endorsement, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Strahan, Janie	Elem 1-6, Reading Specialist P-12	307	English As A Second Language P-8	11-12	Granted
			Strahan, Janie	Elem 1-6, Reading Specialist P-12	308	English As A Second Language 7-12	11-12	Granted
			York, Marla	Special Ed P-12	299	Guidance & Counseling P-8	11-12	Granted
0801	Berryville School District	1	York, Marla	Special Ed P-12	300	Guidance & Counseling 7-12	11-12	Granted
3001	Bismarck School District	1	Hall, Aaron	PE K-12	168	Science/Mathematics 4-8	11-12	Granted
			Compton, Kay	Reading, English	412	Career Preparation 7-12	11-12	Granted
4801	Brinkley School District	1	Main, Mark	Social Studies	200	Mathematics 7-12	10-11, 11-12	Granted
1605	Buffalo Is. Central Sch. Dist.	1	Rowlett, John	Social Studies	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
4304	Cabot School District	3	Dinwiddie, Chris	Life/Earth Science, Biology	411	Career Orientation Endorsement 7-12	11-12	Granted
			Hefner, Jacqueline	Business Ed, English, Secondary Principal	412	Career Preparation 7-12	11-12	Granted
			Williams, Beverly	Business Education, Business Technology, Career Orientation	412	Career Preparation 7-12	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP		Yrs	
					Code	Out of Area	ALP	Granted/ Denied
4901	Caddo Hills School District	5	DeSpain, Jeanna	Art	203	Vocal Music P-8	11-12	Granted
			Kelly, Mary Jo	MS English/Social Studies	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Denied
			Kelly, Mary Jo	MS English/Social Studies	231	Sp Ed Ech Inst Specialist P-4	09-10, 10-11, 11-12	Denied
			Squires, Brandi	Social Studies	166	English/ Language/ Arts 7-12	11-12	Granted
			Young, Julie	Elementary, ESL 7-12, Middle Childhood Education	300	Guidance & Counseling 7-12	10-11, 11-12	Granted
3301	Calico Rock School District	2	Wyatt, Mary E.	General Science, Life/Earth Science	299	Guidance & Counseling P-8	09-10, 10-11, 11-12	Granted
			Wyatt, Mary E.	General Science, Life/Earth Science	300	Guidance & Counseling 7-12	09-10, 10-11, 11-12	Granted
5204	Camden Fairview School Dist.	1	Devereux, Donna	Elementary K-8	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
6802	Cave City School District	1	Lloyd, Bryan	Special Ed P-12	293	Coaching 7-12	11-12	Granted
1305	Cleveland County School District	1	Prather, Angela	Business	412	Career Preparation 7-12	11-12	Granted
7102	Clinton School District	1	Keith, Laura	ECE P-4, Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
1201	Concord School District	4	Baker, Amy	Middle Childhood Education	166	English/ Language/ Arts 7-12	11-12	Granted
			Hudgens, Roma	Middle Childhood Education	299	Guidance & Counseling P-8	10-11, 11-12	Granted
			Mason, Mary	Social Studies, Library Media P-12	002	English/Language/Social Studies 4-8	10-11, 11-12	Granted
			Sandlin, Jill	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
5707	Cossatot River School District	3	Kesterson, Suzanne	Middle Childhood Education	166	English/ Language/ Arts 7-12	10-11, 11-12	Granted
			Meeks, Jim	Middle Childhood Education	305	Gifted & Talented P-8	09-10, 10-11, 11-12	Granted
			Miles, Lena	Middle Childhood Education	001	Early Childhood P-4	11-12	Granted
0302	Cotter School District	2	Franks, Deanna	Elementary, Middle Childhood Education	215	Family & Consumer Sciences 7-12	09-10, 10-11, 11-12	Granted
			Parrish, Ashley	Middle Childhood Education	208	Drama/Speech 7-12	11-12	Granted
			Houston, Tracy	English 7-12	411	Career Orientation Endorsement 7-12	11-12	Granted
2403	County Line School District	2	Porter, Liz	Spanish, English, Journalism	412	Career Preparation 7-12	11-12	Granted
0201	Crossett School District	4	Brooks, Elizabeth	English	108	Journalism 7-12	10-11, 11-12	Granted
			Harris, Bradley	PE/Wellness/Leisure, Coaching	167	Social Studies 7-12	11-12	Granted
			Ricks, Janet	ECE P-4, Spec Ed P-4, Elem K-6	312	Building Administrator P-8	11-12	Granted
			Wolcott, Dustin	PE/Wellness/Leisure, Coaching	169	Physical /Earth Science 7-12	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
7504	Dardanelle School District	1	Weatherall, Kristin	ECE P-4	107	Grade 5/6 Endorsement (P-4)	10-11, 11-12	Granted
6701	Dequeen School District	1	Bradshaw, Vivi	Life Science	169	Physical /Earth Science 7-12	11-12	Granted
3102	Dierks School District	1	Smith, Crystal	Mathematics	4546	Transitional College Math	11-12	Granted
2104	Dumas School District	4	Anderson, Tremoine	Social Studies	302	Building Level Administrator 5-12	11-12	Granted
			Anderson, Tremoine	Social Studies	312	Building Administrator P-8	11-12	Granted
			Medders, Natalie "K"	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			Rainey, David	Secondary Principal, Social Studies	311	District Administrator P-12	11-12	Granted
1802	Earle School District	1	McVay, Donald	PE/Health	302	Building Level Administrator 5-12	10-11, 11-12	Granted
7001	El Dorado School District	1	Moore, Jessica	ECE P-4	299	Guidance & Counseling P-8	11-12	Granted
4302	England School District	2	Morris, Simone	Foreign Language K-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Morris, Simone	Foreign Language K-12	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
0802	Eureka Springs School District	2	Hyatt, Rachal	ECE P-4	299	Guidance & Counseling P-8	10-11, 11-12	Granted
			Hyatt, Rachal	ECE P-4	300	Guidance & Counseling 7-12	10-11, 11-12	Granted
7202	Farmington School District	1	Elling, Stephanie	Elem 1-6, MS English, Reading K-12	305	Gifted & Talented P-8	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
7203	Fayetteville School District	9	Buckley, Kelly	Language Arts, Social Studies, ESL P-12	105	Grade 5/6 Endorsement (English)	11-12	Granted
			Buckley, Kelly	Language Arts, Social Studies, ESL P-12	106	Grade 5/6 Endorsement	11-12	Granted
			Gibbs, Jacob	Social Studies	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Gibbs, Jacob	Social Studies	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Lassiter, Seneca	PE/Wellness/Leisure, ESL	167	Social Studies 7-12	11-12	Granted
			Meins, Erin	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			Newman, Shae	PE/Wellness/Leisure	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Richard, Nicole	ECE P-4, ESL P-12	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			Wamsley, Rona	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
	First Step, Inc	1	Hollis-Anthony, Carl	PE/Wellness/Leisure P-12	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
2002	Fordyce School District	1	Finley, Cassandra	Art P-12	300	Guidance & Counseling 7-12	09-10, 10-11, 11-12	Granted
6201	Forrest City School District	1	Klein, Jonathan	PE/Wellness/Leisure, Coaching	168	Science/Mathematics 4-8	11-12	Granted
3002	Glen Rose School District	1	Sheherd, Sheri	Business, Marketing	412	Career Preparation 7-12	11-12	Granted
0404	Gravette School District	2	Mannion, Nichole	Family & Consumer Science	411	Career Orientation Endorsement 7-12	11-12	Granted
			Williams, Kimberly	Spanish 7-12	308	English As A Second Language 7-12	10-11, 11-12	Granted
0203	Hamburg School District	1	Robertson, Summer	English 7-12	108	Journalism 7-12	08-09, 09-10, 11-12	Granted w/ exception



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LEA	District	# Waivers	Teacher	License Areas	ALP		Yrs ALP	Granted/ Denied
					Code	Out of Area		
0701	Hampton School District	1	Malone, Matthew	PE, Health	167	Social Studies 7-12	11-12	Granted
6304	Harmony Grove School District	2	Massey, Samantha	Health, PE, Coaching	411	Career Orientation	11-12	Granted
			Massey, Samantha	Health, PE, Coaching	412	Career Preparation 7-12	11-12	Granted
5602	Harrisburg School District	3	Condra, Jamilyn	General Science, Life/Earth Science	002	English/Language/Social Studies 4-8	10-11, 11-12	Granted
			Condra, Jamilyn	General Science, Life/Earth Science	168	Science/Mathematics 4-8	10-11, 11-12	Granted
			Forrester, Christina	Middle Childhood Education	169	Physical /Earth Science 7-12	11-12	Granted
0503	Harrison School District	1	Hodges, Cynthia	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
5903	Hazen School District	2	Bowman, Stacey	Middle Childhood Education	224	Business Technology 4-8	11-12	Granted
			Moore, Remona	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
5403	Helena/ W.Helena School Dist.	2	Weaver, Becky	Elem P-6	295	Library Media Science P-8	11-12	Granted
			Weaver, Becky	Elem P-6	296	Library Media Science 7-12	11-12	Granted
6703	Horatio School District	3	Fawcett, Becky	Elementary 1-6	002	English/Language/Social Studies 4-8	11-12	Granted
			Lovewell, Pat	MS Science	169	Physical /Earth Science 7-12	11-12	Granted
			Maslian, Demvia	Life/Earth Science	169	Physical /Earth Science 7-12	11-12	Granted
2603	Hot Springs School District	2	Mitchell, Marlo	Special Ed P-12	200	Mathematics 7-12	11-12	Granted
			Rushing, Debbie	Business Technology, Business Education	411	Career Orientation Endorsement 7-12	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
3804	Hoxie School District	1	Owens, Lisa	Elem. K-6, MS English/Social Studies	411	Career Orientation Endorsement 7-12	11-12	Granted
4401	Huntsville School District	1	Kimball, Audra	ECE P-4	107	Grade 5/6 Endorsement (P-4)	10-11, 11-12	Granted
1608	Jonesboro School District	1	Manning, Mitzi	Business Education	411	Career Orientation Endorsement 7-12	11-12	Granted
7003	Junction City School District	2	Cannon, Belva	English 7-12, Drama/Speech, Guidance & Counseling P-12	305	Gifted & Talented P-8	10-11, 11-12	Granted
			Cannon, Belva	English 7-12, Drama/Speech, Guidance & Counseling P-12	306	Gifted & Talented 7-12	10-11, 11-12	Granted
2606	Lakeside School District	4	Drake, Amber	Physical Education	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
			Poye, Amanda	ECE P-4	002	English/Language/Social Studies 4-8	11-12	Granted
			Poye, Amanda	ECE P-4	168	Science/Mathematics 4-8	11-12	Granted
			Poye, Amanda	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
6605	Lavaca School District	4	Headley, Dasha	ECE P-4	295	Library Media Science P-8	11-12	Granted
			Headley, Dasha	ECE P-4	296	Library Media Science 7-12	11-12	Granted
			Mainer, Darla	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Mainer, Darla	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
3810	Lawrence County School Distric	1	Johnson, Randall	Life/Earth Science, Physical/Earth Science,	411	Career Orientation Endorsement 7-12	11-12	Granted
7205	Lincoln School District	2	Karber, Stan	English/Language Arts, Health/PE, Speech Communications, Coaching	167	Social Studies 7-12	11-12	Granted
			Pitts, Guatha	Business Education	411	Career Orientation Endorsement 7-12	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
6001	Little Rock School District	51	Alhajjahi, Stephany	Technology, Social Studies	412	Career Preparation 7-12	11-12	Granted
			Bailey, Rodney	Art P-12	305	Gifted & Talented P-8	11-12	Granted
			Beaumont, Shannon	ECE P-4	305	Gifted & Talented P-8	10-11, 11-12	Granted
			Cooper, Nicole	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Cooper, Nicole	ECE P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Cunningham, Millice	Middle Childhood Education	003	Spanish P-8	09-10, 10-11, 11-12	Granted
			Cunningham, Millice	Middle Childhood Education	004	Spanish 7-12	09-10, 10-11, 11-12	Granted
			Davis, Kristy	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			Deal, Julie	ECE P-4	002	English/Language/Social Studies 4-8	11-12	Granted
			Deal, Julie	ECE P-4	168	Science/Mathematics 4-8	11-12	Granted
			Evans, Erika	Business Technology, Career Orientation	167	Social Studies 7-12	11-12	Granted
			Ferrell, Jennifer	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			Fletcher, Shannon	Guidance Counseling P-12	305	Gifted & Talented P-8	11-12	Granted
			Fletcher, Shannon	Guidance Counseling P-12	306	Gifted & Talented 7-12	11-12	Granted
			Green II, Troy	PE/Health 7-12	235	Physical Education, Wellness & Leisure P-8	10-11, 11-12	Granted

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LEA	District	# Waivers	Teacher	ALP		Out of Area	Yrs	
				License Areas	Code		ALP	Granted/ Denied
Little Rock School District Continued			Griffith, Christopher	PE/Wellness/Leisure P-12, ESL P-12	002	English/Language/Social Studies 4-8	11-12	Granted
			Griffith, Christopher	PE/Wellness/Leisure P-12, ESL P-12	168	Science/Mathematics 4-8	11-12	Granted
			Griggs, Barbara Ann	Elem 1-6, ESL P-12	312	Building Administrator P-8	10-11, 11-12	Granted
			Henderson, Krystal	ECE P-4	295	Library Media Science P-8	10-11, 11-12	Granted
			Holland, Kim	ECE P-4	305	Gifted & Talented P-8	10-11, 11-12	Granted
			Jenkins, Strong, Ch	Middle Childhood Education, ESL P-12	209	Algebra I Endorsement 8	10-11, 11-12	Denied
			Jones, Jamal	PE/Wellness/Leisure P-12	200	Mathematics 7-12	11-12	Granted
			Jones, Vicel	ECE P-4, MS Language Arts/Social Studies	168	Science/Mathematics 4-8	11-12	Denied
			King, Melanie	Art 7-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Lowry, Joany	ECE P-4	295	Library Media Science P-8	09-10, 10-11, 11-12	Granted
			McGrath, Judy	Business Technology 4-12	412	Career Preparation 7-12	11-12	Granted
			Moore, Jerica	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Moore, Marcus	ECE P-4, Elem K-6, Special Ed P-12	411	Career Orientation Endorsement 7-12	11-12	Granted
			Morris, Rachel	ECE P-4	235	Physical Education, Wellness & Leisure P-8	11-12	Denied
			Mothershed, Lucille	ECE P-4, Elem K--6	002	English/Language/Social Studies 4-8	11-12	Granted
			Mothershed, Lucille	ECE P-4, Elem K--6	168	Science/Mathematics 4-8	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
Little Rock School District Continued			Nichols, John "Bran"	PE/Wellness/Leisure 7-12	200	Mathematics 7-12	11-12	Granted
			Nichols, John "Bran"	PE/Wellness/Leisure 7-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Nodine, Laura	Business Education, Business Technology	412	Career Preparation 7-12	11-12	Granted
			Powell, Sharon	Life/Earth Science, Physical/Earth Science,	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Price, Cindy	Elem 1-6, Special Ed P-12	001	Early Childhood Education P-4	11-12	Granted
			Robinson, Kenya	ECE P-4	305	Gifted & Talented P-8	10-11, 11-12	Granted
			Roulston, Margaret	Elementary 1-6	001	Early Childhood Education P-4	11-12	Granted
			Seay, Angela	ECE P-4	002	English/Language/Social Studies 4-8	11-12	Granted
			Seay, Angela	ECE P-4	168	Science/Mathematics 4-8	11-12	Granted
			Shepherd, Debbie	Elem 1-6, MS Social Studies	305	Gifted & Talented P-8	11-12	Granted
			Smith, Elizabeth	ECE P-4, 5th/6th Endorsement	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Teague, Lillie	English 7-12	305	Gifted & Talented P-8	11-12	Granted
			Teague, Lillie	English 7-12	306	Gifted & Talented 7-12	11-12	Granted
			Thomas, Jennifer	Elem 1-6, MS Social Studies	305	Gifted & Talented P-8	11-12	Granted
			Thomas, Jennifer	Elem 1-6, MS Social Studies	306	Gifted & Talented 7-12	11-12	Granted
			Troutman, Dennis	PE 7-12, Physics 9-12	169	Physical /Earth Science 7-12	11-12	Granted
			Walker, Amy	Middle Childhood Education	305	Gifted & Talented P-8	11-12	Granted
			Walker, Amy	Middle Childhood Education	306	Gifted & Talented 7-12	11-12	Granted
			Walters, Jeffery	PE/Wellness/Leisure 7-12	235	Physical Education, Wellness & Leisure P-8	11-12	Granted
			Zapata Varela, beat	Spanish 7-12	166	English/ Language/ Arts 7-12	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
1804	Marion School District	4	Hallman, Janet	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
				Bldg. Level Admin., Middle Childhood, Business, Social Studies				
			Pakman, Pam		299	Guidance & Counseling P-8	11-12	Granted
							10-11, 11-12	
			Pirani, Elizabeth	ECE P-4, 5th/6th Endorsement	305	Gifted & Talented P-8	11-12	Granted
							10-11, 11-12	
			Pirani, Elizabeth	ECE P-4, 5th/6th Endorsement	306	Gifted & Talented 7-12	10-11, 11-12	Granted
5604	Marked Tree School District	2	Clayton, Terri	Business Ed	312	Building Administrator P-8	11-12	Granted
			Gray, Lisa	Mathematics	302	Building Level Administrator 5-12	11-12	Granted
3104	Mineral Springs School Dist.	2	Kirby, Laura	PE/Wellness/Leisure P-12	305	Gifted & Talented P-8	11-12	Granted
			Kirby, Laura	PE/Wellness/Leisure P-12	306	Gifted & Talented 7-12	11-12	Granted
4902	Mount Ida School District	1	Bates, Jonathan	MS Science, PE/Wellness/Leisure	169	Physical /Earth Science 7-12	10-11, 11-12	Granted
6901	Mountain View School District	1	Ganus, Valerie	English	114	Speech Endorsement 7-12	11-12	Granted
1703	Mountainburg School District	3	Cater, Sarah	Family & Consumer Science	169	Physical /Earth Science 7-12	11-12	Granted
			Hoelscher, Randy	Social Studies	166	English/ Language/ Arts 7-12	11-12	Granted
			Hooten, Terry	Spanish 7-12	108	Journalism 7-12	11-12	Granted
1704	Mulberry/Mt. Pleasant Bi-County School District	1	Powers, Cindy	PE, Coaching	411	Career Orientation Endorsement 7-12	11-12	Granted
6002	N. Little Rock School District	7	House, Shelly	Drama, Speech, English	410	Career Academy Endorsement 7-12	11-12	Granted
			Kilte, Kathy	Physics, Biology, Geology, Principles of Technology	412	Career Preparation 7-12	11-12	Granted
			Lawless, Candice	PE/Wellness/Leisure	410	Career Academy Endorsement 7-12	11-12	Granted

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LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	N. Little Rock School District Continued		Loftis, Dorothy	Reading/ ESL	410	Career Academy Endorsement 7-12	11-12	Granted
			Patterson, Whitney	Art P-12	412	Career Preparation 7-12	11-12	Granted
			Welch, Logan	Social Studies	410	Career Academy Endorsement 7-12	11-12	Granted
			Williams, Bokari	Middle Childhood Education	305	Gifted & Talented P-8	11-12	Granted
1503	Nemo Vista School District	1	Lawson, Elizabeth	Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
0304	Norfolk School District	3	Gould, Stephen	Coaching, PE K-12, MS Science, Social Studies	236	Physical Education, Wellness & Leisure 7-12	11-12	Granted
			Havner, Stacy	Middle Childhood Education	108	Journalism 7-12	11-12	Granted
			Vest, Michael	Middle Childhood Education	200	Mathematics 7-12	09-10, 10-11, 11-12	Granted
0504	Omaha School District	1	King, Crystal	Elementary P-6	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
6505	Ozark Mountain School District	1	Sherrod, Steven	Math	230	Sp Education Instructional Specialist 4-12	11-12	Granted
4203	Paris School District	3	Fortenberry, John	Health, PE, MS Social Studies, Industrial Technology	411	Career Orientation Endorsement 7-12	11-12	Granted
				English 7-12, Social Studies 7-12	105	Grade 5/6 Endorsement (English)	11-12	Granted
			Gilliam, Dawn Nicol	Business Education	224	Business Technology 4-8	11-12	Denied
			O'Toole, Sean				09-10, 10-11, 11-12	
	Pattillo Center School, Inc.	2	Turner, Laura	Family & Consumer Science	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Vansandt, Elizabeth	ECE P-4, Middle Childhood Education, English 7-12	231	Sp Ed Ech Inst Specialist P-4	09-10, 10-11, 11-12	Granted
			Vella, Jason	PE/Wellness/Leisure	200	Mathematics 7-12	11-12	Granted
0407	Pea Ridge School District	1	Dodd, Mandy	PE	167	Social Studies 7-12	11-12	Granted
1104	Piggott School District	1					11-12	Granted

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November 2011

LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
3505	Pine Bluff School District	2	Jones, Beverly	ECE P-4, MS Math	312	Building Administrator P-8	11-12	Granted
			Meadows, Mia	Bldg. Level Adm. P-12	239	Curriculum/Prog/Adm/Curriculum P-12	11-12	Granted
	Pinnacle Pointe/LRSD	1	Stewart, Christian	English Language	230	Sp Education Instructional Specialist 4-12	11-12	Granted
6103	Pocahontas School District	1	Campbell, Julie	ECE P-4, Elem K-6, G/T P-12	002	English/Language/Social Studies 4-8	11-12	Granted
2703	Poyen School District	2	Burrow, Kimberly	Art P-12	305	Gifted & Talented P-8	11-12	Granted
			Burrow, Kimberly	Art P-12	306	Gifted & Talented 7-12	11-12	Granted
6006	Pulaski Co. Spec. School Dist.	1	Sparks, Gena	Special Ed P-12	320	Curr/Program Adm/Sped P-12	11-12	Granted
1203	Quitman School District	1	Johnson, Jayme	Secondary Sciences	411	Career Orientation Endorsement 7-12	11-12	Granted
1106	Rector School District	1	Dewey, Craig	Agricultural Science	411	Career Orientation Endorsement 7-12	11-12	Granted
0405	Rogers School District	16	Branscum, Jennifer	ECE P-4, Middle Childhood, 5th/6th Grade Endorsement, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Brown, Susan	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Gautier, Amy	Middle Childhood Education	295	Library Media Science P-8	11-12	Granted
			Gautier, Amy	Middle Childhood Education	296	Library Media Science 7-12	11-12	Granted
			Glenn, Amy	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Harper, Stephanie	Middle Childhood Education, ESL P-12	305	Gifted & Talented P-8	11-12	Granted
			Harper, Stephanie	Middle Childhood Education, ESL P-12	306	Gifted & Talented 7-12	11-12	Granted
			Huff, Audra	Middle Childhood Education	209	Algebra I Endorsement 8	11-12	Granted



Teachers Teaching Out of Area for More Than 30 Days  
November 2011

LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
	Rogers School District Continued		Lagrone, Jessica	English/Language Arts 7-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Lorimer, Jessica	English/Language Arts 7-12	307	English As A Second Language P-8	11-12	Granted
			Lorimer, Jessica	English/Language Arts 7-12	308	English As A Second Language 7-12	11-12	Granted
			Plassmeyer, Lisa	ECE P-4, 5th/6th Endorsement	305	Gifted & Talented P-8	11-12	Granted
			Plassmeyer, Lisa	ECE P-4, 5th/6th Endorsement	306	Gifted & Talented 7-12	11-12	Granted
			Price, Leslie	English/Language Arts 7-12	108	Journalism 7-12	11-12	Granted
			Tubbs, Jeralyn	ECE P-4	307	English As A Second Language P-8	11-12	Granted
			Tubbs, Jeralyn	ECE P-4	308	English As A Second Language 7-12	11-12	Granted
			Jones, Dana S.	English 7-12	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
			Asencio-Porter, Sha	ECE P-4, MS Social Studies, MS Science	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
7311	Searcy School District	1						
0406	Siloam Springs School District	1						
3806	Sloan-Hendrix School Dist.	1	James, Teresa	English, Reading P-12	108	Journalism 7-12	10-11, 11-12	Granted
1507	So. Conway Co. School District	1	Williams, Lucretia	Family & Consumer Science, Career Orientation	230	Sp Education Instructional Specialist 4-12	11-12	Granted
4706	So. Miss. County School Dist.	3	Barnes, Garrett	Business Technology	411	Career Orientation Endorsement 7-12	11-12	Granted
			Province, Cynthia	Art P-12	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Province, Cynthia	Art P-12	230	Sp Education Instructional Specialist 4-12	11-12	Granted

Teachers Teaching Out of Area for More Than 30 Days  
November 2011

LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
5504	South Pike County School District	1	Stuard, Denise	MS Social Studies, Elementary 1-6	167	Social Studies 7-12	09-10, 10-11, 11-12	Granted
2906	Spring Hill School District	5	Harrison, Mary	ECE P-4, Elem K-6, Gifted & Talented P-12	002	English/Language/Social Studies 4-8	11-12	Granted
			McMaster, Jerry	Physical/Earth Science, Life/Earth Science	411	Career Orientation Endorsement 7-12	11-12	Granted
			Neely, Darla	ECE P-4	201	Art P-8	11-12	Granted
			Neely, Darla	ECE P-4	202	Art 7-12	11-12	Granted
			Santifer, Toni	MS Math	200	Mathematics 7-12	11-12	Granted
7207	Springdale School District	5	Brown, Conor	Social Studies 7-12	166	English/ Language/ Arts 7-12	11-12	Granted
			Erickson, Courtney	ECE P-4	107	Grade 5/6 Endorsement (P-4)	11-12	Granted
			Mathis, John Shann	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
			Strobbe, Joceyln	Elementary 1-6	295	Library Media Science P-8	09-10, 10-11, 11-12	Granted
5206	Stephens School District	2	Strobbe, Joceyln	Elementary 1-6	296	Library Media Science 7-12	09-10, 10-11, 11-12	Granted
			Baig, Maryam	Art 7-12	201	Art P-8	11-12	Granted
			Brown, Bobby Jr.	Principal 5-12; Supt. P-12; Music P-12	312	Building Administrator P-8	11-12	Granted
0104	Stuttgart School District	7	Dabbs, Kristen	Spanish 7-12	308	English As A Second Language 7-12	10-11, 11-12	Granted
			Garrick, Caleb	PE/Wellness/Leisure, Coaching	168	Science/Mathematics 4-8	11-12	Granted
			McCarty, Cynthia	Elementary	307	English As A Second Language P-8	10-11, 11-12	Granted

Teachers Teaching Out of Area for More Than 30 Days  
November 2011

LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
Stuttgart School District Continued			Morgan, Martha	Reading P-12	307	English As A Second Language P-8	11-12	Granted
			Morgan, Martha	Reading P-12	308	English As A Second Language 7-12	11-12	Granted
			Sherman, Angie	Elem K-6	299	Guidance & Counseling P-8	10-11, 11-12	Granted
			Sherman, Angie	Elem K-6	300	Guidance & Counseling 7-12	10-11, 11-12	Granted
			Best, Jennie	ECE P-4	201	Art P-8	10-11, 11-12	Granted
4605 Texarkana School District	6		Greene, Sarah	ECE P-4	002	English/Language/Social Studies 4-8	10-11, 11-12	Granted
			Greene, Sarah	ECE P-4	168	Science/Mathematics 4-8	10-11, 11-12	Granted
			Hughey, Linda	Business Technology, Business Education	412	Career Preparation 7-12	11-12	Granted
			Miller, Michael	PE/Wellness/Leisure 7-12	200	Mathematics 7-12	10-11, 11-12	Granted
			Wilson, Michelle	ECE P-4, Middle Childhood Education	305	Gifted & Talented P-8	09-10, 10-11, 11-12	Granted
Texarkana Special Education Center	2		Angelico, Rachel	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	10-11, 11-12	Granted
			King, Sarah	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
5605 Trumann School District	1		Montgomery, Elizabeth	Middle Childhood Education	114	Speech Endorsement 7-12	09-10, 10-11, 11-12	Granted

Teachers Teaching Out of Area for More Than 30 Days  
November 2011

LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
1705	Van Buren School District	4	Gabriel, Juan	ECE P-4, 5th/6th Endorsement	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Harrell, Chelsea	Social Studies	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Harris, Penelope	Spanish P-12, Journalism, English, Drama/Speech, FACS, Guidance P-12	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
			Richesin, Stephanie	English 7-12, Social Studies 7-12	300	Guidance & Counseling 7-12	11-12	Granted
	Vista Health	2	Harris, Chelse	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Matthews, Angela	Elem 1-6, Middle Childhood Larngare Arts/ Math	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Blair, Andrea	ECE P-4, Elem K-6, Middle Childhood Education	209	Algebra I Endorsement 8	11-12	Granted
6401	Waldron School District	3	Davis, Lisa	ECE P-4, MS English, English 7-12, Elementary K-6	167	Social Studies 7-12	11-12	Granted
			Warrington, Eric	PE/Wellness/Leisure 7-12, Coaching 7-12	235	Physical Education, Wellness & Leisure P-8	11-12	Granted
			Bowen, Kristi	ECE P-4, Elem K-6	201	Art P-8	10-11, 11-12	Granted
1602	Westside Cons. School District	4	Pratt, Monica	ECE P-4	230	Sp Education Instructional Specialist 4-12	11-12	Granted
			Smith, David	PE, Coaching, Driver's Ed, MS Science	167	Social Studies 7-12	10-11, 11-12	Granted
			Watkins, Chelsea	ECE P-4	230	Sp Education Instructional Specialist 4-12	09-10, 10-11, 11-12	Granted
1505	Wonderview School District	2	Adair, Steve	PE 4-12	235	Physical Education, Wellness & Leisure P-8	11-12	Granted
			German, Charles	PE P-12, Middle Childhood Education	169	Physical /Earth Science 7-12	10-11, 11-12	Granted

Teachers Teaching Out of Area for More Than 30 Days  
November 2011

LEA	District	# Waivers	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
1304	Woodlawn School District	1	Johnson, Christopher	PE/Wellness/Leisure 7-12, Coaching 7-12	168	Science/Mathematics 4-8	11-12	Granted
1905	Wynne School District	2	Ferguson, Lori	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	11-12	Granted
			Haynes, Trent	ECE P-4	230	Sp Education Instructional Specialist 4-12	10-11, 11-12	Granted
4502	Yellville-Summit School Dist.	2	Duffy, Kary	Guidance Elementary	300	Guidance & Counseling 7-12	11-12	Granted
			Kenney, Hannah	English 7-12	004	Spanish 7-12	10-11, 11-12	Denied
112	Districts Requesting Waivers this Month	304	waivers Requested this Month					
						# Waivers Granted this Month	295	
						# Waivers Denied this Month	9	
						Total Waivers Requested this Month	304	

Long Term Substitutes Requested

November 2011

LEA	District	# Waivers	Substitute Name	Subject	Teacher of Record	Granted / Denied
4701	Armored School District	2	Hopper, Andrea	4th Grade	Tidwell, Gayla	Granted
			Young, Gracie	4th Grade	Ruddick, Genaya	Granted
0401	Bentonville School District	2	Potter, Doris	Library Media	Staples, Erin	Granted
			Rodriguez, Anna	Library Media	Thicksten, Mary Jo	Granted
2301	Conway School District	1	Fisher, Samantha Jan	Art	Green, Kristy	Granted
5301	East End School District	1	Turetsky, Whitney	Special Education	Wiley, Jessica	Granted
7203	Fayetteville School District	6	Bowman, Jennifer	Art	Kalcevic, Nikki	Granted
			Harrelson, Margaret	7th Grade Language Arts	Green, Rebecca	Granted
			Marti, Richard	Business Education	Clay, Linda	Granted
			Pennington, Kristin	Secondary Science	Lyerly, Linley	Granted
			Siroorian, Andrea	Elementary	Condron, Jennifer	Granted
			Taylor, Jessica	Media Specialist	Hall, Lory	Granted
4501	Flippin School District	1	Nix, Angie	Vocational Business	Eddings, Breonna	Granted
6602	Greenwood School District	1	Gipson, Jonathan	Journalism	Dixon, Jolynn	Granted
2304	Guy-Perkins School District	1	Berg, Justin	Secondary Science	Clark, Monida	Granted
0203	Hamburg School District	1	Harrod, Brent	Mathematics	Alexander, Marcia	Granted
1608	Jonesboro School District	1	Stuart, Marlita	Kindergarten	Loftin, Tracey	Granted
7003	Junction City School District	2	Cheshier, Hannah	English	Sparks, Mindy	Granted
			Jones, Kim	English	Sparks, Mindy	Granted
6001	Little Rock School District	8	Clark Constance	Special Education	Alexander, Carolyn	Granted
			Garner, Stephanie	1st Grade	Hemphill, Arline	Granted
			Hasley, Kassandra	Drama	Reescano, Marian	Granted
			Johnson, Daniel	Music	Westbrook, Adriane	Granted
			Ketter, Tamara	English	Pickering, Bethany	Granted
			Mixon, Janice	Social Studies	Williams, Peggy	Granted
			Robinson, Tonya	Industrial Arts	Kidd, Cleortius	Granted
			Tidwell, Chassie	Health	Cox, Suzette	Granted
5805	Russellville School District	1	Stewart, Ashlea Meredith	6th Grade Mathematics	Swift, Melinda	Granted
	Vista Health	1	Guyl, Malynda	Special Education	Linebaugh, Andrea	Granted
1304	Woodlawn School District	1	Fitzgibbon, Melanie	Business Education	Richardson, Rebecca	Granted
15	Districts Requesting Long Term Substitutes	30	Long Term Substitutes Requested		Long Term Substitutes Granted	30

**Armored School District**  
**LEA # 4701**  
**Mississippi County**

**Classified in Fiscal Distress**

May 10, 2010

**Fiscal Distress Indicators and Additional Concerns:**

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

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>Michael Hunter</b>	<b>Michael Hunter</b>	<b>Michael Hunter</b>	<b>Bruce Young</b>
4 QTR ADM	453	450	448	454
Assessment	100,973,075	95,320,607	119,159,381	118,626,131
Total Mills	36.00	36.00	39.00	39.00
Total Debt Bond/Non Bond	4,576,314	4,395,000	5,020,000	4,810,000
Per Pupil Expenditures	8,572	10,072	9,782	n/a
Personnel-Non-Fed Certified FTE	43.02	47.44	49.56	n/a
Personnel-Non-Fed Certified Clsrm FTE	40.02	44.44	46.56	n/a
Avg Salary-Non-Fed Cert Clsrm FTE	38,221	40,630	37,622	n/a
Avg Salary-Non-Fed Cert FTE	40,495	42,662	39,892	n/a
Net Legal Balance (Excl Cat & QZAB)	1,118,635	361,606	**1,126,322	1,166,657

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

\*\*2009-10 net legal balance includes \$750,000 cash flow loan. The loan was repaid on 12/7/10 during the 10/11 school year.

Total Debt includes Bonded and Non-bonded filed with ADE.

Data Source: Annual Statistical Reports (ASR) and State Aid Notice for school district.

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2010-11**

- Eliminated a portion of employee benefits above the state minimum
- Reduced certified staff by 2.5 positions
- Reduced one Classified employee through attrition
- Utilize bond proceeds for a portion of technology needs
- Use excess bond money for Maintenance and Repairs
- Monitor expenditures
- Reduced employee travel expenditures
- Reduced travel by eliminating athletic and school field trips
- Eliminated Dean of Students stipend
- Reduced mileage reimbursement rate to state rate

**Armored School District**  
**LEA # 4701**  
**Mississippi County**

**Comments:**

The District was classified in Fiscal Distress on May 10, 2010. The 2011-12 school year will complete the second full year of fiscal distress.

The district obtained a \$750,000 cash flow loan in June 2010. This loan was repaid on December 7, 2010.



**Forrest City School District**  
**LEA # 6201**  
**St. Francis County**

**Classified in Fiscal Distress**

December 14, 2009

**Fiscal Distress Indicators and Additional Concerns:**

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

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>Dr. Jerry Woods</b>	<b>Dr. Jerry Woods</b>	<b>Dr. Jerry Woods</b>	<b>Dr. Jerry Woods</b>
4 QTR ADM	3,583	3,411	3,262	3,147
Assessment	167,834,915	166,734,930	163,027,250	164,698,965
Total Mills	31.20	31.20	32.60	32.60
Total Debt Bond/Non Bond	11,145,000	16,095,000	15,695,000	15,255,000
Per Pupil Expenditures	9,136	9,864	11,119	n/a
Personnel-Non-Fed Certified FTE	272.14	281.61	233.88	n/a
Personnel-Non-Fed Certified Clsrm FTE	240.76	249.19	204.68	n/a
Avg Salary-Non-Fed Cert FTE	52,568	51,941	54,713	n/a
Avg Salary-Non-Fed Cert Clsrm FTE	50,309	49,821	52,436	n/a
Net Legal Balance (Excl Cat & QZAB)	2,700,841	1,485,002	2,842,720	2,426,192

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

Total Debt includes Bonded and Non-bonded filed with ADE.

Data Source: Annual Statistical Reports (ASR) and State Aid Notice for school district.

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2009-10**

- Eliminated unused telephone lines
- Eliminated free building use and will charge rental
- Reduced operating expenditures by reclassifying to ARRA funds
- Eliminate lawn service contract
- Reduce staff travel

**2010-11**

- Cancelled Custodial Uniform contract
- Monitor supply expenditures
- Eliminated district student workers
- Reduced costs by not purchasing uniforms for student activities
- Received waiver of \$500 teacher supply requirement
- Eliminated lunches for SRO officers
- Eliminated landscaping contract by using agri students
- Reduced costs by eliminating unnecessary subscriptions and coffee service
- Monitor and use grant monies efficiently
- Conduct partial non-renewal of employee contracts with 2%-3% salary reduction
- Reduce salary expenditures through RIF as necessary
- Propose 4.4 mill increase
- Negotiate with City to propose 1% sales tax
- Utilized Jobs Bill Fund for teacher salaries rather than issuing bonuses
- Amend ARRA plan to increase cash flow for general operating budget

**2011-12**

- Reduce a minimum of 75 certified and classified employees through RIF and Non-Renewal
- Non-renewed 40 custodial employees and outsourced with custodial services
- Reduced 15 certified positions through RIF and attrition
- Reduced 9 classified positions through RIF and attrition
- Relocated Central office to district owned facility opposed to leasing

**Comments:**

The District was classified in Fiscal Distress on December 14, 2009. The 2011-12 school year will complete the second full year of fiscal distress.

The Forrest City School District's general operating ending balance for June 30, 2010 was achieved by reclassifying approximately \$1,677,000 from the general operating funds to ARRA funds.

The 2011-12 Reduction in Force objectives included in the Fiscal Distress plan were implemented to offset the use of ARRA funds utilized in the 10-11 school year.

The campaign to increase the millage to 4.4 mills failed.

The Districts Fiscal Distress Plan included 75 employees to be RIF. The actual RIF was only 64.

**Helena-West Helena School District**  
**LEA # 5403**  
**Phillips County**

**Classified in Fiscal Distress:** September 13, 2010

**Fiscal Distress Indicators and Additional Concerns:**

- \* A declining balance determined to jeopardize the fiscal integrity of the school district
- \* Material audit exceptions or violations

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>Rudolph Howard</b>	<b>Roy Bridges (interim)</b>	<b>Willie Williams</b>	<b>Willie Williams</b>
3 QTR ADM	2,737	2,579	2,312	2,242
Assessment	108,597,591	109,765,477	112,772,244	113,701,999
Total Mills	34.10	34.10	34.10	34.10
Total Debt Bond/Non Bond	8,639,377	8,180,000	7,750,000	7,300,000
Per Pupil Expenditures *	10,337	10,932	13,268	n/a
Personnel-Non-Fed Certified FTE *	246.47	232.69	229.59	n/a
Personnel-Non-Fed Certified Clsrm FTE *	223.33	209.70	200.17	n/a
Avg Salary-Non-Fed Cert Clsrm FTE *	42,307	44,144	44,799	n/a
Avg Salary-Non-Fed Cert FTE *	44,351	46,225	48,126	n/a
Net Legal Balance (Excl Cat & QZAB)	4,647,083	3,190,955	1,809,446	3,600,597

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

Total Debt includes Bonded and Non-bonded filed with ADE.

Data Source: Annual Statistical Reports (ASR) and State Aid Notice for school district.

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2010-11**

- Reduced (RIF) 3 staff administrative office staff
- Reclassified certified and classified salaries from operating to ARRA funds
- Reclassified certified and classified salaries from operating to Declining Enrollment funds
- Reclass certified and classified salaries from operating to NSLA funds
- Reduced certified and classified salaries through attrition and reassignment
- Monitor all expenditures
- Eliminated Saturday school Detention Program
- Eliminated custodial/maintenance uniforms
- Eliminated After School Discipline Program

**2011-12**

- The District reduced 27 certified positions through RIF and attrition
- The District reduced 54 classified position through RIF and attrition
- Reduce certified and classified salaries by 3%
- Reduce 240 day contracts to 220 days
- Reduced salary and utility costs by transferring kindergarten students to three other schools
- Utilize exisiting staff to serve as substitutes
- Reduce operating costs by utilizing NSLA funds more efficiently
- Eliminated operating cost of After School tutorial

**Helena-West Helena School District**  
**LEA # 5403**  
**Phillips County**

**Comments:**

The District was classified in Fiscal Distress on September 13, 2010.

On June 20, 2011, the Arkansas Department of Education took control of the Helena/W. Helena School District. On June 20, 2011, Superintendent Willie Williams and the School Board were released from their duties.

District had a prior classification with Fiscal Distress program.

- Classified - April 11, 2005
- Reconstitution (State takeover) - September 8, 2005
- Removed - April 21, 2008

The Helena-West Helena School District's general operating ending balance of \$3,511,436 on June 30, 2011 included the reclassification of approximately \$2.7 million in salaries from general operating funds to American Recovery and Reinvestment Act (ARRA) funds.

The 2011-12 Reduction in Force objectives included in the Fiscal Distress plan must be implemented to offset the use of ARRA funds utilized in the 10-11 school year.

\*\* The District is currently revising the Fiscal Distress Plan

**The following objectives are currently under review and are unlikely to be achieved during the 2011-12 school year:**

- Reduce certified and classified salaries by 3%
- Reduce 240 day contracts to 220
- Utilize staff to serve as substitutes

**Strong-Huttig School District**  
**LEA # 7009**  
**Union County**

**Classified in Fiscal Distress**

January 14, 2011

**Fiscal Distress Indicators and Additional Concerns:**

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

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>Saul A. Lusk Sr.</b>	<b>Dr. Terry W. Davis</b>	<b>Dr. Terry W. Davis</b>	<b>Mary Calloway</b>
4 QTR ADM	617	554	471	448
Assessment	42,188,196	42,203,968	40,761,177	39,603,262
Total Mills	39.00	39.00	39.00	39.00
Total Debt Bond/Non Bond	1,902,830	1,805,156	1,699,310	1,590,130
Per Pupil Expenditures	10,018	10,493	13,118	n/a
Personnel-Non-Fed Certified FTE	58.71	52.89	48.48	n/a
Personnel-Non-Fed Certified Clsrm FTE	50.60	46.46	42.98	n/a
Avg Salary-Non-Fed Cert FTE	43,060	44,470	44,023	n/a
Avg Salary-Non-Fed Cert Clsrm FTE	40,147	41,293	40,791	n/a
Net Legal Balance (Excl Cat & QZAB)	999,252	950,279	775,197	808,150

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

Total Debt includes Bonded and Non-bonded filed with ADE.

Data Source: Annual Statistical Reports (ASR) and State Aid Notice for school district.

**Effective November 1, 2010, Mary Calloway is Superintendent of the District**

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2011-12**

- Reduced certified personnel by 5 FTE through RIF
- Reduced classified personnel by 8 FTE through RIF
- Reduced one administrator through attrition
- Eliminated 29 stipends from the salary schedule
- Reduced contracted days for specific Certified employees
- Reduced contracted days for specific Classified employee
- Reduced employee insurance benefits

**Strong-Huttig School District****LEA# 7009****Union County****Comments:**

The District was classified in Fiscal Distress on January 14, 2011.

The Strong-Huttig Superintendent, Dr. Terry Davis received a contract buyout of 250,000 on August 25, 2010.

During the time of August 25, 2010 to November 1, 2010, the District utilized Norman Hill then Lavern Flarity as "interim" Superintendent

On November 1, 2010, the District hired Mary Calloway as Superintendent.

The District is currently involved in a pending lawsuit with liability unknown

**Yellville-Summit School District**  
**LEA # 4502**  
**Marion County**

**Classified in Fiscal Distress**

December 14, 2009

**Fiscal Distress Indicators and Additional Concerns:**

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

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>Jack Leatherman</b>	<b>Jack Leatherman</b>	<b>John Dwyer</b>	<b>Larry Ivens</b>
4 QTR ADM	885	860	828	813
Assessment	52,744,249	56,703,541	57,615,494	59,440,083
Total Mills	36.98	36.98	36.98	36.98
Total Debt Bond/Non Bond	7,179,450	6,941,537	7,905,000	7,790,000
Per Pupil Expenditures	8,509	8,875	9,901	n/a
Personnel-Non-Fed Certified FTE	80.12	78.94	85.64	n/a
Personnel-Non-Fed Certified Clsrm FTE	74.76	73.59	77.40	n/a
Avg Salary-Non-Fed Cert FTE	43,001	42,735	34,858	n/a
Avg Salary-Non-Fed Cert Clsrm FTE	41,653	41,605	34,301	n/a
Net Legal Balance (Excl Cat & QZAB)	1,011,654	522,713	563,700	925,493

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

Total Debt includes Bonded and Non-bonded filed with ADE.

Data Source: Annual Statistical Reports (ASR) and State Aid Notice for school district.

**District Actions**

During the 2009/10 school year, the school district utilized a cash flow loan in the amount of \$400,000 and repaid the loan during the same year.

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2009-10**

- Obtained second lien bonds to replace operating monies used for construction and to repay balance due on multipurpose building.
- Reduced maintenance and utility costs by relocating preschool students from portable buildings to main campus
- Reduced certified salaries by transferring costs to ARRA funds
- Reduced substitute salary costs by transferring central office staff member to full time substitute
- Reduced cost of special education maintenance of effort from operating by transferring costs to ARRA funds
- Eliminated one bus route and reconfigured others to reduce bus drivers

**2010-11**

- Obtained second lien bonds to lower interest rate for district
- Reduced certified personnel by 5 FTE through RIF and attrition
- Reduced cost of alternative education for students by housing locally and using current teachers
- Reduced certified salaries by transferring costs to ARRA funds for 7.5 teachers
- Reduced certified personnel by reconfiguring school allowing 1 less principal
- Eliminated two bus routes and reconfigured others to use less bus drivers
- Installed locked boxes on all thermostats
- Continue Reduction in Force for 2010-11 school year for positions not required to meet standards
- Pay vocational salaries above standards to Stimulus Stabilization funds.

**2011-12**

- Reduced 1 certified position through RIF
- Reduced 1 classified position through RIF
- Reduced 3 classified positions through attrition
- Reduced operating cost by utilizing NSLA funds more efficiently

**Yellville-Summit School District**  
**LEA # 4502**  
**Marion County**

**Comments:**

The District was classified in Fiscal Distress on December 14, 2009. The 2011-12 will complete the second full year of fiscal distress.

The Yellville-Summit superintendent Jack Leatherman resigned October 16, 2009. On October 19, 2009 the District hired John Dwyer as Interim Superintendent to finish the 2009-10 school year. Effective with the 2010-11 school year Mr. Dwyer retired and the district hired Mr. Larry Ivens as Superintendent.



**Dermott School District**  
**LEA # 0901**  
**Chicot County**

**Classified in Fiscal Distress**

April 11, 2011

**Fiscal Distress Indicators and Additional Concerns:**

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

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>Alton Newton</b>	<b>Alton Newton</b>	<b>Alton Newton</b>	<b>Alton Newton</b>
4 QTR ADM	501	473	438	424
Assessment	30,059,157	30,811,069	30,625,905	30,211,193
Total Mills	36.81	36.81	41.81	41.81
Total Debt Bond/Non Bond	2,648,517	2,757,063	3,236,099	3,109,818
Per Pupil Expenditures	10,280	11,075	14,695	n/a
Personnel-Non-Fed Certified FTE	51.40	53.57	56.07	n/a
Personnel-Non-Fed Certified Clsrm FTE	47.20	49.57	49.49	n/a
Avg Salary-Non-Fed Cert FTE	41,793	42,929	42,625	n/a
Avg Salary-Non-Fed Cert Clsrm FTE	39,796	40,758	39,695	n/a
Net Legal Balance (Excl Cat & QZAB)	1,071,429	1,082,741	837,126	716,603

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

Total Debt includes Bonded and Non-bonded filed with ADE.

Data Source: Annual Statistical Reports (ASR) and State Aid Notice for school district.

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2011-12**

- Reduced 8 certified teachers through RIF and attrition
- Reduced 1 Principal through RIF
- Reduced 8 classified positions through RIF
- Reduced contract days and index of 14 certified employees
- Reduced contract days and index of 22 classified employees
- Eliminated Football program

**Additional actions not included in plan:**

- Utilized Special Education Supervisor from the Coop

**Dermott School District**

**LEA # 0901**

**Chicot County**

**Comments:**

The District was classified in Fiscal Distress on April 11, 2011. The 2011-12 school year will complete the first full year of fiscal distress.

**Earle School District**  
**LEA # 1802**  
**Crittenden County**

**Classified in Fiscal Distress**

May 16, 2011

**Fiscal Distress Indicators and Additional Concerns:**

- \* A declining balance determined to jeopardize the fiscal integrity of the school district
- \* Material failure to provide timely and accurate legally required financial reports to the department, the Division of Legislative Audit, the General Assembly, or the Internal Revenue Service
- \* Insufficient funds to cover payroll, salary, employment benefits, or legal tax obligations
- \* Materials discrepancies between budgeted and actual school district expenditures
- \* Any other fiscal condition of a school district deemed to have a detrimental negative impact on the continuation of educational services by that school district

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>Jack Crumbly</b>	<b>Jack Crumbly</b>	<b>Rickey Nicks</b>	<b>Rickey Nicks</b>
4 QTR ADM	807	777	749	697
Assessment	24,741,061	24,882,333	24,341,951	24,330,476
Total Mills	44.80	44.80	44.80	44.80
Total Debt Bond/Non Bond	7,533,295	7,699,996	7,798,172	7,956,455
Per Pupil Expenditures	10,075	12,081	13,288	n/a
Personnel-Non-Fed Certified FTE	76.88	77.05	76.84	n/a
Personnel-Non-Fed Certified Clsrn FTE	70.25	70.25	70.32	n/a
Avg Salary-Non-Fed Cert FTE	37,915	41,834	39,643	n/a
Avg Salary-Non-Fed Cert Clsrn FTE	33,529	37,610	35,782	n/a
Net Legal Balance (Excl Cat & QZAB)	530,574	358,503	485,326	**1,852,174

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

\*\* Balance includes land sales of 1,519,737

Total Debt includes Bonded and Non-bonded filed with ADE.

Data Source: Annual Statistical Reports (ASR) and State Aid Notice for school district.

**District Actions**

Utilized cash flow loan in the amount of \$693,815 and repaid during the 2010-11 school year

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2010-11**

- Sold district owned land totaling \$1,519,737

**2011-12**

- Reduced certified staff by 2 FTE through RIF
- Reduced classified staff by 4 FTE through RIF
- Closed the Alternative Learning Center
- Revise the sick leave policy by eliminating the sale of leave days
- Discontinued summer school program
- Reduce district wide spending by 2%

**Earle School District**

**LEA # 1802**

**Crittenden County**

**Comments:**

The District was classified in Fiscal Distress on May 16, 2011. The 2011-12 school year will complete the first full year of fiscal distress.

On May 15, 2011, the District sold land totaling \$1,519,737

In a letter to the District dated October 5, 2011, the Child Nutrition Unit placed the Earle School District on Provision 2 Probationary Status for the 2011-2012 Non Base year of Provision 2.

**North Little Rock School District**  
**LEA # 6002**  
**Pulaski County**

**Classified in Fiscal Distress**

May 16, 2011

**Fiscal Distress Indicators and Additional Concerns:**

\* Material state or federal audit exceptions or violations

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>Ken Kirspel</b>	<b>Ken Kirspel</b>	<b>Ken Kirspel</b>	<b>Ken Kirspel</b>
4 QTR ADM	8,832	8,375	8997	8565
Assessment	655,224,040	683,773,539	706,136,704	719,817,762
Total Mills	40.90	40.90	40.90	40.90
Total Debt Bond/Non Bond	28,932,627	28,340,391	32,410,722	31,783,871
Per Pupil Expenditures	9,735	10,330	10,698	n/a
Personnel-Non-Fed Certified FTE	759.32	757.01	728.24	n/a
Personnel-Non-Fed Certified Clsrm FTE	692.55	693.29	661.75	n/a
Avg Salary-Non-Fed Cert FTE	49,626	50,056	50,951	n/a
Avg Salary-Non-Fed Cert Clsrm FTE	47,939	48,053	48,880	n/a
Net Legal Balance (Excl Cat & QZAB)	13,846,196	4,001,301	11,985,630	12,679,765

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

Total Debt includes Bonded and Non-bonded filed with ADE.

Data Source: Annual Statistical Reports (ASR) and State Aid Notice for school district.

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2011-12**

- Split Chief Financial Officer/Chief Information Officer position into separate positions
- Received on-site training from an APSCN field representative
- Adopted a direct deposit payroll policy
- Established a policy to reconcile revenue transactions
- Established a procedure to monitor voided checks
- Created process to verify deposits and withdrawal coding on a daily basis
- Superintendent oversees the bank reconciliation monthly
- Established a fiscal year-end payroll practice

**North Little Rock School District**  
**LEA # 6002**  
**Pulaski County**

**Comments:**

The District was classified in Fiscal Distress on May 16, 2011. The 2011-12 school year will complete the first full year of fiscal distress.

The District hired a Certified Public Accountant on July 1, 2011 to fill the vacant Chief Financial Officer position.

The Fiscal Distress Unit has requested additional information along with supporting documentation on specific journal entries for the 2009/10 school year.

**Pulaski County Special School District**  
**LEA # 6003**  
**Pulaski County**

**Classified in Fiscal Distress**

May 16, 2011

**Fiscal Distress Indicators and Additional Concerns:**

\* Material state or federal audit exceptions or violations

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>James Sharpe</b>	<b>James Sharpe</b>	<b>Charles Hopson</b>	<b>Charles Hopson</b>
4 QTR ADM	17,254	17,133	16,989	16,414
Assessment	2,060,170,537	2,320,282,041	2,302,878,392	2,352,330,997
Total Mills	40.70	40.70	40.70	40.70
Total Debt Bond/Non Bond	77,752,660	156,832,320	152,055,788	149,919,256
Per Pupil Expenditures	9,476	9,779	10,783	n/a
Personnel-Non-Fed Certified FTE	1,425.68	1,427.96	1,313.96	n/a
Personnel-Non-Fed Certified Clsrm FTE	1,298.28	1,288.98	1,211.27	n/a
Avg Salary-Non-Fed Cert FTE	50,121	51,539	55,927	n/a
Avg Salary-Non-Fed Cert Clsrm FTE	48,426	48,906	53,334	n/a
Net Legal Balance (Excl Cat & QZAB)	8,282,420	8,335,082	7,852,237	2,491,321

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

Total Debt includes Bonded and Non-bonded filed with ADE.

Data Source: Annual Statistical Reports (ASR) and State Aid Notice for school district.

Effective July 1, 2011, Dr. Jerry Guess is Superintendent of the Pulaski County Special School District

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2011-12**

- Revise policy specific to board and employee travel
- Revise policy to discontinue the utilization of blanket purchase orders
- Comply with APSCN timelines for bank statement reconciliation
- Revised procedures to segregate purchasing duties within the business division with respect to fixed assets
- Monitor compliance with Board procedures to add competitive bid awards as a regular agenda item
- Segregate accounting duties in payroll to achieve reliable payroll preparation and authorization
- Segregate accounting duties in regard to receipt of funding
- Develop and implement a district wide overtime policy
- Enforce policy of employees not working past their contracted days without prior written approval
- Develop and implement a district wide plan to secure district assets
- Monitor compliance with IRS regulations in regard to use of district provided vehicles
- Monitor compliance with district policy in regard to voiding of outstanding checks
- Monitors compliance with districts policy in regard to cell phone usage, use of gift cards and credit cards
- Establish a Fraud Waste Abuse Hotline
- Schedule a "Policy Workshop"
- Establish a policy for budget adjustments

**Pulaski County Special School District**  
**LEA # 6003**  
**Pulaski County**

**Comments:**

The District was classified in Fiscal Distress on May 16, 2011. The 2011-12 school year will complete the first full year of fiscal distress.

On June 20, 2011, the Arkansas Department of Education took control of the Pulaski County Special School District.

On June 20, 2011, Superintendent Charles Hopson and the School Board were released from their duties.

Mr. Bobby Lester Sr. served as Interim Superintendent from June 20- June 30.

On October 10, 2011, the PCSSD hired a Certified Public Accountant to fill the vacant Chief Financial Officer position.

**Desegregation Fund Ending Balances:**

2008-09	56,918.75
2009-10	4,302,662.22
2010-11	30,635.21



**Westside School District**  
**LEA # 1204**  
**Cleburne County**

**Classified in Fiscal Distress**

April 11, 2011

**Fiscal Distress Indicators and Additional Concerns:**

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

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>Russell Hester</b>	<b>Russell Hester</b>	<b>Steve Lucas</b>	<b>Steve Lucas</b>
4 QTR ADM	503	499	507	491
Assessment	108,412,209	116,021,126	127,558,766	133,683,258
Total Mills	28.70	28.70	28.70	28.70
Total Debt Bond/Non Bond	3,975,000	3,860,000	3,766,709	4,452,377
Per Pupil Expenditures	8,969	9,366	9,848	n/a
Personnel-Non-Fed Certified FTE	50.60	51.18	50.65	n/a
Personnel-Non-Fed Certified Clsrm FTE	47.00	47.58	47.07	n/a
Avg Salary-Non-Fed Cert FTE	41,413	42,401	43,444	n/a
Avg Salary-Non-Fed Cert Clsrm FTE	39,525	40,476	41,258	n/a
Net Legal Balance (Excl Cat & QZAB)	3,019,378	2,144,719	916,688	1,015,364

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

Total Debt includes Bonded and Non-bonded filed with ADE.

Data Source: Annual Statistical Reports (ASR) and State Aid Notice for school district.

**Effective for the 2011-2012 school year Mr. Jack Robinson is Superintendent for the District.**

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2011-12**

- Reduced certified personnel by 2 through RIF
- Reduced certified personnel by 10 through attrition
- Reduced contracted days for 3 certified employees
- Reduced Classified personnel by 5 through RIF
- Reduced classified personnel by 6 through attrition
- Reduced contracted days for 4 classified employees
- Revised pay practices to align with salary schedule

**Westside School District**

**LEA # 1204**

**Cleburne County**

**Comments:**

The District was classified in Fiscal Distress on April 11, 2011. The 2011-12 school year will complete the first full year of fiscal distress.

**Arkansas Department of Education  
Armored School District  
General Operating Funds  
Summary**

FY11 as of June 30, 2011			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2011</u>
1,113,863	4,609,105	4,564,120	1,158,848
(Includes \$750,000 Cash Flow Loan)	(Included repayment of \$750,000 Cash Flow Loan on 12/7/10)		
FY10 as of June 30, 2010			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2010</u>
357,815	5,783,016	5,026,967	1,113,863
(included \$750,000 Cash Flow Loan Proceeds)	(Includes \$750,000 Cash Flow Loan)		
FY09 as of June 30, 2009			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2009</u>
1,118,635	3,875,342	4,636,162	357,815

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

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

**General Operating Funds:**

**1000,1217,1218,1244,1246,2000,2001,2004,2005,2006,2007,2008,2101,2211,2217,2218,2230,2234,2240,2244,2246,2250,2265,2271,2290,2295,2340,2345,2390,2392,2393,2580,4000,4002**

		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
<b>Revenue:</b>					
11110	Property Taxes Current	1,991,118	1,575,880	2,296,061	720,181
11115	Prop Tax Relief-Sales Tax	15,721	18,152	41,314	23,162
11120	Property Tax 40%	863,626	1,286,921	1,281,162	(5,759)
11125	Property Tax Rel. 40%	89,581	0	0	0
11140	Property Tax Delinquent	203,177	615,041	72,498	(542,544)
11150	Excess Commission	65,521	42,978	81,409	38,431
11160	Land Redemption	41,369	33,612	98,719	65,107
11400	Penalties/Interest on Tax	0	319	0	(319)
12800	In Lieu of Tax	71,644	0	0	0
12900	Other local -non lea revenue	75,235	83,032	75,281	(7,752)
13260	Tuition Pre-K	28,178	24,431	30,919	6,488
15100	Interest on Investments	33,151	39,324	43,945	4,621
17400	Pupil Fees-Lockers/Fines	0	138	75	(63)
19110	16th Section land Rent	59,714	76,943	42,674	(34,269)
19130	LEA Bldgs & Facilities	3,250	5,600	6,700	1,100
19200	Private Contributions	2,500	10,060	12,025	1,965
19800	Refunds of Prior Yr Expense	518	790	200	(590)
19900	Misc Revenue from Local Sources	15,687	107,253	31,218	(76,035)
31101	State Foundation Funding	162,470	326,324	0	(326,324)
31102	Enhanced Educational Fund	39,620	15,776	0	(15,776)
31103	98% Tax Collection Rate GTD	82,142	0	0	0
31450	Student Growth	0	0	45,700	45,700
31460	Declining Enrollment	0	13,729	0	(13,729)
31620	Supp Millage Incentive	0	0	0	0
31900	Other	0	700	0	(700)
32227	College Prep Enrich Pgm	0	0	0	0
32232	District with High Gains	0	7,965	0	(7,965)
32250	Mentoring Program	1,976	0	13,895	13,895
32251	Child Wellness Interv. PR	0	0	0	0
32260	Act 799 of 2003 Game/Fish	0	0	0	0
32290	Oth Grants/Aid State	0	0	0	0
32310	Hand Child-Supv/Extend Yr	4,770	6,909	1,834	(5,075)
32314	Sp Ed Extended School Year	0	0	888	888
32330	Non Hand Resid Treatment	0	0	0	0
32340	Hand Resident Treatment	0	0	0	0
32355	Early Child Pilot Parent	24,373	31,786	65,232	33,446
32361	G/T Advanced Placement	0	300	100	(200)
51400	Current Loans	0	750,000	0	(750,000)
51900	Noncash Receipt	0	16,000	0	(16,000)
52300	Transfer from Building Fund	0	693,052	367,257	(325,795)
52600	Transfer from Federal Grants	0	0	0	0
52800	Transfer from Food Service	0	0	0	0
52900	Indirect Cost	0	0	0	0
53100	Sale of Equipment	0	0	0	0
53400	Compen-Loss Fixed Assets	0	0	0	0
	<b>Total Revenue</b>	<b>3,875,342</b>	<b>5,783,016</b>	<b>4,609,105</b>	<b>(1,173,911)</b>

Arkansas Department of Education  
Armored School District  
General Operating Funds  
Expenditures

General Operating Funds:					
1000,1217,1218,1244,1246,2000,2001,2004,2005,2006,2007,2008,2101,2211,2217,2218,2230,2234,2240,2244,2246,2250,2265,2271,2290,2295,2340,2345,2390,2392,2393,2580,4000,4002					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
60000-62999	Salaries & Benefits	3,169,785	3,215,311	2,857,567	(357,743)
Other:					
63000	Purch Svs-Prof & Technical	0	0	0	0
63120	Management Services	0	250	0	(250)
63130	Board of Ed Services	0	0	0	0
63210	Pur Svcs-Inst-Prof/Tech	9,671	2,680	0	(2,680)
63220	Subs Pur Svcs	0	0	0	0
63230	Consulting - Educational	2,200	0	0	0
63310	Emp train/Dev-Cert	0	0	0	0
63320	Emp train/Dev-CL	0	0	0	0
63410	Data Processing Services	0	0	0	0
63430	Accounting	0	0	0	0
63440	Legal	0	0	0	0
63444	Contract Prep/Rev	0	0	0	0
63445	Legal-Research/Opinions	0	0	0	0
63450	Medical	0	0	0	0
63470	Architectural	0	0	0	0
63490	Other Professional Services	2,981	40,664	42,295	1,631
63590	Other Technical Services	0	0	0	0
63900	Other Purc Prof Tech Serv	4,929	3,140	3,165	25
64110	Water/Sewer	6,454	2,960	3,154	194
64210	Disposal/Sanitation	6,742	6,600	6,653	53
64230	Custodial	4,863	0	0	0
64310	Non-Tech Repairs/Maint	5,417	20,290	16,349	(3,942)
64320	Equipment & Vehicles	14,522	17,159	3,008	(14,151)
64410	Land & Bldgs	0	0	0	0
64420	Equip & Vehicles	1,464	4,334	12,593	8,259
64500	Construction Services	18,187	112,904	0	(112,904)
64900	Other Purc Property Services	0	0	0	0
65210	Property Insurance	63,433	600	30,306	29,706
65220	Liability Insurance	0	0	0	0
65240	Fleet Insurance	0	0	0	0
65250	Accident Ins for Students	10,646	0	4,646	4,646
65290	Other Insurance	0	289	0	(289)
65310	Telephone	11,520	2,916	13,518	10,602
65320	Postage	1,998	2,017	1,708	(309)
65400	Advertising	2,103	4,689	2,610	(2,079)
65610	To LEA's within State	11,554	1,138	0	(1,138)
65800	Travel Expenses	0	0	0	0
65810	Travel-CE In Dist	0	0	0	0
65820	Trvl CLS In District	0	0	0	0
65830	Trvl Cert-Out of District	12,818	5,911	437	(5,474)
65840	Trvl CIS Out District	2,998	1,789	1,042	(747)
65870	Travel Non-Employee	72	0	0	0
65880	Meals	5,393	2,128	2,564	436
65890	Lodging	15,839	9,266	8,824	(443)
65910	Svc Locally Purchased	15,241	5,844	6,028	184
66100	General Supplies	196,275	136,495	131,451	(5,044)
66101	Sup&Mat/Unit Maint	0	0	0	0
66107	Equip Un 1000	0	0	0	0
66120	Uniforms/Accessories	0	0	0	0
66150	Art Sup/Materials	0	0	0	0
66170	Veh-Sup/Materials	0	0	0	0
66180	Bldg/Grnd-S&M Supp&Mater	0	0	0	0
66210	Natural Gas	26,877	30,206	23,560	(6,646)
66220	Electricity	74,696	69,014	79,309	10,295
66240	Oil	0	0	0	0
66260	Gasoline/Diesel	23,927	25,539	27,422	1,883
66410	Textbooks	42,389	21,953	19,797	(2,156)
66420	Library Books	3,867	681	6,582	5,900
66430	Periodicals	923	915	1,105	191
66440	Audiovisual Materials	734	0	2,408	2,408
66500	Techn Supplies	0	0	0	0
66510	Software	0	11,317	9,035	(2,282)
66520	Other	0	3,747	0	(3,747)
66527	Low Value tech Supplies	0	0	0	0
66900	Other Supplies & Material	0	0	0	0
66910	Tires	0	0	0	0
67100	Land & Improvements	0	47,968	0	(47,968)

Arkansas Department of Education  
Armored School District  
General Operating Funds  
Expenditures

		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
67110	Site Improvement	0	0	0	0
67200	Buildings	0	0	0	0
67310	Machinery	5,130	11,720	0	(11,720)
67320	Vehicles	55,055	0	0	0
67330	Furniture & Fixtures	25,337	2,789	0	(2,789)
67340	Tech Rel Hardware	152,238	24,874	0	(24,874)
67350	Tech Software	0	2,207	0	(2,207)
67390	Other Equip-Over 1000	4,978	0	0	0
68100	Dues & Fees	172,850	28,243	10,560	(17,683)
68300	Interest	176,927	170,831	218,401	47,570
68800	Taxes	235	0	235	235
68830	Property Tax	235	235	0	(235)
68900	Miscellaneous Expenditure	0	0	0	0
69100	Redemption of Principal	175,357	191,000	960,000	769,000
69330	To Building Fund	0	693,052	0	(693,052)
69380	To Food Service Fund	92,014	51,330	57,788	6,458
69400	Return to State	5,290	39,972	0	(39,972)
Total Other Exp.		1,466,377	1,811,657	1,706,553	(105,104)
	Total Expenditures	4,636,162	5,026,967	4,564,120	(462,847)

**Arkansas Department of Education  
Yellville-Summit School District  
General Operating Funds  
Summary**

FY11 as of June 30, 2011			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2011</u>
539,246	6,074,914	5,702,872	911,288
FY10 as of June 30, 2010			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2010</u>
497,413	6,213,658	6,171,825	539,246
FY09 as of June 30, 2009			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2009</u>
987,244	6,162,773	6,652,604	497,413

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

**Arkansas Department of Education  
Yellville-Summit School District  
General Operating Funds  
Revenue**

<b>General Operating</b>					
<b>Funds:1000,1218,1246,1265,2000,2001,2218,2232,2234,2240,2244,2246,2250,2255,2265,2271,2300,2340,2389,2392,2394,2398,2399,2995,4000,4394</b>					
		<b>FY09</b>	<b>FY10</b>	<b>FY11</b>	<b>FY11 Actual</b>
		<b>as of</b>	<b>as of</b>	<b>as of</b>	<b>compared to</b>
		<b>6/30/2009</b>	<b>6/30/2010</b>	<b>6/30/2011</b>	<b>FY10 Actual</b>
<b>Revenue:</b>					
11110	Property Taxes Current	1,140,112	1,152,112	1,124,828	(27,284)
11115	Property Taxes Relief	22,234	79,813	128,596	48,783
11120	Property Tax 40% by 6/30	567,035	576,155	594,401	18,246
11140	Property Tax Delinquent	115,897	105,150	150,290	45,140
11150	Excess Commission	8,907	2,305	38,397	36,092
11160	Land Redemption	10,365	0	15,340	15,340
11500	Unapportioned Taxes	2,280	13,205	1,731	(11,474)
12800	Rev In Lieu Of Taxes	0	0	2,590	2,590
14240	Fees From Vocational Ed	0	12,640	6,320	(6,320)
15100	Interest on Investments	18,845	3,755	2,519	(1,236)
19200	Private Contributions	0	12,000	0	(12,000)
19300	Sales of Supplies & Materials	242	188	0	(188)
19800	Refunds of Prior Yr Expenditures	7,312	15,618	11,828	(3,790)
19900	Misc Revenue from Local Sources	18,147	9,760	20,421	10,661
21200	Severance Tax	359	117	91	(26)
22000	Restricted Grants-In-Aid	1,974	0	0	0
31101	State Foundation Funding	3,911,202	3,678,614	3,573,025	(105,589)
31102	Enhanced Educational Fund	78,320	30,089	0	(30,089)
31103	98% URT	63,104	71,339	74,355	3,016
31460	Declining Enrollment	7,149	119,724	92,092	(27,632)
31620	Supplement Millage	38,837	33,289	27,741	(5,548)
31900	Other	0	350	0	(350)
32232	AR School Recognition Program	0	4,098	0	(4,098)
32250	Teacher Enhancement Grant	0	2,000	4,161	2,161
32251	CWIP	0	0	15,441	15,441
32260	Game and Fish Funds	3,550	2,217	2,734	518
32310	Hand Child-Supv/Extend Yr	6,657	6,121	3,397	(2,724)
32314	Extended School Year	0	888	0	(888)
32330	Non-Hand-Resid Treatment	0	0	0	0
32340	Hand-Resident Treatment	0	4,142	0	(4,142)
32355	Sp Ed Catastrophic	53,848	41,811	67,224	25,413
32361	G/T Advanced Placement	1,400	200	450	250
32430	Workforce Spec Needs Proj	0	750	0	(750)
32480	New Program start up	15,491	0	0	0
32901	MITs Wellness Centers	0	0	0	0
32909	Coordinated School Health	0	71,897	52,130	(19,767)
32912	General Facilities Fund	0	14,003	11,669	(2,334)
32915	Debt Service Supplement	45,195	37,535	33,954	(3,581)
32920	AGF/Wild School Yard	0	3,296	0	(3,296)
32990	Other Grants	0	4,000	0	(4,000)
42200	Flood Control	13,485	9,856	12,628	2,771
51100	Proceeds From Bond Sale	0	0	6,562	6,562
51400	Current Loans	0	0	0	0
51900	Misc Non Revenue	1,466	0	0	0
52300	Transfer from Building Fund	0	78,838	0	(78,838)
52700	Transfer from Student Activity	0	290	0	(290)
52800	Transfers from Food Service Fund	0	4,632	0	(4,632)
53400	Compen-Loss Fixed Assets	0	10,860	0	(10,860)
56400	Extraordinary items	9,360	0	0	0
	<b>Total Revenue</b>	<b>6,162,773</b>	<b>6,213,658</b>	<b>6,074,914</b>	<b>(138,744)</b>



Arkansas Department of Education  
Yellville-Summit School District  
General Operating Funds  
Expenditures

General Operating					
Funds:1000,1218,1246,1265,2000,2001,2218,2232,2234,2240,2244,2246,2250,2255,2265,2271,2300,2340,2389,2392,2394,2398,2399,2995,4000,4394					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
61000-62999	Salaries & Benefits	5,054,777	4,645,354	4,369,317	(276,038)
Other:					
63120	Management Services	0	10,000	0	(10,000)
63130	Board of Ed Services	0	193	0	(193)
63210	Instructional	15,167	22,641	21,014	(1,627)
63240	Student Assessment	0	0	0	0
63310	Certified/Prof Dev Training	2,733	1,400	2,286	886
63320	Classified/Prof Training	1,002	2,758	2,182	(576)
63410	Pupil Services	0	15,491	0	(15,491)
63440	Legal	0	0	0	0
63444	Legal	0	1,456	0	(1,456)
63450	Medical	6,175	2,800	6,941	4,141
63490	Other Professional Service	53,741	67,763	60,802	(6,960)
63530	Software Support	0	0	300	300
63590	Other Technical Services	10,882	1,706	882	(824)
63900	Other Purc Prof Tech Serv	12,311	8,464	16,183	7,719
64110	Water/Sewer	14,535	15,559	21,417	5,858
64210	Disposal/Sanitation	16,265	15,589	14,232	(1,357)
64310	Rep/Maint - Building & Grounds	3,315	8,045	4,610	(3,435)
64320	Rep/Maint - Equip & Vehicle	8,711	6,781	410	(6,371)
64410	Rental on Land & Bldgs	7,024	10,155	9,680	(475)
64420	Rental Equip & Vehicles	7,078	5,217	3,638	(1,578)
64500	Construction Services	6,580	19,228	0	(19,228)
64900	Other Purc Property Services	30	30	30	0
65210	Property Insurance	35,157	35,157	44,586	9,429
65240	Fleet Insurance	8,726	8,424	8,424	0
65250	Accident Ins for Students	2,200	8,500	8,500	0
65290	Other Insurance	6,365	53	53	0
65310	Telephone	9,961	7,021	5,852	(1,169)
65320	Postage	6,448	4,870	4,800	(70)
65330	Networking Internet Serv	3,494	149	0	(149)
65400	Advertising	155	1,342	471	(871)
65500	Printing and Binding	0	0	274	274
65610	To LEA's Within State	76,273	109,879	0	(109,879)
65800	Travel	0	0	0	0
65810	Travel - Cert In District	4,300	932	4,430	3,498
65820	Travel - CLS In District	2,283	2,261	3,232	971
65870	Travel Non-Employee	312	2,252	4,387	2,135
65880	Meals	987	1,119	1,207	88
65890	Lodging	6,455	6,159	4,483	(1,676)
65910	In state/Serv purch Lea	0	6,121	0	(6,121)
66100	General Supplies	254,619	215,708	197,246	(18,462)
66107	Low Value Equipment	31,175	18,789	5,892	(12,897)
66210	Natural Gas	44,110	47,587	45,586	(2,002)
66220	Electricity	97,193	119,011	117,803	(1,208)
66260	Gasoline/Diesel	62,468	57,056	72,352	15,296
66410	Textbooks	81,085	24,882	627	(24,255)
66420	Library Books	16,998	1,160	0	(1,160)
66430	Periodicals	2,646	1,897	3,992	2,096
66440	Audiovisual Materials	2,023	40	0	(40)
66500	Techn Supplies	6,277	5,856	6,120	264
66527	Low Value tech Supplies	12,833	21,332	2,648	(18,684)
67320	Vehicles	38,400	0	3,608	3,608
67330	Furniture & Fixtures	0	3,489	0	(3,489)
67340	Technology Hardware	4,121	3,622	16,018	12,396
67350	Tech- Software	0	0	0	0
67390	Other Equipment	28,117	8,044	0	(8,044)
68100	Dues & Fees	11,863	14,401	10,859	(3,542)
68101	Lic Renew Techers	0	0	1,700	1,700
68300	Interest	288,373	311,590	265,583	(46,007)
68900	Misc Expenditures	18,336	25,174	14,228	(10,946)
68999	Allocated Charges	0	0	0	0
69100	Redemption of Principal	237,912	236,537	225,000	(11,537)
69330	To Building Fund	0	0	88,989	88,989
69380	To Food Service	30,614	0	0	0
69400	Program Funding Return	0	780	0	(780)
Total Other Exp.		1,597,828	1,526,471	1,333,556	(192,915)
Total Expenditures		6,652,604	6,171,825	5,702,872	(468,953)

**Arkansas Department of Education  
Dermott School District  
General Operating Funds  
Summary**

FY11 as of June 30, 2011			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2011</u>
698,537	3,496,359	3,555,490	639,406
FY10 as of June 30, 2010			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2010</u>
1,016,688	3,968,560	4,286,711	698,537
FY09 as of June 30, 2009			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2009</u>
1,006,365	4,086,262	4,075,939	1,016,688

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

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

General Operating					
Funds:1000 1246 1255 1369 1370 2000 2001 2003 2004 2006 2009 2010 2011 2012 2060 2061 2062 2100 2105 2120 2218 2225 2227 2232 2233 2234 2240 2246 2271 2285 2340 2365 2392 2394 2920 2995 4000					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
<b>Revenue:</b>					
11110	Property Taxes Current	621,524	747,962	780,164	32,203
11115	Property Tax Relief	19,174	0	0	0
11120	Property Tax -40 % by 6/30	286,516	306,259	302,112	(4,147)
11125	Property Relief Tax	21,594	0	0	0
11140	Property Tax Delinquent	47,198	12,838	35,282	22,444
11150	Excess Commission	6,382	6,625	6,564	(61)
11160	Land Redemp-In State Sale	44,224	51,055	45,695	(5,360)
11400	Penalties/Interest on Tax	30,405	62,048	38,910	(23,138)
15100	Interest on Investments	29,626	23,948	11,714	(12,234)
17590	Other Contracted Services	0	1,071	1,940	868
17900	Other Student Activity Revenue	805	565	815	250
19130	LEA Buildings and Facilities	12,600	13,200	11,200	(2,000)
19200	Private Contributions	570	580	595	15
19410	Secondary Sales	120	0	0	0
19800	Refunds of Prior Year Expense	5,051	47,854	16,698	(31,155)
19900	Misc Revenue from Local Sources	28,319	3,596	3,534	(62)
19910	Administrative Fees	223	233	0	(233)
31101	State Equal Aid	2,186,185	2,040,792	1,888,703	(152,089)
31102	Enhanced Educational Funding	43,923	16,570	0	(16,570)
31103	98% Tax Collection Rate	25,985	51,221	5,248	(45,973)
31460	Declining Enrollment	94,997	0	0	0
31620	Supplemental Millage Incentive	11,546	9,897	8,247	(1,650)
31900	Other Student Activity Revenue	350	548	2,518	1,970
32226	High Priority District Grant	113,324	130,524	106,474	(24,050)
32227	College Prep Enrich Program	8,677	8,327	0	(8,327)
32232	Awards Program	0	7,037	0	(7,037)
32249	Isolated Special Needs	0	0	131,952	131,952
32250	Pathwise Mentor	8,000	4,970	1,026	(3,944)
32310	Hand Child-Supv./Extended Year	3,726	3,371	1,795	(1,576)
32361	G/T Ap English Lit and Comp	50	0	0	0
32385	Serious Offender Program	302,459	314,337	0	(314,337)
32710	Ar Better Chance Grant	50,152	55,232	48,600	(6,632)
32912	General Facilities	9,657	8,277	6,898	(1,379)
32915	Debt Service Funding	38,718	33,102	29,753	(3,349)
32990	Juv Serious Offender Program	1,200	1,200	0	(1,200)
51100	Bonded Indebtedness	0	33	0	(33)
52900	Indirect Cost	22,430	5,288	8,324	3,037
53400	Comp-Loss Fixed Assets	10,553	0	1,597	1,597
	<b>Total Revenue</b>	<b>4,086,262</b>	<b>3,968,560</b>	<b>3,496,359</b>	<b>(472,200)</b>

Arkansas Department of Education  
Dermott School District  
General Operating Funds  
Expenditures

General Operating					
Funds:1000 1246 1255 1369 1370 2000 2001 2003 2004 2006 2009 2010 2011 2012 2060 2061 2062 2100 2105 2120 2218 2225 2227 2232 2233 2234 2240 2246 2271 2285 2340 2365 2392 2394 2920 2995 4000					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
60000-62999	Salaries & Benefits	2,922,250	3,087,244	2,256,910	(830,334)
Other:					
63441	Legal Litigation	0	0	8,732	8,732
63445	Legal	175	339	443	104
63900	Other Purc Prof/Tech Services	91,977	190,548	91,983	(98,564)
64110	Water/Sewer	31,871	29,592	33,527	3,935
64310	Building and Grounds	4,219	1,778	0	(1,778)
64320	Tech Related Repairs/Mt.	7,075	18,895	12,857	(6,038)
64410	Land and Buildings	5,500	6,500	6,000	(500)
65210	Property Insurance	111	28,820	29,540	720
65240	Fleet Insurance	0	6,012	12,358	6,346
65250	Accident Insurance for Students	10,817	11,358	6,256	(5,102)
65310	Telephone	23,269	27,775	1,965	(25,810)
65320	Postage	2,326	2,737	2,394	(344)
65400	Advertising	4,471	3,645	2,484	(1,161)
65610	To Lea's Within State	7,313	7,042	6,500	(542)
65640	Interm Agency-In State	39,159	42,750	36,157	(6,593)
65810	Travel Cert. In District	2,703	2,285	1,431	(854)
65820	Travel CIs In District	990	1,522	734	(788)
65870	Non Employee Travel	0	0	0	0
65880	Meals	1,947	2,724	1,451	(1,273)
65890	Lodging	6,086	9,773	5,167	(4,607)
65910	Service Purchased Locally	110	110	55	(55)
66100	General Supplies	129,428	141,148	88,147	(53,001)
66210	Natural Gas	36,204	30,455	27,161	(3,294)
66220	Electricity	86,621	712	15,144	14,432
66260	Gasoline/Diesel	35,870	21,165	20,876	(289)
66410	Textbooks	51,457	28,059	75	(27,983)
66420	Library Books	1,017	1,591	937	(654)
66430	Periodicals	3,435	1,834	1,328	(506)
67310	Machinery	8,140	0	0	0
67320	Vehicles	9,145	4,573	0	(4,573)
67330	Furniture and Fixtures	0	0	0	0
67340	Technology Related Hardware	23,774	4,927	0	(4,927)
67390	Other Equipment	545	0	0	0
68100	Dues and Fees	13,093	13,249	13,959	710
68300	Interest	197,059	88,670	117,826	29,156
68900	Misc Expenditures	366	0	0	0
68999	Allocated Charges	0	0	0	0
69100	Redemption of Principle	14,957	144,573	126,202	(18,370)
69330	To Building Fund	0	0	600,000	600,000
69380	To Food Service	0	8,846	13,456	4,611
69400	Program Fund Return Pr Yr	0	1,126	4	(1,122)
69500	Transits	302,459	314,337		(314,337)
69620	Student Meals	0	0	13,432	13,432
Total Other Exp.		1,153,689	1,199,466	1,298,580	99,114
	Total Expenditures	4,075,939	4,286,711	3,555,490	(731,220)

**Arkansas Department of Education  
Earle School District  
General Operating Funds  
Summary**

FY11 as of June 30, 2011			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2011</u>
468,398	8,598,695	7,216,699	1,850,394
FY10 as of June 30, 2010			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2010</u>
345,908	7,580,714	7,458,224	468,398
FY09 as of June 30, 2009			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance <u>6/30/2009</u>
530,574	7,579,236	7,763,901	345,908

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

Arkansas Department of Education  
Earle School District  
General Operating Funds  
Revenue

General Operating					
Funds:1000 1001 1011 1218 1227 1240 1244 1246 1340 1365 2000 2001 2002 2003 2004 2005 2006 2007 2008 2010 2011 2200 2227 2240 2244 2246 2250 2295 2340 2350 2365 2369 2370 2392 2394 2396 2399 4000					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
Revenue:					
11110	Property Taxes Current	727,521	544,628	639,086	94,458
11115	Property Tax Relief	29,573	132,550	118,930	(13,620)
11120	Property Tax - 40% By 6/30	185,766	243,420	243,219	(201)
11125	Property Tax Relief - 1 - 6/30	63,057	0	86	86
11140	Property Taxes-Delinquent	82,840	45,246	45,250	4
11150	Excess Commission	18,987	0	0	0
11160	Land Redemption - In State Sale	37,795	13,229	13,230	1
12800	Revenue in Lieu of Taxes	6,832	8,893	0	(8,893)
15100	Interest on Investments	3,741	246	0	(246)
19110	16th Section Land Rent	25,000	25,000	0	(25,000)
19130	LEA Buildings & Facilities	13,350	18,300	21,522	3,222
19200	Private Contributions	325	0	350	350
19300	Sale of Bldgs./Land	0	0	1,519,737	1,519,737
19410	Insurance Loss Claims	0	0	8,497	8,497
19430	Different Taste Restaurean	0	0	7,510	7,510
19550	Transits-Flow Thru Money	0	0	239,565	239,565
19580	Other LEAs Outside State	113,178	115,625	85,847	(29,778)
19800	Refunds of Prior Year Expen	3,967	0	22,985	22,985
19900	Misc Rev Fr Local Sources	69,954	113,094	170,006	56,912
19910	Insurance Loss Claims	865,702	380,531	0	(380,531)
19920	Different Taste Restaurean	0	7,848	0	(7,848)
22100	Minority Initiative Grant	5,000	0	0	0
31101	Foundation Aid Funding	4,144,175	3,984,270	3,949,343	(34,927)
31102	Enhanced Edu funding	71,431	27,244	0	(27,244)
31103	98% Tax Collection Rate G	39,555	48,942	34,582	(14,360)
31460	Declining Enrollment	0	125,895	69,867	(56,028)
31620	Supplement Millage Incent	41,945	35,953	29,961	(5,992)
31900	Other	350	1,050	0	(1,050)
32226	High Priority Dist Grant	174,000	190,759	150,439	(40,319)
32227	College Prep Enrich Prm	14,999	17,057	0	(17,057)
32250	Pathwise Mentoring Grant	15,867	10,361	3,200	(7,161)
32310	Hand Child-Supv/Extended YR	18,751	21,830	3,094	(18,736)
32314	Extended Day	0	0	14,578	14,578
32415	Sec Voc Area Center	4,198	0	0	0
32430	Voc Spec Needs Project	0	12,500	0	(12,500)
32480	Voc New Pgm Start-Up	0	15,491	42,542	27,050
32710	AR Better Chance (ABC) Grnt	250,657	236,757	237,307	550
32912	General Facilities	14,194	12,166	10,139	(2,027)
32915	D/S Funding	184,725	173,064	172,147	(917)
32916	DHS-Human Service Worker	0	18,016	31,521	13,505
32920	AR Game & Fish Commission	601	0	0	0
32990		1,200	750	25,940	25,190
51400	Current Loans	350,000	1,000,000	688,215	(311,785)
	Total	7,579,236	7,580,714	8,598,695	1,017,982

Arkansas Department of Education  
Earle School District  
General Operating Funds  
Expenditures

General Operating					
Funds:1000 1001 1011 1218 1227 1240 1244 1246 1340 1365 2000 2001 2002 2003 2004 2005 2006 2007 2008 2010 2011 2200 2218 2227 2240 2244 2246 2250 2295 2340 2350 2365 2369 2370 2392 2394 2396 2399 4000					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
60000-62999	Salaries & Benefits	4,572,732	4,546,554	4,093,382	(453,172)
Other:					
63210	Instructional	96,408	0	0	0
63230	Consulting - Educational	5,926	0	0	0
63410	Data Processing Services	0	500	0	(500)
63420	Statistical Services	37,250	62,925	0	(62,925)
63430	Accounting	0	1,995	0	(1,995)
63440	Legal Fees	0	548	8,963	8,415
63450	Medical	13,378	1,598	0	(1,598)
63490	Other Prof Services	2,623	0	0	0
63900	Other Purch Prof/Tech SVS	10,895	3,676	4,301	624
64110	Water/Sewer	11,054	10,739	11,784	1,045
64210	Disposal/Sanitation	12,840	8,608	6,063	(2,545)
64230	Custodial	46,707	51,822	21,772	(30,050)
64240	Lawn Care	96	0	0	0
64310	Bldg & Grounds	720,320	294,623	117,111	(177,513)
64320	Equipment & Vehicles	171,177	128,314	24,222	(104,092)
64420	Equipment & Vehicles	12,386	9,041	2,694	(6,347)
65210	Property Insurance	70,847	75,518	77,935	2,417
65220	Liability Insurance	0	2,815	4,075	1,260
65240	Fleet Insurance	8,996	14,364	11,004	(3,360)
65250	Accident Ins for Students	0	27,162	0	(27,162)
65310	Telephone	50,217	53,307	56,663	3,356
65320	Postage	1,982	2,636	1,115	(1,521)
65400	Advertising	3,303	496	5,326	4,829
65640	Interim Agency - In State	2,821	0	0	0
65810	Trvl-Cert-In District	996	288	0	(288)
65820	Trvl-Cls-In District	486	688	653	(35)
65830	Trvl-Cert-Out of District	7,901	9,010	8,823	(187)
65840	Trvl-Cls-Out of District	5,328	5,393	8,410	3,016
65870	Non-Employee Travel	13,586	7,519	1,035	(6,483)
65880	Meals	9,151	12,522	8,748	(3,774)
65890	Lodging	17,579	13,315	9,416	(3,899)
65900	Misc Purch Svs	18,916	13,614	0	(13,614)
66100	Gen Supplies	358,003	394,795	345,148	(49,647)
66107	Gen Supplies-Low Val EQ	2,515	17,186	0	(17,186)
66210	Nat. Gas	76,261	90,994	65,385	(25,610)
66220	Electricity	92,324	97,453	85,731	(11,722)
66260	Gasoline/Diesel	74,701	85,721	75,410	(10,310)
66410	Textbooks	116,806	59,689	18,512	(41,177)
66420	Library Books	1,512	2,124	0	(2,124)
66430	Periodicals	168	456	416	(40)
66527	T-II Technology	2,035	2,116	0	(2,116)
66910	Tires	1,008	574	0	(574)
67310	Machinery	0	3,300	13,728	10,428
67320	Vehicles	0	19,344	31,830	12,487
67330	Furniture & Fixtures	3,046	0	0	0
67340	Tech Related Hardware	33,594	9,102	0	(9,102)
67390	Other Equipment	18,666	9,628	0	(9,628)
68100	Dues And Fees	169,095	199,131	499,391	300,260
68300	Interest	269,729	371,201	233,410	(137,791)
68900	Misc Expenditures	241	0	19,484	19,484
69100	Redemption Of Principal	618,294	732,815	1,322,721	589,906
69400	Program Funding Return	0	3,005	22,035	19,030
	Total Other Expenditures	3,191,169	2,911,671	3,123,317	211,647
	Total Expenditures	7,763,901	7,458,224	7,216,699	(241,525)

**Arkansas Department of Education  
Forrest City School District  
General Operating Funds  
Summary**

FY11 as of June 30, 2011			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2011</u>
2,824,822	23,827,536	24,254,561	2,398,047
FY10 as of June 30, 2010			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2010</u>
1,487,317	25,210,040	23,872,535	2,824,822
FY09 as of June 30, 2009			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2009</u>
2,740,565	25,146,567	26,399,816	1,487,317

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



Arkansas Department of Education  
Forrest City School District  
General Operating Funds  
Revenue

General Operating					
Funds:1000 1218 1240 1246 1300 1365 2000 2001 2002 2003 2004 2006 2008 2009 2011 2012 2080 2081 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2218 2219 2227 2230 2231 2232 2234 2235 2240 2244 2246 2250 2255 2271 2295 2300 2327 2340 2361 2364 2365 2369 2373 2376 2380 2389 2392 2394 2396 2444 2495 4000					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
Revenue:					
11110	Property Taxes Current	2,600,549	2,609,973	2,639,826	29,853
11115	Prop Tax Relief-Sales Tax	103,412	150,362	249,837	99,475
11120	Property Tax 40%	1,667,349	1,630,273	1,507,022	(123,251)
11125	Property Tax Rel. 40%	0	0	139,968	139,968
11140	Property Tax Delinquent	220,501	308,107	227,272	(80,835)
11150	Excess Commission	4,564	3,693	4,544	851
11160	Land Redemption	296,440	322,863	378,734	55,871
11400	Penalties/Interest on Tax	0	0	0	0
12800	In Lieu of Tax	15,710	15,322	13,854	(1,468)
13140	Day Care	0	0	36,487	36,487
15100	Interest on Investments	67,524	85,969	5,044	(80,925)
17590	Other Contracted Services	0	99,210	9,795	(89,415)
19130	LEA Bldgs & Facilities	5,205	16,355	22,410	6,055
19200	Private Contributions	72,129	45,686	32,306	(13,380)
19300	Sales of Supplies & Material	0	0	0	0
19516	Staff Development	899	767	288	(479)
19550	Transits-Flow Thru Money	11,660	16,903	11,172	(5,731)
19800	Refunds of Prior Yr Expenditures	53,905	146,826	85,020	(61,806)
19900	Misc Revenue from Local Sources	172,918	126,332	95,127	(31,205)
31101	State Foundation Funding	16,688,498	16,103,585	15,699,208	(404,377)
31102	Enhanced Educational Fund	312,849	119,719	0	(119,719)
31103	98% Tax Collection Rate GTD	177,713	259,283	140,345	(118,938)
31460	Declining Enrollment	245,852	517,987	449,105	(68,882)
31620	Supp Millage Incentive	100,645	86,268	71,890	(14,378)
31900	Other	58,671	59,546	56,571	(2,975)
32227	College Prep Enrich Pgm	732	14,500	14,500	0
32232	Alt Learn Prog	0	8,661	0	(8,661)
32250	Mentoring Program	26,163	32,316	19,544	(12,772)
32260	Act 799 of 2003 Game/Fish	2,371	3,416	2,630	(786)
32290	Oth Grants/Aid State	1,436	2,450	1,400	(1,050)
32310	Hand Child-Supv/Extend Yr	33,790	24,353	13,402	(10,951)
32314	Sp Ed Extended School Year	0	0	9,620	9,620
32330	Non Hand Resid Treatment	131,592	286,479	229,993	(56,486)
32340	Hand Resident Treatment	176,549	179,485	121,093	(58,392)
32361	G/T Advanced Placement	250	2,483	1,200	(1,283)
32430	Voc Spec Needs Project	0	12,500	37,500	25,000
32480	Voc New PGM Start-Up	0	15,491	0	(15,491)
32610	Ed Services Cooperative	10,879	0	0	0
32710	AR Better Chance (ABC) Grant	923,189	972,000	936,489	(35,511)
32727	AR/Hippy (AR DHS)	172,693	177,532	173,573	(3,959)
32740	Inf/Tod Prog DHS	10,197	13,402	9,437	(3,965)
32909	Coord Sch Health	72,737	0	0	0
32912	General Facilities Funding	68,536	58,745	48,954	(9,791)
32915	Debt Service Funding	226,070	213,539	209,020	(4,519)
32917	Dept Of Health	0	73,519	39	(73,480)
32990	Other Grants and Aid	163,200	0	0	0
32993	Greater Grad/Dropout Prevention	0	0	23,500	23,500
42500	Impact Aid	0	0	6,280	6,280
51200	Revolving Loans	0	0	0	0
52300	Transfer from Building Fund	0	14,426	0	(14,426)
52600	Transfer from Federal Grants	0	69,826	0	(69,826)
52800	Transfer from Food Service	175,000	240,000	0	(240,000)
52900	Indirect Cost	63,026	61,916	91,609	29,693
53100	Sale of Equipment	2,450	0	0	0
53400	Compen-Loss Fixed Assets	8,714	7,972	1,928	(6,044)
	<b>Total Revenue</b>	<b>25,146,567</b>	<b>25,210,040</b>	<b>23,827,536</b>	<b>(1,382,505)</b>

Arkansas Department of Education  
Forrest City School District  
General Operating Funds  
Expenditures

General Operating Funds:1000 1218 1240 1246 1300 1365 2000 2001 2002 2003 2004 2006 2008 2009 2011 2012 2080 2081 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2218 2219 2227 2230 2231 2232 2234 2235 2240 2244 2246 2250 2255 2271 2295 2300 2327 2340 2361 2364 2365 2369 2373 2376 2380 2389 2392 2394 2396 2444 2995 4000					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
60000-62999	Salaries & Benefits	21,638,466	19,342,749	19,794,489	451,740
Other:					
63120	Management Services	1,500	0	0	0
63130	Board of Ed Services	17,208	17,852	0	(17,852)
63210	Pur Svcs-Inst-Prof/Tech	0	0	0	0
63220	Subs Pur Svcs	292,872	310,972	337,946	26,974
63230	Consulting - Educational	0	0	0	0
63310	Emp train/Dev-Cert	10,993	3,118	2,165	(953)
63320	Emp train/Dev-CL	6,087	4,113	3,358	(755)
63445	Legal-Research/Opinions	36,961	40,649	90,919	50,271
63450	Medical	3,350	240	2,661	2,421
63470	Architectural	1,425	6,225	3,863	(2,363)
63490	Other Professional Services	0	0	0	0
63590	Other Technical Services	15,015	7,564	19,563	11,999
63900	Other Purc Prof Tech Serv	498,347	562,634	558,373	(4,261)
63920	Other Prof-Copier	0	0	24,806	24,806
64110	Water/Sewer	41,942	48,001	54,750	6,748
64210	Disposal/Sanitation	49,200	45,762	43,732	(2,030)
64240	Lawn Care	20,388	2,180	0	(2,180)
64310	Non-Tech Repairs/Maint	104,807	122,632	105,517	(17,115)
64320	Tech Repairs/Maint	0	0	0	0
64410	Land & Bldgs	2,700	0	5,400	5,400
64420	Equip & Vehicles	13,133	4,780	5,084	305
64500	Construction Services	0	0	0	0
64900	Other Purc Property Services	18,542	16,284	17,330	1,046
65210	Property Insurance	136,564	136,573	136,573	0
65220	Liability Insurance	12,450	9,454	14,328	4,874
65240	Fleet Insurance	14,960	14,688	14,144	(544)
65250	Accident Ins for Students	32,131	32,971	33,826	855
65290	Other Insurance	13,543	14,854	13,977	(877)
65310	Telephone	85,691	82,458	79,921	(2,537)
65320	Postage	11,131	7,365	10,282	2,918
65400	Advertising	13,666	10,948	9,734	(1,214)
65500	Printing & Binding	0	0	0	0
65800	Travel Expenses	0	0	0	0
65810	Travel-CE In Dist	23,767	11,530	5,905	(5,625)
65820	Trvl CLS In District	18,550	15,407	11,680	(3,727)
65870	Travel Non-Employee	7,865	20,129	13,081	(7,048)
65880	Meals	3,181	2,087	2,560	473
65900	Misc Purc Svs	3,510	5,576	12,256	6,680
65910	Service Purchased Locally	0	0	0	0
66100	General Supplies	363,176	292,943	161,422	(131,521)
66101	Sup&Mat/Unit Maint	498	0	0	0
66107	Equip Un 1000	256,090	118,348	91,566	(26,782)
66120	Uniforms/Accessories	84,737	54,138	9,705	(44,434)
66150	Art Sup/Materials	12,404	0	0	0
66170	Veh-Sup/Materials	19,618	19,080	16,593	(2,487)
66180	Bldg/Grnd-S&M Supp&Mater	84,749	73,563	62,879	(10,684)
66210	Natural Gas	178,813	151,635	125,673	(25,962)
66220	Electricity	525,184	499,919	462,388	(37,531)
66240	Oil	10,743	5,404	4,467	(938)
66260	Gasoline/Diesel	128,029	127,444	185,914	58,470
66410	Textbooks	310,179	124,597	0	(124,597)
66500	Techn Supplies	9,027	19,257	18,108	(1,149)
66510	Software	1,819	28,933	5,293	(23,640)
66527	Low Value tech Supplies	7,714	809	1,540	731
66900	Other Supplies & Material	35,193	34,245	0	(34,245)
66910	Tires	26,192	21,754	21,449	(306)
67200	Buildings	4,224	0	0	0
67310	Machinery	5,506	0	16,421	16,421
67320	Vehicles	12,930	0	0	0

Arkansas Department of Education  
Forrest City School District  
General Operating Funds  
Expenditures

		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
67330	Furniture & Fixtures	5,464	0	0	0
67340	Tech Rel Hardware	147,360	16,721	0	(16,721)
67350	Tech Software	0	0	0	0
67390	Other Equip-Over 1000	41,715	40,686	34,470	(6,216)
68100	Dues & Fees	35,778	23,353	17,789	(5,563)
68200	Judgement against Lea	0	0	392	392
68300	Interest	281,380	711,910	671,895	(40,015)
68400	Indirect Cost	3,685	0	0	0
68900	Miscellaneous Expenditure	3,000	3,000	2,000	(1,000)
69100	Redemption of Principal	150,000	365,000	440,000	75,000
69330	To Building Fund	0	0	91,792	91,792
69380	To Food Service Fund	410,000	240,000	0	(240,000)
69400	Refund	94,664	0	0	0
69620	Stud. Meals-Prov. 2 School	0	0	384,583	384,583
Total Other Exp.		4,761,349	4,529,786	4,460,072	(69,714)
	Total Expense	26,399,816	23,872,535	24,254,561	382,026

**Arkansas Department of Education  
Helena-W. Helena School District  
General Operating Funds  
Summary**

FY11 as of June 30, 2011			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2011</u>
1,709,993	17,126,787	15,325,344	3,511,436
FY10 as of June 30, 2010			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2010</u>
3,150,329	18,276,504	19,716,785	1,709,993
FY09 as of June 30, 2009			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2009</u>
4,950,324	19,301,118	20,963,819	3,150,329

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

Arkansas Department of Education  
Helena-W. Helena School District  
General Operating Funds  
Revenue

General Operating Funds: 1000,1015 1017  1218, 1229 1232 1240, 1246, 1372, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2039, 2040, 2041, 2044, 2045, 2047, 2048, 2050, 2055, 2056, 2095, 2096, 2097, 2098, 2099, 2101, 2103, 2111, 2115, 2116, 2120, 2125, 2133, 2150, 2155, 2160, 2161, 2213, 2214, 2215, 2218, 2219, 2220, 2225, 2227, 2229, 2230, 2232, 2233, 2234, 2235, 2237, 2240, 2245, 2246, 2250, 2255, 2260, 2261, 2263, 2271, 2277, 2280, 2310, 2325,2365, 2366, 2368, 2369, 2372, 2390, 2392, 2394, 2395, 2399, 2765, 4000, 4001, 4395					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
Revenue:					
11110	Property Taxes-Current	2,019,404	2,016,690	2,047,166	30,476
11115	Prop. Tax Relief Sales Tax	44,286	0	0	0
11120	Property Taxes-405 By 6/30	1,097,655	1,127,722	1,137,020	9,298
11140	Property Taxes Delinquent	166,892	219,933	303,483	83,551
11160	Land Redemp-In State Sale	157,354	190,507	194,929	4,422
12800	Revenue in lieu of Taxes	41,526	44,726	45,305	579
12900	Other Local Non-Lea Revenue	28	0	0	0
15100	Interest on Investments	91,780	49,117	25,526	(23,591)
17500	Rev. From Enterprise Activ	0	0	657	657
17900	Other Student Activity Revenue	0	750	0	(750)
19130	Rent Lea Buildings & Facility	2,038	4,001	2,164	(1,837)
19200	Private Contributions	2,000	0	323,564	323,564
19211	Beechcrest Save The Children	56,522	106,229	0	(106,229)
19215	Save the Children	74,865	89,929	0	(89,929)
19216	Westside Save the Children	96,818	134,347	0	(134,347)
19217	Woodruff Save the Children	0	89,369	0	(89,369)
19800	Refunds of Prior Year Expenses	53,212	32,192	4,727	(27,465)
19900	Misc. Revenue from Local Sources	36,731	28,303	43,419	15,116
21200	Severance Tax	38,312	0	0	0
31101	State Foundation Funds	13,099,848	12,471,942	11,102,332	(1,369,610)
31102	Ehnnanced Educational Fund	238,134	90,279	217,874	127,595
31103	URT 98% Tax Collection Rate	262,959	101,143	0	(101,143)
31460	Declining Enrollment Fund	410,568	465,816	796,391	330,575
31620	Supplemental Mileage Incentive	248,992	213,422	177,851	(35,571)
31900	Other	0	350	0	(350)
32227	College Prep Enrich Program	0	0	14,500	14,500
32232	Alternative Learning Program	0	25,055	0	(25,055)
32250	PQE Induction/Quality Enh.	52,630	51,104	10,497	(40,607)
32251	CWIP Grant	0	0	18,677	18,677
32260	Act 799 Ar Game and Fish	785	0	0	0
32290	Other Grants and Aid From State	0	1,500	0	(1,500)
32310	Hand Child-Supv Extend Year	20,160	18,364	9,484	(8,880)
32361	Imp & Instr. Gifted and Talented	865	0	150	150
32710	ABC Grant	341,800	350,000	350,000	0
32912	General Facilities	57,387	49,189	40,991	(8,198)
32915	Debt Service Funding Supp.	243,799	224,116	187,878	(36,238)
32920	Game And Fish	0	1,776	1,541	(235)
32990	Other State	2,400	4,800	0	(4,800)
32993	Greater Graduation	0	0	25,250	25,250
42100	Forest Reserve	39,929	32,709	19,180	(13,529)
52600	Trans From Federal Grants	0	0	26,231	26,231
52900	Indirect Cost	0	23,598	0	(23,598)
53100	Sale of Equipment	8,000	0	0	0
53400	Compen-Loss Fixed Assets	293,439	17,527	0	(17,527)
	Total	19,301,118	18,276,504	17,126,787	(1,149,717)

**Arkansas Department of Education  
Helena-W. Helena School District  
General Operating Funds  
Expenditures**

General Operating Funds: 1000, 1218, 1240, 1246, 1372, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2039, 2040, 2041, 2044, 2045, 2047, 2048, 2050, 2055, 2056, 2095, 2096, 2097, 2098, 2099, 2101, 2103, 2111, 2115, 2116, 2120, 2125, 2133, 2150, 2155, 2160, 2161, 2213, 2214, 2215, 2218, 2219, 2220, 2225, 2227, 2229, 2230, 2232, 2233, 2234, 2235, 2237, 2240, 2245, 2246, 2250, 2255, 2260, 2261, 2263, 2271, 2277, 2280, 2310, 2325, 2365, 2366, 2368, 2369, 2372, 2390, 2392, 2394, 2395, 2399, 2765, 4000, 4001, 4395					
		<b>FY09</b>	<b>FY10</b>	<b>FY11</b>	<b>FY11 Actual</b>
<b>Expenditures</b>		<b>as of</b>	<b>as of</b>	<b>as of</b>	<b>compared to</b>
		<b>6/30/2009</b>	<b>6/30/2010</b>	<b>6/30/2011</b>	<b>FY10 Actual</b>
<b>60000-62999</b>	<b>Salaries &amp; Benefits</b>	<b>15,040,367</b>	<b>14,984,679</b>	<b>10,308,505</b>	<b>(4,676,174)</b>
<b>Other:</b>					
<b>63130</b>	<b>Board of Ed Services</b>	10,415	10,605	0	<b>(10,605)</b>
<b>63210</b>	<b>Instructional</b>	4,352	15,642	52,315	<b>36,673</b>
<b>63220</b>	<b>Inst Program-Improvement Sv</b>	233,356	231,027	35,896	<b>(195,131)</b>
<b>63230</b>	<b>Consulting - Educational</b>	9,100	76,858	32,854	<b>(44,004)</b>
<b>63310</b>	<b>Training/Devel. Service Cert.</b>	10,210	11,142	3,522	<b>(7,620)</b>
<b>63320</b>	<b>Training/Devel. Service-Cls</b>	3,314	7,662	125	<b>(7,537)</b>
<b>63440</b>	<b>Legal</b>	0	0	0	<b>0</b>
<b>63441</b>	<b>Legal</b>	250,439	19,733	97,494	<b>77,761</b>
<b>63470</b>	<b>Architectural</b>	27,303	24,793	96,656	<b>71,863</b>
<b>63490</b>	<b>Other Prof. Service</b>	0	0	0	<b>0</b>
<b>63590</b>	<b>Other Tech Services</b>	0	0	0	<b>0</b>
<b>63900</b>	<b>Other Purc Prof/Tech Service</b>	139,998	110,372	243,960	<b>133,589</b>
<b>64110</b>	<b>Water/Sewer</b>	56,277	51,915	105,323	<b>53,408</b>
<b>64210</b>	<b>Disposal/Sanitation</b>	54,102	62,197	4,788	<b>(57,409)</b>
<b>64240</b>	<b>Lawn Care</b>	0	13,786	1,320	<b>(12,466)</b>
<b>64310</b>	<b>Repairs-Building/Grounds</b>	13,828	8,069	621	<b>(7,448)</b>
<b>64320</b>	<b>Repairs Equip/Vehicles</b>	0	0	338,154	<b>338,154</b>
<b>64410</b>	<b>Land and Buildings</b>	205	0	0	<b>0</b>
<b>64420</b>	<b>Equipment and Vehicles</b>	5,589	80,278	108	<b>(80,170)</b>
<b>64430</b>	<b>Rental of computers</b>	213,286	142,333	175,320	<b>32,987</b>
<b>64500</b>	<b>Construction Services</b>	345,426	0	0	<b>0</b>
<b>64900</b>	<b>Other Purc. Property Service</b>	13,531	0	0	<b>0</b>
<b>65190</b>	<b>Pupil Transportation</b>	940,729	799,619	890,710	<b>91,092</b>
<b>65210</b>	<b>Property Insurance</b>	150,762	162,611	166,676	<b>4,065</b>
<b>65220</b>	<b>Liability Insurance</b>	0	0	0	<b>0</b>
<b>65240</b>	<b>Fleet Insurance</b>	11,624	0	0	<b>0</b>
<b>65250</b>	<b>Accident Ins. For Students</b>	0	38,613	38,722	<b>109</b>
<b>65290</b>	<b>Other Insurance</b>	164	10,851	10,938	<b>87</b>
<b>65310</b>	<b>Telephone</b>	56,375	67,833	57,902	<b>(9,932)</b>
<b>65320</b>	<b>Postage</b>	10,092	15,297	20,593	<b>5,296</b>
<b>65330</b>	<b>Networking/Internet</b>	1,857	1,033	1,304	<b>271</b>
<b>65400</b>	<b>Advertising</b>	18,837	16,549	55,010	<b>38,461</b>
<b>65500</b>	<b>Printing and Binding</b>	0	3,427	0	<b>(3,427)</b>
<b>65610</b>	<b>To Lea's Within State</b>	10,059	16,069	8,975	<b>(7,094)</b>
<b>65640</b>	<b>Interm Agency-In State</b>	0	1,278	0	<b>(1,278)</b>
<b>65690</b>	<b>Other Tuition</b>	0	0	0	<b>0</b>
<b>65810</b>	<b>Trvl Cert In District</b>	5,326	4,586	5,920	<b>1,334</b>
<b>65820</b>	<b>Trvl CLS In District</b>	20,059	17,644	21,438	<b>3,794</b>
<b>65830</b>	<b>Trvl Cert-Out District</b>	12,973	5,734	2,073	<b>(3,661)</b>
<b>65840</b>	<b>Trvl Cls Out District</b>	5,082	2,734	1,007	<b>(1,727)</b>

**Arkansas Department of Education  
Helena-W. Helena School District  
General Operating Funds  
Expenditures**

		FY09	FY10	FY11	FY11 Actual
<u>Expenditures</u>		as of	as of	as of	compared to
		<u>6/30/2009</u>	<u>6/30/2010</u>	<u>6/30/2011</u>	<u>FY10 Actual</u>
65850	Trvl Cert Out State	5,994	6,495	323	(6,171)
65860	Trvl CIs Out State	0	361	0	(361)
65870	Travel Non Employee	25,503	20,269	7,176	(13,093)
65880	Meals	24,670	115,241	75,093	(40,148)
65890	Lodging	26,036	39,368	11,667	(27,701)
65900	Misc. Purchased Service	249,371	125,509	8,786	(116,723)
65910	Service Purchased Locally	105	3,000	0	(3,000)
66100	General Supplies	661,733	493,402	299,400	(194,001)
66107	General Supplies-Low Value	2,124	15,547	0	(15,547)
66210	Natural Gas	274,811	193,745	183,571	(10,174)
66220	Electricity	439,165	437,170	397,102	(40,068)
66230	Bottled Gas	2,417	0	0	0
66260	Gasoline/Diesel	93,821	113,294	104,627	(8,667)
66410	Textbooks	272,292	161,309	23,883	(137,426)
66420	Library Books	21,834	10,361	997	(9,364)
66430	Periodicals	13,377	3,132	1,163	(1,969)
66440	Audiovisual Materials	273	0	0	0
66500	Techn Supplies	23,965	21,478	1,339	(20,138)
66507	Technology	0	1,081	880	(201)
66510	Software	34,027	2,473	0	(2,473)
66520	Other	0	427	0	(427)
66900	Other Supplies & Material	18,680	13,763	3,549	(10,214)
67100	Land and Improvements	0	0	0	0
67320	Vehicles	0	60,960	613	(60,348)
67330	Furniture and Fixtures	3,750	5,380	0	(5,380)
67340	Technology Related Hardware	109,389	54,163	140,509	86,345
67350	Technology Software	7,822	0	25,735	25,735
67390	Other Equipment	25,837	0	340,448	340,448
68100	Dues & Fees	52,303	49,124	198,097	148,973
68300	Interest	341,286	324,716	154,176	(170,540)
68400	Indirect Cost	0	0	0	0
68800	Taxes	0	0	0	0
68830	Property Tax	0	0	9,739	9,739
68900	Misc Expenditures	2,009	48	1,764	1,716
68999	Allocated Charges	0	0	0	0
69100	Redemption of Principal	461,613	430,000	450,270	20,270
69360	To Federal Grants Fund	94,574	0	0	0
69380	To Food Service Fund	0	0	106,206	106,206
Total Other Exp.		5,923,451	4,732,106	5,016,839	284,733
	Total Expenditures	20,963,818	19,716,785	15,325,344	(4,391,441)

**Arkansas Department of Education  
North Little Rock School District  
General Operating Funds  
Summary**

FY11 as of June 30, 2011			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	<b>Balance as of <u>6/30/2011</u></b>
12,040,370	73,543,379	73,165,251	12,418,497
FY10 as of June 30, 2010			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	<b>Balance as of <u>6/30/2010</u></b>
3,537,736	81,358,318	73,135,968	12,040,370
FY09 as of June 30, 2009			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	<b>Balance as of <u>6/30/2009</u></b>
6,403,685	59,994,534	61,752,321	4,645,897

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



Arkansas Department of Education  
North Little Rock School District  
General Operating Funds  
Revenue

General Operating					
Funds:1000 1001 1045 1053 1090 1227 1229 1232 1240 1244 1246 1260 1365 1381 2000 2001 2002 2003 2004 2005 2006 2015 2045 2046 2050 2053 2072 2074 2075 2084 2090 2105 2217 2218 2225 2227 2229 2232 2240 2244 2246 2250 2255 2260 2265 2270 2271 2290 2300 2365 2380 2381 2383 2392 2394 2395 2399 2903 2995 4000					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
Revenue:					
11110	Property Taxes Current	14,238,766	15,939,065	13,310,241	(2,628,825)
11120	Property Tax 40% by 6/30	7,882,838	8,175,622	8,327,697	152,075
11140	Property Tax- Delinquent	1,410,343	1,741,851	1,894,109	152,258
11150	Excess Commission	486,798	489,800	450,344	(39,456)
11160	Land Redemption- In State Sale	204,873	231,307	266,432	35,125
11400	Penalties/Interest on Tax	95,740	0	11,400	11,400
12800	Revenue In lieu of Taxes	0	0	0	0
12900	Other Local Non-Lea Revenue	0	0	0	0
13120	Summer School	37,350	27,937	43,125	15,188
13122	Tuition Drivers Ed	8,700	900	0	(900)
13140	Day Care	43,254	39,468	142,906	103,437
13141	Day Care Vouchers	0	5,422	0	(5,422)
13190	Other Programs	0	1,202,740	0	(1,202,740)
13210	Regular Day School	0	0	0	0
13320	Summer School	0	0	0	0
14190	Other Programs	1,108,352	0	0	0
14900	Trans Fees-Other Sources	0	0	0	0
15100	Interesst On Investments	210,375	117,342	115,570	(1,772)
17500	Enterprise Activities	0	0	0	0
17501	Athletics Soft Drink	0	0	0	0
17502	West Campus Soft Drink	14,264	13,578	0	(13,578)
17503	East Campus Soft Drink	8,552	8,499	0	(8,499)
17504	Argenta Soft Drink Sales	0	67	0	(67)
17505	Ridgeroad Soft Drink	2,102	1,566	0	(1,566)
17506	Lakewood Middle Soft Drink	3,230	2,924	0	(2,924)
17507	Rose City Soft Drink	0	0	0	0
17508	Poplar Street Soft Drink	1,650	1,032	0	(1,032)
19110	16th Section Land Rent	0	831	0	(831)
19120	Other Rent-Land Owned Lea	41,311	40,020	27,436	(12,584)
19130	Lea Buildings & Facilites	6,889	11,879	19,120	7,241
19200	Private Contributions	25,677	9,985	1,295	(8,690)
19300	Sales of Supplies and Material	0	0	0	0
19400	Textbook Sales & Rentals	2,000	0	0	0
19410	Secondary Sales	0	0	0	0
19800	Refunds of Proir Year Expense	17,765	31,099	4,666,838	4,635,739
19900	Misc Rev. From Local Sources	32,783	35,572	137,624	102,052
21200	Severance Tax	5,014	5,098	8,146	3,047
21900	Other Revenue from County	1,555	3,640	2,809	(832)
31101	Foundation Funding	35,307,077	33,911,339	35,784,992	1,873,653
31102	Enhanced Ed Funding	771,865	300,318	0	(300,318)
31103	98% Tax Collect Rate Guaranteed	402,795	418,421	335,882	(82,539)
31450	Student Growth	0	1,383,201	0	(1,383,201)
31460	Declining Enrollment	0	0	0	0
31900	Other	1,750	41,779	7,134	(34,645)
32225	Technology Grant	4,990	0	0	0
32227	College Prep Enrich Program	101,678	33,012	0	(33,012)
32229	Nat Board Prof Teach Studies	4,190	0	0	0
32232	Progress Awards	0	78,954	0	(78,954)
32250	Pathwise Mentoring Grant	149,893	102,438	84,398	(18,040)
32251	CWIP Grant	0	0	13,895	13,895
32290	Other Grants and Aid	0	0	62,110	62,110

**Arkansas Department of Education  
North Little Rock School District  
General Operating Funds  
Revenue**

		<b>FY09</b>	<b>FY10</b>	<b>FY11</b>	<b>FY11 Actual</b>
		<b>as of</b>	<b>as of</b>	<b>as of</b>	<b>compared to</b>
		<b>6/30/2009</b>	<b>6/30/2010</b>	<b>6/30/2011</b>	<b>FY10 Actual</b>
<b>32310</b>	Hand Child-Supv/Extend Year	78,829	70,854	34,380	(36,473)
<b>32314</b>	SE ESY	0	7,126	9,324	2,198
<b>32340</b>	Hand-Resident Treatment	0	5,760	0	(5,760)
<b>32350</b>	Early Child Special Ed	1,372,858	1,399,731	1,503,417	103,686
<b>32355</b>	Special Ed Cat. Loss Funding	155,260	136,168	65,912	(70,256)
<b>32360</b>	Exceptional Child Grant	0	0	3,000	3,000
<b>32361</b>	GT Advanced Placement	4,300	8,409	8,211	(198)
<b>32364</b>	IB Exams-Fees	0	15,569	0	(15,569)
<b>32430</b>	Coord Comp WF ED SP Needs	0	0	6,851	6,851
<b>32480</b>	Voc New Program Start-Up	0	12,261	0	(12,261)
<b>32710</b>	Ar Better Chance Grant	2,592,189	2,708,855	2,677,500	(31,355)
<b>32740</b>	Infant/Toddler Program	600	9,404	6,000	(3,404)
<b>32745</b>	Smart Start/Literacy	84,500	84,421	86,813	2,392
<b>32755</b>	Smart Start/Lit Staff Development	0	0	8,000	8,000
<b>32814</b>	Tr and Ins Court Settlement	0	0	0	0
<b>32912</b>	General Facilities	114,143	97,837	81,531	(16,306)
<b>32915</b>	Debt Service Funding	193,817	166,620	169,400	2,780
<b>32916</b>	DHS Human Sv Worker Initiative	75,637	73,636	76,091	2,455
<b>32990</b>	Other State Grants/Aid	3,600	1,200	0	(1,200)
<b>51100</b>	Bonded Indebtedness	0	0	0	0
<b>51999</b>	Audit Adjustment Prior Year	(10,755,602)	12,063,903	0	(12,063,903)
<b>52300</b>	Trans From Building Fund	3,219,346	0	3,000,000	3,000,000
<b>52900</b>	Indirect Cost Reimbursement	128,513	0	0	0
<b>53100</b>	Sale of Equipment	50	0	722	722
<b>53400</b>	Compen-Loss Fixed Assets	0	744	92,726	91,982
<b>53410</b>	Insurance Reimbursement	92,076	89,112	0	(89,112)
	<b>Total Revenue</b>	<b>59,994,534</b>	<b>81,358,318</b>	<b>73,543,379</b>	<b>(7,814,938)</b>

Arkansas Department of Education  
North Little Rock School District  
General Operating Funds  
Expenditures

General Operating					
Funds:1000 1001 1045 1053 1090 1227 1229 1232 1240 1244 1246 1260 1365 1381 2000 2001 2002 2003 2004 2005 2006 2015 2045 2046 2050 2053 2072 2074 2075 2084 2090 2105 2217 2218 2225 2227 2229 2232 2240 2244 2246 2250 2255 2260 2265 2270 2271 2290 2300 2365 2380 2381 2383 2392 2394 2395 2399 2903 2995 4000					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
60000-62999	Salaries & Benefits	53,542,582	63,697,873	52,178,365	(11,519,508)
Other:					
63120	Management Services	0	0	0	0
63130	Board of Ed Service	0	10,691	5,315	(5,376)
63210	Instruction Service	0	198,506	0	(198,506)
63230	Consulting Educational	131,704	10,262	452,397	442,135
63310	PD. Certified	16,633	8,668	90,919	82,251
63320	PD. Classified	6,305	566	16,612	16,046
63410	Pupil Service	650	0	570	570
63430	Accounting	0	28,475	0	(28,475)
63431	Financial Audits	0	0	20,500	20,500
63440	Legal	0	8,875	3,909	(4,966)
63441	Legal Defense	0	88,763	4,865	(83,898)
63442	Legal Plaintiff Sue St	0	0	0	0
63443	Legal Plaintiff NT Sue St	0	0	65,271	65,271
63444	Legal Contracts	0	49,951	0	(49,951)
63445	Legal Research-Opinion	0	0	3,797	3,797
63450	Medical	504	504	476	(28)
63460	Information Tech	2,590	3,692	1,894	(1,798)
63490	Other Prof Serv	14,931	332,083	668,669	336,587
63491	Security	1,009	0	0	0
63500	Technical Service	0	0	0	0
63530	Software Maint. & Support	0	0	13,930	13,930
63590	Other tech Service	66,789	36,490	127,481	90,991
63900	Other Prof/Tech Service	15,445	31,498	13,003	(18,495)
64110	Water/Sewer	93,600	0	102,756	102,756
64210	Disposal/Sanitation	102,189	0	81,523	81,523
64231	Pest Control	21,697	0	23,615	23,615
64240	Lawn Care	162,352	147,437	262,303	114,866
64310	Non Tech Rep/Maint	152,602	24,446	306,949	282,503
64320	Tech Rep/Maint	10,952	25,591	83,241	57,650
64410	Land and Buildings	11,065	14,047	36,152	22,105
64420	Equipment & Vehicles	14,185	23,005	6,170	(16,835)
64421	Transportation	0	0	22,893	22,893
64430	Copier/Comp Lease	363,022	39,014	46,370	7,356
64500	Construction Serv	0	0	761,917	761,917
64900	Other Pur Property Service	15	0	0	0
65100	Stu Transportation Service	0	0	0	0
65120	Another Lea Outside State	0	0	0	0
65190	From Other Sources	0	0	0	0
65210	Property Insurance	324,027	0	0	0
65220	Liability Insurance	2,700	6,348	0	(6,348)
65240	Fleet Insurance	67,195	0	0	0
65250	Accident Insurance for Students	49,500	0	25,988	25,988
65290	Other Insurance	0	35,081	34,299	(782)
65310	Telephone	944	273,540	573	(272,967)
65320	Postage	10,955	53,893	23,865	(30,028)
65400	Advertising	360	101,938	6,956	(94,982)
65500	Printing & Binding	5,066	19,852	26,491	6,639
65610	To LEA Within State	39,061	43,416	1,123,225	1,079,809
65630	To Private Schools	26,000	51,641	440,913	389,272
65690	Other Tuition	0	0	0	0
65810	Travel Certified	7,416	14,197	11,169	(3,028)
65820	Travel Classified	5,167	10,548	4,728	(5,820)
65830	Travel Certified- Out District	2,044	5,941	6,700	759
65840	Travel Classified-Out District	1,966	869	2,579	1,711
65850	Travel Certified-Out State	7,248	20,713	13,436	(7,277)
65860	Travel Classified-Out State	642	1,060	352	(709)
65870	Travel Non Employee	1,481	4,311	4,081	(230)
65880	Meals	9,195	6,129	11,242	5,113
65892	Lodging	14,841	11,899	41,887	29,988
66100	Gen Supplies	1,250,689	1,182,723	1,460,216	277,494
66107	Supplies 500-999.99	4,367	9,073	21,560	12,488
66108	Food-Workshops/Meetings	2,598	24,615	30,738	6,122
66114	Supplies-Flooring	23,804	14,423	0	(14,423)
66115	Supplies-Roofing	17,133	146	1,100	954
66119	Supplies-Hvac	147,859	16,289	9,611	(6,678)
66210	Natural Gas	452,972	0	282,130	282,130
66220	Electricity	1,077,791	0	1,073,835	1,073,835
66260	Gasoline	425,991	250,705	6,923	(243,782)
66290	Other Energy	230	0	0	0
66300	Food-Workshops/Meetings	25,906	27,000	28,156	1,156
66400	Books/Periodicals	0	0	0	0
66410	Textbooks	794,360	402,045	287,939	(114,106)
66420	Library Books	88,732	126,488	109,143	(17,345)
66430	Periodicals	17,148	13,220	11,426	(1,794)
66440	Audiovisual Materials	2,456	11,785	7,994	(3,791)

Arkansas Department of Education  
North Little Rock School District  
General Operating Funds  
Expenditures

		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
66500	Tech Supplies	0	1,500	0	(1,500)
66510	Software	7,708	7,640	89,830	82,189
66520	Tech Supp Other	13,797	20,049	3,741	(16,308)
66521	Tech Supp <\$1000.00 (Insured)		1,149	0	(1,149)
66527	Tech Supp <\$1000.00	14,708	17,617	137,456	119,840
66900	Other Supplies & Material	20,878	14,550	3,345	(11,205)
67300	Equipment	0	0	0	0
67310	Machinery	0	0	1,000	1,000
67320	Vehicles	0	0	0	0
67330	Furniture & Fixtures	2,781	0	5,604	5,604
67340	Tech Rel Hardware	16,855	104,781	557,802	453,020
67341	Tech Rel Hardware (insured)	0	16,696	14,482	(2,214)
67350	Tech Software	0	16,100	5,076	(11,024)
67390	Other Equipment	14,359	6,800	88,699	81,899
68100	Dues and Fees	58,379	111,460	83,879	(27,582)
68200	Judgement Against Lea	0	0	0	0
68300	Interest	840,677	1,872,532	1,347,332	(525,200)
68600	Penalties and Interest	0	0	248	248
68700	Out of Court Settlement	0	0	5,527	5,527
68900	Misc. Expenditures	0	647,931	344	(647,587)
68901	IRS Penalties/Interest	0	2,776,840	0	(2,776,840)
68999	Alloc Charges	0	0	(0)	(0)
69100	Redemption of Principal	485,000	0	525,000	525,000
69330	To Building Fund	0	0	8,847,969	8,847,969
69380	To Food Service Fund	638,511	0	616,057	616,057
69400	Program Funding Return	0	0	320,747	320,747
Total Other Exp		8,209,740	9,438,094	20,986,886	11,548,792
	TOTAL EXPENSE	61,752,321	73,135,968	73,165,251	29,284

**Arkansas Department of Education  
Pulaski County Special School District  
General Operating Funds  
Summary**

FY11 as of June 30, 2011			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2011</u>
3,618,714	143,868,568	145,381,029	2,106,253
FY10 as of June 30, 2010			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2010</u>
7,852,907	142,101,983	146,336,176	3,618,714
FY09 as of June 30, 2009			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2009</u>
7,629,946	150,106,328	149,883,367	7,852,907

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

**Arkansas Department of Education  
Pulaski County Special School District  
Review of General Operating Funds  
Revenue**

General Operating Funds: 1000, 1001, 1018, 1034, 1035, 1082, 1084, 1150, 1218, 1227, 1240, 1244, 1246, 1265, 1290, 1365, 1387, 1900, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2082, 2084, 2150, 2204, 2213, 2218, 2219, 2225, 2227, 2229, 2232, 2234, 2240, 2244, 2246, 2250, 2255, 2260, 2265, 2271, 2290, 2330, 2331, 2340, 2361, 2362, 2365, 2376, 2383, 2386, 2387, 2388, 2392, 2396, 2399, 2900, 2901, 2903, 4000					
		<b>FY09</b>	<b>FY10</b>	<b>FY11</b>	<b>FY11 Actual</b>
		<b>as of</b>	<b>as of</b>	<b>as of</b>	<b>compared to</b>
		<b>6/30/2009</b>	<b>6/30/2010</b>	<b>6/30/2011</b>	<b>FY10 Actual</b>
<b>Revenue:</b>					
11110	Property Taxes-Current	50,391,936	53,545,701	57,428,038	3,882,337
11120	Property Taxes-40% By 6/30	23,506,880	23,330,562	23,831,569	501,007
11140	Property Taxes Delinquent	5,058,312	4,763,404	4,925,020	161,616
11150	Excess Commission	1,455,502	1,519,333	1,422,294	(97,039)
11160	Land Redemp-In State Sale	622,490	879,487	849,062	(30,425)
11200	Sales and Use Tax	0	628,855	0	(628,855)
12800	Revenue in lieu of Taxes	26,008	24,640	47,725	23,085
13120	Tuition- Summer School	82,832	39,683	18,241	(21,442)
13140	Tuition - Day Care	410,081	431,897	399,395	(32,502)
13190	Tuition - Other Programs	0	0	19,080	19,080
13195	Tuition - Cyber Academy	14,400	4,685	0	(4,685)
14290	Trans Fees Other Programs	400,000	400,000	0	(400,000)
15100	Interest on Investments	1,033,376	358,470	124,435	(234,035)
16910	Sales inside District	44	94	0	(94)
17500	Rev From Enterprise Activity	108	0	0	0
17590	Other Contracted Services	80	0	0	0
17900	Other Student Activity Revenue	187,782	173,132	231,165	58,033
19130	Rent Lea Buildings & Facility	76,416	80,290	104,263	23,973
19200	Private Contributions	6,144	0	0	0
19516	Staff Development	1,500	0	0	0
19800	Refunds of Prior Year Expenses	33,838	30,749	66,063	35,314
19900	Misc. Revenue from Local Sources	236,819	27,449	371,104	343,655
19905	Jax High Print Sales	17,861	21,159	0	(21,159)
19910	Pact/Pass President	72,044	72,839	0	(72,839)
19911	Teacher Prof Growth-2082	172,710	134,050	0	(134,050)
19912	Support Staff Prog Growth 2084	20,775	14,500	0	(14,500)
21100	Cnty General Apportionment	0	0	0	0
21200	Severance Tax	14,168	16,870	15,109	(1,761)
22000	Restricted Grants	3,650	136,875	68,240	(68,635)
31101	State Foundation Funds	48,094,384	42,968,852	44,313,364	1,344,512
31102	Ehnanced Educational Fund	1,482,971	592,058	0	(592,058)
31103	URT 98% Tax Collection Rate	1,649,504	3,685,000	940,437	(2,744,563)
31460	Declining Enrollment	432,875	382,939	528,488	145,549
31900	Unrestricted Grants-Other	5,950	7,175	0	(7,175)
31910	Insurance/ T Retirement	513,378	0	0	0
32225	Ark East Technology Grant	4,978	0	19,996	19,996
32227	College Prep Enrich PGM	137,080	134,663	0	(134,663)
32229	High Tech Training Center	0	0	2,900	2,900
32232	Alt Learning Prog Grant	0	110,595	0	(110,595)
32250	PQE Induction/Mentoring	4,600	185,612	74,167	(111,445)
32251	CWIP-Child Wellness Inter	0	17,312	0	(17,312)
32260	Fish and Wildlife Fines	1,555	0	0	0
32253	Pathwise mentoring Training	0	0	2,700	2,700
32290	Other Grants & Aid State	533	0	0	0
32310	Hand Child-Supv Extend Year	122,544	112,472	65,263	(47,209)
32314	Special ED Esy	0	4,810	10,434	5,624
32330	Non-Hand Resid Treatment	1,050,756	1,152,736	1,091,396	(61,340)
32340	Hand-Resident Treatment	932,259	1,030,189	1,049,861	19,672
32355	Catastrophic Occur. FDG.	742,773	639,507	481,803	(157,704)
32361	Gifted/Talented Advance Pla	17,850	21,005	15,900	(5,105)
32430	Workforce Ed Special Needs	0	0	15,950	15,950

**Arkansas Department of Education  
Pulaski County Special School District  
Review of General Operating Funds  
Revenue**

		<b>FY09</b>	<b>FY10</b>	<b>FY11</b>	<b>FY11 Actual</b>
		<b>as of</b>	<b>as of</b>	<b>as of</b>	<b>compared to</b>
		<b>6/30/2009</b>	<b>6/30/2010</b>	<b>6/30/2011</b>	<b>FY10 Actual</b>
<b>Revenue:</b>					
11110	Property Taxes-Current	50,391,936	53,545,701	57,428,038	3,882,337
11120	Property Taxes-40% By 6/30	23,506,880	23,330,562	23,831,569	501,007
11140	Property Taxes Delinquent	5,058,312	4,763,404	4,925,020	161,616
11150	Excess Commission	1,455,502	1,519,333	1,422,294	(97,039)
11160	Land Redemp-In State Sale	622,490	879,487	849,062	(30,425)
11200	Sales and Use Tax	0	628,855	0	(628,855)
12800	Revenue in lieu of Taxes	26,008	24,640	47,725	23,085
13120	Tuition- Summer School	82,832	39,683	18,241	(21,442)
13140	Tuition - Day Care	410,081	431,897	399,395	(32,502)
13190	Tuition - Other Programs	0	0	19,080	19,080
13195	Tuition - Cyber Academy	14,400	4,685	0	(4,685)
14290	Trans Fees Other Programs	400,000	400,000	0	(400,000)
15100	Interest on Investments	1,033,376	358,470	124,435	(234,035)
16910	Sales inside District	44	94	0	(94)
17500	Rev From Enterprise Activity	108	0	0	0
17590	Other Contracted Services	80	0	0	0
17900	Other Student Activity Revenue	187,782	173,132	231,165	58,033
19130	Rent Lea Buildings & Facility	76,416	80,290	104,263	23,973
19200	Private Contributions	6,144	0	0	0
19516	Staff Development	1,500	0	0	0
19800	Refunds of Prior Year Expenses	33,838	30,749	66,063	35,314
19900	Misc. Revenue from Local Sources	236,819	27,449	371,104	343,655
19905	Jax High Print Sales	17,861	21,159	0	(21,159)
19910	Pact/Pass President	72,044	72,839	0	(72,839)
19911	Teacher Prof Growth-2082	172,710	134,050	0	(134,050)
19912	Support Staff Prog Growth 2084	20,775	14,500	0	(14,500)
21100	Cnty General Apportionment	0	0	0	0
21200	Severance Tax	14,168	16,870	15,109	(1,761)
22000	Restricted Grants	3,650	136,875	68,240	(68,635)
31101	State Foundation Funds	48,094,384	42,968,852	44,313,364	1,344,512
31102	Ehnanced Educational Fund	1,482,971	592,058	0	(592,058)
31103	URT 98% Tax Collection Rate	1,649,504	3,685,000	940,437	(2,744,563)
31460	Declining Enrollment	432,875	382,939	528,488	145,549
31900	Unrestricted Grants-Other	5,950	7,175	0	(7,175)
31910	Insurance/ T Retirement	513,378	0	0	0
32225	Ark East Technology Grant	4,978	0	19,996	19,996
32227	College Prep Enrich PGM	137,080	134,663	0	(134,663)
32229	High Tech Training Center	0	0	2,900	2,900
32232	Alt Learning Prog Grant	0	110,595	0	(110,595)
32250	PQE Induction/Mentoring	4,600	185,612	74,167	(111,445)
32251	CWIP-Child Wellness Inter	0	17,312	0	(17,312)
32260	Fish and Wildlife Fines	1,555	0	0	0
32253	Pathwise mentoring Training	0	0	2,700	2,700
32290	Other Grants & Aid State	533	0	0	0
32310	Hand Child-Supv Extend Year	122,544	112,472	65,263	(47,209)
32314	Special ED Esy	0	4,810	10,434	5,624
32330	Non-Hand Resid Treatment	1,050,756	1,152,736	1,091,396	(61,340)
32340	Hand-Resident Treatment	932,259	1,030,189	1,049,861	19,672
32355	Catastrophic Occur. FDG.	742,773	639,507	481,803	(157,704)
32470	Traditional Apprenticeship	191,028	65,490	131,475	65,985
32480	Workforce new program Start	159,985	0	65,792	65,792
32612	Ed Coop Technology Ctr	75,000	75,000	0	(75,000)
32710	AR Better Chance (ABC) Grant	3,442,841	3,257,625	3,178,171	(79,454)
32727	Hippy-ABC	0	0	183,925	183,925
32755	Smart Start Literacy	0	6,500	6,500	0
32811	Pulaski Co Magnet Revenue	61,667	0	0	0
32812	M To M Revenue	986,626	0	0	0
32814	Teacher Ret/Ins	5,286,356	0	0	0
32901	Tobacco Excise Tax Grant	0	0	5,000	5,000
32910	Worker's Comp Insurance	69,828	0	0	0
32912	General Facilities	161,023	138,020	115,017	(23,003)
32920	Ar Game & Fish Grant	1,875	0	0	0
32990	African American Grant	198,158	0	0	0
42100	Forest Reserve	0	2,147	8,309	6,162
42500	Impact Aid	170,135	201,297	331,707	130,410
51100	Bonded Indebtedness	0	335,542	689,204	353,662
52300	Transfer to Building Fund	0	317,100	0	(317,100)
52900	Indirect Expense Reimbursement	168,455	0	237,262	237,262
53100	Sale of Equipment	16,113	136	11,722	11,586



**Arkansas Department of Education  
Pulaski County Special School District  
Review of General Operating Funds  
Revenue**

		<b>FY09</b>	<b>FY10</b>	<b>FY11</b>	<b>FY11 Actual</b>
		<b>as of</b>	<b>as of</b>	<b>as of</b>	<b>compared to</b>
		<b>6/30/2009</b>	<b>6/30/2010</b>	<b>6/30/2011</b>	<b>FY10 Actual</b>
<b>Revenue:</b>					
11110	Property Taxes-Current	50,391,936	53,545,701	57,428,038	3,882,337
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11140	Property Taxes Delinquent	5,058,312	4,763,404	4,925,020	161,616
11150	Excess Commission	1,455,502	1,519,333	1,422,294	(97,039)
11160	Land Redemp-In State Sale	622,490	879,487	849,062	(30,425)
11200	Sales and Use Tax	0	628,855	0	(628,855)
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13120	Tuition- Summer School	82,832	39,683	18,241	(21,442)
13140	Tuition - Day Care	410,081	431,897	399,395	(32,502)
13190	Tuition - Other Programs	0	0	19,080	19,080
13195	Tuition - Cyber Academy	14,400	4,685	0	(4,685)
14290	Trans Fees Other Programs	400,000	400,000	0	(400,000)
15100	Interest on Investments	1,033,376	358,470	124,435	(234,035)
16910	Sales inside District	44	94	0	(94)
17500	Rev From Enterprise Activity	108	0	0	0
17590	Other Contracted Services	80	0	0	0
17900	Other Student Activity Revenue	187,782	173,132	231,165	58,033
19130	Rent Lea Buildings & Facility	76,416	80,290	104,263	23,973
19200	Private Contributions	6,144	0	0	0
19516	Staff Development	1,500	0	0	0
19800	Refunds of Prior Year Expenses	33,838	30,749	66,063	35,314
19900	Misc. Revenue from Local Sources	236,819	27,449	371,104	343,655
19905	Jax High Print Sales	17,861	21,159	0	(21,159)
19910	Pact/Pass President	72,044	72,839	0	(72,839)
19911	Teacher Prof Growth-2082	172,710	134,050	0	(134,050)
19912	Support Staff Prog Growth 2084	20,775	14,500	0	(14,500)
21100	Cnty General Apportionment	0	0	0	0
21200	Severance Tax	14,168	16,870	15,109	(1,761)
22000	Restricted Grants	3,650	136,875	68,240	(68,635)
31101	State Foundation Funds	48,094,384	42,968,852	44,313,364	1,344,512
31102	Ehnanced Educational Fund	1,482,971	592,058	0	(592,058)
31103	URT 98% Tax Collection Rate	1,649,504	3,685,000	940,437	(2,744,563)
31460	Declining Enrollment	432,875	382,939	528,488	145,549
31900	Unrestricted Grants-Other	5,950	7,175	0	(7,175)
31910	Insurance/ T Retirement	513,378	0	0	0
32225	Ark East Technology Grant	4,978	0	19,996	19,996
32227	College Prep Enrich PGM	137,080	134,663	0	(134,663)
32229	High Tech Training Center	0	0	2,900	2,900
32232	Alt Learning Prog Grant	0	110,595	0	(110,595)
32250	PQE Induction/Mentoring	4,600	185,612	74,167	(111,445)
32251	CWIP-Child Wellness Inter	0	17,312	0	(17,312)
32260	Fish and Wildlife Fines	1,555	0	0	0
32253	Pathwise mentoring Training	0	0	2,700	2,700
32290	Other Grants & Aid State	533	0	0	0
32310	Hand Child-Supv Extend Year	122,544	112,472	65,263	(47,209)
32314	Special ED Esy	0	4,810	10,434	5,624
32330	Non-Hand Resid Treatment	1,050,756	1,152,736	1,091,396	(61,340)
32340	Hand-Resident Treatment	932,259	1,030,189	1,049,861	19,672
32355	Catastrophic Occur. FDG.	742,773	639,507	481,803	(157,704)
53400	Compen-Loss Fixed Assets	77,491	23,477	371,021	347,545
	<b>Total</b>	<b>150,106,328</b>	<b>142,101,983</b>	<b>143,868,568</b>	<b>1,766,585</b>



Arkansas Department of Education  
Pulaski County Special School District  
Review of General Operating Funds  
Expenditures

General Operating Funds: 1000, 1001, 1018, 1034, 1035, 1082, 1084, 1150, 1218, 1227, 1240, 1244, 1246, 1265, 1290, 1365, 1387, 1900, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2082, 2084, 2150, 2204, 2213, 2218, 2219, 2225, 2227, 2229, 2232, 2234, 2240, 2244, 2246, 2250, 2255, 2260, 2265, 2271, 2290, 2330, 2331, 2340, 2361, 2362, 2365, 2376, 2383, 2386, 2387, 2388, 2392, 2396, 2399, 2900, 2901, 2903, 4000

		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
60000-62999	Salaries & Benefits	123,069,651	124,353,393	117,878,587	(6,474,806)
Other:					
63110	Staff Service	20,976	15,686	70,869	55,183
63111	Substitute Staff Service	16,709	16,633	18,169	1,536
63120	Management Service Consul	0	0	40,000	40,000
63130	Board of Ed Services	0	0	0	0
63210	Prof Ed Instruct Ser	228,369	102,882	223,056	120,174
63220	Inst Program-Improvement Svs	0	0	0	0
63230	Consulting - Educational	0	0	7,200	7,200
63240	Student Assessment	895	0	0	0
63310	Training/Devel. Service Cert.	53,348	40,475	18,527	(21,949)
63320	Training/Devel. Service-Cls	26,933	23,990	16,113	(7,877)
63420	Engineering	675	4,137	1,562	(2,575)
63430	Accounting	49,400	47,500	6,161	(41,339)
63431	Audit Services	0	0	47,500	47,500
63445	Legal-Research & Opinions	272,498	394,085	475,387	81,302
63450	Medical	711	602	611	9
63460	Information Technology	13,091	14,113	8,840	(5,273)
63470	Architectural	0	6,495	0	(6,495)
63490	Other Prof. Service	422,426	202,567	223,768	21,201
63530	SEAS Contract	0	0	0	0
63590	Other Tech Services	48,240	6,700	73,567	66,867
63900	Other Purc Prof/Tech Service	302,979	358,184	395,765	37,581
64110	Water/Sewer	335,191	323,614	324,406	792
64210	Disposal/Sanitation	289,310	271,164	343,909	72,745
64230	Custodial	0	0	33,405	33,405
64240	Lawn Care	231,894	150,466	276,870	126,404
64310	Non-Tech Repairs & Maint.	954,418	819,997	59,206	(760,791)
64320	Tech Repairs & Maint.	209,390	186,738	138,453	(48,285)
64410	Rent of Land/Buildings	401,445	204,836	186,577	(18,258)
64420	Rental of Equipment	586,904	583,522	598,897	15,375
64430	Rental of computers	72,081	0	0	0
64500	Construction Services	41,886	123,447	121,898	(1,549)
64900	Other Purc. Property Service	63,721	70,157	39,474	(30,683)
65190	From Other Sources	2,000	0	0	0
65210	Property Insurance	1,156,094	1,079,346	1,120,953	41,607
65240	Fleet Insurance	196,033	0	0	0
65290	Other Insurance	27,936	26,602	40,071	13,470
65310	Telephone	223,401	245,377	308,756	63,379
65320	Postage	35,411	38,530	33,268	(5,262)
65330	Networking/Internet	2,480	561	733	172
65400	Advertising	77,649	49,145	95,119	45,974
65500	Printing and Binding	52,686	41,273	52,722	11,449
65610	Tuition	0	0	0	0
65640	Interm Agency-In State	2,180,811	1,997,436	2,413,951	416,515
65650	Interm Agency-Out of State	2,940	0	0	0
65690	Other Tuition	0	0	0	0
65810	Trvl Cert In District	75,573	66,936	46,425	(20,511)
65820	Trvl CLS In District	29,014	13,453	9,032	(4,422)
65830	Trvl Cert-Out District	23,901	2,878	23,694	20,816
65840	Trvl CIs Out District	593	791	5,050	4,260
65850	Trvl Cert Out State	13,328	2,711	16,876	14,165
65860	Trvl CIs Out State	3,199	1,755	76	(1,679)
65870	Travel Non Employee-local	31,631	25,193	8,678	(16,514)

Arkansas Department of Education  
Pulaski County Special School District  
Review of General Operating Funds  
Expenditures

		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
65871	Field Trips	45,691	28,108	9,390	(18,717)
65872	Athletic Travel	0	21,193	70,666	49,473
65900	Misc. Purchased Service	31,737	12,127	14,057	1,929
65910	Service Purchased Locally	202,632	0	0	0
66100	General Supplies	3,004,951	1,832,136	1,800,048	(32,088)
66101	Custodial Supplies	253,509	238,652	227,127	(11,525)
66105	Norm Referenced Testing	3,457	1,211	493	(718)
66107	General Supplies-Low Value	2,424	14,614	7,249	(7,365)
66110	Mandated Classroom Supply	314,188	308,338	301,937	(6,401)
66111	Media Supplies	2,696	3,346	4,253	907
66112	Mini Grant	5,824	5,821	5,749	(72)
66210	Natural Gas	693,749	565,076	499,637	(65,439)
66220	Electricity	1,852,216	1,946,166	1,744,428	(201,738)
66240	Oil	45,758	0	0	0
66260	Gasoline/Diesel	1,340,899	151,117	235,447	84,330
66300	Food	0	0	134,376	134,376
66410	Textbooks	1,503,030	580,531	515,768	(64,764)
66420	Library Books	220,432	111,365	117,225	5,860
66430	Periodicals	16,889	13,262	13,732	470
66440	Audiovisual Materials	44,542	28,143	25,748	(2,395)
66510	Software	23,744	36,346	47,379	11,033
66520	Other	4,995	0	0	0
66527	Low Value Equip Tec Suppl	566,771	79,005	113,867	34,863
66600	Building Materials	4,940	0	0	0
66700	Warehouse Invent Adjust	0	0	0	0
66900	Other Supplies & Material	500	0	0	0
66910	Tires and Tubes	156,460	4,181	4,479	298
67310	General Equipment/Mach.	14,881	0	0	0
67320	Vehicles	61,865	14,874	209,949	195,075
67330	Furniture and Fixtures	67,659	6,702	4,910	(1,792)
67340	Technology Related Hardware	142,279	8,890	183,266	174,376
67350	Technology Software	179,520	0	5,172	5,172
67390	Other Equipment	294,774	202,001	215,894	13,892
68100	Dues & Fees	87,791	401,427	734,319	332,892
68200	Judgements against LEA	0	0	75,000	75,000
68300	Interest-Regular Activity	3,557,617	5,630,397	6,006,424	376,027
68600	Penalty and Interest	0	0	215,748	215,748
68800	Taxes	83,310	109,937	0	(109,937)
68820	Improvement Tax	0	0	47,458	47,458
68830	Property Tax	14,277	3,110	0	(3,110)
68900	Misc Expenditures	45,969	16,501	15,844	(657)
68999	Allocated Charges	161,911	477,606	0	(477,606)
69100	Redemption of Principal	2,277,772	5,151,532	2,996,532	(2,155,000)
69320	To Operating Fund	(12,060,041)	(4,373,041)	(11,501,716)	(7,128,675)
69330	Transfer to Building Fund	11,500,000	1,715	1,349,248	1,347,533
69360	To Federal Grants Fund	74,189	0	0	0
69380	To Food Service Fund	620,371	681,253	950,813	269,560
69400	Prog Return-Prior Year	11,045	109,167	114,890	5,723
69401	Funding Return	0	0	0	0
Total Other Exp.		26,255,392	21,982,783	15,442,401	(6,540,382)
Total Expenditures		149,325,042	146,336,176	133,320,988	(13,015,188)

**Arkansas Department of Education  
Strong-Huttig School District  
General Operating Funds  
Summary**

FY11 as of June 30, 2011			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2011</u>
758,242	3,959,992	3,920,719	797,515
FY10 as of June 30, 2010			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2010</u>
927,081	4,423,254	4,592,093	758,242
FY09 as of June 30, 2009			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2009</u>
712,756	4,511,988	4,297,663	927,081

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

**Arkansas Department of Education  
Strong-Huttig School District  
General Operating Funds  
Revenue**

<b>General Operating</b>					
<b>Funds:1000,1218,1265,2000,2001,2120,2170,2218,2232,2236,2240,2246,2265,2340,2369,2376,2383,2392,2394,4000</b>					
		<b>FY09</b>	<b>FY10</b>	<b>FY11</b>	<b>FY11 Actual</b>
		<b>as of</b>	<b>as of</b>	<b>as of</b>	<b>compared to</b>
		<b>6/30/2009</b>	<b>6/30/2010</b>	<b>6/30/2011</b>	<b>FY10 Actual</b>
<b>Revenue:</b>					
<b>11110</b>	<b>Property Taxes Current</b>	1,019,458	1,006,088	1,029,134	<b>23,047</b>
<b>11115</b>	<b>Property Taxes Relief</b>	0	0	0	<b>0</b>
<b>11120</b>	<b>Property Tax 40% by 6/30</b>	433,856	419,025	407,122	<b>(11,903)</b>
<b>11140</b>	<b>Property Tax Delinquent</b>	98,788	112,312	91,214	<b>(21,098)</b>
<b>11150</b>	<b>Excess Commission</b>	45,496	46,972	44,442	<b>(2,530)</b>
<b>11160</b>	<b>Land Redemp-In State Sale</b>	7,731	0	0	<b>0</b>
<b>15100</b>	<b>Interest on Investments</b>	15,841	2,395	1,063	<b>(1,332)</b>
<b>19120</b>	<b>Other Rent-Land Owned Lea</b>	2,200	17,150	25,150	<b>8,000</b>
<b>19800</b>	<b>Refunds of Prior Yr Expenditures</b>	31,797	310	41,935	<b>41,625</b>
<b>19900</b>	<b>Misc Revenue from Local Sources</b>	21,632	47,367	34,555	<b>(12,812)</b>
<b>21200</b>	<b>Severance Tax</b>	64,267	37,723	39,183	<b>1,460</b>
<b>31101</b>	<b>State Foundation Funding</b>	2,454,212	2,170,531	1,762,364	<b>(408,167)</b>
<b>31102</b>	<b>Enhanced Educational Fund</b>	53,951	19,446	0	<b>(19,446)</b>
<b>31103</b>	<b>98% URT</b>	0	10,421	10,603	<b>182</b>
<b>31460</b>	<b>Declining Enrollment</b>	62,376	190,495	253,147	<b>62,652</b>
<b>31620</b>	<b>Supplement Millage</b>	16,309	13,979	11,649	<b>(2,330)</b>
<b>31900</b>	<b>Other</b>	350	525	0	<b>(525)</b>
<b>32226</b>	<b>Recruitment / Retention</b>	0	131,992	137,700	<b>5,709</b>
<b>32232</b>	<b>AR School Recognition Program</b>	0	3,712	0	<b>(3,712)</b>
<b>32236</b>	<b>Strong Choices</b>	0	0	0	<b>0</b>
<b>32250</b>	<b>Mentoring</b>	6,000	9,464	13,329	<b>3,865</b>
<b>32260</b>	<b>Fish and Wildlife</b>	1,241	681	1,315	<b>635</b>
<b>32310</b>	<b>Hand Child-Supv/Extend Yr</b>	4,560	3,956	1,932	<b>(2,024)</b>
<b>32355</b>	<b>Sp Ed Catastrophic</b>	104,210	80,471	39,323	<b>(41,148)</b>
<b>32480</b>	<b>Voc New Pgm Start-up</b>	0	21,718	0	<b>(21,718)</b>
<b>32912</b>	<b>General Facilities Fund</b>	10,143	8,694	7,245	<b>(1,449)</b>
<b>32915</b>	<b>Debt Service Supplement</b>	13,719	11,125	7,586	<b>(3,539)</b>
<b>41300</b>	<b>Revenue In Lieu of Taxes</b>	43,850	41,203	0	<b>(41,203)</b>
<b>53200</b>	<b>Sales of Building and Grounds</b>	0	15,500	0	<b>(15,500)</b>
	<b>Total Revenue</b>	<b>4,511,988</b>	<b>4,423,254</b>	<b>3,959,992</b>	<b>(463,262)</b>

**Arkansas Department of Education  
Strong-Huttig School District  
General Operating Funds  
Expenditures**

General Operating					
Funds:1000 1001 1218 1246 1265 2000 2001 2120 2170 2218 2232 2236 2240 2246 2265 2340 2369 2376 2383 2392 2394 4000					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
61000-62999	Salaries & Benefits	3,195,889	3,243,320	2,895,836	(347,484)
Other:					
63310	Certified/Prof Dev Training	185	25	225	200
63445	Legal-Research/Opinions	40	0	0	0
63470	Architectural	1,500	0	0	0
63900	Other Purc Prof Tech Serv	291,674	514,254	357,802	(156,452)
64110	Water/Sewer	5,701	6,426	7,122	697
64210	Disposal/Sanitation	1,231	0	0	0
64310	Rep/Maint -Building & Grounds	212	7,762	0	(7,762)
64320	Rep/Maint - Equip & Vehicle	9,806	9,077	6,396	(2,681)
64410	Rental on Land & Bldgs	0	0	0	0
64420	Rental Equip & Vehicles	12,137	15,035	14,995	(41)
65210	Property Insurance	29,646	29,822	318	(29,504)
65220	Liability Insurance	3,819	11,339	4,075	(7,264)
65240	Fleet Insurance	7,867	6,961	5,611	(1,350)
65250	Accident Ins for Students	8,196	8,524	6,372	(2,152)
65300	Communications	0	0	0	0
65310	Telephone	21,911	47,946	15,572	(32,374)
65320	Postage	1,559	5,955	2,452	(3,503)
65400	Advertising	4,324	2,562	1,164	(1,398)
65610	Tuition Lea's In State	0	9,814	0	(9,814)
65800	Travel	0	0	0	0
65810	Travel -Cert In District	17,033	6,833	7,617	783
65820	Travel - CLS In District	1,683	1,939	2,118	179
66100	General Supplies	249,297	241,192	191,698	(49,494)
66107	Low value Equip Supplies	24,905	0	0	0
66110	Reimbursible Supplies	2,030	570	0	(570)
66210	Natural Gas	33,298	29,063	49,592	20,529
66220	Electricity	73,347	74,473	71,349	(3,124)
66260	Gasoline/Diesel	47,152	42,829	45,978	3,149
66410	Textbooks	28,093	59,853	20,237	(39,616)
66420	Library Books	2,807	3,974	0	(3,974)
66430	Periodicals	1,036	765	185	(580)
66510	Software	2,868	1,350	3,809	2,460
67310	Machinery	8,578	2,699	0	(2,699)
67320	Vehicles	0	7,500	0	(7,500)
67330	Furniture and Fixtures	5,666	0	0	0
67340	Tech Hardware over 1000	9,067	0	0	0
67390	Other Equipment	2,680	7,200	0	(7,200)
68100	Dues & Fees	11,490	16,453	7,669	(8,785)
68300	Interest	86,199	76,826	72,226	(4,600)
69100	Redemption of Principal	93,209	99,753	109,369	9,616
69380	To Food Service	0	0	20,933	20,933
69400	Program Funding Return	1,531	0	0	0
Total Other Exp.		1,101,774	1,348,773	1,024,883	(323,891)
	Total Expenditures	4,297,663	4,592,093	3,920,719	(671,375)

**Arkansas Department of Education  
West Side School District  
General Operating Funds  
Summary**

FY11 as of June 30, 2011			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2011</u>
909,103	4,914,284	4,809,650	1,013,736
FY10 as of June 30, 2010			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2010</u>
2,137,676	3,986,945	5,215,517	909,103
FY09 as of June 30, 2009			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2009</u>
3,012,335	4,120,903	4,995,563	2,137,676

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

Arkansas Department of Education  
West Side School District  
General Operating Funds  
Revenue

General Operating Funds:1000 1246 2000 2001 2099 2218 2240 2246 2271 2290 4000					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
Revenue:					
11110	Property Taxes Current	1,661,226	1,739,229	1,732,658	(6,571)
11115	Prop Tax Relief-Sales Tax	0	0	67,931	67,931
11120	Property Tax 40%	1,162,067	1,022,619	1,110,226	87,606
11125	Property Tax Rel. 40%	0	255,009	228,746	(26,263)
11140	Property Tax Delinquent	46,879	60,537	162,726	102,189
11150	Excess Commission	4,056	3,884	4,908	1,024
11160	Land Redemption	167,416	219,160	207,229	(11,931)
11400	Penalties/Interest on Tax	0	0	0	0
12900	Other Local Non-LEA Revenue	0	0	0	0
15100	Interest on Investments	87,809	25,688	14,860	(10,828)
19000	Other Rev-Local Sources	0	0	0	0
19130	LEA Buildings & Facilities	6,350	6,150	5,190	(960)
19200	Private Contributions	4,000	2,000	2,000	0
19300	Sales of Supplies & Material	4,266	0	437	437
19516	Staff Development	0	0	0	0
19800	Refunds of Prior Yr Expenditures	0	288	995	707
19900	Misc Revenue from Local Sources	7,815	640	3,398	2,758
21200	Severance Tax	427	378	483	105
31101	State Foundation Funding	197,569	26,656	0	(26,656)
31102	Enhanced Educational Fund	43,798	17,401	0	(17,401)
31103	98% Tax Collection Rate GTD	69,829	109,716	0	(109,716)
31400	Transportation Aid	0	192,337	0	(192,337)
31460	Declining Enrollment	89,643	0	0	0
31620	Supp Millage Incentive	0	0	0	0
31900	Other	0	0	0	0
32227	College Prep Enrich Pgm	0	0	0	0
32232	Alt Learn Prog	0	7,733	0	(7,733)
32250	Mentoring Program	3,984	2,200	2,600	400
32251	CWIP Grant	0	0	13,895	13,895
32260	Act 799 of 2003 Game/Fish	4,470	2,909	0	(2,909)
32290	Oth Grants/Aid State	0	0	0	0
32310	Hand Child-Supv/Extend Yr	3,711	3,984	2,103	(1,881)
32314	Sp Ed Extended School Year	0	0	0	0
32330	Non Hand Resid Treatment	0	0	0	0
32340	Hand Resident Treatment	0	0	0	0
32361	G/T Advanced Placement	50	50	1,780	1,730
32430	Voc Spec Needs Project	0	0	0	0
32480	Voc New PGM Start-Up	0	0	49,180	49,180
32610	Ed Services Cooperative	0	0	0	0
32710	AR Better Chance (ABC) Grant	45,798	47,250	46,725	(525)
32727	AR/Hippy (AR DHS)	0	0	0	0
32740	Inf/Tod Prog DHS	0	0	0	0
32909	Coord Sch Health	0	0	0	0
32910	Workers Comp Insurance	1,355	0	0	0
32912	General Facilities Funding	0	0	0	0
32915	Debt Service Funding	0	0	0	0
32917	Dept Of Health	0	0	0	0
32990	Other Grants and Aid	0	0	0	0
41100	Sch Aid-Fed AFF Area M/O	209,871	107,004	0	(107,004)
42200	Flood Control	98,323	72,942	89,297	16,355
42300	Mineral leases	23,292	58,249	15,617	(42,631)
42500	Impact Aid	0	0	335,354	335,354
51100	Bonded Indebtedness	0	0	0	0
51200	Revolving Loans	0	0	0	0
51300	Postdated Warrant	0	0	808,900	808,900
52300	Transfer from Building Fund	0	0	0	0
52600	Transfer from Federal Grants	0	0	0	0
52800	Transfer from Food Service	0	0	7,047	7,047
52900	Indirect Cost	3,000	2,932	0	(2,932)
53100	Sale of Equipment	0	0	0	0
53400	Compen-Loss Fixed Assets	0	0	0	0
56300	Special Items	173,900	0	0	0
	Total Revenue	4,120,903	3,986,945	4,914,284	927,339

Arkansas Department of Education  
West Side School District  
General Operating Funds  
Expenditures

General Operating Funds:1000 1246 2000 2001 2099 2218 2240 2246 2271 2290 4000					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
60000-62999	Salaries & Benefits	3,333,401	3,450,011	3,332,646	(117,364)
Other:					
63120	Management Services	968	968	968	0
63130	Board of Ed Services	2,923	2,609	14	(2,595)
63210	Pur Svcs-Inst-Prof/Tech	0	500	0	(500)
63220	Inst PRGM-Improvement Svcs	400	125	0	(125)
63230	Consulting - Educational		0	0	0
63310	Prof Dev	256	667	330	(337)
63320	Cls Prof Dev	1,351	952	365	(586)
63410	Pupil Services	35,772	52,776	44,398	(8,377)
63420	Statistical Services	0	0	1,559	1,559
63445	Legal-Research/Opinions	0	0	0	0
63450	Medical	0	0	21	21
63470	Architectural	0	0	0	0
63490	Other Professional Services	5,036	852	810	(42)
63590	Other Technical Services	0	0	0	0
63900	Other Purc Prof Tech Serv	8,756	670	727	57
63920	Other Prof-Copier	0	0	0	0
64110	Water/Sewer	3,457	5,067	8,900	3,833
64210	Disposal/Sanitation	7,533	6,672	6,992	321
64230	Custodial	7,206	5,496	7,420	1,925
64240	Lawn Care	0	0	0	0
64310	Non-Tech Repairs/Maint	58,275	49,184	89,727	40,542
64320	Tech Rel Repairs	2,225	0	0	0
64410	Land & Bldgs	0	0	0	0
64420	Equip & Vehicles	0	280	0	(280)
64500	Construction Services	11,934	0	551,952	551,952
64900	Other Purc Property Services	0	0	0	0
65210	Property Insurance	17,556	20,686	26,101	5,415
65220	Liability Insurance	3,819	3,325	3,325	0
65240	Fleet Insurance	4,863	4,521	0	(4,521)
65250	Accident Ins for Students	0	0	0	0
65290	Other Insurance	0	0	275	275
65310	Telephone	8,015	8,559	6,334	(2,226)
65320	Postage	2,417	2,944	2,797	(148)
65400	Advertising	863	1,554	1,084	(470)
65500	Printing & Binding	449	312	312	0
65610	To LEAs Within State	0	29,124	7,084	(22,040)
65800	Travel Expenses	0	0	0	0
65810	Travel-CE in Dist	873	1,024	652	(372)
65820	Trvl CLS in District	1,690	2,742	2,974	232
65870	Travel Non-Employee	0	0	0	0
65880	Meals	0	87	0	(87)
65890	Lodging	0	123	107	(17)
65900	Misc Purc Svcs	0	1,720	0	(1,720)
65910	Service Purchased Locally	15,400	411	4,025	3,614
66100	General Supplies	135,883	99,553	81,629	(17,924)
66101	Sup&Mat/Unit Maint	0	0	0	0
66107	Equip Un 1000	0	0	0	0
66180	Bldg/Grnd-S&M Supp&Mater	0	0	0	0
66210	Natural Gas	0	0	0	0
66220	Electricity	73,165	81,042	97,305	16,263
66230	LP Gas	41,838	27,391	22,556	(4,835)
66240	Oil	0	0	0	0
66250	Coal/Wood	0	0	0	0
66260	Gasoline/Diesel	33,087	34,204	39,407	5,204
66410	Textbooks	56,816	25,600	43,007	17,408
66420	Library Books	4,957	4,745	3,637	(1,108)
66430	Periodicals	397	50	0	(50)
66500	Techn Supplies	11,689	13,803	10,620	(3,183)
66510	Software	27	0	18,590	18,590
66527	Low Value tech Supplies	0	0	0	0
66900	Other Supplies & Material	0	0	0	0
66910	Tires	2,772	2,703	5,372	2,669
67100	Land & Improvements	54,101	697,416	8,798	(688,618)
67200	Buildings	0	0	0	0
67310	Machinery	6,265	1,681	8,236	6,555
67320	Vehicles	70,950	84,654	0	(84,654)
67330	Furniture & Fixtures	1,543	7,409	651	(6,758)



Arkansas Department of Education  
West Side School District  
General Operating Funds  
Expenditures

		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
67340	Tech Rel Hardware	9,932	3,844	42,555	38,711
67350	Tech Software	0	0	0	0
67390	Other Equip-Over 1000	42,000	18,684	0	(18,684)
68100	Dues & Fees	10,177	7,470	14,641	7,171
68200	Judgement against Lea	0	0	0	0
68300	Interest	158,860	154,960	150,795	(4,165)
68400	Indirect Cost	0	0	0	0
68900	Miscellaneous Expenditure	0	878	267	(610)
68999	Athletic	3,546	253	96	(157)
69100	Redemption of Principal	115,000	110,000	120,000	10,000
69330	To Building Fund	557,978	0	0	0
69370	To Student Activity Fund	0	0	0	0
69380	To Food Service Fund	69,139	65,778	39,588	(26,190)
69400	Program Funding Return	0	119,440	0	(119,440)
Total Other Exp.		1,662,162	1,765,507	1,477,004	(288,503)

# **HEARING PROCEDURES**

## **SBE HEARING PROCEDURES – SCHOOL CHOICE**

1. Introduction of Agenda Item by Arkansas Department of Education Staff
2. Witnesses are Sworn
3. Presentation by Petitioner
4. Presentation by Respondent
5. State Board Discussion
6. State Board Motion/Vote
7. Additional Items:

a. The Chairman of the Arkansas State Board of Education shall serve as the presiding officer for the hearing.

b. All members of the State Board of Education shall conduct themselves in an impartial manner and may at any time withdraw from the proceedings if they deem themselves disqualified.

c. The petitioner, as proponent of the order for reconsideration, will have the burden of proving each fact of consequence to the determination by a preponderance of the evidence.

d. Irrelevant, immaterial, and unduly repetitious evidence shall be excluded.

e. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs.

f. Objections to evidentiary offers may be made and shall be noted of record. When a hearing will be expedited and the interests of the parties will not be substantially prejudiced, any part of the evidence may be received in written form.

g. Parties shall have the right to conduct such cross examination of witnesses as may be required for a full and true disclosure of the facts.

h. Official notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties must be notified of material so noticed, including any staff memoranda or data, and shall be afforded a reasonable opportunity to show the contrary.

# **NOTICE LETTER**



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell  
Commissioner

October 14, 2011

State Board  
of Education

Dr. Naccaman Williams  
Springdale  
Chair

Dr. Ben Mays  
Clinton  
Vice Chair

Sherry Burrow  
Jonesboro

Jim Cooper  
Melbourne

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Toyce Newton  
Crossett

Vicki Saviers  
Little Rock

Warren and Amy Donaldson  
12037 Calhoun 455  
Camden, Arkansas 71701

Mr. Harold Davidson, Superintendent  
Harmony Grove School District  
401 Ouachita 88  
Camden, Arkansas 71701

**Re: Appeal Pursuant to the Arkansas Public School Choice Act  
VIA CERTIFIED AND REGULAR MAIL**

Dear Mr. and Mrs. Donaldson and Superintendent Davidson:

On October 6, 2011, Mr. and Mrs. Donaldson submitted to the Arkansas Department of Education a written notice of appeal regarding the decision of the Harmony Grove School District to deny school choice eligibility to Trenton W. Mason.

This letter is to notify you that the State Board of Education (State Board) will hear the above-referenced appeal on **Monday, November 14, 2011**. The November 14, 2011 State Board meeting will begin at **9:00 a.m. in the auditorium of the Arch Ford Education Building, #4 Capitol Mall, Little Rock, Arkansas**. Information or other documents you wish to submit for the State Board's consideration must be received by my office **no later than 12:00 noon on October 26, 2011**.

The above-referenced appeal will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Ark. Code Ann. § 6-18-206 and the Arkansas Department of Education Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Public School Choice Act.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Respectfully,

Jeremy C. Lasiter  
General Counsel

Enclosures: Donaldson Appeal Letter  
Ark. Code Ann. § 6-18-206  
ADE Rules Governing the Arkansas Public School Choice Act  
Excerpts from 2011-2012 School Choice Eligibility Report  
State Board of Education Hearing Procedures (School Choice)

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

cc (w/encl): Tom W. Kimbrell, Ed.D., Commissioner of Education  
Ms. Phyllis Stewart, State Board of Education Liaison  
Mr. Jimmy Cunningham, Superintendent, Hampton School District  
File

Dr. Tom W. Kimbrell, Commissioner  
Arkansas Department of Education  
Four Capitol Mall, Room 304A  
Little Rock, AR 72201



October 6, 2011

RECEIVED  
COMMISSIONER'S OFFICE

OCT 12 2011

DEPARTMENT OF EDUCATION

Warren and Amy Donaldson  
Parents of Trent Mason  
12037 Calhoun 455  
Camden, AR 71701

Subject: Request for a Hearing and Appeal of School Transfer Application

Dr Tom Kimbrell,

Please accept this request for a hearing/appeal of our application to transfer our son, Trenton W. Mason, from the Hampton School District to the Harmony Grove School System in the Camden District. There are many factors involved, going back a number of years. We would greatly appreciate the opportunity to have our application reviewed in person.

Thank you very much.

*Warren and Amy Donaldson*

Warren and Amy Donaldson

For Trenton W. Mason

*for  
Trenton W. Mason*

RECEIVED  
ATTORNEY'S OFFICE

OCT 14 2011

DEPARTMENT OF EDUCATION  
GENERAL DIVISION

ENCLOSURE 1

# Harmony Grove Public Schools

**Harmony Grove Campus**  
401 Ouachita Road 88  
Camden, Arkansas 71701  
Telephone (870) 574-0971  
Fax (870) 574-2765

Mr. Harold Davidson, Superintendent  
Mr. Joe Rogers, Jr., President  
Mr. Raymond Furlow, Vice President  
Mr. Wayne Sharp, Secretary  
Mr. Todd Bearden, Member  
Mr. Marcus Ellis, Member  
Mr. Jeremy Givens, Member  
Mrs. Angel Pigott, Member

**Sparkman Campus**  
P. O. Box 37  
Sparkman, Arkansas 71763  
Telephone (870) 678-2243  
Fax (870) 678-2917

September 30, 2011

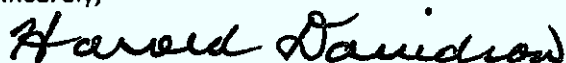
Dear Parent of Trent Mason:

I have been informed that I should not have approved school choice for the above named student to attend school in the Harmony Grove School District. After receiving correspondence from the Hampton School District stating that this student was not eligible for school choice and that the Arkansas Department of Education had been contacted to protest my decision, I contacted our school attorney to seek legal advice and clarification on the school choice laws. According to the advice I have been given, your above named student does not qualify to attend our school because he or she is not of a minority race.

Because we cannot be out of compliance with state and federal law, I am informing you that the above named student must withdraw from our school district immediately. Should you wish to discuss this matter, I suggest that you contact the administration of the resident school district or Mr. Oliver Dillingham at the Arkansas Department of Education at 501-682-1212.

I am sincerely sorry that your child may not attend our district without permission of the above named parties. You should make other arrangements for your child to attend school in either the district in which you reside or through other legal choices.

Sincerely,



Harold Davidson

Cc: Mr. Walton Pigott, High School Principal  
Mrs. Jerri Courville, Elementary School Principal  
Mr. Jimmy Cunningham, Hampton School Superintendent  
Mr. Oliver Dillingham, Arkansas Department of Education

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A.C.A. § 6-18-206

Arkansas Code of 1987 Annotated Official Edition Court Rules 2011

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\*\*\* CURRENT THROUGH THE 2011 REGULAR SESSION AND UPDATES \*\*\*

\*\*\* FROM THE ARKANSAS CODE REVISION COMMISSION THROUGH \*\*\*

\*\*\* JUNE 2, 2011 \*\*\*

Title 6 Education

Subtitle 2. Elementary And Secondary Education Generally

Chapter 18 Students

Subchapter 2 -- Attendance

A.C.A. § 6-18-206 (2011)

**6-18-206. Public school choice.**

**(a) (1)** This section may be referred to and cited as the "Arkansas Public School Choice Act of 1989".

**(2)** The General Assembly finds that the students in Arkansas's public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students will stay in school and that other, more motivated students will find their full academic potential.

**(3)** The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

**(4)** The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which the student resides, provided that the transfer by this student would not adversely affect the desegregation of either district.

**(5)** A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in this section.

**(b) (1) (A)** Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on a form approved by the Department of Education to the nonresident district by submitting the application to the superintendent of the school district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.

**ENCLOSURE 2**



**(B) (i)** Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, the superintendent of the nonresident district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.

**(ii)** If the application is rejected, the superintendent of the nonresident district must state in the notification letter the reason for rejection.

**(iii)** If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

**(a)** An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and

**(b)** Any instructions for the renewal procedures established by the district.

**(iv) (a)** Any student who accepts a school choice transfer may return to his or her resident district during the course of the school year.

**(b)** If a transferred student returns to his or her resident district during the school year, the student's transfer is voided, and the student shall reapply for any future transfer.

**(2) (A)** The school board of directors of every public school district must adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Nothing in this section requires a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law. Standards shall include a statement that priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the district by choice. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another district may be included pursuant to § 6-18-510.

**(B) (i)** Any student who applies for a transfer under this section and is denied a transfer by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

**(ii)** A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after notice of rejection of the application under subdivision (b)(1)(B) of this section is received by the student.

**(3)** Each school district shall participate in public school choice consistent with this section.

**(c)** The responsibility for transportation of a student from the student's resident school district to a nonresident school district shall be borne by the student or the student's parents. The nonresident school district may enter into a written agreement with the student, the student's parents, or the resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.

**(d) (1)** A nonresident district shall accept credits toward graduation that were awarded by another district.

**(2)** The nonresident district shall award a diploma to a nonresident student if the student meets the nonresident district's graduation requirements.

**(e)** For purposes of determining a school district's state equalization aid, the nonresident student shall be counted as a part of the average daily membership of the district to which the

student has transferred.

**(f)** The provisions of this section and all student choice options created in this section are subject to the following limitations:

**(1)** No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district except in the circumstances set forth in subdivisions (f)(2) and (3) of this section;

**(2) (A)** A transfer to a district is exempt from the restriction set forth in subdivision (f)(1) of this section if the transfer is between two (2) districts within a county and if the minority percentage in the student's race and majority percentages of school enrollment in both the resident and nonresident district remain within an acceptable range of the county's overall minority percentage in the student's race and majority percentages of school population as set forth by the department.

**(B) (i)** By the filing deadline each year, the department shall compute the minority percentage in the student's race and majority percentages of each county's public school population from the October Annual School Report and shall then compute the acceptable range of variance from those percentages for school districts within each county.

**(ii) (a)** In establishing the acceptable range of variance, the department is directed to use the remedial guideline established in Little Rock School District v. Pulaski County Special School District of allowing an overrepresentation or underrepresentation of black or white students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance.

**(b)** In establishing the acceptable range of variance for school choice, the department is directed to use the remedial guideline of allowing an overrepresentation or underrepresentation of minority or majority students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance;

**(3)** A transfer is exempt from the restriction set forth in subdivision (f)(1) of this section if each school district affected by the transfer does not have a critical mass of minority percentage in the student's race of more than ten percent (10%) of any single race;

**(4)** In any instance in which the provisions of this subsection would result in a conflict with a desegregation court order or a district's court-approved desegregation plan, the terms of the order or plan shall govern;

**(5)** The department shall adopt appropriate rules and regulations to implement the provisions of this section; and

**(6)** The department shall monitor school districts for compliance with this section.

**(g)** The state board shall be authorized to resolve disputes arising under subsections (b)-(f) of this section.

**(h)** The superintendent of the district shall cause public announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.

**(i) (1)** All superintendents of school districts shall report to the Equity Assistance Center on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.

(2) The reports may be on those forms that are prescribed by the department, or the data may be submitted electronically by the district using a format authorized by the department.

(3) The department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the Equity Assistance Center so long as thirty (30) calendar days are given between the request for the information and the published deadline except when the request comes from a member or committee of the General Assembly.

(4) A copy of the report shall be provided to the Joint Interim Oversight Committee on Educational Reform.

(j) (1) The department shall develop a proposed set of rules as it determines is necessary or desirable to amend the provisions of this section.

(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.

**HISTORY:** Acts 1989, No. 609, §§ 1-13; 1991, No. 214, § 1; 1991, No. 284, §§ 1-3; 1993, No. 655, § 1; 1995, No. 109, § 1; 1997, No. 112, § 10; 1999, No. 391, § 10; 1999, No. 1241, § 1; 2001, No. 1788, § 1; 2003, No. 1272, § 1; 2003 (2nd Ex. Sess.), No. 110, § 1; 2005, No. 2148, § 1; 2007, No. 552, § 1.

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ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING THE GUIDELINES, PROCEDURES, AND ENFORCEMENT OF THE  
ARKANSAS PUBLIC SCHOOL CHOICE ACT  
October 2007

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education's authority for promulgating these rules is pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-429, 6-18-206 and Act 552 of 2007.

3.00 DEFINITIONS

- 3.01 Student – for purposes of this rule means any person legally enrolled or entitled to be enrolled in a public school district in Arkansas.
- 3.02 Resident district - for purposes of this rule means the public school district where a student is considered to reside pursuant to Ark. Code Ann. § 6-18-202.
- 3.03 Non-resident district - for purposes of this rule means the public school district a student last made legal application to attend pursuant to the Arkansas Public School Choice Act for the current school year.
- 3.04 Application - for purposes of this rule means a request submitted to a non-resident district to transfer from a student's resident district to a non-resident district on the official form approved by the Arkansas Department of Education.
- 3.05 Board - for purposes of this rule means the Arkansas State Board of Education.
- 3.06 Department - for purposes of this rule means the Arkansas Department of Education.
- 3.07 Minority - for purposes of this rule minority includes the following racial groups: African American, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native.
- 3.08 Majority - for purposes of this rule majority includes the following racial group: Caucasian.

4.00 PROCESS AND PROCEDURES FOR SCHOOL DISTRICT PARTICIPATION IN  
PUBLIC SCHOOL CHOICE PROGRAM

- 4.01 Each school district shall participate in public school choice consistent with this section.

**ENCLOSURE 3**

- 4.02 Every school district must adopt a resolution setting forth specific standards for acceptance and rejection of applications.
  - 4.02.1 Such standards may include the capacity of a school program, class, grade level, or school building.
  - 4.02.2 School districts shall not be required to add teachers, staff, or classrooms or in any way exceed current requirements or standards established by existing law when considering whether to accept an application.
  - 4.02.3 A school district's standards shall include a statement that priority will be given to applications of siblings or step-siblings residing in the same residence or household of students already attending the district by choice where an application has been filed.
  - 4.02.4 A school district's standards for acceptance and rejection of applications shall not include a student's previous academic achievement, athletic or extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another school district may be included as a standard.
- 4.03 A district shall make public announcements over the broadcast media and in print media at such times and in such manner so as to inform parents or guardians of students in adjoining districts of the availability of the program, the July 1 application deadline, and the requirements and procedure for nonresident students to participate in the program.

5.00 PROCESS AND PROCEDURES FOR APPLICATIONS FOR TRANSFER  
PURSUANT TO THE PUBLIC SCHOOL CHOICE PROGRAM

- 5.01 Any student may make application to enroll and attend a school in a district in which the student does not reside, subject to the restrictions and procedures contained in this rule and regulation and Arkansas law.
  - 5.01.1 Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on the form approved by and provided by the Department (see attached application) to the nonresident district.
  - 5.01.2 The application to the nonresident district must be postmarked no later than July 1 of the year the student would begin the fall semester in the nonresident school district.
- 5.02 Any student attending a resident district classified as being in academic distress shall be eligible and entitled to apply to transfer to another geographically contiguous nonresident district not in academic distress during the time period a district is classified as being in academic distress subject to the restrictions allowed in 5.02.1 and 8.00.

- 5.02.1 Any student submitting an application under this section shall not be required to file the petition by the July 1 deadline, but shall meet all other requirements and conditions of this rule.
- 5.03 Within thirty (30) days of receipt of an application for public school choice transfer from a nonresident student, the nonresident district shall notify the parent or guardian and the resident district in writing (via first class United States mail) as to whether the nonresident district accepted or rejected the student's application.
  - 5.03.1 If the application is rejected, the nonresident district must state in the notification letter the specific reasons for rejection.
  - 5.03.2 If the application is accepted, the nonresident district shall state in the notification letter:
    - a. An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and
    - b. Any instructions for the renewal procedures established by the district.
- 5.04 Any student who accepts a school choice transfer may return to his or her school district during the course of the school year.
  - 5.04.1 If a transferred student returns to his or her resident district during the school year, the student's transfer is voided and the student shall reapply for any future transfer.
- 5.05 Any student that submitted a valid application for transfer, which was denied a transfer by the nonresident district, may petition the Board to reconsider the application for transfer. The petitioning party shall set forth its arguments and evidence supporting the request for the Board's reconsideration of the application along with a copy of the nonresident district's notification of rejection letter.
  - 5.05.1 The petition for reconsideration before the Board shall be in writing and shall be postmarked (via certified first class United States mail, return receipt requested) no later than ten (10) days after the student or student's parents or guardian receives notice of rejection from the nonresident district. Any request for a hearing before the Board must be made in the petition for reconsideration.
  - 5.05.2 The petitioning party must mail or personally file their petition for reconsideration of the application to the nonresident district with the Office of the Director of the Department.
  - 5.05.3 The nonresident district may submit in writing additional information, evidence or arguments supporting its rejection of the student's application.



- 5.05.4 The Board, at its sole discretion, may grant a public hearing on the petition for reconsideration or consider without a public hearing the petition, briefs and evidence submitted in writing before issuing its final decision on the petition for reconsideration of the application.
- 5.05.5 The Board may require the nonresident district to reconsider its rejection of the student application by a date established by the Board before deciding whether to grant the petition for reconsideration of the application.
- 5.05.6 The Board, at its discretion, shall have the authority to require any person associated with the student application (i.e. student, parent, guardian, etc.), the nonresident district or the resident district to appear in person or by pleading before the Board as a witness on the matter of a petition for reconsideration of an application.

#### 6.00 TRANSPORTATION OF STUDENTS IN PUBLIC SCHOOL CHOICE PROGRAM

- 6.01 Transportation of a student from the resident district to a nonresident district is the responsibility of the student or the student's parents or guardians.
  - 6.01.1 When a student transfers under section 5.02, the cost of transportation of a student from the resident district to the nonresident district shall be the responsibility of the resident district.
- 6.02 The nonresident district may enter into a written agreement with the student, student's parents or guardians, or resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.
- 6.03 A nonresident district shall terminate transportation services to a student upon receipt of written notice (via certified first class United States mail, return receipt requested) from the Department to cease and desist transporting a student from the student's resident district.

#### 7.00 NONRESIDENT DISTRICT'S RESPONSIBILITIES

- 7.01 The nonresident district shall accept all credits toward graduation of a student that were awarded by another district.
- 7.02 The nonresident district shall award a diploma to a nonresident student accepted for transfer under the Public School Choice Program if that student meets the nonresident district's graduation requirements.
- 7.03 The nonresident student accepted for transfer under the Public School Choice Program shall be counted as a part of the average daily membership of the nonresident district to which the student transferred.

**8.00 PROVISIONS FOR AND LIMITATIONS ON PUBLIC SCHOOL CHOICE TRANSFERS**

- 8.01 No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district, except as provided in 8.01.1 and 8.01.2.
- 8.01.1 A transfer is permitted if (1) the transfer is between districts within the same county; and (2) if the transfer does not result in either district exceeding the acceptable range of variance for representation of minority/majority students. The acceptable range of variance is determined as provided in Section 8.02, or
- 8.01.2 A transfer is permitted if each school district affected by the transfer does not have a critical mass of minority percentages of more than ten percent (10%) of any single.
- 8.02 The Department shall each year compute the minority/majority racial percentage(s) of the public school population for each county from the October Annual School Report. School districts may vary in the under-representation or over-representation of minority/majority students by a maximum of twenty-five percent (25%) of the difference in majority/minority percentages for the county as determined by the Department. For example, when the Department has calculated the county's racial balance for each student race category, each district is allowed an over-representation or under-representation of minority or majority students of a range of up to twenty-five (25%) of the county's racial balance.
- 8.03 No student transfer shall be permitted under the Public School Choice Program when such a transfer would conflict with a district's desegregation court order or a district's court-approved desegregation plan.

**9.00 REPORTING AND MONITORING OBLIGATIONS**

- 9.01 The Department shall monitor school districts for compliance with the Public School Choice law (Ark. Code Ann. § 6-18-206) and these rules.
- 9.02 Each school district shall provide to the Department, within thirty (30) working days of receipt of a written request from the Department, any information or reports the Department deems necessary for review and determination of the school district's compliance with the Public School Choice law and these rules.
- 9.03 All school districts shall report to the Equity Assistance Center of the Department on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.
- 9.04 The reports may be on those forms that are prescribed by the Department, or the data may be submitted electronically by the district using a format authorized by the Department.
- 9.05 The Department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published



deadline requested from school districts by the Equity Assistance Center, so long as thirty (30) calendar days are given between the request for the information and the published deadline, except when the request comes from a member or committee of the General Assembly.

#### 10.00 DISPUTES

- 10.01 Any school district may petition the State Board of Education to resolve alleged disputes arising under subsections (b) – (f) of Ark. Code Ann. § 6-18-206.
- 10.02 Any school district seeking to petition the State Board of Education must submit with its petition proof of public notice of the district's intent to petition the State Board. The public notice shall be published at least once per week for two consecutive weeks in a newspaper of general circulation in all the school districts impacted or involved in the alleged dispute.
- 10.03 The school district shall file its written petition with the Office of the Director of the Department at least thirty (30) working days prior to the State Board of Education meeting where the petition will be heard.
- 10.04 The school district shall provide proof in the petition that they have served (via certified first class United States mail, return receipt requested) a copy of their petition to the superintendent of all other school districts involved in the alleged dispute.
- 10.05 The petition shall set forth in writing the particular issues of dispute under the Public School Choice Program, the specific relief for which the petitioning party is requesting the Board to address, and shall list all school districts and other relevant parties in the dispute.
- 10.06 The petition shall set forth what efforts have been attempted by all relevant school boards and superintendents of the involved school districts to resolve the alleged dispute.
- 10.07 The petition shall state in writing whether the petitioning school district requests a hearing before the Board.
- 10.08 The Board, in its sole discretion, shall determine whether to grant a public hearing on a petition or to take action on the petition and pleadings submitted without granting a public hearing.
- 10.09 Any school district that is listed as a party in a petition to resolve a dispute shall file a written response with the Office of the Director of the Department. The written response shall be submitted for the Board's consideration along with the petition within ten (10) working days of receipt of notice of the petition.
- 10.10 The Board shall issue a written decision regarding all issues of alleged dispute mentioned in the petition, and the written decision shall be served on all the school districts listed as parties of dispute in the petition (via certified first class United States mail, return receipt requested) within twenty (20) working days of the Board's final decision.

- 10.11 Except for the procedures specifically set forth in Ark. Code Ann. § 6-18-206 and these rules, all hearings conducted by the Board shall be conducted pursuant to the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et. seq..

BRADLEY COUNTY										
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White	
0601000	HERMITAGE SCHOOL DISTRICT	Y	0.43%	0%	14.74%	26.50%	0%	0%	58.33%	
0602000	WARREN SCHOOL DISTRICT	Y	0.59%	0%	34.49%	19.70%	0.20%	0.07%	44.96%	
County Percentages			0.55%	0%	29.86%	21.29%	0.15%	0.05%	48.10%	
Acceptable Ranges			0.48% - 0.62%	0% - 0%	26.13% - 33.59%	18.63% - 23.95%	0.13% - 0.17%	0.04% - 0.09%	42.08% - 54.11%	
CALHOUN COUNTY										
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White	
0701000	HAMPTON SCHOOL DISTRICT	Y	0%	0%	26.57%	5.39%	0.54%	0%	67.50%	
County Percentages			0%	0%	26.57%	5.39%	0.54%	0%	67.50%	
Acceptable Ranges			0% - 0%	0% - 0%	23.25% - 29.89%	4.71% - 6.06%	0.47% - 0.61%	0% - 0%	59.07% - 75.94%	
CARROLL COUNTY										
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White	
0801000	BERRYVILLE SCHOOL DISTRICT	Y	0.16%	1.02%	0.05%	22.34%	0.54%	0.27%	75.63%	
0802000	EUREKA SPRINGS SCHOOL DISTRICT	Y	0.31%	1.38%	0.46%	6.92%	0.62%	0%	90.31%	
0803000	GREEN FOREST SCHOOL DISTRICT	Y	0%	1.16%	0.58%	37.40%	0%	0%	60.86%	
County Percentages			0.13%	1.13%	0.30%	24.52%	0.38%	0.13%	73.41%	
Acceptable Ranges			0.12% - 0.15%	0.99% - 1.27%	0.26% - 0.35%	21.46% - 27.59%	0.33% - 0.42%	0.12% - 0.15%	64.23% - 82.58%	

LEA	District	Participant	NEWTON COUNTY						
			2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
5106000	DEER/MT. JUDEA SCHOOL DISTRICT	Y	5.23%	0.28%	0.55%	0%	5.23%	0%	88.71%
5102000	JASPER SCHOOL DISTRICT	Y	0%	0.33%	0.11%	0.78%	1%	0.33%	97.43%
County Percentages			1.51%	0.32%	0.24%	0.56%	2.22%	0.24%	94.92%
Acceptable Ranges			1.32% - 1.7%	0.28% - 0.36%	0.21% - 0.27%	0.49% - 0.63%	1.95% - 2.5%	0.21% - 0.27%	83.05% - 106.78%
OUACHITA COUNTY									
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
			2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
5201000	BEARDEN SCHOOL DISTRICT	Y	0.53%	0%	40.11%	2.14%	0.46%	0%	56.88%
5204000	CAMDEN FAIRVIEW SCHOOL DIST.	Y	2.87%	0.57%	60.62%	1.72%	0%	0.16%	34.04%
5205000	HARMONY GROVE SCHOOL DISTRICT	Y	0.78%	0.49%	23.46%	2.84%	0.10%	0%	72.31%
5220000	SOUTH CENTRAL SERVICE CO-OP	N	0%	0%	0%	0%	0%	0%	0%
5206000	STEPHENS SCHOOL DISTRICT	Y	0.56%	0.28%	86.20%	1.13%	0%	0%	11.83%
County Percentages			1.90%	0.46%	51.39%	1.99%	0.07%	0.09%	44.10%
Acceptable Ranges			1.68% - 2.13%	0.4% - 0.51%	44.97% - 57.82%	1.74% - 2.24%	0.06% - 0.08%	0.08% - 0.1%	38.59% - 49.62%
PERRY COUNTY									
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
			2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
5303000	EAST END SCHOOL DISTRICT	Y	0.16%	0%	6.26%	2.35%	0.94%	0%	90.30%
5303000	PERRYVILLE SCHOOL DISTRICT	Y	0.97%	0.19%	0.97%	1.46%	0.68%	0%	95.71%
County Percentages			0.66%	0.12%	3%	1.80%	0.73%	0%	93.63%
Acceptable Ranges			0.58% - 0.74%	0.11% - 0.14%	2.63% - 3.86%	1.58% - 2.03%	0.68% - 0.86%	0% - 0%	81.93% - 105.34%

## **SBE HEARING PROCEDURES – SCHOOL CHOICE**

1. Introduction of Agenda Item by Arkansas Department of Education Staff
2. Witnesses are Sworn
3. Presentation by Petitioner
4. Presentation by Respondent
5. State Board Discussion
6. State Board Motion/Vote
7. Additional Items:

a. The Chairman of the Arkansas State Board of Education shall serve as the presiding officer for the hearing.

b. All members of the State Board of Education shall conduct themselves in an impartial manner and may at any time withdraw from the proceedings if they deem themselves disqualified.

c. The petitioner, as proponent of the order for reconsideration, will have the burden of proving each fact of consequence to the determination by a preponderance of the evidence.

d. Irrelevant, immaterial, and unduly repetitious evidence shall be excluded.

e. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs.

f. Objections to evidentiary offers may be made and shall be noted of record. When a hearing will be expedited and the interests of the parties will not be substantially prejudiced, any part of the evidence may be received in written form.

g. Parties shall have the right to conduct such cross examination of witnesses as may be required for a full and true disclosure of the facts.

h. Official notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties must be notified of material so noticed, including any staff memoranda or data, and shall be afforded a reasonable opportunity to show the contrary.

# **PETITIONER SUBMISSIONS**

Dr. Tom W. Kimbrell, Commissioner  
Arkansas Department of Education  
Four Capitol Mall, Room 304A  
Little Rock, AR 72201



October 6, 2011

RECEIVED  
COMMISSIONER'S OFFICE

OCT 12 2011

DEPARTMENT OF EDUCATION

Warren and Amy Donaldson  
Parents of Trent Mason  
12037 Calhoun 455  
Camden, AR 71701

Subject: Request for a Hearing and Appeal of School Transfer Application

Dr Tom Kimbrell,

Please accept this request for a hearing/appeal of our application to transfer our son, Trenton W. Mason, from the Hampton School District to the Harmony Grove School System in the Camden District. There are many factors involved, going back a number of years. We would greatly appreciate the opportunity to have our application reviewed in person.

Thank you very much.

*Warren and Amy Donaldson*

Warren and Amy Donaldson

For Trenton W. Mason

*for  
Trenton W. Mason*

RECEIVED  
ATTORNEY'S OFFICE

OCT 14 2011

DEPARTMENT OF EDUCATION  
GENERAL DIVISION

# Harmony Grove Public Schools

**Harmony Grove Campus**  
401 Ouachita Road 88  
Camden, Arkansas 71701  
Telephone (870) 574-0971  
Fax (870) 574-2765

Mr. Harold Davidson, Superintendent  
Mr. Joe Rogers, Jr., President  
Mr. Raymond Furlow, Vice President  
Mr. Wayne Sharp, Secretary  
Mr. Todd Bearden, Member  
Mr. Marcus Ellis, Member  
Mr. Jeremy Givens, Member  
Mrs. Angel Pigott, Member

**Sparkman Campus**  
P. O. Box 37  
Sparkman, Arkansas 71763  
Telephone (870) 678-2243  
Fax (870) 678-2917

September 30, 2011

Dear Parent of Trent Mason:

I have been informed that I should not have approved school choice for the above named student to attend school in the Harmony Grove School District. After receiving correspondence from the Hampton School District stating that this student was not eligible for school choice and that the Arkansas Department of Education had been contacted to protest my decision, I contacted our school attorney to seek legal advice and clarification on the school choice laws. According to the advice I have been given, your above named student does not qualify to attend our school because he or she is not of a minority race.

Because we cannot be out of compliance with state and federal law, I am informing you that the above named student must withdraw from our school district immediately. Should you wish to discuss this matter, I suggest that you contact the administration of the resident school district or Mr. Oliver Dillingham at the Arkansas Department of Education at 501-682-1212.

I am sincerely sorry that your child may not attend our district without permission of the above named parties. You should make other arrangements for your child to attend school in either the district in which you reside or through other legal choices.

Sincerely,



Harold Davidson

Cc: Mr. Walton Pigott, High School Principal  
Mrs. Jerri Courville, Elementary School Principal  
Mr. Jimmy Cunningham, Hampton School Superintendent  
Mr. Oliver Dillingham, Arkansas Department of Education



Jeremy C. Lasiter, General Counsel  
The Arkansas Board of Education  
Four Capital Mall  
Little Rock, AR 72201-1019

October 24, 2011

Warren and Amy Donaldson  
12037 Calhoun 455  
Camden, AR 71701

Re: Appeal Hearing for Trenton W. Mason  
On November 14, 2011

Please find enclosed a written copy of our appeal to keep our son, Trenton W. Mason, enrolled at Harmony Grove Schools. Providing the majority of our appeal in writing will save us and the Board of Education valuable time on Nov. 14, 2011, also a medical issue (recent throat surgery) makes extended conversation problematic. We will provide a brief summary on the 14<sup>th</sup>, but the majority of our appeal is provided. Also provided is a historical summary of events and communications with both Schools involved going back several years. Most of the dates are approximate and names are mostly left out. We could not have anticipated needing detailed information years after the facts, so we could only provide a generalized summary. We would however swear an oath, in any court, that information provided in these documents is the complete truth. We are also still holding to the hope that this issue can be resolved with out need of an actual, in person, appeal/hearing. You will find that our appeal is based on fairness, the lack of a "what if" provision (what if a mistake is made yet not brought to light until months after the fact) in the Law and most importantly, what is best for the education of Trenton W Mason. We thank you very much for your time, your effort and your service to the State of Arkansas.

Sincerely,

Warren S. Donaldson



Amy D. Donaldson



We the parents of Trenton W. Mason, wish to appeal the School Transfer decision and result of our request to remove our son from Hampton School District and keep him enrolled at Harmony Grove School's. Our request is and was always based on Hampton's inability to prepare students for the next step, a University education.

We have received the appropriate approval letter and our child has been, and is, enrolled at Harmony Grove High School. Months later we have now received a reversal/denial letter from Harmony Grove. But it is Hampton's objections and actions that have forced Harmony Grove's actions in this case.

We are also aware that some students graduating from Hampton are able to move forward and have successfully transitioned to College/University situations. We have a laundry list of issues, examples and situations that suggest that Hampton Schools can not prepare the average child for that next step.

We do understand that for the State of Arkansas this is all about the ethnic and minority status of our child, and how that status relates to percentages in the general populations of the two Schools involved. For the two Schools involved it is all about the money (State funds) that is at risk. Harmony Grove can't risk not receiving the funds for every student enrolled. And Hampton, trying to pay for a new School facility, can not afford to lose students to another District. We get it! But for us it is, and has always been about what is best for our child's education and future. The ethnic make up of the two Schools, while not exactly the same, is close enough to one another to not be an issue. Allowing this transfer does not significantly impact or change the ethnic make up of either school.

No teachers need to be hired or fired as a result of this transfer. Our son is in Advanced classes at Harmony Grove. Advanced classes which are not even available at Hampton. Also, he is thriving in those Advanced classes at Harmony Grove. We have been inquiring about transferring our children for years. We have practically been begged by Hampton School officials, to be patient, and give them a chance to fix the problems that have existed at Hampton Schools going back 8 years. All the while kids all around us (of all race's) have transferred to Harmony Grove (dozens of family's in our community are sending their children to Harmony Grove). Including transfers that have been approved this year!

We are now being told that because we did everything the right way, showed patience and gave Hampton every chance to fix/address the numerous issues they are facing, that we have shot ourselves in the foot (with regards to transferring our child)? We are being told, by all involved in this, that the racial element of the School Choice Law trumps/overrides all other considerations. Well that just isn't the truth.

We in no way wish to point out directly other family's and their situations, but there are a lot of discrepancies here. We know for a fact that this year a child (not a minority) in our neighborhood was allowed to transfer, with out question, to Harmony Grove. We also know for a fact that other family's have moved to our community and never even considered enrolling at Hampton. Never requested any form of transfer from Hampton. They just took their children to Harmony Grove and enrolled them. They have been there ever since, without objection from any one. There are family's cheating the system by renting apartments in the Harmony Grove School District for the sole purpose of getting their children in Harmony Grove Schools. In fact, we may be the only one's doing everything exactly as we are/were supposed to do them. That includes both Schools involved.

Over the years we have taken our concerns at Hampton to Teachers, then Principal's, then the Superintendent's Office and then to School Board members. We have been asked to be patient. Promised that changes and improvements were coming. Finally last year, it was implied to us by School Officials, that they really didn't have time or like complaints from parents who's children were doing above average work at Hampton. That getting the new school up and running was the top priority. That they were, and we should be, happy if our children were getting "C" average grade's. And because our children's grades were above school norms, we had no reason for concern or complaint. For us this was the final straw with and at Hampton! That we should be happy with C's. That we should be happy that our children's Benchmark results were above average for Hampton students, despite the fact that their Benchmark results have declined every year since enrolling at Hampton.

We realize that by State standards, Hampton is not a "Failing" school. But from a parents prospective/standards, it is more than "Failing"! It is a Failed School. Eight years in School Improvement (without actual improvement)! The State is just now taking a direct interest in the academic problems at Hampton (the State is there now). It is reasonable to suggest that it could take a minimum of 2-4 years for the State to make a significant impact at Hampton., and actually see results in Benchmark testing. When the 2-4 years is added to the 8 years already lost, we are talking about the entire School Life of a student. An entire generation lost to the failure of the Hampton School system. There is no way to measure the impact

Hampton Schools short comings have had on this district and community.

Yes, the kids that could and would succeed anywhere will and have succeeded at Hampton. But those kids that require a direct, hands on teaching approach are lost. Many students (including our son) must be pushed and challenged in order to succeed. Yes many of them can and will get average to good grades on their own. But many of those same students could significantly improve their college eligibility, options and degree's ,if they are just pushed and taught properly in High School.

Our son is at the perfect age to really change the overall result of his public secondary education. Five years from now, as we are reading through college rejection letters. As we are looking at sending our child to a college prep or small community school, just to get him up to snuff and ready for a real University education. Counselors and College Administrators will be there telling us we should have cared more 5 years ago. That we should gotten him into Advanced Class's. That we should have enrolled him in a better school. Well here we are 5 years earlier, being told that we can not do anything to help our son's future. That we must accept the sub standard results he has gotten and will get at Hampton. That despite how much we care now, nothing can be done.

For years we have heard from School's and media outlets that the number one thing parents should be doing is getting directly involved in their child's education. Now we are being told that we can't be directly involved. That we should just shut up and take it! Well we just can't roll over and do nothing. Especially since we all know that down the road we will be told that we should have cared and done more.

Now, the denial letter we got say's that because our son is not of a minority race, the transfer must be reversed. For as long as we can remember we have been told not to judge people based on their race. That we should never treat anyone different, ever, because of their skin color. In the Military we were threatened with dishonorable discharge if we did anything that was in any manner racially motivated. These are all good things and we feel lead our nation in the right direction. We are now encouraged to continue to fight against racism by teaching our children to be color blind (with regard to race). How do we now sit our child down and tell him that due to the color of his skin he can not go to the School that best suits his needs. How do we explain that the Mexican family that just arrived here, living next door, can go to Harmony Grove? That all the other kids (of all race's) in the community can continue to go to Harmony Grove, but he can not. How do we make any of this sound righteous to his ears?

We are asking you to do the right thing here and allow our son to remain at Harmony Grove. We are asking you to look beyond this year and see the many years of effort and frustration we have had at Hampton. We submitted our application prior to the deadline. We received an approval letter. Both Schools had plenty of time to realize a problem existed, and either work it out or contact the Board of Education for assistance, before the School year began.

Even now, to date, we have not heard one thing from Hampton. As a matter of fact, when we have attempted to contact Hampton officials to attempt to work this out to everyone's best interest, mainly the child, we were met with rudeness, the officials actually refused to speak to us about this, hung up the phone, and when we attempted to contact board members we were met with the same results. No Letters or notice's that they were objecting to the Transfer. No one from Hampton has in any way contacted us. We have not even been asked to reconsider. Because, Hampton knows they have already traveled that road in years past.

Everything about this Transfer, prior to the Sept30<sup>th</sup> notice/reversal of decision, has been a success for us and especially our child. It is simply unfair at this late stage to reverse this transfer. Especially considering the positive results we are seeing at Harmony Grove, and the obvious step backwards that will occur if we were forced back to Hampton. At Harmony Grove our son is getting a pre 9<sup>th</sup> grade/advanced 8<sup>th</sup> grade education. Sending him back to Hampton will mean a remedial 7<sup>th</sup> grade/basic low end 8<sup>th</sup> grade education. And that is just this year's effect. Long term it will change the entire outcome of his life.

By description, the School Choice Law is designed to give poor family's educational options. We are those poor people the Law was designed to help. Our other options would be a private school or a home school education. Or the potential of adding years to our son's post secondary education. All three of those options will cost us money we don't have.

We have even considered challenging the Constitutionality of the School Choice Law. And we have spoken to Lawyers that are convinced we could successfully go that route. But being one of the "Poor Family's" the Law is designed to help, there is no way we can afford that course of action (even if we wanted to, though we don't want that). More importantly we/our son can not afford the time it would take to mount such a fight.

We firmly believe that there is a way for the Arkansas Board of Education to both do what is right for this one child and protect the interest's of all Arkansas Students. We feel that neither ethnic status or money should be significant factors in this case. That only what is best for this child's education and future should be considered.

As far as the Law itself is concerned, we all know that not only many in our community and district are skirting the Law, but across the entire State exception's are being made. The spirit of the law is being followed in this case, as we are one of the poor family's the Law was designed to help.

Considering that Hampton is barely meeting the minimum academic standards. And they do not even offer the Advanced class's that our child is thriving in at Harmony Grove.

And "Due Process", we have done everything by the book and by the rules given to us. Submitting our application significantly ahead of the July 1 deadline and receiving proper notification of it's approval. We also believe that the 30 day rule in the Law is designed to protect and assist all party's involved. It ensures that the applicants request is handled in a timely manner. It, along side of the July 1 deadline, give's both schools the opportunity to review and ,if warranted, object to the receiving schools decision. All of this is supposed to happen before the first day of school.

Schools provide parents a list of required supplies needed for the grade level at the specific school they are attending. These supply list's differ from one school to the next, and from one grade to the next. Also items needed for extra curricular activity's including band, locks for lockers and athletics. Not to mention optional school spirit support items, T shirts, sweat shirts, team logo bleacher cushions ect... Also numerous trips to and from the school for required school registration, meetings with school counselors and campus/school orientation night. We, the poor family, are out hundreds of dollars. All of this could have been avoided if due process had been followed.

In closing we would like to revisit Hampton's reasons and motivation for objecting to this transfer. How dare they!? After years of us begging them for any sign of improvement, for any effort to improve. After all of their empty promise's and comment's to us. After asking us to show loyalty to our community and patience in and with their efforts. It is Hampton Schools that have failed and bailed on us, not the other way around. After they have allowed child after child in our community to transfer to Harmony Grove already. Fully knowing that our child is getting a better educational opportunity at Harmony Grove School, than they could ever hope to provide. Knowing that the 13 year old child involved here should not have to pay for the mistakes of others.

The only thing, at this point, that we can hang our hopes on is the fairness of the Arkansas Board of Education and its willingness to consider the years of frustrating effort we have had in dealing with the Hampton School's. We respectfully request that you uphold the original approval of his transfer and leave our child at Harmony Grove where he is flourishing.



## Trenton W. Mason School Transfer Case History Facts

1. Transferred to Hampton after moving to Locust Bayou January 2008.
2. Noticed that Hampton was not asking much, of Trent or Shelby Academically, after Benchmark prep and test. Very little actual School work in 4<sup>th</sup> quarter.
3. Small drop in Benchmark Test Scores Summer 2008.
4. Both kids getting good grades at Hampton and seemed to have very light academic load, with very little homework 2008/2009 School year.
5. As the 2<sup>nd</sup> year at Hampton was coming to an end we learned that Hampton was at risk of State Involvement Academically, as Hampton students were testing very poorly as compared with other Schools around the State.
6. Again in the Spring of 2009, we noticed a very weak work load once Benchmark Test Prep had Begun at Hampton. Conversations via phone and in person with Teachers and Principals also took place during this period. As we raised concerns over the quality and quantity of instruction our children were receiving at Hampton. We were now very aware of serious academic issues at Hampton Schools.
7. Contacted Hampton Superintendent via phone in early May 2009 to voice concerns and ask about Transfer options. We were told that no transfers were possible. And that Hampton was under State monitored School Improvement and that many changes and improvements were coming. We were basically told that we had no options and that things would be improving.
8. Summer 2009, Benchmark Scores down/lower again ( we have always been told by Hampton School officials that "your kid's score's are good compared to the others students in our district, and we should be happy even though their scores had continued to drop at Hampton, that they are happy when students have "C average grades", since our children had A's and B's we of all parents had nothing to complain about)
9. The 2009/2010 School year was much the same as the previous year. While our children were receiving acceptable grades, they were not being challenged at all, were not being assigned a Regimented and acceptable amount of after school assignments, they were rarely being asked to read books, often our children didn't have any or could finish homework assignments on the bus ride home. When questioned in parent/teacher meetings, emails and phone calls, teachers seemed insulted that we would question teaching effort and/or curriculum in light of our children's grades (we feel the curriculum itself should prepare students for the Benchmark Tests, we don't think that regular school work and assignments should stop in the weeks prior to Benchmarks, and we certainly don't think that the school year is 99% over once those Benchmark Test have been taken). Our character was questioned in Feb. 2010, when we questioned if a class assignment was part of the structured curriculum or was preparing Trent for the Benchmark Test (it was implied that we might have racial issues and motivations because we asked about a work assignment during Black History month). The 4<sup>th</sup> quarter had a less than minimal amount of actual school room instruction. We contacted the School with about 3 weeks remaining in the school year to ask why our children were playing cards and watching movies instead of being taught class material. We were told that there wasn't enough time to start any new material and that the State required a certain number of "at school" days, so they were just putting in the time to meet the requirements.
10. After court ordered summer visitations were executed and a family vacation was over, we again contacted the Hampton Superintendent. We had received another Benchmark Test result and again both of our children's scores were lower. We also had learned that other students in Locust Bayou were attending Harmony Grove, and that some had transferred that previous summer when we had first inquired. We also knew that kids on our very street were going to Harmony Grove. That another family had moved to Locust and had gone straight to Harmony Grove, they never even considered Hampton and did not even have to request a transfer. We were told that other family's arrangement's were private and that there in fact was a way to transfer, but the application deadline had past. (the phone conversation in May of 2009 that had not provided us with the proper information, had now cost our children another missed opportunity and another school year at the academically challenged Hampton). We were also being told that building a new High School was top priority. That the new buildings would some how attract better teachers and would offer our children improved educational

opportunities. (We have since called this the "if you build it they will come" approach, after hearing those words from the local School Board Member).

11. The 2010/2011 School year may have been our most frustrating year. As School life was hectic due to the construction of new buildings and perhaps the weakest academic effort that the School has had. Some teachers were making a minimum effort during the first half of the school year to maintain the Appearance of Teaching Some others made very little effort. Virtually no classroom work was done at Hampton Schools the final 3<sup>rd</sup> of the year. And all through the forth quarter our kids were bringing things from home so as to occupy their time at school. They also were used as the moving crews for materials, books furniture and other equipment. Moving items from the old buildings to the new buildings. (this was a slap in the face to us, as a few years earlier the School had sent home a notice on our daughter stating she had been screened at school and showed signs of curvature of the spine, medical insurance Companies would later place a rider on a policy, refusing to cover anything to do with her back, even though our Physician found no trouble with her back. And now the School wanted to use that same back to move furniture? We were not happy).
12. Harmony Grove School District was contacted, and after informing us that transfers were being allowed, they sent us the needed forms/application. Our application was completed and returned weeks before the July 1 deadline. We then received an approval/welcome letter from Harmony Grove School District on or about July 23, 2011. This letter provided all details and dates needed to get our child enrolled in and familiar with Harmony Grove Schools. We were elated to learn that Harmony Grove had a reading assignment for our son, weeks before school was to begin. Finally our child was going to be pushed and academically challenged. Harmony Grove had academic expectations of our child and they were putting him to work right away.
13. On or about Oct. 1, 2011, we received notification from Harmony Grove that Hampton Schools were objecting to our child's transfer. And that after reviewing the Law and consulting School Attorney's, they had decided to reverse their original decision and not allow the Transfer. The letter also informed us that our child should immediately stop attending Harmony Grove and return to Hampton School's.
14. We immediately began contacting School officials at both schools to protest and seek out options. As always Harmony Grove officials immediately took our calls, and while sympathetic referred us to Hampton School Officials. Stating that we were in fact still welcome at Harmony Grove, and that Hampton Officials were actually preventing this transfer. When we first contacted Hampton Superintendents Office, our calls were not received. In fact, they seemed so flustered by our call, they actually hung up on us. We later learned that they had received a tongue lashing from other parents on the same subject and were not going to take another call from an angry parent, on the same subject. However two days later Mr. Cunningham did take our call. We quickly realized that he wouldn't budge on his position. Even given all the years of issues between us and Hampton, said he could not give in. And that we should put our child on the bus the next day and send him back to Hampton High School.
15. Our immediate concern was getting permission to keep Trent in place at Harmony Grove while we got our bearings, got copies of the Laws/Rules/Regulations and could consider a Legal Consultation. We called the Arkansas Board of Education for assistance and information. We were told there was an appeal process and Officials there sent, via E Mail, copies of the Laws involved. We then asked them if there was anyway to keep Trent at Harmony Grove while we appealed the decision with the Board of Education. We were told that only the Commissioner of Education's Office could grant our request to keep Trent in place while we appealed. We then called the Commissioner's Office to seek permission. After taking our information and question, the Commissioners Office agreed to call us back with an answer and additional information. A few hours later they called back and told us that only if the two Superintendents would agree could we leave Trent at Harmony Grove during the appeal process. They also sent us, via E Mail, more information about School Transfers. They also told us that they were hoping that this appeal would not ever reach the Board of Education Hearing. And that they hoped that the two School Districts would agree to work this out before it ever got to the Hearing. So, knowing that Harmony Grove would likely agree, we again called Mr. Cunningham at Hampton. He was very resistant at first, but finally told us to, if Harmony Grove agreed, have their Superintendent call him. We did this and Trent has remained there ever since.
16. We immediately filled a request with Arkansas Board of Education to appeal the decision and issue with them. We also sought Legal advice. This was not as easy as we had hoped, as most local Lawyers

were in involved in other cases that presented a "conflict of interest" for them. We were told that we definitely have a Legal argument and were referred to larger Law Firms in Little Rock and Hot Springs. Those larger firms have told us that we absolutely have a great case. However that case would be based on Constitutional Laws and on the constitutionality of the School Choice Law. And that unless we had tens of thousands of dollars up front, they would not be able to help us either. And of course all of this could take years to fight. In years it will be too late for our child. He needs help right now. Now is the time to make a difference in this child's life.

17. We were encouraged by the Commissioner of Educations Office to apply for a Legal Transfer from Hampton. They are hoping that the party's involved can and will work this out before this ever gets to the Nov 14, 2011 Hearing in Little Rock. So we again asked the Hampton Superintendent, Mr. Cunningham, to provide us with the application and procedure for a Legal Transfer as the Commissioners office has suggested. Mr. Cunningham informed us that we need not bother. That they were not going to consider any School Transfers, that the answer was already no.
18. We are now awaiting our Hearing in Little Rock. We have been ordered to provide any and all documents and information for our appeal by 12 noon on Oct. 26, 2011.

# 2010 Arkansas Adequate Yearly Progress: School Improvement Report

Report Completed 08/04/2010

## District and School Information

District:	HAMPTON SCHOOL DISTRICT	School:	HAMPTON HIGH SCHOOL
LEA:	701	LEA:	701002
Superintendent:	JIMMY CUNNINGHAM	Principal:	ALAN JOHNSTON
Address:	P.O. BOX 1176	Address:	P.O. BOX 1176
City:	HAMPTON, AR 71744	County:	CALHOUN
Phone:	(870)798-2742	Phone:	870-798-2742

## Overall School AYP Information

2010 AYP Status: State Directed (SD-7) HC

Met Standards for Mathematics:	YES	Overall Math Status:	MS
Met Standards for Literacy:	NO	Overall Literacy Status:	SI_5
Met Standards for Graduation:	YES	Overall Grad Status:	MS

Prior Year AYP Status: State Directed (SD-6)

AYP Group:	9 - 12	Met Graduation Target of 70%:	YES	Smart Accountability Index:	71.4%
Grade Range:	7 -12	Met Graduation Goal of 85%:	NO(81.4%)	Number of Groups Met AYP:	5
Minimum N*:	40	Qtrs. 1-3 Average ADM:	304.27	Number of Groups $\geq$ 40:	7

## Summary of Subgroup Adequate Yearly Progress for 2010

	Math		Literacy			Math		Literacy	
	Met Status	Met Safe Harbor	Met Status	Met Safe Harbor		Met Growth	Met Growth	Met Growth	Met Growth
Combined	Yes	Yes	No	No		Yes	No		
Af.Amer.	No	Yes	NA	NA		No	NA		
Hispanic	NA	NA	NA	NA		NA	NA		
Caucasian	Yes	Yes	Yes	Yes		Yes	Yes		
Econ.Dis.	No	Yes	No	No		No	No		
LEP	NA	NA	NA	NA		NA	NA		
Stud.Dis.	NA	NA	NA	NA		NA	NA		

## Percent Tested Results for Overall and Subgroups

	Combined	Af.Amer.	Caucasian	Hispanic	Econ.Dis.	LEP	Stud.Dis.
LITERACY	YES	YES	YES	YES	YES	YES	YES
MATH	YES	YES	YES	YES	YES	YES	NO

\*Note: Minimum N is the minimum number of non-mobile students that a school needs to have in a subgroup for the subgroup to be accounted for in AYP determinations.



# 2010 Arkansas Adequate Yearly Progress: School Improvement Report

HAMPTON SCHOOL DISTRICT Report Completed: 08/04/2010

HAMPTON HIGH SCHOOL AYP Status: State Directed (SD-7)

Math AMO: 64.6 Literacy AMO: 67.75

## SUB-GROUP AYP STATUS AND SAFE HARBOR ELIGIBILITY DETERMINATION

	2007-2008		2008-2009		2009-2010		3-year	
	Math	Lit	Math	Lit	Math	Lit	Math	Lit
COMBINED POPULATION								
# Proficient	118	89	115	82	122	82	355	253
# Attempted	209	163	192	141	172	139	573	443
% Proficient	56.5	54.6	59.9	58.2	70.9	59	62	57.1
AYP Status	MS	MS	MS	A	MS	SI_1	MS	SI_1
AFRICAN-AMERICAN POPULATION								
# Proficient	15	9	21	21	27	17	63	47
# Attempted	45	38	49	39	51	38	145	115
% Proficient	33.3	23.7	42.9	53.8	52.9	44.7	43.4	40.9
AYP Status	SI_3	NA	SI_M	NA	SI_M	NA	SI_M	A
HISPANIC POPULATION								
# Proficient	2	2	1	0	2	1	5	3
# Attempted	8	4	6	2	4	6	18	12
% Proficient	25	50	16.7	0	50	16.7	27.8	25
AYP Status	NA	NA	NA	NA	NA	NA	NA	NA
CAUCASIAN POPULATION								
# Proficient	100	77	91	61	93	64	284	202
# Attempted	154	119	134	99	117	93	405	311
% Proficient	64.9	64.7	67.9	61.6	79.5	68.8	70.1	65
AYP Status	MS	MS	MS	MS	MS	MS	MS	MS
ECONOMICALLY DISADVANTAGED POPULATION								
# Proficient	49	33	56	35	59	43	164	111
# Attempted	104	81	106	71	100	82	310	234
% Proficient	47.1	40.7	52.8	49.3	59	52.4	52.9	47.4
AYP Status	MS	SI_3	MS	SI_M	MS	SI_4	MS	SI_4
LIMITED ENGLISH PROFICIENT POPULATION								
# Proficient	0	0	0	0	1	0	1	0
# Attempted	5	2	4	2	1	2	10	6
% Proficient	0	0	0	0	100	0	10	0
AYP Status	NA	NA	NA	NA	NA	NA	NA	NA
STUDENTS WITH DISABILITIES								
# Proficient	6	1	5	2	5	0	16	3
# Attempted	20	16	15	10	12	13	47	39
% Proficient	30	6.3	33.3	20	41.7	0	34	7.7
AYP Status	NA	NA	NA	NA	NA	NA	A	NA

# 2010 Arkansas Adequate Yearly Progress: School Improvement Report

HAMPTON SCHOOL DISTRICT Report Completed: 08/04/2010

HAMPTON HIGH SCHOOL AYP Status: State Directed (SD-7)

Math AMO: 64.6 Literacy AMO: 67.75

In order to be eligible for Safe Harbor (SH), eligibility must be met for:  
Percent Tested (95.0%), Graduation Rate (70%) and Proficiency Change 09-10

COMBINED POPULATION	Math Eligible?	Literacy Eligible?
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 09-10	YES	NO( 0.80)
2009-2010 AYP STATUS	MS (SH)	SI_1
AFRICAN-AMERICAN POPULATION		
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 09-10	YES	NO(-9.10)
2009-2010 AYP STATUS	SI_M(SH)	NA
HISPANIC POPULATION		
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 09-10	YES	YES
2009-2010 AYP STATUS	NA	NA
CAUCASIAN POPULATION		
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 09-10	YES	YES
2009-2010 AYP STATUS	MS (SH)	MS (SH)
ECONOMICALLY DISADVANTAGED POPULATION		
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 09-10	YES	NO( 3.10)
2009-2010 AYP STATUS	MS (SH)	SI_4
LIMITED ENGLISH PROFICIENT POPULATION		
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 09-10	YES	NO( 0.00)
2009-2010 AYP STATUS	NA	NA
STUDENTS WITH DISABILITIES		
Percent Tested	NO(87%)	YES
Graduation Rate	YES	YES
Prof. Change 09-10	YES	NO(-20.0)
2009-2010 AYP STATUS	NA	NA

\*(SH) indicates that Safe Harbor has been applied to status determination.

# 2010 Arkansas Adequate Yearly Progress: School Improvement Report

HAMPTON SCHOOL DISTRICT Report Completed: 08/04/2010

HAMPTON HIGH SCHOOL AYP Status: State Directed (SD-7)

Math AMO: 64.6 Literacy AMO: 67.75

## SUBGROUP DETAILS FOR GROWTH USED IN AYP 2010

### Math

	Number of Tests Attempted	Number Prof.Adv 2010 Status	Percent Prof.Adv 2010 Status**	Number Students Not Prof. That Met Growth	Percent Prof.Adv 2010 with Growth*	Met Growth?
Combined	172	122	70.9	2	72.1	Yes
Af.Amer.	51	27	52.9	1	54.9	No
Hispanic	4	2	50	1	75	NA
Caucasian	117	93	79.5	NA	79.5	Yes
Econ.Dis.	100	59	59	2	61	No
LEP	1	1	100	NA	100	NA
Stud.Dis.	12	5	41.7	NA	41.7	NA

### Literacy

	Number of Tests Attempted	Number Prof.Adv 2010 Status	Percent Prof.Adv 2010 Status**	Number Students Not Prof. That Met Growth***	Percent Prof.Adv 2010 with Growth*	Met Growth?
Combined	139	82	59	3	61.2	No
Af.Amer.	38	17	44.7	1	47.4	NA
Hispanic	6	1	16.7	1	33.3	NA
Caucasian	93	64	68.8	1	69.9	Yes
Econ.Dis.	82	43	52.4	2	54.9	No
LEP	2	0	0	NA	0	NA
Stud.Dis.	13	0	0	NA	0	NA

\*Note 1: The number of below proficient students who met their growth increment are added to the number of students proficient/advanced in the numerator of the percent proficient calculation for the growth step for AYP.

\*\*Note 2: The lower bound of a confidence interval is applied to the Status Percent Proficient/Advanced. The confidence interval is not applied to the Growth Percent Proficient/Advanced. In rare cases schools will meet AMO with status and not meet AMO with growth due to the application of the confidence interval.

\*\*\*Note 3: For schools with grades 4-8 students NA indicates that no students that were below proficient met growth. For schools with grades 9-12 students NA indicates that the growth model does not apply to these grade levels.

## ATTENDANCE DATA

	Qtr 1	Qtr 2	Qtr 3	Average
Average Daily Attendance:	297.74	289.76	277.90	288.47
Average Daily Membership:	310.49	306.65	295.67	304.27

# 2011 Arkansas Adequate Yearly Progress: School Improvement Report

Report Completed 07/26/2011

## District and School Information

District:	HAMPTON SCHOOL DISTRICT	School:	HAMPTON HIGH SCHOOL
LEA:	701	LEA:	701002
Superintendent:	JIMMY CUNNINGHAM	Principal:	ALAN JOHNSTON
Address:	P.O. BOX 1176	Address:	P.O. BOX 1176
City:	HAMPTON, AR 71744	County:	CALHOUN
Phone:	870-798-2742	Phone:	870-798-2742

## Overall School AYP Information

2011 AYP Status: State Directed (SD-8) HC

Met Standards for Mathematics:	NO	Overall Math Status:	A
Met Standards for Literacy:	NO	Overall Literacy Status:	SI_6
Met Standards for Graduation:	YES	Overall Grad Status:	MS

Prior Year AYP Status: State Directed (SD-7)

AYP Group:	9 - 12	Met Graduation Target of 70%:	YES	Smart Accountability Index:	28.6%
Grade Range:	7 -12	Met Graduation Goal of 85%:	YES	Number of Groups Met AYP:	2
Minimum N*:	40	Qtrs. 1-3 Average ADM:	279.42	Number of Groups $\geq$ 40:	7

## Summary of Subgroup Adequate Yearly Progress for 2011

	Math		Literacy			Math	Literacy
	Met Status	Met Safe Harbor	Met Status	Met Safe Harbor		Met Growth	Met Growth
<b>Combined</b>	No	No	No	No		No	No
<b>African American</b>	No	No	NA	NA		No	NA
<b>Hispanic</b>	NA	NA	NA	NA		NA	NA
<b>Caucasian</b>	Yes	No	No	No		Yes	No
<b>Economically Disadvantaged</b>	No	Yes	No	No		No	No
<b>LEP</b>	NA	NA	NA	NA		NA	NA
<b>Students with a Disability</b>	NA	NA	NA	NA		NA	NA

## Percent Tested Results for Overall and Subgroups

	Combined	African American	Caucasian	Hispanic	Economically Disadvantaged	LEP	Students with a Disability
LITERACY	YES	YES	YES	YES	YES	YES	YES
MATH	YES	YES	YES	YES	YES	YES	YES

\*Note: Minimum N is the minimum number of non-mobile students that a school needs to have in a subgroup for the subgroup to be accounted for in AYP determinations.

# 2011 Arkansas Adequate Yearly Progress: School Improvement Report

HAMPTON SCHOOL DISTRICT  
HAMPTON HIGH SCHOOL  
Math AMO: 73.45

Report Completed: 07/26/2011  
AYP Status: State Directed (SD-8)  
Literacy AMO: 75.81

## SUB-GROUP AYP STATUS

	2008-2009		2009-2010		2010-2011		3-year 2008-2011	
	Math	Lit	Math	Lit	Math	Lit	Math	Lit
<b>COMBINED POPULATION</b>								
# Proficient	115	82	122	82	113	73	350	237
# Attempted	192	141	172	139	161	133	525	413
% Proficient	59.9	58.2	70.9	59	70.2	54.9	66.7	57.4
AYP Status	MS	A	MS	SI_1	A	SI_2	A	SI_2
<b>AFRICAN-AMERICAN POPULATION</b>								
# Proficient	21	21	27	17	28	16	76	54
# Attempted	49	39	51	38	50	38	150	115
% Proficient	42.9	53.8	52.9	44.7	56	42.1	50.7	47
AYP Status	SI_M	NA	SI_M	NA	A	NA	A	A
<b>HISPANIC POPULATION</b>								
# Proficient	1	0	2	1	1	2	4	3
# Attempted	6	2	4	6	4	6	14	14
% Proficient	16.7	0	50	16.7	25	33.3	28.6	21.4
AYP Status	NA	NA	NA	NA	NA	NA	NA	NA
<b>CAUCASIAN POPULATION</b>								
# Proficient	91	61	93	64	84	55	268	180
# Attempted	134	99	117	93	107	89	358	281
% Proficient	67.9	61.6	79.5	68.8	78.5	61.8	74.9	64.1
AYP Status	MS	MS	MS	MS	MS	A	MS	A
<b>ECONOMICALLY DISADVANTAGED POPULATION</b>								
# Proficient	56	35	59	43	67	44	182	122
# Attempted	106	71	100	82	104	86	310	239
% Proficient	52.8	49.3	59	52.4	64.4	51.2	58.7	51
AYP Status	MS	SI_M	MS	SI_4	MS	SI_5	MS	SI_5
<b>LIMITED ENGLISH PROFICIENT POPULATION</b>								
# Proficient	0	0	1	0	1	0	2	0
# Attempted	4	2	1	2	2	3	7	7
% Proficient	0	0	100	0	50	0	28.6	0
AYP Status	NA	NA	NA	NA	NA	NA	NA	NA
<b>STUDENTS WITH DISABILITIES</b>								
# Proficient	5	2	5	0	3	2	13	4
# Attempted	15	10	12	13	16	18	43	41
% Proficient	33.3	20	41.7	0	18.8	11.1	30.2	9.8
AYP Status	NA	NA	NA	NA	NA	NA	A	MS

# 2011 Arkansas Adequate Yearly Progress: School Improvement Report

HAMPTON SCHOOL DISTRICT Report Completed: 07/26/2011  
 HAMPTON HIGH SCHOOL AYP Status: State Directed (SD-8)  
 Math AMO: 73.45 Literacy AMO: 75.81

In order to be eligible for Safe Harbor (SH), eligibility must be met for:  
 Percent Tested (95.0%), Graduation Rate (70%) and Proficiency Change 10-11

COMBINED POPULATION	Math Eligible?	Literacy Eligible?
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 10-11	NO( -0.7)	NO( -4.1)
2010-2011 AYP STATUS	A	SI_2
AFRICAN-AMERICAN POPULATION		
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 10-11	NO( 3.1)	NO( -2.6)
2010-2011 AYP STATUS	A	NA
HISPANIC POPULATION		
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 10-11	NO(-25.0)	YES
2010-2011 AYP STATUS	NA	NA
CAUCASIAN POPULATION		
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 10-11	NO( -1.0)	NO( -7.0)
2010-2011 AYP STATUS	MS	A
ECONOMICALLY DISADVANTAGED POPULATION		
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 10-11	YES	NO( -1.3)
2010-2011 AYP STATUS	MS (SH)	SI_5
LIMITED ENGLISH PROFICIENT POPULATION		
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 10-11	NO(-50.0)	NO( 0.0)
2010-2011 AYP STATUS	NA	NA
STUDENTS WITH DISABILITIES		
Percent Tested	YES	YES
Graduation Rate	YES	YES
Prof. Change 10-11	NO(-22.9)	YES
2010-2011 AYP STATUS	NA	NA

\* (SH) indicates that Safe Harbor has been applied to status determination.

# 2011 Arkansas Adequate Yearly Progress: School Improvement Report

HAMPTON SCHOOL DISTRICT Report Completed: 07/26/2011  
 HAMPTON HIGH SCHOOL AYP Status: State Directed (SD-8)  
 Math AMO: 73.45 Literacy AMO: 75.81

## SUBGROUP DETAILS FOR GROWTH USED IN AYP 2011

### Math

	Number of Tests Attempted	Number Prof.Adv 2011 Status	Percent Prof.Adv 2011 Status**	Number Students Not Prof. That Met Growth	Percent Prof.Adv 2011 with Growth*	Met Growth?
Combined	161	113	70.2	NA	70.2	No
Af.Amer.	50	28	56	NA	56	No
Hispanic	4	1	25	NA	25	NA
Caucasian	107	84	78.5	NA	78.5	Yes
Econ.Dis.	104	67	64.4	NA	64.4	No
LEP	2	1	50	NA	50	NA
Stud.Dis.	16	3	18.8	NA	18.8	NA

### Literacy

	Number of Tests Attempted	Number Prof.Adv 2011 Status	Percent Prof.Adv 2011 Status**	Number Students Not Prof. That Met Growth***	Percent Prof.Adv 2011 with Growth*	Met Growth?
Combined	133	73	54.9	1	55.6	No
Af.Amer.	38	16	42.1	NA	42.1	NA
Hispanic	6	2	33.3	NA	33.3	NA
Caucasian	89	55	61.8	1	62.9	No
Econ.Dis.	86	44	51.2	1	52.3	No
LEP	3	0	0	NA	0	NA
Stud.Dis.	18	2	11.1	NA	11.1	NA

\*Note 1: The number of below proficient students who met their growth increment is added to the number of students proficient/advanced in the numerator of the percent proficient calculation for the growth step for AYP.

\*\*Note 2: The lower bound of a confidence interval is applied to the Status Percent Proficient/Advanced. The confidence interval is not applied to the Growth Percent Proficient/Advanced. In rare cases schools will meet AMO with status and not meet AMO with growth due to the application of the confidence interval.

\*\*\*Note 3: For schools with grades 4-8 students NA indicates that no students who were below proficient met growth. For schools with grades 9-12 students NA indicates that the growth model does not apply to these grade levels.

## ATTENDANCE DATA

	Qtr 1	Qtr 2	Qtr 3	Average
Average Daily Attendance:	268.59	268.29	261.68	266.19
Average Daily Membership:	280.47	280.61	277.20	279.42

# **RESPONDENT SUBMISSIONS**



No information provided as of October 26, 2011

# **RESIDENT DISTRICT SUBMISSIONS**

# HAMPTON PUBLIC SCHOOLS

P.O. BOX 1170 - HAMPTON, AR 71744

JIMMY CUNNINGHAM, Superintendent  
CLARENCE JOHNSTON, High School Principal  
LILLIE RANDALL, Elementary Principal

President, RICH HARRIS, JR.

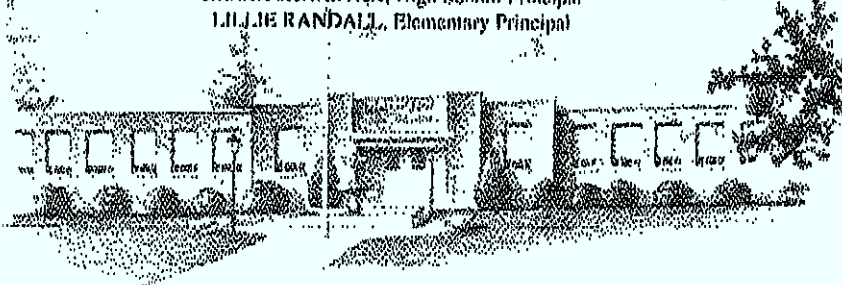
Vice President, GUS McRAT

Secretary, JAMES RAWLS

Board Members

JOHN N. THOMPSON

BRANDON EVANS



10/24/2011

State Board of Education  
Arkansas Department of Education  
#4 State Capitol Mall  
Little Rock, AR 72201-1071

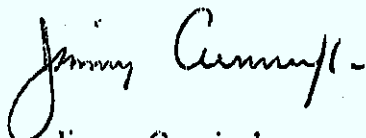
## Members of the State Board:

I am currently serving my third year as Superintendent of the Hampton School District. In July of 2008 I received a list of students that opted through School Choice to attend the Camden Harmony Grove School District. According to state law concerning eligibility Caucasian students from Hampton School District are not eligible to attend Camden Harmony Grove S.D. I contacted Mr. Harold Davidson, Superintendent of Camden Harmony Grove School District, by phone and informed him of this concern. None of these students were sent back to Hampton. In July of 2009 additional Caucasian students applied through School Choice to attend Camden Harmony Grove S.D. I again contacted Mr. Harold Davidson and also the parents (see attachment) and informed them that they were not eligible to attend Camden Harmony Grove S.D. None were returned. In July of 2010 another list of ineligible students filed School Choice with Camden Harmony Grove S.D. I wrote Mr. Harold Davidson a letter (see attachment) and also spoke several times on the phone with him informing him of the students being ineligible to attend Camden Harmony Grove S.D. He refused to send these students back. At that point I contacted Oliver Dillingham and Mark White at ADE. They both told me that Caucasian students from Hampton S.D. are not eligible to attend Camden Harmony Grove S.D. Mr. Harold Davidson said he would check through his attorney and finally agreed these students were not eligible to attend Camden Harmony Grove S.D. Mr. Harold Davidson contacted the parents of these students and informed them that they must return to Hampton S.D.

This is an unfortunate incident that should have been corrected in July of 2008. I regret this has happened to these parents and their kids, however, it is not the fault of the Hampton School District. We are just trying to uphold state law. I do understand that

appeals process for these parents by meeting with the State Board, but I have concerns that they will be allowed to degrade our school before the media when we are just trying to do what state law allows.

Sincerely,



Jimmy Cunningham

JC/at

July 20, 2011

Harmony Grove School District  
401 Ouachita 88  
Camden, AR 71701

Mr. Davidson,

Again, these students are not eligible to attend the Harmony Grove School District under the Freedom of Choice Law. Your consideration of the requirements are appreciated.

Sincerely,

  
Jimmy Cunningham

JC/at

**FILE COPY**

**MAILED**

7-20-11 LJ

# Harmony Grove

## Public Schools

**Harmony Grove Campus**  
401 Ouachita Road 88  
Camden, Arkansas 71701  
Telephone (870) 574-0971  
Fax (870) 574-2765

Mr. Harold Davidson, Superintendent  
Mr. Joe Rogers, Jr., President  
Mr. Raymond Furlow, Vice President  
Mr. Wayne Sharp, Secretary  
Mr. Todd Bearden, Member  
Mr. Marcus Ellis, Member  
Mr. Jeremy Givens, Member  
Mrs. Angel Pigott, Member

**Sparkman Campus**  
P. O. Box 37  
Sparkman, Arkansas 71763  
Telephone (870) 678-2243  
Fax (870) 678-2917

August 25, 2011

Mr. Jimmy Cunningham, Superintendent  
Hampton School District  
P. O. Box 1176  
Hampton, Arkansas 71744

Dear Mr. Cunningham:

In response to your inquiry about the following students, this is what I know.

Jacob Carter – 7<sup>th</sup> grader – Jacob lives in our district at 71 Calhoun 271, Camden, Arkansas with phone number 574-0919. I spoke to his mom today.

Nicholas Burrow – 8<sup>th</sup> grader – approved school choice

Trent Mason – 8<sup>th</sup> grader – approved school choice

Logan Reede – 8<sup>th</sup> grader – approved school choice

Kacie Reede – 6<sup>th</sup> grader – approved school choice

The students were accepted under school choice, Act 1124 of 2011 which states that school choice options are not subject to the race restrictions of the school choice law. We are not involved in any sort of federal desegregation court order applicable to our two districts.

Sincerely,

*Harold Davidson*  
Harold Davidson

*Hma Davis*  
Clerk  
8-27-11

**ARK. CODE ANN. § 6-18-206**

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\*\*\* CURRENT THROUGH THE 2011 REGULAR SESSION AND UPDATES \*\*\*  
\*\*\* FROM THE ARKANSAS CODE REVISION COMMISSION THROUGH \*\*\*  
\*\*\* JUNE 2, 2011 \*\*\*

Title 6 Education  
Subtitle 2. Elementary And Secondary Education Generally  
Chapter 18 Students  
Subchapter 2 -- Attendance

A.C.A. § 6-18-206 (2011)

**6-18-206. Public school choice.**

(a) (1) This section may be referred to and cited as the "Arkansas Public School Choice Act of 1989".

(2) The General Assembly finds that the students in Arkansas's public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students will stay in school and that other, more motivated students will find their full academic potential.

(3) The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

(4) The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which the student resides, provided that the transfer by this student would not adversely affect the desegregation of either district.

(5) A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in this section.

(b) (1) (A) Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on a form approved by the Department of Education to the nonresident district by submitting the application to the superintendent of the school district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.



**(B) (i)** Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, the superintendent of the nonresident district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.

**(ii)** If the application is rejected, the superintendent of the nonresident district must state in the notification letter the reason for rejection.

**(iii)** If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

**(a)** An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and

**(b)** Any instructions for the renewal procedures established by the district.

**(iv) (a)** Any student who accepts a school choice transfer may return to his or her resident district during the course of the school year.

**(b)** If a transferred student returns to his or her resident district during the school year, the student's transfer is voided, and the student shall reapply for any future transfer.

**(2) (A)** The school board of directors of every public school district must adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Nothing in this section requires a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law. Standards shall include a statement that priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the district by choice. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another district may be included pursuant to § 6-18-510.

**(B) (i)** Any student who applies for a transfer under this section and is denied a transfer by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

**(ii)** A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after notice of rejection of the application under subdivision (b)(1)(B) of this section is received by the student.

**(3)** Each school district shall participate in public school choice consistent with this section.

**(c)** The responsibility for transportation of a student from the student's resident school district to a nonresident school district shall be borne by the student or the student's parents. The nonresident school district may enter into a written agreement with the student, the student's parents, or the resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.

**(d) (1)** A nonresident district shall accept credits toward graduation that were awarded by another district.

**(2)** The nonresident district shall award a diploma to a nonresident student if the student meets the nonresident district's graduation requirements.

**(e)** For purposes of determining a school district's state equalization aid, the nonresident student shall be counted as a part of the average daily membership of the district to which the

student has transferred.

**(f)** The provisions of this section and all student choice options created in this section are subject to the following limitations:

**(1)** No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district except in the circumstances set forth in subdivisions (f)(2) and (3) of this section;

**(2) (A)** A transfer to a district is exempt from the restriction set forth in subdivision (f)(1) of this section if the transfer is between two (2) districts within a county and if the minority percentage in the student's race and majority percentages of school enrollment in both the resident and nonresident district remain within an acceptable range of the county's overall minority percentage in the student's race and majority percentages of school population as set forth by the department.

**(B) (i)** By the filing deadline each year, the department shall compute the minority percentage in the student's race and majority percentages of each county's public school population from the October Annual School Report and shall then compute the acceptable range of variance from those percentages for school districts within each county.

**(ii) (a)** In establishing the acceptable range of variance, the department is directed to use the remedial guideline established in Little Rock School District v. Pulaski County Special School District of allowing an overrepresentation or underrepresentation of black or white students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance.

**(b)** In establishing the acceptable range of variance for school choice, the department is directed to use the remedial guideline of allowing an overrepresentation or underrepresentation of minority or majority students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance;

**(3)** A transfer is exempt from the restriction set forth in subdivision (f)(1) of this section if each school district affected by the transfer does not have a critical mass of minority percentage in the student's race of more than ten percent (10%) of any single race;

**(4)** In any instance in which the provisions of this subsection would result in a conflict with a desegregation court order or a district's court-approved desegregation plan, the terms of the order or plan shall govern;

**(5)** The department shall adopt appropriate rules and regulations to implement the provisions of this section; and

**(6)** The department shall monitor school districts for compliance with this section.

**(g)** The state board shall be authorized to resolve disputes arising under subsections (b)-(f) of this section.

**(h)** The superintendent of the district shall cause public announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.

**(i) (1)** All superintendents of school districts shall report to the Equity Assistance Center on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.

(2) The reports may be on those forms that are prescribed by the department, or the data may be submitted electronically by the district using a format authorized by the department.

(3) The department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the Equity Assistance Center so long as thirty (30) calendar days are given between the request for the information and the published deadline except when the request comes from a member or committee of the General Assembly.

(4) A copy of the report shall be provided to the Joint Interim Oversight Committee on Educational Reform.

(j) (1) The department shall develop a proposed set of rules as it determines is necessary or desirable to amend the provisions of this section.

(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.

**HISTORY:** Acts 1989, No. 609, §§ 1-13; 1991, No. 214, § 1; 1991, No. 284, §§ 1-3; 1993, No. 655, § 1; 1995, No. 109, § 1; 1997, No. 112, § 10; 1999, No. 391, § 10; 1999, No. 1241, § 1; 2001, No. 1788, § 1; 2003, No. 1272, § 1; 2003 (2nd Ex. Sess.), No. 110, § 1; 2005, No. 2148, § 1; 2007, No. 552, § 1.

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# ADE RULES

ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING THE GUIDELINES, PROCEDURES, AND ENFORCEMENT OF THE  
ARKANSAS PUBLIC SCHOOL CHOICE ACT  
October 2007

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education's authority for promulgating these rules is pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-429, 6-18-206 and Act 552 of 2007.

3.00 DEFINITIONS

- 3.01 Student – for purposes of this rule means any person legally enrolled or entitled to be enrolled in a public school district in Arkansas.
- 3.02 Resident district - for purposes of this rule means the public school district where a student is considered to reside pursuant to Ark. Code Ann. § 6-18-202.
- 3.03 Non-resident district - for purposes of this rule means the public school district a student last made legal application to attend pursuant to the Arkansas Public School Choice Act for the current school year.
- 3.04 Application - for purposes of this rule means a request submitted to a non-resident district to transfer from a student's resident district to a non-resident district on the official form approved by the Arkansas Department of Education.
- 3.05 Board - for purposes of this rule means the Arkansas State Board of Education.
- 3.06 Department - for purposes of this rule means the Arkansas Department of Education.
- 3.07 Minority - for purposes of this rule minority includes the following racial groups: African American, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native.
- 3.08 Majority - for purposes of this rule majority includes the following racial group: Caucasian.

4.00 PROCESS AND PROCEDURES FOR SCHOOL DISTRICT PARTICIPATION IN PUBLIC SCHOOL CHOICE PROGRAM

- 4.01 Each school district shall participate in public school choice consistent with this section.

- 4.02 Every school district must adopt a resolution setting forth specific standards for acceptance and rejection of applications.
- 4.02.1 Such standards may include the capacity of a school program, class, grade level, or school building.
- 4.02.2 School districts shall not be required to add teachers, staff, or classrooms or in any way exceed current requirements or standards established by existing law when considering whether to accept an application.
- 4.02.3 A school district's standards shall include a statement that priority will be given to applications of siblings or step-siblings residing in the same residence or household of students already attending the district by choice where an application has been filed.
- 4.02.4 A school district's standards for acceptance and rejection of applications shall not include a student's previous academic achievement, athletic or extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another school district may be included as a standard.
- 4.03 A district shall make public announcements over the broadcast media and in print media at such times and in such manner so as to inform parents or guardians of students in adjoining districts of the availability of the program, the July 1 application deadline, and the requirements and procedure for nonresident students to participate in the program.

5.00 PROCESS AND PROCEDURES FOR APPLICATIONS FOR TRANSFER  
PURSUANT TO THE PUBLIC SCHOOL CHOICE PROGRAM

- 5.01 Any student may make application to enroll and attend a school in a district in which the student does not reside, subject to the restrictions and procedures contained in this rule and regulation and Arkansas law.
- 5.01.1 Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on the form approved by and provided by the Department (see attached application) to the nonresident district.
- 5.01.2 The application to the nonresident district must be postmarked no later than July 1 of the year the student would begin the fall semester in the nonresident school district.
- 5.02 Any student attending a resident district classified as being in academic distress shall be eligible and entitled to apply to transfer to another geographically contiguous nonresident district not in academic distress during the time period a district is classified as being in academic distress subject to the restrictions allowed in 5.02.1 and 8.00.

- 5.02.1 Any student submitting an application under this section shall not be required to file the petition by the July 1 deadline, but shall meet all other requirements and conditions of this rule.
- 5.03 Within thirty (30) days of receipt of an application for public school choice transfer from a nonresident student, the nonresident district shall notify the parent or guardian and the resident district in writing (via first class United States mail) as to whether the nonresident district accepted or rejected the student's application.
- 5.03.1 If the application is rejected, the nonresident district must state in the notification letter the specific reasons for rejection.
- 5.03.2 If the application is accepted, the nonresident district shall state in the notification letter:
- a. An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and
  - b. Any instructions for the renewal procedures established by the district.
- 5.04 Any student who accepts a school choice transfer may return to his or her school district during the course of the school year.
- 5.04.1 If a transferred student returns to his or her resident district during the school year, the student's transfer is voided and the student shall reapply for any future transfer.
- 5.05 Any student that submitted a valid application for transfer, which was denied a transfer by the nonresident district, may petition the Board to reconsider the application for transfer. The petitioning party shall set forth its arguments and evidence supporting the request for the Board's reconsideration of the application along with a copy of the nonresident district's notification of rejection letter.
- 5.05.1 The petition for reconsideration before the Board shall be in writing and shall be postmarked (via certified first class United States mail, return receipt requested) no later than ten (10) days after the student or student's parents or guardian receives notice of rejection from the nonresident district. Any request for a hearing before the Board must be made in the petition for reconsideration.
- 5.05.2 The petitioning party must mail or personally file their petition for reconsideration of the application to the nonresident district with the Office of the Director of the Department.
- 5.05.3 The nonresident district may submit in writing additional information, evidence or arguments supporting its rejection of the student's application.



- 5.05.4 The Board, at its sole discretion, may grant a public hearing on the petition for reconsideration or consider without a public hearing the petition, briefs and evidence submitted in writing before issuing its final decision on the petition for reconsideration of the application.
- 5.05.5 The Board may require the nonresident district to reconsider its rejection of the student application by a date established by the Board before deciding whether to grant the petition for reconsideration of the application.
- 5.05.6 The Board, at its discretion, shall have the authority to require any person associated with the student application (i.e. student, parent, guardian, etc.), the nonresident district or the resident district to appear in person or by pleading before the Board as a witness on the matter of a petition for reconsideration of an application.

6.00 TRANSPORTATION OF STUDENTS IN PUBLIC SCHOOL CHOICE PROGRAM

- 6.01 Transportation of a student from the resident district to a nonresident district is the responsibility of the student or the student's parents or guardians.
  - 6.01.1 When a student transfers under section 5.02, the cost of transportation of a student from the resident district to the nonresident district shall be the responsibility of the resident district.
- 6.02 The nonresident district may enter into a written agreement with the student, student's parents or guardians, or resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.
- 6.03 A nonresident district shall terminate transportation services to a student upon receipt of written notice (via certified first class United States mail, return receipt requested) from the Department to cease and desist transporting a student from the student's resident district.

7.00 NONRESIDENT DISTRICT'S RESPONSIBILITIES

- 7.01 The nonresident district shall accept all credits toward graduation of a student that were awarded by another district.
- 7.02 The nonresident district shall award a diploma to a nonresident student accepted for transfer under the Public School Choice Program if that student meets the nonresident district's graduation requirements.
- 7.03 The nonresident student accepted for transfer under the Public School Choice Program shall be counted as a part of the average daily membership of the nonresident district to which the student transferred.



**8.00 PROVISIONS FOR AND LIMITATIONS ON PUBLIC SCHOOL CHOICE TRANSFERS**

- 8.01 No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district, except as provided in 8.01.1 and 8.01.2.
- 8.01.1 A transfer is permitted if (1) the transfer is between districts within the same county; and (2) if the transfer does not result in either district exceeding the acceptable range of variance for representation of minority/majority students. The acceptable range of variance is determined as provided in Section 8.02, or
- 8.01.2 A transfer is permitted if each school district affected by the transfer does not have a critical mass of minority percentages of more than ten percent (10%) of any single.
- 8.02 The Department shall each year compute the minority/majority racial percentage(s) of the public school population for each county from the October Annual School Report. School districts may vary in the under-representation or over-representation of minority/majority students by a maximum of twenty-five percent (25%) of the difference in majority/minority percentages for the county as determined by the Department. For example, when the Department has calculated the county's racial balance for each student race category, each district is allowed an over-representation or under-representation of minority or majority students of a range of up to twenty-five (25%) of the county's racial balance.
- 8.03 No student transfer shall be permitted under the Public School Choice Program when such a transfer would conflict with a district's desegregation court order or a district's court-approved desegregation plan.

**9.00 REPORTING AND MONITORING OBLIGATIONS**

- 9.01 The Department shall monitor school districts for compliance with the Public School Choice law (Ark. Code Ann. § 6-18-206) and these rules.
- 9.02 Each school district shall provide to the Department, within thirty (30) working days of receipt of a written request from the Department, any information or reports the Department deems necessary for review and determination of the school district's compliance with the Public School Choice law and these rules.
- 9.03 All school districts shall report to the Equity Assistance Center of the Department on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.
- 9.04 The reports may be on those forms that are prescribed by the Department, or the data may be submitted electronically by the district using a format authorized by the Department.
- 9.05 The Department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published

deadline requested from school districts by the Equity Assistance Center, so long as thirty (30) calendar days are given between the request for the information and the published deadline, except when the request comes from a member or committee of the General Assembly.

#### 10.00 DISPUTES

- 10.01 Any school district may petition the State Board of Education to resolve alleged disputes arising under subsections (b) – (f) of Ark. Code Ann. § 6-18-206.
- 10.02 Any school district seeking to petition the State Board of Education must submit with its petition proof of public notice of the district's intent to petition the State Board. The public notice shall be published at least once per week for two consecutive weeks in a newspaper of general circulation in all the school districts impacted or involved in the alleged dispute.
- 10.03 The school district shall file its written petition with the Office of the Director of the Department at least thirty (30) working days prior to the State Board of Education meeting where the petition will be heard.
- 10.04 The school district shall provide proof in the petition that they have served (via certified first class United States mail, return receipt requested) a copy of their petition to the superintendent of all other school districts involved in the alleged dispute.
- 10.05 The petition shall set forth in writing the particular issues of dispute under the Public School Choice Program, the specific relief for which the petitioning party is requesting the Board to address, and shall list all school districts and other relevant parties in the dispute.
- 10.06 The petition shall set forth what efforts have been attempted by all relevant school boards and superintendents of the involved school districts to resolve the alleged dispute.
- 10.07 The petition shall state in writing whether the petitioning school district requests a hearing before the Board.
- 10.08 The Board, in its sole discretion, shall determine whether to grant a public hearing on a petition or to take action on the petition and pleadings submitted without granting a public hearing.
- 10.09 Any school district that is listed as a party in a petition to resolve a dispute shall file a written response with the Office of the Director of the Department. The written response shall be submitted for the Board's consideration along with the petition within ten (10) working days of receipt of notice of the petition.
- 10.10 The Board shall issue a written decision regarding all issues of alleged dispute mentioned in the petition, and the written decision shall be served on all the school districts listed as parties of dispute in the petition (via certified first class United States mail, return receipt requested) within twenty (20) working days of the Board's final decision.

- 10.11 Except for the procedures specifically set forth in Ark. Code Ann. § 6-18-206 and these rules, all hearings conducted by the Board shall be conducted pursuant to the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et. seq..

# **ELIGIBILITY REPORT EXCERPTS**

## BRADLEY COUNTY

LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
0601000	HERMITAGE SCHOOL DISTRICT	Y	0.43%	0%	14.74%	26.50%	0%	0%	58.33%
0602000	WARREN SCHOOL DISTRICT	Y	0.59%	0%	34.49%	19.70%	0.20%	0.07%	44.96%
County Percentages			0.55%	0%	29.86%	21.29%	0.15%	0.05%	48.10%
Acceptable Ranges			0.48% - 0.62%	0% - 0%	26.13% - 33.59%	18.63% - 23.95%	0.13% - 0.17%	0.04% - 0.06%	42.08% - 54.11%

## CALHOUN COUNTY

LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
0701000	HAMPTON SCHOOL DISTRICT	Y	0%	0%	26.57%	5.39%	0.54%	0%	67.50%
County Percentages			0%	0%	26.57%	5.39%	0.54%	0%	67.50%
Acceptable Ranges			0% - 0%	0% - 0%	23.25% - 29.89%	4.71% - 6.06%	0.47% - 0.61%	0% - 0%	59.07% - 75.94%

## CARROLL COUNTY

LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
0801000	BERRYVILLE SCHOOL DISTRICT	Y	0.16%	1.02%	0.05%	22.34%	0.54%	0.27%	75.63%
0802000	EUREKA SPRINGS SCHOOL DISTRICT	Y	0.31%	1.38%	0.46%	6.92%	0.62%	0%	90.31%
0803000	GREEN FOREST SCHOOL DISTRICT	Y	0%	1.16%	0.58%	37.40%	0%	0%	60.86%
County Percentages			0.13%	1.13%	0.30%	24.52%	0.38%	0.13%	73.41%
Acceptable Ranges			0.12% - 0.15%	0.99% - 1.27%	0.28% - 0.39%	21.46% - 27.59%	0.33% - 0.42%	0.12% - 0.15%	64.23% - 82.58%

LEA	District	Participant	NEWTON COUNTY						
			2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
5106000	DEER/MT. JUDEA SCHOOL DISTRICT	Y	5.23%	0.28%	0.55%	0%	5.23%	0%	88.71%
5102000	JASPER SCHOOL DISTRICT	Y	0%	0.33%	0.11%	0.78%	1%	0.33%	97.43%
County Percentages			1.51%	0.32%	0.24%	0.56%	2.22%	0.24%	94.92%
Acceptable Ranges			1.32% - 1.7%	0.28% - 0.36%	0.21% - 0.27%	0.49% - 0.63%	1.95% - 2.5%	0.21% - 0.27%	83.03% - 106.78%

#### QUACHITA COUNTY

LEA	District	Participant	% K-12 Students						
			2 or More Races	Asian	Black	Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
5201000	BEARDEN SCHOOL DISTRICT	Y	0.53%	0%	40.11%	2.14%	0.36%	0%	56.86%
5204000	CAMDEN FAIRVIEW SCHOOL DIST.	Y	2.87%	0.57%	60.62%	1.72%	0%	0.16%	34.04%
5205000	HARMONY GROVE SCHOOL DISTRICT	Y	0.78%	0.49%	23.48%	2.84%	0.10%	0%	72.31%
5220000	SOUTH CENTRAL SERVICE CO-OP	N	0%	0%	0%	0%	0%	0%	0%
5206000	STERPHENS SCHOOL DISTRICT	Y	0.56%	0.28%	86.20%	1.13%	0%	0%	11.83%
County Percentages			1.90%	0.46%	51.39%	1.99%	0.07%	0.03%	44.10%
Acceptable Ranges			1.66% - 2.13%	0.4% - 0.51%	44.97% - 57.82%	1.74% - 2.24%	0.06% - 0.08%	0.08% - 0.1%	38.59% - 49.62%

#### PERRY COUNTY

LEA	District	Participant	% K-12 Students						
			2 or More Races	Asian	Black	Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
5301000	EAST END SCHOOL DISTRICT	Y	0.15%	0%	6.28%	2.35%	0.94%	0%	90.30%
5303000	PERRYVILLE SCHOOL DISTRICT	Y	0.97%	0.19%	0.97%	1.46%	0.68%	0%	95.71%
County Percentages			0.66%	0.12%	3%	1.80%	0.78%	0%	93.63%
Acceptable Ranges			0.58% - 0.74%	0.11% - 0.14%	2.63% - 3.38%	1.58% - 2.03%	0.68% - 0.88%	0% - 0%	81.93% - 105.34%

# HEARING PROCEDURES

## **SBE HEARING PROCEDURES – SCHOOL CHOICE**

1. Introduction of Agenda Item by Arkansas Department of Education Staff
2. Witnesses are Sworn
3. Presentation by Petitioner
4. Presentation by Respondent
5. State Board Discussion
6. State Board Motion/Vote
7. Additional Items:

a. The Chairman of the Arkansas State Board of Education shall serve as the presiding officer for the hearing.

b. All members of the State Board of Education shall conduct themselves in an impartial manner and may at any time withdraw from the proceedings if they deem themselves disqualified.

c. The petitioner, as proponent of the order for reconsideration, will have the burden of proving each fact of consequence to the determination by a preponderance of the evidence.

d. Irrelevant, immaterial, and unduly repetitious evidence shall be excluded.

e. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs.

f. Objections to evidentiary offers may be made and shall be noted of record. When a hearing will be expedited and the interests of the parties will not be substantially prejudiced, any part of the evidence may be received in written form.

g. Parties shall have the right to conduct such cross examination of witnesses as may be required for a full and true disclosure of the facts.

h. Official notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties must be notified of material so noticed, including any staff memoranda or data, and shall be afforded a reasonable opportunity to show the contrary.



# **NOTICE LETTER**



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell  
Commissioner

October 14, 2011

State Board  
of Education

Dr. Naccaman Williams  
Springdale  
Chair

Dr. Ben Mays  
Clinton  
Vice Chair

Sherry Burrow  
Jonesboro

Jim Cooper  
Melbourne

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Toyce Newton  
Crossett

Vicki Saviers  
Little Rock

Barry and Susan Reede  
11680 Calhoun 287  
Camden, Arkansas 71701

Mr. Harold Davidson, Superintendent  
Harmony Grove School District  
401 Ouachita 88  
Camden, Arkansas 71701

**Re: Appeal Pursuant to the Arkansas Public School Choice Act  
VIA CERTIFIED AND REGULAR MAIL**

Dear Mr. and Mrs. Reede and Superintendent Davidson:

On October 5, 2011, Mr. and Mrs. Reede submitted to the Arkansas Department of Education a written notice of appeal regarding the decision of the Harmony Grove School District to deny school choice eligibility to Kacie Reede and Logan Reede.

This letter is to notify you that the State Board of Education (State Board) will hear the above-referenced appeal on **Monday, November 14, 2011**. The November 14, 2011 State Board meeting will begin at **9:00 a.m. in the auditorium of the Arch Ford Education Building, #4 Capitol Mall, Little Rock, Arkansas**. Information or other documents you wish to submit for the State Board's consideration must be received by my office **no later than 12:00 noon on October 26, 2011**.

The above-referenced appeal will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Ark. Code Ann. § 6-18-206 and the Arkansas Department of Education Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Public School Choice Act.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Respectfully,

Jeremy C. Lasiter  
General Counsel

Enclosures: Reede Appeal Letter  
Ark. Code Ann. § 6-18-206  
ADE Rules Governing the Arkansas Public School Choice Act  
Excerpts from 2011-2012 School Choice Eligibility Report  
State Board of Education Hearing Procedures (School Choice)

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

cc (w/encl): Tom W. Kimbrell, Ed.D., Commissioner of Education  
Ms. Phyllis Stewart, State Board of Education Liaison  
Mr. Jimmy Cunningham, Superintendent, Hampton School District  
File

RECEIVED  
COMMISSIONER'S OFFICE

OCT 11 2011

10/5/11

Dr. Tom W. Kimbrell, Commissioner  
Arkansas Department of Education  
Four Capitol Mall, Room 304A  
Little Rock, AR 72201

DEPARTMENT OF EDUCATION

Dear Dr. Kimbrell,

I am writing this letter to appeal the decision of the Hampton School District for not releasing my children, Logan and Kacie Reede, to transfer to Harmony Grove School District based on the School Choice law.

We received approval for our school choice application on June 22, 2011. This letter stated that our two children, Logan and Kacie Reede, were approved to attend Harmony Grove School District. We enrolled our children and they began attending on August 15, 2011. We followed the instructions we were given by the State department to acquire a transfer based on School Choice from Hampton School District to Harmony Grove School District. We haven't received a letter denying us from Hampton School District as of today's date.

I had numerous discussions with Mr. Dillingham and his staff on the proper procedures. We also discussed the fact that with the "New" law that was taking effect on 7/1/2011, we could not be denied based on race. He told us that the 'New' law would begin and the old one would roll off. I have since spoken to Mr. Dillingham and he has denied saying that to me.

On Saturday, October 1, 2011, we received a letter reversing the approval decision based on the fact that my children are not of a minority race.

On Monday, 10/3/11, I contacted the ADE and spoke to numerous people including Mr. Howard, Mr. Dillingham, and Mr. Walters. My husband also spoke to Mr. Dillingham and was hung up on twice. Mr. Dillingham was very rude and raised his voice to me. I asked him not to be rude so that we could discuss the issues. I was told that Harmony Grove and I were in the wrong and not given any options by Mr. Dillingham other than to return my children to Hampton School District.

I told Mr. Howard that I wanted to appeal the decision to the State Board and he acted like he didn't know what the State Board was. He said "you can go to your school board or superintendent". He said he didn't know of a State Board.

ENCLOSURE 1

I asked Mr. Howard how could they deny me based on race since that is what was changed in the law. He asked me what my ethnic group was and I told him white. I asked him if I was being denied because I was white and he said no, because of your ethnic group so I asked him what my ethnic group was and he said white. So I asked again am I being denied because I am white and he had no answer. Then he said that it would throw off the ratio's.

Hampton School District is in year 6 of school improvement for Elementary and year 8 of school improvement in High School. My children are in 6th grade and 8th grade so they have basically been in a failing school their whole school career. This is not preparing them for college.

I called Hampton School District and asked for a meeting with Mr. Cunningham. On Tuesday, 10/4/11, I went to Hampton School District to speak to him. I started off the conversation and asked him why he would not release my kids. He stated it was not a legal transfer and that we would throw off the ratio. I asked him why and he stated that it was the board policy not to grant legal transfers.

My kids have been attending Harmony Grove School District for 6 weeks. They are currently on week 7 at the time of this writing. Hampton School District never contacted us regarding our children being denied. So we assumed based on what Harmony Grove said that there were not problems. I asked Mr. Cunningham why he hadn't contacted us and he said he had contacted Harmony Grove. I began telling Mr. Cunningham the many reasons that I wanted my children to attend Harmony Grove School District.

Some of these reasons are the failing school system, students setting garbage cans on fire with no consequences, students destroying a teacher's room and hanging a desk from the ceiling and then the administration offering a pizza in exchange for telling who did it, students super gluing a teachers chair and when he sat in it he was stuck to it, our children playing cards in classrooms during the last 6 months of school last year, our children being made to move furniture and other items to the new school, hiring teachers that go nuts and run across the street to her house, lock the door and lay on the floor in the fetal position while the administration was pad locking her classroom door. This same teacher, Janine Blue, was the biology teacher so my son didn't have a biology teacher for the remainder of the year. His test scores show that as well.

As I was telling him these things, he said 'we can sit here and argue about this all day and I told him I wasn't arguing, I was letting him know why I didn't want my kids to attend this school. There is also the fact they there is not equal discipline in the school. Children are not punished in the same way for the same crime. My 8<sup>th</sup> grader went from an advanced on the benchmark test in 6th grade to a basic in 7th grade. That tells me that he wasn't taught what he should have been taught in order to pass the test. Mr. Cunningham disagreed with me. I asked Mr. Cunningham if he was only going after the 3 families that were attending Harmony Grove School District or all 40 that had left the district and he stated, "I would like to go after all 40".

Since it has been 7 weeks, I stated that he was not interested in my children's best interest or the fact that they would be 7 weeks behind in classes. He was only interested in the money he was losing for my children not being in the district.

I asked him how my neighbor who is white was a legal transfer and he said he didn't know. He said that anyone that had been going to Harmony Grove for a year 'he couldn't do anything about. It's unfortunate that I try to follow the rules and I am being made an example of. There many families in this area who attend Harmony Grove School District and are not made examples of.

I searched the Hampton School District for the School Board minutes for the 2011-2012 school year and none were found. I asked Stacy Nooner in the superintendent's office where to find them and she referred me to Ashley Turner. Ashley Turner said that Anita Harrod was supposed to put them on the website, but guessed that she hadn't done it yet. This was on Monday, 10/3/11. On Tuesday or Wednesday, 10/4 or 10/5 some of the school board minutes were posted.

As the conversation went on, I could tell he wasn't listening and wasn't going to discuss this issue any longer.

I stated I wanted a meeting with the School Board and he said, "it's not necessary". I asked him again for a meeting with the School Board and he said again, "it's not necessary". I stated I don't think you understand, I want a meeting with the School Board and he finally told me to call Freddy Harrod to get on the agenda. I ended the meeting and walked out.

I called Brandon Evans who I believe is my School Board representative. He listened to my concerns, but said he wasn't familiar with the situation so he referred me to Freddy Harrod.

I called Freddy Harrod who immediately went on the defensive with me and was rude. He told me he knew of what I was referring and told me our kids were not released, but would need to talk to Mr. Cunningham. I asked him what a legal transfer was and he couldn't answer me. He kept referring me to Mr. Cunningham. I told Freddy Harrod that Mr. Cunningham had referred me to him and I wanted to meet with the School Board. Freddy Harrod told me he would call Mr. Cunningham and then call me back. Freddy Harrod called me back with an attitude and basically told me that 'it wasn't necessary for me to meet with the board'. I asked Freddy Harrod for a meeting with the board and he told me to contact Mr. Cunningham. I told him that Mr. Cunningham told me to contact him. I asked 3 times for a meeting with the school board and to get on the agenda and Freddy Harrod would not let me.

I asked him 3 times if he was denying me the right to speak to the board and each time he said no, but would not put me on the agenda. I asked Freddy Harrod what was a legal transfer and he said he would have to get back with me. I asked him when the policy went into effect on no legal transfers and he couldn't tell me. He told me I had to talk to

Mr. Cunningham. I asked him, wasn't it the school boards job to make sure that the superintendent was doing his job correctly and he stated yes. He still couldn't tell me when the policy went into effect.

Freddy Harrod basically hung up on me at this point. I then called to talk to Brenda Clark at the local newspaper. I proceeded to tell Brenda what had transpired since 10/1/11. She was horrified at what Hampton School was doing and how the superintendent and the school board president Freddy Harrod was responding to my concerns. During this time Mr. Harrod called back and left a message. I called Mr. Harrod back and he spoke in a calmer voice and said that I needed to go to Mr. Cunningham and fill out a form to request to be on the agenda. I told him that I was just with Mr. Cunningham and he didn't say anything about a form. Mr. Cunningham had just referred me to him. Mr. Harrod then told me that 'I don't get paid for this job'. Mr. Harrod ran for that office and position so he shouldn't complain about hearing my suggestions and complaints. I live 12 miles away from the school. If there was a form for me to fill out then Mr. Cunningham should have given me the form while I was there. I shouldn't have to drive back up to the school in order to get on the agenda to discuss my kids rights.

I feel I was treated unfairly by Mr. Cunningham, Freddy Harrod, Mr. Dillingham and Mr. Howard. None of these individuals were trying to address my concerns or help me resolve this issue. They were sending me in circles so as not to have to answer the questions.

I have been under very extreme stress since 10/1/11. No one seems to want to help us resolve this issue. The only ones that are getting hurt in this situation are our children and no one cares, but my husband and I.

By forcing my kids back to Hampton School District, you will be forcing them to attend a school that is failing. They do not offer advance classes. They haven't had an English department for many years. They didn't have a biology teacher last year. Mrs. Thomas, the speech teacher was run off and offered no support from the administrators. Many teachers have left and taken a pay cut in order to get to a better school.

There are obvious issues with this school district. The State came in last year and did an assessment. I'm sure that if those results were released to the public the public would want answers.

No child should be forced to attend a failing school. If a child wants a better education and the proper procedures are followed then that child should be released to attend a school that is not failing.

We are asking that you look into this matter and allow my children to get the education they deserve at the school of our and their choice.

Thank you.



Regards,



Barry Reede  
870-818-6211



Susan Reede  
870-918-2990

P.S. Just posted on Facebook by a Student at Hampton High School:

Chandler Riley

**Can't believe my Spanish teacher called me a idiot and made me go sit in the hall.**

**This is normal behavior for the teachers. They have no support from admin, they will talk to the student any way they choose and have no respect for the students. Students in turn have no respect for the teachers.**

**My 8<sup>th</sup> grader told me he loved his new school. I asked him why and he said "Mom, I can ask a question and the teacher doesn't make me feel stupid."**

**My 6<sup>th</sup> grader is reading lots of books this year. She told me "Mom, at Hampton no one likes to read, but at Harmony Grove everyone like to read."**

**Just a few examples of the difference a good education can get you. My kids will not get it at Hampton, but at Harmony Grove they will.**

**The administrators of Harmony Grove will work with parents, students and teachers to provide a positive learning experience. Harmony Grove is a great example of a school district that is following the guidelines and making learning fun.**

Attachments: Approval of Application letter from  
Harmony Grove  
Reversal letter

# Harmony Grove Public Schools

**Harmony Grove Campus**  
401 Ouachita Road 88  
Camden, Arkansas 71701  
Telephone (870) 574-0971  
Fax (870) 574-2765

Mr. Harold Davidson, Superintendent  
Mr. Joe Rogers, Jr., President  
Mr. Raymond Furlow, Vice-President  
Mr. Wayne Sharp, Secretary  
Mr. Todd Bearden, Member  
Mr. Marcus Ellis, Member  
Mr. Jeremy Givens, Member  
Mrs. Angel Pigott, Member

**Sparkman Campus**  
P. O. Box 37  
Sparkman, Arkansas 71763  
Telephone (870) 678-2243  
Fax (870) 678-2917

June 22, 2011

Barry and Susan Reede  
11680 Calhoun 287  
Camden, AR 71701

Dear Mr. and Mrs. Reede:

Your application for Logan Reede and Kacie Reede to attend Harmony Grove Schools under the public school choice program has been received and approved for the 2011 - 2012 school term. The elementary and high school will be notified of your approval.

Welcome to Harmony Grove Schools.

Sincerely,



Harold Davidson



# Harmony Grove Public Schools

**Harmony Grove Campus**  
401 Ouachita Road 88  
Camden, Arkansas 71701  
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Mr. Marcus Ellis, Member  
Mr. Jeremy Givens, Member  
Mrs. Angel Pigott, Member

**Sparkman Campus**  
P. O. Box 37  
Sparkman, Arkansas 71763  
Telephone (870) 678-2243  
Fax (870) 678-2917

September 30, 2011

Dear Parent of Kacie Reede:

I have been informed that I should not have approved school choice for the above named student to attend school in the Harmony Grove School District. After receiving correspondence from the Hampton School District stating that this student was not eligible for school choice and that the Arkansas Department of Education had been contacted to protest my decision, I contacted our school attorney to seek legal advice and clarification on the school choice laws. According to the advice I have been given, your above named student does not qualify to attend our school because he or she is not of a minority race.

Because we cannot be out of compliance with state and federal law, I am informing you that the above named student must withdraw from our school district immediately. Should you wish to discuss this matter, I suggest that you contact the administration of the resident school district or Mr. Oliver Dillingham at the Arkansas Department of Education at 501-682-1212.

I am sincerely sorry that your child may not attend our district without permission of the above named parties. You should make other arrangements for your child to attend school in either the district in which you reside or through other legal choices.

Sincerely, -

*Harold Davidson*  
Harold Davidson

Cc: Mr. Walton Pigott, High School Principal  
Mrs. Jerri Courville, Elementary School Principal  
Mr. Jimmy Cunningham, Hampton School Superintendent  
Mr. Oliver Dillingham, Arkansas Department of Education

# Harmony Grove Public Schools

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401 Ouachita Road 88  
Camden, Arkansas 71701  
Telephone (870) 574-0971  
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Mr. Marcus Ellis, Member  
Mr. Jeremy Givens, Member  
Mrs. Angel Pigott, Member

**Sparkman Campus**  
P. O. Box 37  
Sparkman, Arkansas 71763  
Telephone (870) 678-2243  
Fax (870) 678-2917

September 30, 2011

Dear Parent of Logan Reede:

I have been informed that I should not have approved school choice for the above named student to attend school in the Harmony Grove School District. After receiving correspondence from the Hampton School District stating that this student was not eligible for school choice and that the Arkansas Department of Education had been contacted to protest my decision, I contacted our school attorney to seek legal advice and clarification on the school choice laws. According to the advice I have been given, your above named student does not qualify to attend our school because he or she is not of a minority race.

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I am sincerely sorry that your child may not attend our district without permission of the above named parties. You should make other arrangements for your child to attend school in either the district in which you reside or through other legal choices.

Sincerely,



Harold Davidson

Cc: Mr. Walton Pigott, High School Principal  
Mrs. Jerri Courville, Elementary School Principal  
Mr. Jimmy Cunningham, Hampton School Superintendent  
Mr. Oliver Dillingham, Arkansas Department of Education

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\*\*\* CURRENT THROUGH THE 2011 REGULAR SESSION AND UPDATES \*\*\*

\*\*\* FROM THE ARKANSAS CODE REVISION COMMISSION THROUGH \*\*\*

\*\*\* JUNE 2, 2011 \*\*\*

Title 6 Education

Subtitle 2. Elementary And Secondary Education Generally

Chapter 18 Students

Subchapter 2 -- Attendance

A.C.A. § 6-18-206 (2011)

**6-18-206. Public school choice.**

(a) (1) This section may be referred to and cited as the "Arkansas Public School Choice Act of 1989".

(2) The General Assembly finds that the students in Arkansas's public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students will stay in school and that other, more motivated students will find their full academic potential.

(3) The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

(4) The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which the student resides, provided that the transfer by this student would not adversely affect the desegregation of either district.

(5) A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in this section.

(b) (1) (A) Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on a form approved by the Department of Education to the nonresident district by submitting the application to the superintendent of the school district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.

**ENCLOSURE 2**

**(B) (i)** Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, the superintendent of the nonresident district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.

**(ii)** If the application is rejected, the superintendent of the nonresident district must state in the notification letter the reason for rejection.

**(iii)** If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

**(a)** An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and

**(b)** Any instructions for the renewal procedures established by the district.

**(iv) (a)** Any student who accepts a school choice transfer may return to his or her resident district during the course of the school year.

**(b)** If a transferred student returns to his or her resident district during the school year, the student's transfer is voided, and the student shall reapply for any future transfer.

**(2) (A)** The school board of directors of every public school district must adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Nothing in this section requires a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law. Standards shall include a statement that priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the district by choice. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another district may be included pursuant to § 6-18-510.

**(B) (i)** Any student who applies for a transfer under this section and is denied a transfer by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

**(ii)** A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after notice of rejection of the application under subdivision (b)(1)(B) of this section is received by the student.

**(3)** Each school district shall participate in public school choice consistent with this section.

**(c)** The responsibility for transportation of a student from the student's resident school district to a nonresident school district shall be borne by the student or the student's parents. The nonresident school district may enter into a written agreement with the student, the student's parents, or the resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.

**(d) (1)** A nonresident district shall accept credits toward graduation that were awarded by another district.

**(2)** The nonresident district shall award a diploma to a nonresident student if the student meets the nonresident district's graduation requirements.

**(e)** For purposes of determining a school district's state equalization aid, the nonresident student shall be counted as a part of the average daily membership of the district to which the

student has transferred.

**(f)** The provisions of this section and all student choice options created in this section are subject to the following limitations:

**(1)** No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district except in the circumstances set forth in subdivisions (f)(2) and (3) of this section;

**(2) (A)** A transfer to a district is exempt from the restriction set forth in subdivision (f)(1) of this section if the transfer is between two (2) districts within a county and if the minority percentage in the student's race and majority percentages of school enrollment in both the resident and nonresident district remain within an acceptable range of the county's overall minority percentage in the student's race and majority percentages of school population as set forth by the department.

**(B) (i)** By the filing deadline each year, the department shall compute the minority percentage in the student's race and majority percentages of each county's public school population from the October Annual School Report and shall then compute the acceptable range of variance from those percentages for school districts within each county.

**(ii) (a)** In establishing the acceptable range of variance, the department is directed to use the remedial guideline established in Little Rock School District v. Pulaski County Special School District of allowing an overrepresentation or underrepresentation of black or white students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance.

**(b)** In establishing the acceptable range of variance for school choice, the department is directed to use the remedial guideline of allowing an overrepresentation or underrepresentation of minority or majority students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance;

**(3)** A transfer is exempt from the restriction set forth in subdivision (f)(1) of this section if each school district affected by the transfer does not have a critical mass of minority percentage in the student's race of more than ten percent (10%) of any single race;

**(4)** In any instance in which the provisions of this subsection would result in a conflict with a desegregation court order or a district's court-approved desegregation plan, the terms of the order or plan shall govern;

**(5)** The department shall adopt appropriate rules and regulations to implement the provisions of this section; and

**(6)** The department shall monitor school districts for compliance with this section.

**(g)** The state board shall be authorized to resolve disputes arising under subsections (b)-(f) of this section.

**(h)** The superintendent of the district shall cause public announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.

**(i) (1)** All superintendents of school districts shall report to the Equity Assistance Center on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.

(2) The reports may be on those forms that are prescribed by the department, or the data may be submitted electronically by the district using a format authorized by the department.

(3) The department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the Equity Assistance Center so long as thirty (30) calendar days are given between the request for the information and the published deadline except when the request comes from a member or committee of the General Assembly.

(4) A copy of the report shall be provided to the Joint Interim Oversight Committee on Educational Reform.

(j) (1) The department shall develop a proposed set of rules as it determines is necessary or desirable to amend the provisions of this section.

(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.

**HISTORY:** Acts 1989, No. 609, §§ 1-13; 1991, No. 214, § 1; 1991, No. 284, §§ 1-3; 1993, No. 655, § 1; 1995, No. 109, § 1; 1997, No. 112, § 10; 1999, No. 391, § 10; 1999, No. 1241, § 1; 2001, No. 1788, § 1; 2003, No. 1272, § 1; 2003 (2nd Ex. Sess.), No. 110, § 1; 2005, No. 2148, § 1; 2007, No. 552, § 1.

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ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING THE GUIDELINES, PROCEDURES, AND ENFORCEMENT OF THE  
ARKANSAS PUBLIC SCHOOL CHOICE ACT  
October 2007

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education's authority for promulgating these rules is pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-429, 6-18-206 and Act 552 of 2007.

3.00 DEFINITIONS

- 3.01 Student – for purposes of this rule means any person legally enrolled or entitled to be enrolled in a public school district in Arkansas.
- 3.02 Resident district - for purposes of this rule means the public school district where a student is considered to reside pursuant to Ark. Code Ann. § 6-18-202.
- 3.03 Non-resident district - for purposes of this rule means the public school district a student last made legal application to attend pursuant to the Arkansas Public School Choice Act for the current school year.
- 3.04 Application - for purposes of this rule means a request submitted to a non-resident district to transfer from a student's resident district to a non-resident district on the official form approved by the Arkansas Department of Education.
- 3.05 Board - for purposes of this rule means the Arkansas State Board of Education.
- 3.06 Department - for purposes of this rule means the Arkansas Department of Education.
- 3.07 Minority - for purposes of this rule minority includes the following racial groups: African American, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native.
- 3.08 Majority - for purposes of this rule majority includes the following racial group: Caucasian.

4.00 PROCESS AND PROCEDURES FOR SCHOOL DISTRICT PARTICIPATION IN  
PUBLIC SCHOOL CHOICE PROGRAM

- 4.01 Each school district shall participate in public school choice consistent with this section.

**ENCLOSURE 3**

4.02 Every school district must adopt a resolution setting forth specific standards for acceptance and rejection of applications.

4.02.1 Such standards may include the capacity of a school program, class, grade level, or school building.

4.02.2 School districts shall not be required to add teachers, staff, or classrooms or in any way exceed current requirements or standards established by existing law when considering whether to accept an application.

4.02.3 A school district's standards shall include a statement that priority will be given to applications of siblings or step-siblings residing in the same residence or household of students already attending the district by choice where an application has been filed.

4.02.4 A school district's standards for acceptance and rejection of applications shall not include a student's previous academic achievement, athletic or extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another school district may be included as a standard.

4.03 A district shall make public announcements over the broadcast media and in print media at such times and in such manner so as to inform parents or guardians of students in adjoining districts of the availability of the program, the July 1 application deadline, and the requirements and procedure for nonresident students to participate in the program.

5.00 PROCESS AND PROCEDURES FOR APPLICATIONS FOR TRANSFER  
PURSUANT TO THE PUBLIC SCHOOL CHOICE PROGRAM

5.01 Any student may make application to enroll and attend a school in a district in which the student does not reside, subject to the restrictions and procedures contained in this rule and regulation and Arkansas law.

5.01.1 Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on the form approved by and provided by the Department (see attached application) to the nonresident district.

5.01.2 The application to the nonresident district must be postmarked no later than July 1 of the year the student would begin the fall semester in the nonresident school district.

5.02 Any student attending a resident district classified as being in academic distress shall be eligible and entitled to apply to transfer to another geographically contiguous nonresident district not in academic distress during the time period a district is classified as being in academic distress subject to the restrictions allowed in 5.02.1 and 8.00.



- 5.02.1 Any student submitting an application under this section shall not be required to file the petition by the July 1 deadline, but shall meet all other requirements and conditions of this rule.
- 5.03 Within thirty (30) days of receipt of an application for public school choice transfer from a nonresident student, the nonresident district shall notify the parent or guardian and the resident district in writing (via first class United States mail) as to whether the nonresident district accepted or rejected the student's application.
- 5.03.1 If the application is rejected, the nonresident district must state in the notification letter the specific reasons for rejection.
- 5.03.2 If the application is accepted, the nonresident district shall state in the notification letter:
- a. An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and
  - b. Any instructions for the renewal procedures established by the district.
- 5.04 Any student who accepts a school choice transfer may return to his or her school district during the course of the school year.
- 5.04.1 If a transferred student returns to his or her resident district during the school year, the student's transfer is voided and the student shall reapply for any future transfer.
- 5.05 Any student that submitted a valid application for transfer, which was denied a transfer by the nonresident district, may petition the Board to reconsider the application for transfer. The petitioning party shall set forth its arguments and evidence supporting the request for the Board's reconsideration of the application along with a copy of the nonresident district's notification of rejection letter.
- 5.05.1 The petition for reconsideration before the Board shall be in writing and shall be postmarked (via certified first class United States mail, return receipt requested) no later than ten (10) days after the student or student's parents or guardian receives notice of rejection from the nonresident district. Any request for a hearing before the Board must be made in the petition for reconsideration.
- 5.05.2 The petitioning party must mail or personally file their petition for reconsideration of the application to the nonresident district with the Office of the Director of the Department.
- 5.05.3 The nonresident district may submit in writing additional information, evidence or arguments supporting its rejection of the student's application.

- 5.05.4 The Board, at its sole discretion, may grant a public hearing on the petition for reconsideration or consider without a public hearing the petition, briefs and evidence submitted in writing before issuing its final decision on the petition for reconsideration of the application.
- 5.05.5 The Board may require the nonresident district to reconsider its rejection of the student application by a date established by the Board before deciding whether to grant the petition for reconsideration of the application.
- 5.05.6 The Board, at its discretion, shall have the authority to require any person associated with the student application (i.e. student, parent, guardian, etc.), the nonresident district or the resident district to appear in person or by pleading before the Board as a witness on the matter of a petition for reconsideration of an application.

6.00 TRANSPORTATION OF STUDENTS IN PUBLIC SCHOOL CHOICE PROGRAM

- 6.01 Transportation of a student from the resident district to a nonresident district is the responsibility of the student or the student's parents or guardians.
  - 6.01.1 When a student transfers under section 5.02, the cost of transportation of a student from the resident district to the nonresident district shall be the responsibility of the resident district.
- 6.02 The nonresident district may enter into a written agreement with the student, student's parents or guardians, or resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.
- 6.03 A nonresident district shall terminate transportation services to a student upon receipt of written notice (via certified first class United States mail, return receipt requested) from the Department to cease and desist transporting a student from the student's resident district.

7.00 NONRESIDENT DISTRICT'S RESPONSIBILITIES

- 7.01 The nonresident district shall accept all credits toward graduation of a student that were awarded by another district.
- 7.02 The nonresident district shall award a diploma to a nonresident student accepted for transfer under the Public School Choice Program if that student meets the nonresident district's graduation requirements.
- 7.03 The nonresident student accepted for transfer under the Public School Choice Program shall be counted as a part of the average daily membership of the nonresident district to which the student transferred.

8.00 PROVISIONS FOR AND LIMITATIONS ON PUBLIC SCHOOL CHOICE TRANSFERS

8.01 No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district, except as provided in 8.01.1 and 8.01.2.

8.01.1 A transfer is permitted if (1) the transfer is between districts within the same county; and (2) if the transfer does not result in either district exceeding the acceptable range of variance for representation of minority/majority students. The acceptable range of variance is determined as provided in Section 8.02, or

8.01.2 A transfer is permitted if each school district affected by the transfer does not have a critical mass of minority percentages of more than ten percent (10%) of any single.

8.02 The Department shall each year compute the minority/majority racial percentage(s) of the public school population for each county from the October Annual School Report. School districts may vary in the under-representation or over-representation of minority/majority students by a maximum of twenty-five percent (25%) of the difference in majority/minority percentages for the county as determined by the Department. For example, when the Department has calculated the county's racial balance for each student race category, each district is allowed an over-representation or under-representation of minority or majority students of a range of up to twenty-five (25%) of the county's racial balance.

8.03 No student transfer shall be permitted under the Public School Choice Program when such a transfer would conflict with a district's desegregation court order or a district's court-approved desegregation plan.

9.00 REPORTING AND MONITORING OBLIGATIONS

9.01 The Department shall monitor school districts for compliance with the Public School Choice law (Ark. Code Ann. § 6-18-206) and these rules.

9.02 Each school district shall provide to the Department, within thirty (30) working days of receipt of a written request from the Department, any information or reports the Department deems necessary for review and determination of the school district's compliance with the Public School Choice law and these rules.

9.03 All school districts shall report to the Equity Assistance Center of the Department on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.

9.04 The reports may be on those forms that are prescribed by the Department, or the data may be submitted electronically by the district using a format authorized by the Department.

9.05 The Department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published

deadline requested from school districts by the Equity Assistance Center, so long as thirty (30) calendar days are given between the request for the information and the published deadline, except when the request comes from a member or committee of the General Assembly.

## 10.00 DISPUTES

- 10.01 Any school district may petition the State Board of Education to resolve alleged disputes arising under subsections (b) – (f) of Ark. Code Ann. § 6-18-206.
- 10.02 Any school district seeking to petition the State Board of Education must submit with its petition proof of public notice of the district's intent to petition the State Board. The public notice shall be published at least once per week for two consecutive weeks in a newspaper of general circulation in all the school districts impacted or involved in the alleged dispute.
- 10.03 The school district shall file its written petition with the Office of the Director of the Department at least thirty (30) working days prior to the State Board of Education meeting where the petition will be heard.
- 10.04 The school district shall provide proof in the petition that they have served (via certified first class United States mail, return receipt requested) a copy of their petition to the superintendent of all other school districts involved in the alleged dispute.
- 10.05 The petition shall set forth in writing the particular issues of dispute under the Public School Choice Program, the specific relief for which the petitioning party is requesting the Board to address, and shall list all school districts and other relevant parties in the dispute.
- 10.06 The petition shall set forth what efforts have been attempted by all relevant school boards and superintendents of the involved school districts to resolve the alleged dispute.
- 10.07 The petition shall state in writing whether the petitioning school district requests a hearing before the Board.
- 10.08 The Board, in its sole discretion, shall determine whether to grant a public hearing on a petition or to take action on the petition and pleadings submitted without granting a public hearing.
- 10.09 Any school district that is listed as a party in a petition to resolve a dispute shall file a written response with the Office of the Director of the Department. The written response shall be submitted for the Board's consideration along with the petition within ten (10) working days of receipt of notice of the petition.
- 10.10 The Board shall issue a written decision regarding all issues of alleged dispute mentioned in the petition, and the written decision shall be served on all the school districts listed as parties of dispute in the petition (via certified first class United States mail, return receipt requested) within twenty (20) working days of the Board's final decision.

- 10.11 Except for the procedures specifically set forth in Ark. Code Ann. § 6-18-206 and these rules, all hearings conducted by the Board shall be conducted pursuant to the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et. seq..

BRADLEY COUNTY									
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
0601000	HERMITAGE SCHOOL DISTRICT								
0602000	WARREN SCHOOL DISTRICT	Y	0.43%	0%	14.7%	26.50%	0%	0%	58.33%
County Percentages			0.59%	0%	34.49%	19.70%	0.20%	0.07%	44.96%
Acceptable Ranges			0.53%	0%	29.86%	21.23%	0.15%	0.05%	48.10%
			0.48% - 0.62%	0% - 0%	26.13% - 33.59%	18.63% - 23.95%	0.13% - 0.17%	0.04% - 0.06%	42.08% - 54.11%
CALHOUN COUNTY									
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
0701000	HAMPTON SCHOOL DISTRICT	Y	0%	0%	26.57%	5.39%	0.54%	0%	67.50%
County Percentages			0%	0%	26.57%	5.39%	0.54%	0%	67.50%
Acceptable Ranges			0% - 0%	0% - 0%	23.25% - 29.89%	4.71% - 6.06%	0.47% - 0.61%	0% - 0%	59.07% - 75.94%
CARROLL COUNTY									
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
0801000	BERRYVILLE SCHOOL DISTRICT	Y	0.16%	1.02%	0.05%	22.34%	0.54%	0.27%	75.63%
0802000	EUREKA SPRINGS SCHOOL DISTRICT	Y	0.31%	1.38%	0.46%	6.92%	0.62%	0%	90.31%
0803000	GREEN FOREST SCHOOL DISTRICT	Y	0%	1.16%	0.58%	37.40%	0%	0%	60.86%
County Percentages			0.13%	1.13%	0.30%	24.52%	0.38%	0.13%	73.41%
Acceptable Ranges			0.12% - 0.15%	0.99% - 1.27%	0.26% - 0.33%	21.46% - 27.59%	0.33% - 0.42%	0.12% - 0.15%	64.23% - 82.58%

LEA	District	Participant	NEWTON COUNTY						
			2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
5108000	DEER/MT. JUDSA SCHOOL DISTRICT	Y	5.23%	0.28%	0.55%	0%	5.23%	0%	88.71%
5109000	JASPER SCHOOL DISTRICT	Y	0%	0.33%	0.11%	0.78%	1%	0.33%	97.43%
County Percentages			1.51%	0.32%	0.28%	0.50%	2.22%	0.24%	94.92%
Acceptable Ranges			1.32% - 1.7%	0.28% - 0.36%	0.21% - 0.27%	0.49% - 0.63%	1.95% - 2.5%	0.21% - 0.27%	83.05% - 106.78%

#### QUACHITA COUNTY

LEA	District	Participant	2 or More Races	% K-12 Students						
				Asian	Black	Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White	
5201000	BEARDEN SCHOOL DISTRICT	Y	0.53%	0%	40.11%	2.14%	0.36%	0%	56.86%	
5204000	CAMDEN FAIRVIEW SCHOOL DIST.	Y	2.87%	0.57%	60.62%	1.72%	0%	0.16%	34.04%	
5205000	HARMONY GROVE SCHOOL DISTRICT	Y	0.78%	0.49%	23.48%	2.94%	0.10%	0%	72.31%	
5220000	SOUTH CENTRAL SERVICE CO-OP	N	0%	0%	0%	0%	0%	0%	0%	
5206000	STEPHENS SCHOOL DISTRICT	Y	0.56%	0.28%	86.20%	1.13%	0%	0%	11.83%	
County Percentages			1.50%	0.45%	51.39%	1.99%	0.07%	0.09%	44.10%	
Acceptable Ranges			1.66% - 2.13%	0.4% - 0.51%	44.57% - 57.82%	1.74% - 2.24%	0.06% - 0.08%	0.08% - 0.1%	38.59% - 49.62%	

#### PERRY COUNTY

LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students				
						Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White	
5301000	EAST END SCHOOL DISTRICT	Y	0.16%	0%	6.26%	2.35%	0.94%	0%	90.30%	
5303000	PERRYVILLE SCHOOL DISTRICT	Y	0.97%	0.19%	0.97%	1.46%	0.68%	0%	95.71%	
County Percentages			0.66%	0.12%	3%	1.80%	0.78%	0%	93.63%	
Acceptable Ranges			0.58% - 0.74%	0.11% - 0.14%	2.63% - 3.38%	1.58% - 2.03%	0.65% - 0.98%	0% - 0%	81.93% - 105.34%	

## **SBE HEARING PROCEDURES – SCHOOL CHOICE**

1. Introduction of Agenda Item by Arkansas Department of Education Staff
2. Witnesses are Sworn
3. Presentation by Petitioner
4. Presentation by Respondent
5. State Board Discussion
6. State Board Motion/Vote
7. Additional Items:

a. The Chairman of the Arkansas State Board of Education shall serve as the presiding officer for the hearing.

b. All members of the State Board of Education shall conduct themselves in an impartial manner and may at any time withdraw from the proceedings if they deem themselves disqualified.

c. The petitioner, as proponent of the order for reconsideration, will have the burden of proving each fact of consequence to the determination by a preponderance of the evidence.

d. Irrelevant, immaterial, and unduly repetitious evidence shall be excluded.

e. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs.

f. Objections to evidentiary offers may be made and shall be noted of record. When a hearing will be expedited and the interests of the parties will not be substantially prejudiced, any part of the evidence may be received in written form.

g. Parties shall have the right to conduct such cross examination of witnesses as may be required for a full and true disclosure of the facts.

h. Official notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties must be notified of material so noticed, including any staff memoranda or data, and shall be afforded a reasonable opportunity to show the contrary.

**ENCLOSURE 5**



# **PETITIONER SUBMISSIONS**

RECEIVED  
COMMISSIONER'S OFFICE

OCT 11 2011

10/5/11

Dr. Tom W. Kimbrell, Commissioner  
Arkansas Department of Education  
Four Capitol Mall, Room 304A  
Little Rock, AR 72201

DEPARTMENT OF EDUCATION

Dear Dr. Kimbrell,

I am writing this letter to appeal the decision of the Hampton School District for not releasing my children, Logan and Kacie Reede, to transfer to Harmony Grove School District based on the School Choice law.

We received approval for our school choice application on June 22, 2011. This letter stated that our two children, Logan and Kacie Reede, were approved to attend Harmony Grove School District. We enrolled our children and they began attending on August 15, 2011. We followed the instructions we were given by the State department to acquire a transfer based on School Choice from Hampton School District to Harmony Grove School District. We haven't received a letter denying us from Hampton School District as of today's date.

I had numerous discussions with Mr. Dillingham and his staff on the proper procedures. We also discussed the fact that with the "New" law that was taking effect on 7/1/2011, we could not be denied based on race. He told us that the 'New' law would begin and the old one would roll off. I have since spoken to Mr. Dillingham and he has denied saying that to me.

On Saturday, October 1, 2011, we received a letter reversing the approval decision based on the fact that my children are not of a minority race.

On Monday, 10/3/11, I contacted the ADE and spoke to numerous people including Mr. Howard, Mr. Dillingham, and Mr. Walters. My husband also spoke to Mr. Dillingham and was hung up on twice. Mr. Dillingham was very rude and raised his voice to me. I asked him not to be rude so that we could discuss the issues. I was told that Harmony Grove and I were in the wrong and not given any options by Mr. Dillingham other than to return my children to Hampton School District.

I told Mr. Howard that I wanted to appeal the decision to the State Board and he acted like he didn't know what the State Board was. He said "you can go to your school board or superintendent". He said he didn't know of a State Board.

I asked Mr. Howard how could they deny me based on race since that is what was changed in the law. He asked me what my ethnic group was and I told him white. I asked him if I was being denied because I was white and he said no, because of your ethnic group so I asked him what my ethnic group was and he said white. So I asked again am I being denied because I am white and he had no answer. Then he said that it would throw off the ratio's.

Hampton School District is in year 6 of school improvement for Elementary and year 8 of school improvement in High School. My children are in 6th grade and 8th grade so they have basically been in a failing school their whole school career. This is not preparing them for college.

I called Hampton School District and asked for a meeting with Mr. Cunningham. On Tuesday, 10/4/11, I went to Hampton School District to speak to him. I started off the conversation and asked him why he would not release my kids. He stated it was not a legal transfer and that we would throw off the ratio. I asked him why and he stated that it was the board policy not to grant legal transfers.

My kids have been attending Harmony Grove School District for 6 weeks. They are currently on week 7 at the time of this writing. Hampton School District never contacted us regarding our children being denied. So we assumed based on what Harmony Grove said that there were not problems. I asked Mr. Cunningham why he hadn't contacted us and he said he had contacted Harmony Grove. I began telling Mr. Cunningham the many reasons that I wanted my children to attend Harmony Grove School District.

Some of these reasons are the failing school system, students setting garbage cans on fire with no consequences, students destroying a teacher's room and hanging a desk from the ceiling and then the administration offering a pizza in exchange for telling who did it, students super gluing a teachers chair and when he sat in it he was stuck to it, our children playing cards in classrooms during the last 6 months of school last year, our children being made to move furniture and other items to the new school, hiring teachers that go nuts and run across the street to her house, lock the door and lay on the floor in the fetal position while the administration was pad locking her classroom door. This same teacher, Janine Blue, was the biology teacher so my son didn't have a biology teacher for the remainder of the year. His test scores show that as well.

As I was telling him these things, he said 'we can sit here and argue about this all day and I told him I wasn't arguing, I was letting him know why I didn't want my kids to attend this school. There is also the fact they there is not equal discipline in the school. Children are not punished in the same way for the same crime. My 8<sup>th</sup> grader went from an advanced on the benchmark test in 6th grade to a basic in 7th grade. That tells me that he wasn't taught what he should have been taught in order to pass the test. Mr. Cunningham disagreed with me. I asked Mr. Cunningham if he was only going after the 3 families that were attending Harmony Grove School District or all 40 that had left the district and he stated, "I would like to go after all 40".

Since it has been 7 weeks, I stated that he was not interested in my children's best interest or the fact that they would be 7 weeks behind in classes. He was only interested in the money he was losing for my children not being in the district.

I asked him how my neighbor who is white was a legal transfer and he said he didn't know. He said that anyone that had been going to Harmony Grove for a year 'he couldn't do anything about. It's unfortunate that I try to follow the rules and I am being made an example of. There many families in this area who attend Harmony Grove School District and are not made examples of.

I searched the Hampton School District for the School Board minutes for the 2011-2012 school year and none were found. I asked Stacy Nooner in the superintendent's office where to find them and she referred me to Ashley Turner. Ashley Turner said that Anita Harrod was supposed to put them on the website, but guessed that she hadn't done it yet. This was on Monday, 10/3/11. On Tuesday or Wednesday, 10/4 or 10/5 some of the school board minutes were posted.

As the conversation went on, I could tell he wasn't listening and wasn't going to discuss this issue any longer.

I stated I wanted a meeting with the School Board and he said, "it's not necessary". I asked him again for a meeting with the School Board and he said again, 'it's not necessary". I stated I don't think you understand, I want a meeting with the School Board and he finally told me to call Freddy Harrod to get on the agenda. I ended the meeting and walked out.

I called Brandon Evans who I believe is my School Board representative. He listened to my concerns, but said he wasn't familiar with the situation so he referred me to Freddy Harrod.

I called Freddy Harrod who immediately went on the defensive with me and was rude. He told me he knew of what I was referring and told me our kids were not released, but would need to talk to Mr. Cunningham. I asked him what a legal transfer was and he couldn't answer me. He kept referring me to Mr. Cunningham. I told Freddy Harrod that Mr. Cunningham had referred me to him and I wanted to meet with the School Board. Freddy Harrod told me he would call Mr. Cunningham and then call me back. Freddy Harrod called me back with an attitude and basically told me that 'it wasn't necessary for me to meet with the board'. I asked Freddy Harrod for a meeting with the board and he told me to contact Mr. Cunningham. I told him that Mr. Cunningham told me to contact him. I asked 3 times for a meeting with the school board and to get on the agenda and Freddy Harrod would not let me.

I asked him 3 times if he was denying me the right to speak to the board and each time he said no, but would not put me on the agenda. I asked Freddy Harrod what was a legal transfer and he said he would have to get back with me. I asked him when the policy went into effect on no legal transfers and he couldn't tell me. He told me I had to talk to

Mr. Cunningham. I asked him, wasn't it the school boards job to make sure that the superintendent was doing his job correctly and he stated yes. He still couldn't tell me when the policy went into effect.

Freddy Harrod basically hung up on me at this point. I then called to talk to Brenda Clark at the local newspaper. I proceeded to tell Brenda what had transpired since 10/1/11. She was horrified at what Hampton School was doing and how the superintendent and the school board president Freddy Harrod was responding to my concerns. During this time Mr. Harrod called back and left a message. I called Mr. Harrod back and he spoke in a calmer voice and said that I needed to go to Mr. Cunningham and fill out a form to request to be on the agenda. I told him that I was just with Mr. Cunningham and he didn't say anything about a form. Mr. Cunningham had just referred me to him. Mr. Harrod then told me that 'I don't get paid for this job'. Mr. Harrod ran for that office and position so he shouldn't complain about hearing my suggestions and complaints. I live 12 miles away from the school. If there was a form for me to fill out then Mr. Cunningham should have given me the form while I was there. I shouldn't have to drive back up to the school in order to get on the agenda to discuss my kids rights.

I feel I was treated unfairly by Mr. Cunningham, Freddy Harrod, Mr. Dillingham and Mr. Howard. None of these individuals were trying to address my concerns or help me resolve this issue. They were sending me in circles so as not to have to answer the questions.

I have been under very extreme stress since 10/1/11. No one seems to want to help us resolve this issue. The only ones that are getting hurt in this situation are our children and no one cares, but my husband and I.

By forcing my kids back to Hampton School District, you will be forcing them to attend a school that is failing. They do not offer advance classes. They haven't had an English department for many years. They didn't have a biology teacher last year. Mrs. Thomas, the speech teacher was run off and offered no support from the administrators. Many teachers have left and taken a pay cut in order to get to a better school.

There are obvious issues with this school district. The State came in last year and did an assessment. I'm sure that if those results were released to the public the public would want answers.

No child should be forced to attend a failing school. If a child wants a better education and the proper procedures are followed then that child should be released to attend a school that is not failing.

We are asking that you look into this matter and allow my children to get the education they deserve at the school of our and their choice.

Thank you.

Regards,

*Barry Reede*

Barry Reede

870-818-6211

*Susan L. Reede*

Susan Reede

870-918-2990

P.S. Just posted on Facebook by a Student at Hampton High School:

Chandler Riley

**Can't believe my Spanish teacher called me a idiot and made me go sit in the hall.**

**This is normal behavior for the teachers. They have no support from admin, they will talk to the student any way they choose and have no respect for the students. Students in turn have no respect for the teachers.**

**My 8<sup>th</sup> grader told me he loved his new school. I asked him why and he said "Mom, I can ask a question and the teacher doesn't make me feel stupid."**

**My 6<sup>th</sup> grader is reading lots of books this year. She told me "Mom, at Hampton no one likes to read, but at Harmony Grove everyone like to read."**

**Just a few examples of the difference a good education can get you. My kids will not get it at Hampton, but at Harmony Grove they will.**

**The administrators of Harmony Grove will work with parents, students and teachers to provide a positive learning experience. Harmony Grove is a great example of a school district that is following the guidelines and making learning fun.**

Attachments: Approval of Application letter from  
Harmony Grove  
Reversal letter

# Harmony Grove Public Schools

**Harmony Grove Campus**  
401 Ouachita Road 88  
Camden, Arkansas 71701  
Telephone (870) 574-0971  
Fax (870) 574-2765

Mr. Harold Davidson, Superintendent  
Mr. Joe Rogers, Jr., President  
Mr. Raymond Furlow, Vice-President  
Mr. Wayne Sharp, Secretary  
Mr. Todd Bearden, Member  
Mr. Marcus Ellis, Member  
Mr. Jeremy Givens, Member  
Mrs. Angel Pigott, Member

**Sparkman Campus**  
P. O. Box 37  
Sparkman, Arkansas 71763  
Telephone (870) 678-2243  
Fax (870) 678-2917

June 22, 2011

Barry and Susan Reede  
11680 Calhoun 287  
Camden, AR 71701

Dear Mr. and Mrs. Reede:

Your application for Logan Reede and Kacie Reede to attend Harmony Grove Schools under the public school choice program has been received and approved for the 2011 - 2012 school term. The elementary and high school will be notified of your approval.

Welcome to Harmony Grove Schools.

Sincerely,



Harold Davidson



# Harmony Grove Public Schools

**Harmony Grove Campus**  
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Camden, Arkansas 71701  
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Mr. Harold Davidson, Superintendent  
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Mr. Marcus Ellis, Member  
Mr. Jeremy Givens, Member  
Mrs. Angel Pigott, Member

**Sparkman Campus**  
P. O. Box 37  
Sparkman, Arkansas 71763  
Telephone (870) 678-2243  
Fax (870) 678-2917

September 30, 2011

Dear Parent of Kacie Reede:

I have been informed that I should not have approved school choice for the above named student to attend school in the Harmony Grove School District. After receiving correspondence from the Hampton School District stating that this student was not eligible for school choice and that the Arkansas Department of Education had been contacted to protest my decision, I contacted our school attorney to seek legal advice and clarification on the school choice laws. According to the advice I have been given, your above named student does not qualify to attend our school because he or she is not of a minority race.

Because we cannot be out of compliance with state and federal law, I am informing you that the above named student must withdraw from our school district immediately. Should you wish to discuss this matter, I suggest that you contact the administration of the resident school district or Mr. Oliver Dillingham at the Arkansas Department of Education at 501-682-1212.

I am sincerely sorry that your child may not attend our district without permission of the above named parties. You should make other arrangements for your child to attend school in either the district in which you reside or through other legal choices.

Sincerely,

*Harold Davidson*  
Harold Davidson

Cc: Mr. Walton Pigott, High School Principal  
Mrs. Jerri Courville, Elementary School Principal  
Mr. Jimmy Cunningham, Hampton School Superintendent  
Mr. Oliver Dillingham, Arkansas Department of Education



# Harmony Grove Public Schools

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Camden, Arkansas 71701  
Telephone (870) 574-0971  
Fax (870) 574-2765

Mr. Harold Davidson, Superintendent  
Mr. Joe Rogers, Jr., President  
Mr. Raymond Furlow, Vice President  
Mr. Wayne Sharp, Secretary  
Mr. Todd Bearden, Member  
Mr. Marcus Ellis, Member  
Mr. Jeremy Givens, Member  
Mrs. Angel Pigott, Member

**Sparkman Campus**  
P. O. Box 37  
Sparkman, Arkansas 71763  
Telephone (870) 678-2243  
Fax (870) 678-2917

September 30, 2011

Dear Parent of Logan Reede:

I have been informed that I should not have approved school choice for the above named student to attend school in the Harmony Grove School District. After receiving correspondence from the Hampton School District stating that this student was not eligible for school choice and that the Arkansas Department of Education had been contacted to protest my decision, I contacted our school attorney to seek legal advice and clarification on the school choice laws. According to the advice I have been given, your above named student does not qualify to attend our school because he or she is not of a minority race.

Because we cannot be out of compliance with state and federal law, I am informing you that the above named student must withdraw from our school district immediately. Should you wish to discuss this matter, I suggest that you contact the administration of the resident school district or Mr. Oliver Dillingham at the Arkansas Department of Education at 501-682-1212.

I am sincerely sorry that your child may not attend our district without permission of the above named parties. You should make other arrangements for your child to attend school in either the district in which you reside or through other legal choices.

Sincerely,



Harold Davidson

Cc: Mr. Walton Pigott, High School Principal  
Mrs. Jerri Courville, Elementary School Principal  
Mr. Jimmy Cunningham, Hampton School Superintendent  
Mr. Oliver Dillingham, Arkansas Department of Education

# **RESPONDENT SUBMISSIONS**

No information provided as of October 26, 2011

# **RESIDENT DISTRICT SUBMISSIONS**

# HAMPTON PUBLIC SCHOOLS

P.O. BOX 1177 - HAMPTON, AR 71744

JIMMY CUNNINGHAM, Superintendent  
CLARENCE JOHNSTON, High School Principal  
LILLIE RANDALL, Elementary Principal

President, RUDOLPH HARRIS, JR.

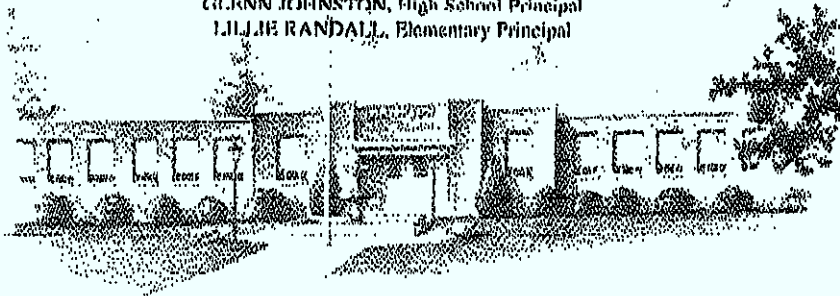
Vice President, GUS McRAE

Secretary, JAMES RAWLS

Board Member

JOHN R. THOMPSON

BRANDON EVANS



10/24/2011

State Board of Education  
Arkansas Department of Education  
#4 State Capitol Mall  
Little Rock, AR 72201-1071

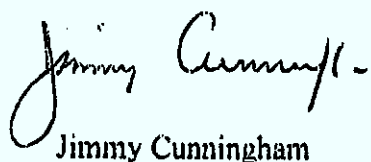
## Members of the State Board:

I am currently serving my third year as Superintendent of the Hampton School District. In July of 2008 I received a list of students that opted through School Choice to attend the Camden Harmony Grove School District. According to state law concerning eligibility Caucasian students from Hampton School District are not eligible to attend Camden Harmony Grove S.D. I contacted Mr. Harold Davidson, Superintendent of Camden Harmony Grove School District, by phone and informed him of this concern. None of these students were sent back to Hampton. In July of 2009 additional Caucasian students applied through School Choice to attend Camden Harmony Grove S.D. I again contacted Mr. Harold Davidson and also the parents (see attachment) and informed them that they were not eligible to attend Camden Harmony Grove S.D. None were returned. In July of 2010 another list of ineligible students filed School Choice with Camden Harmony Grove S.D. I wrote Mr. Harold Davidson a letter (see attachment) and also spoke several times on the phone with him informing him of the students being ineligible to attend Camden Harmony Grove S.D. He refused to send these students back. At that point I contacted Oliver Dillingham and Mark White at ADE. They both told me that Caucasian students from Hampton S.D. are not eligible to attend Camden Harmony Grove S.D. Mr. Harold Davidson said he would check through his attorney and finally agreed these students were not eligible to attend Camden Harmony Grove S.D. Mr. Harold Davidson contacted the parents of these students and informed them that they must return to Hampton S.D.

This is an unfortunate incident that should have been corrected in July of 2008. I regret this has happened to these parents and their kids, however, it is not the fault of the Hampton School District. We are just trying to uphold state law. I do understand that

appeals process for these parents by meeting with the State Board, but I have concerns that they will be allowed to degrade our school before the media when we are just trying to do what state law allows.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jimmy Cunningham".

Jimmy Cunningham

JC/at

July 20, 2011

Harmony Grove School District  
401 Ouachita 88  
Camden, AR 71701

Mr. Davidson,

Again, these students are not eligible to attend the Harmony Grove School District under the Freedom of Choice Law. Your consideration of the requirements are appreciated.

Sincerely,

  
Jimmy Cunningham

JC/at

**FILE COPY**

**MAILED**

7-20-11 LJ

# Harmony Grove

## Public Schools

**Harmony Grove Campus**  
401 Ouachita Road 88  
Camden, Arkansas 71701  
Telephone (870) 574-0971  
Fax (870) 574-2765

Mr. Harold Davidson, Superintendent  
Mr. Joe Rogers, Jr., President  
Mr. Raymond Furlow, Vice President  
Mr. Wayne Sharp, Secretary  
Mr. Todd Bearden, Member  
Mr. Marcus Ellis, Member  
Mr. Jeremy Givens, Member  
Mrs. Angel Pigott, Member

**Sparkman Campus**  
P. O. Box 37  
Sparkman, Arkansas 71763  
Telephone (870) 678-2243  
Fax (870) 678-2917

August 25, 2011

Mr. Jimmy Cunningham, Superintendent  
Hampton School District  
P. O. Box 1176  
Hampton, Arkansas 71744

Dear Mr. Cunningham:

In response to your inquiry about the following students, this is what I know.

Jacob Carter – 7<sup>th</sup> grader – Jacob lives in our district at 71 Calhoun 271, Camden, Arkansas with phone number 574-0919. I spoke to his mom today.

Nicholas Burrow – 8<sup>th</sup> grader – approved school choice

Trent Mason – 8<sup>th</sup> grader – approved school choice

Logan Reede – 8<sup>th</sup> grader – approved school choice

Kacie Reede – 6<sup>th</sup> grader – approved school choice

The students were accepted under school choice, Act 1124 of 2011 which states that school choice options are not subject to the race restrictions of the school choice law. We are not involved in any sort of federal desegregation court order applicable to our two districts.

Sincerely,

*Harold Davidson*  
Harold Davidson

*Anna Davis*  
Clerk  
8-27-11



**ARK. CODE ANN. § 6-18-206**

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A.C.A. § 6-18-206 (Copy w/ Cite)

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A.C.A. § 6-18-206

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\*\*\* CURRENT THROUGH THE 2011 REGULAR SESSION AND UPDATES \*\*\*  
\*\*\* FROM THE ARKANSAS CODE REVISION COMMISSION THROUGH \*\*\*  
\*\*\* JUNE 2, 2011 \*\*\*

Title 6 Education  
Subtitle 2. Elementary And Secondary Education Generally  
Chapter 18 Students  
Subchapter 2 -- Attendance

A.C.A. § 6-18-206 (2011)

**6-18-206. Public school choice.**

**(a) (1)** This section may be referred to and cited as the "Arkansas Public School Choice Act of 1989".

**(2)** The General Assembly finds that the students in Arkansas's public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students will stay in school and that other, more motivated students will find their full academic potential.

**(3)** The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

**(4)** The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which the student resides, provided that the transfer by this student would not adversely affect the desegregation of either district.

**(5)** A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in this section.

**(b) (1) (A)** Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on a form approved by the Department of Education to the nonresident district by submitting the application to the superintendent of the school district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.

**(B) (i)** Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, the superintendent of the nonresident district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.

**(ii)** If the application is rejected, the superintendent of the nonresident district must state in the notification letter the reason for rejection.

**(iii)** If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

**(a)** An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and

**(b)** Any instructions for the renewal procedures established by the district.

**(iv) (a)** Any student who accepts a school choice transfer may return to his or her resident district during the course of the school year.

**(b)** If a transferred student returns to his or her resident district during the school year, the student's transfer is voided, and the student shall reapply for any future transfer.

**(2) (A)** The school board of directors of every public school district must adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Nothing in this section requires a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law. Standards shall include a statement that priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the district by choice. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another district may be included pursuant to § 6-18-510.

**(B) (i)** Any student who applies for a transfer under this section and is denied a transfer by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

**(ii)** A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after notice of rejection of the application under subdivision (b)(1)(B) of this section is received by the student.

**(3)** Each school district shall participate in public school choice consistent with this section.

**(c)** The responsibility for transportation of a student from the student's resident school district to a nonresident school district shall be borne by the student or the student's parents. The nonresident school district may enter into a written agreement with the student, the student's parents, or the resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.

**(d) (1)** A nonresident district shall accept credits toward graduation that were awarded by another district.

**(2)** The nonresident district shall award a diploma to a nonresident student if the student meets the nonresident district's graduation requirements.

**(e)** For purposes of determining a school district's state equalization aid, the nonresident student shall be counted as a part of the average daily membership of the district to which the

student has transferred.

**(f)** The provisions of this section and all student choice options created in this section are subject to the following limitations:

**(1)** No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district except in the circumstances set forth in subdivisions (f)(2) and (3) of this section;

**(2) (A)** A transfer to a district is exempt from the restriction set forth in subdivision (f)(1) of this section if the transfer is between two (2) districts within a county and if the minority percentage in the student's race and majority percentages of school enrollment in both the resident and nonresident district remain within an acceptable range of the county's overall minority percentage in the student's race and majority percentages of school population as set forth by the department.

**(B) (i)** By the filing deadline each year, the department shall compute the minority percentage in the student's race and majority percentages of each county's public school population from the October Annual School Report and shall then compute the acceptable range of variance from those percentages for school districts within each county.

**(ii) (a)** In establishing the acceptable range of variance, the department is directed to use the remedial guideline established in Little Rock School District v. Pulaski County Special School District of allowing an overrepresentation or underrepresentation of black or white students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance.

**(b)** In establishing the acceptable range of variance for school choice, the department is directed to use the remedial guideline of allowing an overrepresentation or underrepresentation of minority or majority students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance;

**(3)** A transfer is exempt from the restriction set forth in subdivision (f)(1) of this section if each school district affected by the transfer does not have a critical mass of minority percentage in the student's race of more than ten percent (10%) of any single race;

**(4)** In any instance in which the provisions of this subsection would result in a conflict with a desegregation court order or a district's court-approved desegregation plan, the terms of the order or plan shall govern;

**(5)** The department shall adopt appropriate rules and regulations to implement the provisions of this section; and

**(6)** The department shall monitor school districts for compliance with this section.

**(g)** The state board shall be authorized to resolve disputes arising under subsections (b)-(f) of this section.

**(h)** The superintendent of the district shall cause public announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.

**(i) (1)** All superintendents of school districts shall report to the Equity Assistance Center on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.

(2) The reports may be on those forms that are prescribed by the department, or the data may be submitted electronically by the district using a format authorized by the department.

(3) The department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the Equity Assistance Center so long as thirty (30) calendar days are given between the request for the information and the published deadline except when the request comes from a member or committee of the General Assembly.

(4) A copy of the report shall be provided to the Joint Interim Oversight Committee on Educational Reform.

(j) (1) The department shall develop a proposed set of rules as it determines is necessary or desirable to amend the provisions of this section.

(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.

**HISTORY:** Acts 1989, No. 609, §§ 1-13; 1991, No. 214, § 1; 1991, No. 284, §§ 1-3; 1993, No. 655, § 1; 1995, No. 109, § 1; 1997, No. 112, § 10; 1999, No. 391, § 10; 1999, No. 1241, § 1; 2001, No. 1788, § 1; 2003, No. 1272, § 1; 2003 (2nd Ex. Sess.), No. 110, § 1; 2005, No. 2148, § 1; 2007, No. 552, § 1.

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# ADE RULES

ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING THE GUIDELINES, PROCEDURES, AND ENFORCEMENT OF THE  
ARKANSAS PUBLIC SCHOOL CHOICE ACT  
October 2007

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education's authority for promulgating these rules is pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-429, 6-18-206 and Act 552 of 2007.

3.00 DEFINITIONS

- 3.01 Student – for purposes of this rule means any person legally enrolled or entitled to be enrolled in a public school district in Arkansas.
- 3.02 Resident district - for purposes of this rule means the public school district where a student is considered to reside pursuant to Ark. Code Ann. § 6-18-202.
- 3.03 Non-resident district - for purposes of this rule means the public school district a student last made legal application to attend pursuant to the Arkansas Public School Choice Act for the current school year.
- 3.04 Application - for purposes of this rule means a request submitted to a non-resident district to transfer from a student's resident district to a non-resident district on the official form approved by the Arkansas Department of Education.
- 3.05 Board - for purposes of this rule means the Arkansas State Board of Education.
- 3.06 Department - for purposes of this rule means the Arkansas Department of Education.
- 3.07 Minority - for purposes of this rule minority includes the following racial groups: African American, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native.
- 3.08 Majority - for purposes of this rule majority includes the following racial group: Caucasian.

4.00 PROCESS AND PROCEDURES FOR SCHOOL DISTRICT PARTICIPATION IN PUBLIC SCHOOL CHOICE PROGRAM

- 4.01 Each school district shall participate in public school choice consistent with this section.

- 4.02 Every school district must adopt a resolution setting forth specific standards for acceptance and rejection of applications.
- 4.02.1 Such standards may include the capacity of a school program, class, grade level, or school building.
- 4.02.2 School districts shall not be required to add teachers, staff, or classrooms or in any way exceed current requirements or standards established by existing law when considering whether to accept an application.
- 4.02.3 A school district's standards shall include a statement that priority will be given to applications of siblings or step-siblings residing in the same residence or household of students already attending the district by choice where an application has been filed.
- 4.02.4 A school district's standards for acceptance and rejection of applications shall not include a student's previous academic achievement, athletic or extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another school district may be included as a standard.
- 4.03 A district shall make public announcements over the broadcast media and in print media at such times and in such manner so as to inform parents or guardians of students in adjoining districts of the availability of the program, the July 1 application deadline, and the requirements and procedure for nonresident students to participate in the program.

5.00 PROCESS AND PROCEDURES FOR APPLICATIONS FOR TRANSFER  
PURSUANT TO THE PUBLIC SCHOOL CHOICE PROGRAM

- 5.01 Any student may make application to enroll and attend a school in a district in which the student does not reside, subject to the restrictions and procedures contained in this rule and regulation and Arkansas law.
- 5.01.1 Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on the form approved by and provided by the Department (see attached application) to the nonresident district.
- 5.01.2 The application to the nonresident district must be postmarked no later than July 1 of the year the student would begin the fall semester in the nonresident school district.
- 5.02 Any student attending a resident district classified as being in academic distress shall be eligible and entitled to apply to transfer to another geographically contiguous nonresident district not in academic distress during the time period a district is classified as being in academic distress subject to the restrictions allowed in 5.02.1 and 8.00.



- 5.02.1 Any student submitting an application under this section shall not be required to file the petition by the July 1 deadline, but shall meet all other requirements and conditions of this rule.
- 5.03 Within thirty (30) days of receipt of an application for public school choice transfer from a nonresident student, the nonresident district shall notify the parent or guardian and the resident district in writing (via first class United States mail) as to whether the nonresident district accepted or rejected the student's application.
- 5.03.1 If the application is rejected, the nonresident district must state in the notification letter the specific reasons for rejection.
- 5.03.2 If the application is accepted, the nonresident district shall state in the notification letter:
- a. An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and
  - b. Any instructions for the renewal procedures established by the district.
- 5.04 Any student who accepts a school choice transfer may return to his or her school district during the course of the school year.
- 5.04.1 If a transferred student returns to his or her resident district during the school year, the student's transfer is voided and the student shall reapply for any future transfer.
- 5.05 Any student that submitted a valid application for transfer, which was denied a transfer by the nonresident district, may petition the Board to reconsider the application for transfer. The petitioning party shall set forth its arguments and evidence supporting the request for the Board's reconsideration of the application along with a copy of the nonresident district's notification of rejection letter.
- 5.05.1 The petition for reconsideration before the Board shall be in writing and shall be postmarked (via certified first class United States mail, return receipt requested) no later than ten (10) days after the student or student's parents or guardian receives notice of rejection from the nonresident district. Any request for a hearing before the Board must be made in the petition for reconsideration.
- 5.05.2 The petitioning party must mail or personally file their petition for reconsideration of the application to the nonresident district with the Office of the Director of the Department.
- 5.05.3 The nonresident district may submit in writing additional information, evidence or arguments supporting its rejection of the student's application.

- 5.05.4 The Board, at its sole discretion, may grant a public hearing on the petition for reconsideration or consider without a public hearing the petition, briefs and evidence submitted in writing before issuing its final decision on the petition for reconsideration of the application.
- 5.05.5 The Board may require the nonresident district to reconsider its rejection of the student application by a date established by the Board before deciding whether to grant the petition for reconsideration of the application.
- 5.05.6 The Board, at its discretion, shall have the authority to require any person associated with the student application (i.e. student, parent, guardian, etc.), the nonresident district or the resident district to appear in person or by pleading before the Board as a witness on the matter of a petition for reconsideration of an application.

6.00 TRANSPORTATION OF STUDENTS IN PUBLIC SCHOOL CHOICE PROGRAM

- 6.01 Transportation of a student from the resident district to a nonresident district is the responsibility of the student or the student's parents or guardians.
  - 6.01.1 When a student transfers under section 5.02, the cost of transportation of a student from the resident district to the nonresident district shall be the responsibility of the resident district.
- 6.02 The nonresident district may enter into a written agreement with the student, student's parents or guardians, or resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.
- 6.03 A nonresident district shall terminate transportation services to a student upon receipt of written notice (via certified first class United States mail, return receipt requested) from the Department to cease and desist transporting a student from the student's resident district.

7.00 NONRESIDENT DISTRICT'S RESPONSIBILITIES

- 7.01 The nonresident district shall accept all credits toward graduation of a student that were awarded by another district.
- 7.02 The nonresident district shall award a diploma to a nonresident student accepted for transfer under the Public School Choice Program if that student meets the nonresident district's graduation requirements.
- 7.03 The nonresident student accepted for transfer under the Public School Choice Program shall be counted as a part of the average daily membership of the nonresident district to which the student transferred.

**8.00 PROVISIONS FOR AND LIMITATIONS ON PUBLIC SCHOOL CHOICE TRANSFERS**

- 8.01** No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district, except as provided in 8.01.1 and 8.01.2.
- 8.01.1** A transfer is permitted if (1) the transfer is between districts within the same county; and (2) if the transfer does not result in either district exceeding the acceptable range of variance for representation of minority/majority students. The acceptable range of variance is determined as provided in Section 8.02, or
- 8.01.2** A transfer is permitted if each school district affected by the transfer does not have a critical mass of minority percentages of more than ten percent (10%) of any single.
- 8.02** The Department shall each year compute the minority/majority racial percentage(s) of the public school population for each county from the October Annual School Report. School districts may vary in the under-representation or over-representation of minority/majority students by a maximum of twenty-five percent (25%) of the difference in majority/minority percentages for the county as determined by the Department. For example, when the Department has calculated the county's racial balance for each student race category, each district is allowed an over-representation or under-representation of minority or majority students of a range of up to twenty-five (25%) of the county's racial balance.
- 8.03** No student transfer shall be permitted under the Public School Choice Program when such a transfer would conflict with a district's desegregation court order or a district's court-approved desegregation plan.

**9.00 REPORTING AND MONITORING OBLIGATIONS**

- 9.01** The Department shall monitor school districts for compliance with the Public School Choice law (Ark. Code Ann. § 6-18-206) and these rules.
- 9.02** Each school district shall provide to the Department, within thirty (30) working days of receipt of a written request from the Department, any information or reports the Department deems necessary for review and determination of the school district's compliance with the Public School Choice law and these rules.
- 9.03** All school districts shall report to the Equity Assistance Center of the Department on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.
- 9.04** The reports may be on those forms that are prescribed by the Department, or the data may be submitted electronically by the district using a format authorized by the Department.
- 9.05** The Department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published

deadline requested from school districts by the Equity Assistance Center, so long as thirty (30) calendar days are given between the request for the information and the published deadline, except when the request comes from a member or committee of the General Assembly.

#### 10.00 DISPUTES

- 10.01 Any school district may petition the State Board of Education to resolve alleged disputes arising under subsections (b) – (f) of Ark. Code Ann. § 6-18-206.
- 10.02 Any school district seeking to petition the State Board of Education must submit with its petition proof of public notice of the district's intent to petition the State Board. The public notice shall be published at least once per week for two consecutive weeks in a newspaper of general circulation in all the school districts impacted or involved in the alleged dispute.
- 10.03 The school district shall file its written petition with the Office of the Director of the Department at least thirty (30) working days prior to the State Board of Education meeting where the petition will be heard.
- 10.04 The school district shall provide proof in the petition that they have served (via certified first class United States mail, return receipt requested) a copy of their petition to the superintendent of all other school districts involved in the alleged dispute.
- 10.05 The petition shall set forth in writing the particular issues of dispute under the Public School Choice Program, the specific relief for which the petitioning party is requesting the Board to address, and shall list all school districts and other relevant parties in the dispute.
- 10.06 The petition shall set forth what efforts have been attempted by all relevant school boards and superintendents of the involved school districts to resolve the alleged dispute.
- 10.07 The petition shall state in writing whether the petitioning school district requests a hearing before the Board.
- 10.08 The Board, in its sole discretion, shall determine whether to grant a public hearing on a petition or to take action on the petition and pleadings submitted without granting a public hearing.
- 10.09 Any school district that is listed as a party in a petition to resolve a dispute shall file a written response with the Office of the Director of the Department. The written response shall be submitted for the Board's consideration along with the petition within ten (10) working days of receipt of notice of the petition.
- 10.10 The Board shall issue a written decision regarding all issues of alleged dispute mentioned in the petition, and the written decision shall be served on all the school districts listed as parties of dispute in the petition (via certified first class United States mail, return receipt requested) within twenty (20) working days of the Board's final decision.

- 10.11 Except for the procedures specifically set forth in Ark. Code Ann. § 6-18-206 and these rules, all hearings conducted by the Board shall be conducted pursuant to the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et. seq..

# **ELIGIBILITY REPORT EXCERPTS**

BRADLEY COUNTY									
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
0601000	HERMITAGE SCHOOL DISTRICT	Y	0.43%	0%	14.74%	26.50%	0%	0%	58.33%
0602000	WARREN SCHOOL DISTRICT	Y	0.59%	0%	34.43%	19.70%	0.20%	0.07%	44.96%
County Percentages			0.55%	0%	29.86%	21.29%	0.15%	0.05%	48.10%
Acceptable Ranges			0.48% - 0.62%	0% - 0%	26.13% - 33.59%	18.63% - 23.55%	0.13% - 0.17%	0.04% - 0.06%	42.08% - 54.11%
GALHOUN COUNTY									
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
0701000	HAMPTON SCHOOL DISTRICT	Y	0%	0%	26.57%	5.39%	0.54%	0%	67.50%
County Percentages			0%	0%	26.57%	5.39%	0.54%	0%	67.50%
Acceptable Ranges			0% - 0%	0% - 0%	23.25% - 29.89%	4.71% - 6.06%	0.47% - 0.61%	0% - 0%	59.07% - 75.94%
CARROLL COUNTY									
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
0801000	BERRYVILLE SCHOOL DISTRICT	Y	0.16%	1.07%	0.05%	22.34%	0.54%	0.27%	75.63%
0802000	EUREKA SPRINGS SCHOOL DISTRICT	Y	0.31%	1.38%	0.46%	6.92%	0.62%	0%	50.31%
0803000	GREEN FOREST SCHOOL DISTRICT	Y	0%	1.16%	0.58%	37.40%	0%	0%	60.66%
County Percentages			0.13%	1.13%	0.30%	24.52%	0.38%	0.13%	73.41%
Acceptable Ranges			0.12% - 0.15%	0.99% - 1.27%	0.26% - 0.33%	21.46% - 27.59%	0.33% - 0.42%	0.12% - 0.15%	64.23% - 82.58%

		NEWTON COUNTY							
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
5106000	DEER/MT. JUDEA SCHOOL DISTRICT	Y	5.23%	0.28%	0.55%	0%	5.23%	0%	88.71%
5102000	JASPER SCHOOL DISTRICT	Y	0%	0.33%	0.11%	0.78%	1%	0.33%	97.43%
County Percentages			1.51%	0.32%	0.24%	0.58%	2.22%	0.24%	94.92%
Acceptable Ranges			1.32% - 1.7%	0.28% - 0.36%	0.21% - 0.27%	0.49% - 0.63%	1.95% - 2.5%	0.21% - 0.27%	83.05% - 106.76%

		QUACHITA COUNTY							
LEA	District	Participant	2 or More Races	Asian	Black	% K-12 Students			
						Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
5201000	BEARDEN SCHOOL DISTRICT	Y	0.53%	0%	40.11%	2.14%	0.36%	0%	56.86%
5204000	CAMDEN FAIRVIEW SCHOOL DIST.	Y	2.87%	0.57%	60.62%	1.72%	0%	0.16%	34.04%
5205000	HARDWAY GROVE SCHOOL DISTRICT	Y	0.78%	0.49%	23.48%	2.84%	0.10%	0%	72.31%
5220000	SOUTH CENTRAL SERVICE CO-OP	N	0%	0%	0%	0%	0%	0%	0%
5206000	STEPHENS SCHOOL DISTRICT	Y	0.56%	0.28%	86.20%	1.13%	0%	0%	11.83%
County Percentages			1.50%	0.46%	51.39%	1.99%	0.07%	0.09%	44.10%
Acceptable Ranges			1.66% - 2.13%	0.4% - 0.51%	44.97% - 57.82%	1.74% - 2.24%	0.06% - 0.08%	0.08% - 0.1%	38.59% - 49.62%

LEA		District	Participant	PERRY COUNTY						
				2 or More Races	Asian	Black	% K-12 Students			
							Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
5301000	EAST END SCHOOL DISTRICT	Y	0.16%	0%	6.26%	2.35%		0.94%	0%	90.30%
5303000	PERRYVILLE SCHOOL DISTRICT	Y	0.97%	0.19%	0.97%	1.46%	0.68%	0.78%	0%	95.71%
County Percentages			0.66%	0.12%	3%	1.80%				93.63%
Acceptable Ranges			0.58% - 0.74%	0.11% - 0.14%	2.63% - 3.38%	1.58% - 2.03%	0.68% - 0.88%	0% - 0%		81.93% - 105.34%



**Armored School District**  
**LEA # 4701**  
**Mississippi County**

**Classified in Fiscal Distress**

May 10, 2010

**Fiscal Distress Indicators and Additional Concerns:**

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

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>Michael Hunter</b>	<b>Michael Hunter</b>	<b>Michael Hunter</b>	<b>Bruce Young</b>
4 QTR ADM	453	450	448	454
Assessment	100,973,075	95,320,607	119,159,381	118,626,131
Total Mills	36.00	36.00	39.00	39.00
Total Debt Bond/Non Bond	4,576,314	4,395,000	5,020,000	4,810,000
Per Pupil Expenditures	8,572	10,072	9,782	n/a
Personnel-Non-Fed Certified FTE	43.02	47.44	49.56	n/a
Personnel-Non-Fed Certified Clsrm FTE	40.02	44.44	46.56	n/a
Avg Salary-Non-Fed Cert Clsrm FTE	38,221	40,630	37,622	n/a
Avg Salary-Non-Fed Cert FTE	40,495	42,662	39,892	n/a
Net Legal Balance (Excl Cat & QZAB)	1,118,635	361,606	**1,126,322	1,166,657

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

\*\*2009-10 net legal balance includes \$750,000 cash flow loan. The loan was repaid on 12/7/10 during the 10/11 school

Total Debt includes Bonded and Non-bonded filed with ADE.

Data Source: Annual Statistical Reports (ASR) and State Aid Notice for school district.

**District Actions**

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2010-11**

- Eliminated a portion of employee benefits above the state minimum
- Reduced certified staff by 2.5 positions
- Reduced one Classified employee through attrition
- Utilize bond proceeds for a portion of technology needs
- Use excess bond money for Maintenance and Repairs
- Monitor expenditures
- Reduced employee travel expenditures
- Reduced travel by eliminating athletic and school field trips
- Eliminated Dean of Students stipend
- Reduced mileage reimbursement rate to state rate

**Armored School District**

**LEA # 4701**

**Mississippi County**

**Comments:**

The District was classified in Fiscal Distress on May 10, 2010. The 2011-12 school year will complete the second full year of fiscal distress.

The district obtained a \$750,000 cash flow loan in June 2010. This loan was repaid on December 7, 2010.



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell  
Commissioner

October 18, 2011

**State Board  
of Education**

Dr. Naccaman Williams  
Springdale  
Chair

Dr. Ben Mays  
Clinton  
Vice Chair

Sherry Burrow  
Jonesboro

Jim Cooper  
Melbourne

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Little Rock

Alice Mahony  
El Dorado

Toyce Newton  
Crossett

Vicki Saviers  
Little Rock

Mr. Bruce Young, Superintendent  
Armored School District  
P. O. Box 99  
Armored, Arkansas 72310

Dear Mr. Young:

This letter is to certify that the Armored School District has completed all activities and strategies as outlined in the District's Fiscal Distress Improvement Plan. The District has also complied with all department recommendations and requirements for removal from Fiscal Distress. The District may now petition the State Board for removal from Fiscal Distress status. The petition should be sent to Ms. Hazel Burnett at the address provided below. The petition will be presented to the State Board at the November 14, 2011 meeting. Arkansas Department of Education will recommend the Armored School District be removed from Fiscal Distress effective November 14, 2011. Please plan to attend this meeting and be prepared to answer any questions the State Board may have concerning your District and its programs.

We congratulate the Armored School District and encourage continued diligence to sustain this improvement.

Sincerely,

Hazel Burnett, ADE Coordinator  
Fiscal Distress Accountability and Reporting  
Four Capitol Mall, Room 105-C  
Little Rock, AR 72201

HB:ddm

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

cc: Dr. Tom Kimbrell, Commissioner  
Mr. Tony Wood, Deputy Commissioner  
Mr. John Kunkel, Associate Director for Agency Finance

# Armored School District

## Board of Directors

Susan Hughes, President  
Marcus Kortan, Vice-President  
John Schmalzried  
Jeff Hopper  
Jason Pruett

P. O. Box 99  
Armored, AR 72310



Superintendent  
Mr. Bruce Young

Phone: (870) 763-6639  
Fax: (870) 763-0028

October 19, 2010

**RECEIVED**

OCT 24 2011

FINANCIAL ACCOUNTABILITY  
& REPORTING

Dr. Tom Kimbrell, Commissioner  
Arkansas Department of Education  
Four Capitol Mall, Room 304-A  
Little Rock, Arkansas 72201

Dear Dr. Kimbrell and the Arkansas State Board of Education:

On behalf of the Armored School District and its board, I respectfully request that the Armored School District be removed from "fiscal distress" status.

In mid July of 2010, I was employed as Superintendent. The administration and staff have worked as a team to improve our financial situation. Some of our objectives accomplished were as follows:

- reduction in staff due to reduction in force and resignation
- more oversight before spending school funds
- limited mileage reimbursement
- limited school trips
- since the district is primarily financed by local taxes, we were fortunate to have a considerable increase in collections
- maintained consistent purchase order system
- no salary increases other than bonus mandated through federal funds
- had strong ending balance for 2010-2011
- have a projected balance increase for 2011-2012
- increase in assessed valuation

The teamwork shown by our staff has been impressive. The pride in the district has been maintained due to a common goal of seeing our financial status improve.

We appreciate the encouragement and oversight we have received from the Department of Education. We want to thank Ms. Hazel Burnett and her staff for being understanding and helpful.

The community pride in the school district is unusual.

Sincerely,

*G. Bruce Young*

G. Bruce Young  
Armored School District  
Superintendent

BY/cl

**Arkansas Department of Education  
Armored School District  
General Operating Funds  
Summary**

FY11 as of June 30, 2011			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2011</u>
1,113,863	4,609,105	4,564,120	1,158,848
(Includes \$750,000 Cash Flow Loan)	(Included repayment of \$750,000 Cash Flow Loan on 12/7/10)		
FY10 as of June 30, 2010			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2010</u>
357,815	5,783,016	5,026,967	1,113,863
(included \$750,000 Cash Flow Loan Proceeds)	(Includes \$750,000 Cash Flow Loan)		
FY09 as of June 30, 2009			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Balance as of <u>6/30/2009</u>
1,118,635	3,875,342	4,636,162	357,815

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

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

**General Operating Funds:**

**1000,1217,1218,1244,1246,2000,2001,2004,2005,2006,2007,2008,2101,2211,2217,2218,2230,2234,2240,2244,2246,2250,2265,2271,2290,2295,2340,2345,2390,2392,2393,2580,4000,4002**

		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
<b>Revenue:</b>					
11110	Property Taxes Current	1,991,118	1,575,880	2,296,061	720,181
11115	Prop Tax Relief-Sales Tax	15,721	18,152	41,314	23,162
11120	Property Tax 40%	863,626	1,286,921	1,281,162	(5,759)
11125	Property Tax Rel. 40%	89,581	0	0	0
11140	Property Tax Delinquent	203,177	615,041	72,498	(542,544)
11150	Excess Commission	65,521	42,978	81,409	38,431
11160	Land Redemption	41,369	33,612	98,719	65,107
11400	Penalties/Interest on Tax	0	319	0	(319)
12800	In Lieu of Tax	71,644	0	0	0
12900	Other local -non lea revenue	75,235	83,032	75,281	(7,752)
13260	Tuition Pre-K	28,178	24,431	30,919	6,488
15100	Interest on Investments	33,151	39,324	43,945	4,621
17400	Pupil Fees-Lockers/Fines	0	138	75	(63)
19110	16th Section land Rent	59,714	76,943	42,674	(34,269)
19130	LEA Bldgs & Facilities	3,250	5,600	6,700	1,100
19200	Private Contributions	2,500	10,060	12,025	1,965
19800	Refunds of Prior Yr Expense	518	790	200	(590)
19900	Misc Revenue from Local Sources	15,687	107,253	31,218	(76,035)
31101	State Foundation Funding	162,470	326,324	0	(326,324)
31102	Enhanced Educational Fund	39,620	15,776	0	(15,776)
31103	98% Tax Collection Rate GTD	82,142	0	0	0
31450	Student Growth	0	0	45,700	45,700
31460	Declining Enrollment	0	13,729	0	(13,729)
31620	Supp Millage Incentive	0	0	0	0
31900	Other	0	700	0	(700)
32227	College Prep Enrich Pgm	0	0	0	0
32232	District with High Gains	0	7,965	0	(7,965)
32250	Mentoring Program	1,976	0	13,895	13,895
32251	Child Wellness Interv. PR	0	0	0	0
32260	Act 799 of 2003 Game/Fish	0	0	0	0
32290	Oth Grants/Aid State	0	0	0	0
32310	Hand Child-Supv/Extend Yr	4,770	6,909	1,834	(5,075)
32314	Sp Ed Extended School Year	0	0	888	888
32330	Non Hand Resid Treatment	0	0	0	0
32340	Hand Resident Treatment	0	0	0	0
32355	Early Child Pilot Parent	24,373	31,786	65,232	33,446
32361	G/T Advanced Placement	0	300	100	(200)
51400	Current Loans	0	750,000	0	(750,000)
51900	Noncash Receipt	0	16,000	0	(16,000)
52300	Transfer from Building Fund	0	693,052	367,257	(325,795)
52600	Transfer from Federal Grants	0	0	0	0
52800	Transfer from Food Service	0	0	0	0
52900	Indirect Cost	0	0	0	0
53100	Sale of Equipment	0	0	0	0
53400	Compen-Loss Fixed Assets	0	0	0	0
	<b>Total Revenue</b>	<b>3,875,342</b>	<b>5,783,016</b>	<b>4,609,105</b>	<b>(1,173,911)</b>

Arkansas Department of Education  
Armored School District  
General Operating Funds  
Expenditures

General Operating Funds:					
1000,1217,1218,1244,1246,2000,2001,2004,2005,2006,2007,2008,2101,2211,2217,2218,2230,2234,2240,2244,2246,2250,2265,2271,2290,2295,2340,2345,2390,2392,2393,2580,4000,4002					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
60000-62999	Salaries & Benefits	3,169,785	3,215,311	2,857,567	(357,743)
Other:					
63000	Purch Svs-Prof & Technical	0	0	0	0
63120	Management Services	0	250	0	(250)
63130	Board of Ed Services	0	0	0	0
63210	Pur Svcs-Inst-Prof/Tech	9,671	2,680	0	(2,680)
63220	Subs Pur Svcs	0	0	0	0
63230	Consulting - Educational	2,200	0	0	0
63310	Emp train/Dev-Cert	0	0	0	0
63320	Emp train/Dev-CL	0	0	0	0
63410	Data Processing Services	0	0	0	0
63430	Accounting	0	0	0	0
63440	Legal	0	0	0	0
63444	Contract Prep/Rev	0	0	0	0
63445	Legal-Research/Opinions	0	0	0	0
63450	Medical	0	0	0	0
63470	Architectural	0	0	0	0
63490	Other Professional Services	2,981	40,664	42,295	1,631
63590	Other Technical Services	0	0	0	0
63900	Other Purc Prof Tech Serv	4,929	3,140	3,165	25
64110	Water/Sewer	6,454	2,960	3,154	194
64210	Disposal/Sanitation	6,742	6,600	6,653	53
64230	Custodial	4,863	0	0	0
64310	Non-Tech Repairs/Maint	5,417	20,290	16,349	(3,942)
64320	Equipment & Vehicles	14,522	17,159	3,008	(14,151)
64410	Land & Bldgs	0	0	0	0
64420	Equip & Vehicles	1,464	4,334	12,593	8,259
64500	Construction Services	18,187	112,904	0	(112,904)
64900	Other Purc Property Services	0	0	0	0
65210	Property Insurance	63,433	600	30,306	29,706
65220	Liability Insurance	0	0	0	0
65240	Fleet Insurance	0	0	0	0
65250	Accident Ins for Students	10,646	0	4,646	4,646
65290	Other Insurance	0	289	0	(289)
65310	Telephone	11,520	2,916	13,518	10,602
65320	Postage	1,998	2,017	1,708	(309)
65400	Advertising	2,103	4,689	2,610	(2,079)
65610	To LEA's within State	11,554	1,138	0	(1,138)
65800	Travel Expenses	0	0	0	0
65810	Travel-CE In Dist	0	0	0	0
65820	Trvl CLS In District	0	0	0	0
65830	Trvl Cert-Out of District	12,818	5,911	437	(5,474)
65840	Trvl CIS Out District	2,998	1,789	1,042	(747)
65870	Travel Non-Employee	72	0	0	0
65880	Meals	5,393	2,128	2,564	436
65890	Lodging	15,839	9,266	8,824	(443)
65910	Svc Locally Purchased	15,241	5,844	6,028	184
66100	General Supplies	196,275	136,495	131,451	(5,044)
66101	Sup&Mat/Unit Maint	0	0	0	0
66107	Equip Un 1000	0	0	0	0
66120	Uniforms/Accessories	0	0	0	0
66150	Art Sup/Materials	0	0	0	0
66170	Veh-Sup/Materials	0	0	0	0
66180	Bldg/Grnd-S&M Supp&Mater	0	0	0	0
66210	Natural Gas	26,877	30,206	23,560	(6,646)
66220	Electricity	74,696	69,014	79,309	10,295
66240	Oil	0	0	0	0
66260	Gasoline/Diesel	23,927	25,539	27,422	1,883
66410	Textbooks	42,389	21,953	19,797	(2,156)
66420	Library Books	3,867	681	6,582	5,900
66430	Periodicals	923	915	1,105	191
66440	Audiovisual Materials	734	0	2,408	2,408
66500	Techn Supplies	0	0	0	0
66510	Software	0	11,317	9,035	(2,282)
66520	Other	0	3,747	0	(3,747)
66527	Low Value tech Supplies	0	0	0	0
66900	Other Supplies & Material	0	0	0	0
66910	Tires	0	0	0	0
67100	Land & Improvements	0	47,968	0	(47,968)

Arkansas Department of Education  
Armored School District  
General Operating Funds  
Expenditures

		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
67110	Site Improvement	0	0	0	0
67200	Buildings	0	0	0	0
67310	Machinery	5,130	11,720	0	(11,720)
67320	Vehicles	55,055	0	0	0
67330	Furniture & Fixtures	25,337	2,789	0	(2,789)
67340	Tech Rel Hardware	152,238	24,874	0	(24,874)
67350	Tech Software	0	2,207	0	(2,207)
67390	Other Equip-Over 1000	4,978	0	0	0
68100	Dues & Fees	172,850	28,243	10,560	(17,683)
68300	Interest	176,927	170,831	218,401	47,570
68800	Taxes	235	0	235	235
68830	Property Tax	235	235	0	(235)
68900	Miscellaneous Expenditure	0	0	0	0
69100	Redemption of Principal	175,357	191,000	960,000	769,000
69330	To Building Fund	0	693,052	0	(693,052)
69380	To Food Service Fund	92,014	51,330	57,788	6,458
69400	Return to State	5,290	39,972	0	(39,972)
Total Other Exp.		1,466,377	1,811,657	1,706,553	(105,104)
	Total Expenditures	4,636,162	5,026,967	4,564,120	(462,847)



**ARKANSAS STATE BOARD OF EDUCATION**  
**Executive Summary**

November 14, 2011

Agenda Item Number:      Action

Agenda Item:              Consider Removal of Armorel School District  
                                 from Fiscal Distress Classification effective  
                                 November 14, 2011

Attachments:              Profile  
                                 Plan Completion letter  
                                 Petition Letter  
                                 Financial Data

Presenter:                  Hazel Burnett

Background Information:

The Amorel School District was classified in Fiscal Distress for the 2010-2011 school year.

The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Armorel School District.

The Department is reporting that the Armorel School District has currently corrected all criteria for being removed from Fiscal Distress. The Department recommends that the Armorel School District be removed from Fiscal Distress effective November 14, 2011.

Upon the Board's approval of the Department's recommendation and in compliance with A.C.A. § 6-20-1908 (c), the Department will certify in writing to the Armorel School District that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all the department recommendations and requirements for removal from Fiscal Distress. Subsequent to a district receiving this notice of compliance, the district may petition the State Board for removal from Fiscal Distress status.

Included in this item is a letter from the Armorel School District petitioning the State Board for removal from Fiscal Distress status.





**Yellville-Summit School District**  
**LEA # 4502**  
**Marion County**

**Classified in Fiscal Distress**

December 14, 2009

**Fiscal Distress Indicators and Additional Concerns:**

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

<b>District Profile:</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>*2010-11</b>
<b>Superintendent</b>	<b>Jack Leatherman</b>	<b>Jack Leatherman</b>	<b>John Dwyer</b>	<b>Larry Ivens</b>
4 QTR ADM	885	860	828	813
Assessment	52,744,249	56,703,541	57,615,494	59,440,083
Total Mills	36.98	36.98	36.98	36.98
Total Debt Bond/Non Bond	7,179,450	6,941,537	7,905,000	7,790,000
Per Pupil Expenditures	8,509	8,875	9,901	n/a
Personnel-Non-Fed Certified FTE	80.12	78.94	85.64	n/a
Personnel-Non-Fed Certified Clsrm FTE	74.76	73.59	77.40	n/a
Avg Salary-Non-Fed Cert FTE	43,001	42,735	34,858	n/a
Avg Salary-Non-Fed Cert Clsrm FTE	41,653	41,605	34,301	n/a
Net Legal Balance (Excl Cat & QZAB)	1,011,654	522,713	563,700	925,493

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

Total Debt includes Bonded and Non-bonded filed with ADE.

Data Source: Annual Statistical Reports (ASR) and State Aid Notice for school district.

**District Actions**

During the 2009/10 school year, the school district utilized a cash flow loan in the amount of \$400,000 and repaid the loan during the same year.

The District has included the following objectives in their Fiscal Distress Improvement Plan:

**2009-10**

- Obtained second lien bonds to replace operating monies used for construction and to repay balance due on multipurpose building.
- Reduced maintenance and utility costs by relocating preschool students from portable buildings to main campus
- Reduced certified salaries by transferring costs to ARRA funds
- Reduced substitute salary costs by transferring central office staff member to full time substitute
- Reduced cost of special education maintenance of effort from operating by transferring costs to ARRA funds
- Eliminated one bus route and reconfigured others to reduce bus drivers

**2010-11**

- Obtained second lien bonds to lower interest rate for district
- Reduced certified personnel by 5 FTE through RIF and attrition
- Reduced cost of alternative education for students by housing locally and using current teachers
- Reduced certified salaries by transferring costs to ARRA funds for 7.5 teachers
- Reduced certified personnel by reconfiguring school allowing 1 less principal
- Eliminated two bus routes and reconfigured others to use less bus drivers
- Installed locked boxes on all thermostats
- Continue Reduction in Force for 2010-11 school year for positions not required to meet standards
- Pay vocational salaries above standards to Stimulus Stabilization funds.

**2011-12**

- Reduced 1 certified position through RIF
- Reduced 1 classified position through RIF
- Reduced 3 classified positions through attrition
- Reduced operating cost by utilizing NSLA funds more efficiently

**Yellville-Summit School District**  
**LEA # 4502**  
**Marion County**

**Comments:**

The District was classified in Fiscal Distress on December 14, 2009. The 2011-12 will complete the second full year of fiscal distress.

The Yellville-Summit superintendent Jack Leatherman resigned October 16, 2009. On October 19, 2009 the District hired John Dwyer as Interim Superintendent to finish the 2009-10 school year. Effective with the 2010-11 school year Mr. Dwyer retired and the district hired Mr. Larry Ivens as Superintendent.



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell  
Commissioner

October 18, 2011

**State Board  
of Education**

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Mr. Larry Ivens, Superintendent  
Yellville-Summit School District  
1124 North Panther Avenue  
Yellville, Arkansas 72687

Dear Mr. Ivens:

This letter is to certify that the Yellville-Summit School District has completed all activities and strategies as outlined in the District's Fiscal Distress Improvement Plan. The District has also complied with all department recommendations and requirements for removal from Fiscal Distress. The District may now petition the State Board for removal from Fiscal Distress status. The petition should be sent to Ms. Hazel Burnett at the address provided below. The petition will be presented to the State Board at the November 14, 2011 meeting. Arkansas Department of Education will recommend the Yellville-Summit School District be removed from Fiscal Distress effective November 14, 2011. Please plan to attend this meeting and be prepared to answer any questions the State Board may have concerning your District and its programs.

We congratulate the Yellville-Summit School District and encourage continued diligence to sustain this improvement.

Sincerely,

Hazel Burnett, ADE Coordinator  
Fiscal Distress Accountability and Reporting  
Four Capitol Mall, Room 105-C  
Little Rock, AR 72201

HB:ddm

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

cc: Dr. Tom Kimbrell, Commissioner  
Mr. Tony Wood, Deputy Commissioner  
Mr. John Kunkel, Associate Director for Agency Finance

Arkansas Department of Education  
Yellville-Summit School District  
General Operating Funds  
Summary

FY11 as of June 30, 2011			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Balance as of 6/30/2011</u>
539,246	6,074,914	5,702,872	911,288
FY10 as of June 30, 2010			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Balance as of 6/30/2010</u>
497,413	6,213,658	6,171,825	539,246
FY09 as of June 30, 2009			
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Balance as of 6/30/2009</u>
987,244	6,162,773	6,652,604	497,413

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

**Arkansas Department of Education  
Yellville-Summit School District  
General Operating Funds  
Revenue**

<b>General Operating</b>					
<b>Funds: 1000, 1218, 1246, 1265, 2000, 2001, 2218, 2232, 2234, 2240, 2244, 2246, 2250, 2255, 2265, 2271, 2300, 2340, 2389, 2392, 2394, 2398, 2399, 2995, 4000, 4394</b>					
		<b>FY09</b>	<b>FY10</b>	<b>FY11</b>	<b>FY11 Actual</b>
		<b>as of</b>	<b>as of</b>	<b>as of</b>	<b>compared to</b>
		<b>6/30/2009</b>	<b>6/30/2010</b>	<b>6/30/2011</b>	<b>FY10 Actual</b>
<b>Revenue:</b>					
11110	Property Taxes Current	1,140,112	1,152,112	1,124,828	(27,284)
11115	Property Taxes Relief	22,234	79,813	128,596	48,783
11120	Property Tax 40% by 6/30	567,035	576,155	594,401	18,246
11140	Property Tax Delinquent	115,897	105,150	150,290	45,140
11150	Excess Commission	8,907	2,305	38,397	36,092
11160	Land Redemption	10,365	0	15,340	15,340
11500	Unapportioned Taxes	2,280	13,205	1,731	(11,474)
12800	Rev In Lieu Of Taxes	0	0	2,590	2,590
14240	Fees From Vocational Ed	0	12,640	6,320	(6,320)
15100	Interest on Investments	18,845	3,755	2,519	(1,236)
19200	Private Contributions	0	12,000	0	(12,000)
19300	Sales of Supplies & Materials	242	188	0	(188)
19800	Refunds of Prior Yr Expenditures	7,312	15,618	11,828	(3,790)
19900	Misc Revenue from Local Sources	18,147	9,760	20,421	10,661
21200	Severance Tax	359	117	91	(26)
22000	Restricted Grants-In-Aid	1,974	0	0	0
31101	State Foundation Funding	3,911,202	3,678,614	3,573,025	(105,589)
31102	Enhanced Educational Fund	78,320	30,089	0	(30,089)
31103	98% URT	63,104	71,339	74,355	3,016
31460	Declining Enrollment	7,149	119,724	92,092	(27,632)
31620	Supplement Millage	38,837	33,289	27,741	(5,548)
31900	Other	0	350	0	(350)
32232	AR School Recognition Program	0	4,098	0	(4,098)
32250	Teacher Enhancement Grant	0	2,000	4,161	2,161
32251	CWIP	0	0	15,441	15,441
32260	Game and Fish Funds	3,550	2,217	2,734	518
32310	Hand Child-Supv/Extend Yr	6,657	6,121	3,397	(2,724)
32314	Extended School Year	0	888	0	(888)
32330	Non-Hand-Resid Treatment	0	0	0	0
32340	Hand-Resident Treatment	0	4,142	0	(4,142)
32355	Sp Ed Catastrophic	53,848	41,811	67,224	25,413
32361	G/T Advanced Placement	1,400	200	450	250
32430	Workforce Spec Needs Proj	0	750	0	(750)
32480	New Program start up	15,491	0	0	0
32901	MITs Wellness Centers	0	0	0	0
32909	Coordinated School Health	0	71,897	52,130	(19,767)
32912	General Facilities Fund	0	14,003	11,669	(2,334)
32915	Debt Service Supplement	45,195	37,535	33,954	(3,581)
32920	AGF/Wild School Yard	0	3,296	0	(3,296)
32990	Other Grants	0	4,000	0	(4,000)
42200	Flood Control	13,485	9,856	12,628	2,771
51100	Proceeds From Bond Sale	0	0	6,562	6,562
51400	Current Loans	0	0	0	0
51900	Misc Non Revenue	1,466	0	0	0
52300	Transfer from Building Fund	0	78,838	0	(78,838)
52700	Transfer from Student Activity	0	290	0	(290)
52800	Transfers from Food Service Fund	0	4,632	0	(4,632)
53400	Compen-Loss Fixed Assets	0	10,860	0	(10,860)
56400	Extraordinary items	9,360	0	0	0
	<b>Total Revenue</b>	<b>6,162,773</b>	<b>6,213,658</b>	<b>6,074,914</b>	<b>(138,744)</b>



Arkansas Department of Education  
Yellville-Summit School District  
General Operating Funds  
Expenditures

General Operating Funds: 1000, 1218, 1246, 1265, 2000, 2001, 2218, 2232, 2234, 2240, 2244, 2246, 2250, 2255, 2265, 2271, 2300, 2340, 2389, 2392, 2394, 2398, 2399, 2995, 4000, 4394					
		FY09	FY10	FY11	FY11 Actual
		as of	as of	as of	compared to
Expenditures		6/30/2009	6/30/2010	6/30/2011	FY10 Actual
61000-62999	Salaries & Benefits	5,054,777	4,645,354	4,369,317	(276,038)
Other:					
63120	Management Services	0	10,000	0	(10,000)
63130	Board of Ed Services	0	193	0	(193)
63210	Instructional	15,167	22,641	21,014	(1,627)
63240	Student Assessment	0	0	0	0
63310	Certified/Prof Dev Training	2,733	1,400	2,286	886
63320	Classified/Prof Training	1,002	2,758	2,182	(576)
63410	Pupil Services	0	15,491	0	(15,491)
63440	Legal	0	0	0	0
63444	Legal	0	1,456	0	(1,456)
63450	Medical	6,175	2,800	6,941	4,141
63490	Other Professional Service	53,741	67,763	60,802	(6,960)
63530	Software Support	0	0	300	300
63590	Other Technical Services	10,882	1,706	882	(824)
63900	Other Purc Prof Tech Serv	12,311	8,464	16,183	7,719
64110	Water/Sewer	14,535	15,559	21,417	5,858
64210	Disposal/Sanitation	16,265	15,589	14,232	(1,357)
64310	Rep/Maint - Building & Grounds	3,315	8,045	4,610	(3,435)
64320	Rep/Maint - Equip & Vehicle	8,711	6,781	410	(6,371)
64410	Rental on Land & Bldgs	7,024	10,155	9,680	(475)
64420	Rental Equip & Vehicles	7,078	5,217	3,638	(1,578)
64500	Construction Services	6,580	19,228	0	(19,228)
64900	Other Purc Property Services	30	30	30	0
65210	Property Insurance	35,157	35,157	44,586	9,429
65240	Fleet Insurance	8,726	8,424	8,424	0
65250	Accident Ins for Students	2,200	8,500	8,500	0
65290	Other Insurance	6,365	53	53	0
65310	Telephone	9,961	7,021	5,852	(1,169)
65320	Postage	6,448	4,870	4,800	(70)
65330	Networking Internet Serv	3,494	149	0	(149)
65400	Advertising	155	1,342	471	(871)
65500	Printing and Binding	0	0	274	274
65610	To LEA's Within State	76,273	109,879	0	(109,879)
65800	Travel	0	0	0	0
65810	Travel - Cert In District	4,300	932	4,430	3,498
65820	Travel - CLS In District	2,283	2,261	3,232	971
65870	Travel Non-Employee	312	2,252	4,387	2,135
65880	Meals	987	1,119	1,207	88
65890	Lodging	6,455	6,159	4,483	(1,676)
65910	In state/Serv purch Lea	0	6,121	0	(6,121)
66100	General Supplies	254,619	215,708	197,246	(18,462)
66107	Low Value Equipment	31,175	18,789	5,892	(12,897)
66210	Natural Gas	44,110	47,587	45,586	(2,002)
66220	Electricity	97,193	119,011	117,803	(1,208)
66260	Gasoline/Diesel	62,468	57,056	72,352	15,296
66410	Textbooks	81,085	24,882	627	(24,255)
66420	Library Books	16,998	1,160	0	(1,160)
66430	Periodicals	2,646	1,897	3,992	2,096
66440	Audiovisual Materials	2,023	40	0	(40)
66500	Techn Supplies	6,277	5,856	6,120	264
66527	Low Value tech Supplies	12,833	21,332	2,648	(18,684)
67320	Vehicles	38,400	0	3,608	3,608
67330	Furniture & Fixtures	0	3,489	0	(3,489)
67340	Technology Hardware	4,121	3,622	16,018	12,396
67350	Tech- Software	0	0	0	0
67390	Other Equipment	28,117	8,044	0	(8,044)
68100	Dues & Fees	11,863	14,401	10,859	(3,542)
68101	Lic Renew Teachers	0	0	1,700	1,700
68300	Interest	288,373	311,590	265,583	(46,007)
68900	Misc Expenditures	18,336	25,174	14,228	(10,946)
68999	Allocated Charges	0	0	0	0
69100	Redemption of Principal	237,912	236,537	225,000	(11,537)
69330	To Building Fund	0	0	88,989	88,989
69380	To Food Service	30,614	0	0	0
69400	Program Funding Return	0	780	0	(780)
Total Other Exp.		1,597,828	1,526,471	1,333,556	(192,915)
	Total Expenditures	6,652,604	6,171,825	5,702,872	(468,953)

**ARKANSAS STATE BOARD OF EDUCATION**  
**Executive Summary**

November 14, 2011

Agenda Item Number:      Action

Agenda Item:              Consider Removal of Yellville-Summit School  
District from Fiscal Distress Classification  
effective November 14, 2011

Attachments:              Profile  
Plan Completion letter  
Petition Letter  
Financial Data

Presenter:                  Hazel Burnett

Background Information:

The Yellville-Summit School District was classified in Fiscal Distress for the 2010-2011 school year.

The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Yellville-Summit School District.

The Department is reporting that the Yellville-Summit School District has currently corrected all criteria for being removed from Fiscal Distress. The Department recommends that the Yellville-Summit School District be removed from Fiscal Distress effective November 14, 2011.

Upon the Board's approval of the Department's recommendation and in compliance with A.C.A. § 6-20-1908 (c), the Department will certify in writing to the Yellville-Summit School District that the school district has corrected all criteria for being classified as being in Fiscal Distress and has complied with all the department recommendations and requirements for removal from Fiscal Distress. Subsequent to a district receiving this notice of compliance, the district may petition the State Board for removal from Fiscal Distress status.

Included in this item is a letter from the Yellville-Summit School District petitioning the State Board for removal from Fiscal Distress status.





**ARKANSAS DEPARTMENT OF EDUCATION AND ARKANSAS STATE BOARD OF  
NURSING RULES GOVERNING THE ADMINISTRATION OF GLUCAGON TO  
ARKANSAS PUBLIC SCHOOL STUDENTS SUFFERING FROM TYPE 1 DIABETES**

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**1.00 REGULATORY AUTHORITY**

- 1.01 These rules shall be known as the Arkansas Department of Education and Arkansas State Board of Nursing Rules Governing the Administration of Glucagon to Arkansas Public School Students Suffering from Type 1 Diabetes.
- 1.02 These rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 17-87-103 and 25-15-201 et seq.
- 1.03 These rules are enacted pursuant to the Arkansas State Board of Nursing's authority under Ark. Code Ann. §§17-87-203, 17-87-103 and 25-15-201 et seq.

**2.00 PURPOSE**

- 2.01 The purpose of these rules is to set forth protocols and procedures for the administration of glucagon by trained volunteer school personnel to Arkansas public school students who suffer from Type 1 diabetes.

**3.00 DEFINITIONS**

- 3.01 "Emergency Situation" – circumstance in which students with low blood glucose cannot be treated with a glucose-containing substance by mouth because the student is unconscious or having a seizure.
- 3.02 "Glucagon" – an injectable hormone prescribed by a licensed healthcare practitioner that raises the level of glucose in the blood. Glucagon is dispensed as a "Glucagon Emergency Kit" or a "Glucagon Emergency Kit for Low Blood Sugar." A "licensed healthcare practitioner" includes, but is not limited to, Medical Doctors, Doctor of Osteopathy, Advanced Practice Nurse, Registered Nurse Practitioners, or Physician Assistants with prescriptive authority or who work under physician-approved protocols.
- 3.03 "Licensed School Nurse Employed by a School District" – those nurses employed by an Arkansas public school district or open-enrollment public charter school who hold the following licenses or certificate:

3.03.1 Registered Nurse (RN);

3.03.2 Advance Practice Nurse (APN); or

3.03.3 Diabetic Nurse Educators.

3.03.4 This definition does not include License Practical Nurses (LPNs). LPNs may assist in the provision of training under these rules. However, training under these rules must be performed by Registered Nurses, Advance Practice Nurses or Diabetic Nurse Educators.

3.04 “Other Healthcare Professional” – includes the following:

3.04.1 Registered Nurse (RN);

3.04.2 Advance Practice Nurse (APN);

3.04.3 Diabetic Nurse Educators;

3.04.4 Medical Doctors (MD);

3.04.5 Registered Nurse Practitioners;

3.04.6 Doctors of Osteopathy; and

3.05.6 Physician Assistants.

3.05 “Type 1 Diabetes” – sometimes referred to as “insulin dependent diabetes,” a medical condition diagnosed by a licensed healthcare provider and caused by the human body’s failure to produce insulin.

3.06 “Trained Volunteer School Personnel” – Licensed or classified personnel employed by an Arkansas public school district or open-enrollment public charter school who volunteer and successfully complete training for the administration of glucagon to students suffering from Type 1 diabetes.

#### **4.00 GENERAL REQUIREMENTS**

- 4.01 Trained volunteer school personnel designated as care providers in a plan developed under Section 504 of the Rehabilitation Act of 1973, as it existed on July 1, 2011, who have been trained by a licensed nurse employed by a school district or other healthcare professional, may, in emergency situations, administer glucagon to students who suffer from Type 1 diabetes.
- 4.02 The training listed in Sections 4.01 and 6.00 of these rules shall be conducted at least annually, regardless whether a volunteer has previously completed training. Nothing in these rules prohibits training from being conducted more often than annually.
- 4.03 No trained volunteer school personnel designated as care providers pursuant to these rules may administer glucagon to a student who suffers from Type 1 diabetes unless the parent or guardian of the student first signs a written authorization allowing the administration of glucagon to the student by a trained volunteer school personnel designated as a care provider.
- 4.05 When a school nurse is available and on site during an emergency situation, the school nurse shall administer glucagon to the student, when necessary. Volunteer school personnel who are designated as care providers and trained to administer glucagon shall provide glucagon injections only in the absence or unavailability of a school nurse.
- 4.06 The training outlined in these rules is intended to be provided to volunteer school personnel. No school personnel shall be required, pressured or otherwise subjected to duress in such a manner as to compel their participation in training. Prior to receiving training, volunteers must sign a written acknowledgement indicating their desire to volunteer.

#### **5.00 PROTECTION FROM LIABILITY**

A school district, school district employee, or an agent of a school district, including a healthcare professional who trained volunteer school personnel designated as care providers, shall not be liable for any damages resulting from his or her actions or inactions under these rules or under Ark. Code Ann. § 17-87-103.

## **6.00 TRAINING OF VOLUNTEERS**

6.01 Training under these rules shall include, at a minimum, the following components:

6.01.1 What glucagon is and how glucagon works;

6.01.2 When, how and by whom glucagon may be prescribed;

6.01.3 The requirements of Arkansas law pertaining to the administration of glucagon injections to Arkansas public school students suffering from Type 1 diabetes;

6.01.4 When glucagon should be administered, how glucagon should be prepared, the dosage and side effects of glucagon, and follow-up care after glucagon is administered;

6.01.5 How glucagon should be stored, including identifying the expiration date and need for replacement;

6.01.6 The role of the school nurse in the administration of glucagon and the delegation of the administration of glucagon; and

6.01.7 The signs of hypoglycemia in students with Type 1 diabetes, including techniques and practices used to prevent the need for glucagon.

6.02 Visual and audio aids may be used during the training required under these rules, but at least one individual listed in Sections 3.03 and 3.04 of these rules must be physically present to provide the training.

6.03 Before a volunteer may be deemed to have successfully completed the training required under these rules, a person listed in Sections 3.03 and 3.04 must sign a certification indicating that the volunteer has successfully completed all aspects of training and that the volunteer has successfully demonstrated mastery of procedures involving the administration of glucagon. No person listed in Sections 3.03 and 3.04 shall sign such a certification unless such person, in his or her professional judgment believes that a volunteer has successfully completed all aspects of training and that the volunteer has successfully demonstrated mastery of procedures involving the administration of glucagon.



6.04 The Arkansas State Board of Nursing and the Arkansas Department of Education, in collaboration with the Arkansas School Nurses Association and diabetic education experts, shall identify and approve education programs that meet the requirements of Section 6.01 of these rules. Training under these rules shall be given according to the education programs approved under this section.

6.04.1 The Arkansas State Board of Nursing and the Arkansas Department of Education shall maintain and publish a list of approved education programs that meet the requirements of Section 6.01 of these rules. The list of approved education programs may be published on the websites of the Arkansas State Board of Nursing and the Arkansas Department of Education.

6.04.2 The Arkansas State Board of Nursing and the Arkansas Department of Education, in collaboration with the Arkansas School Nurses Association and diabetic education experts, shall at least annually review the requirements associated with the administration of glucagon and shall, if necessary, recommend for adoption by the Arkansas State Board of Nursing and the Arkansas State Board of Education any revisions to these rules.

## **7.00 RECORDS**

7.01 Records of volunteer training must be kept on file at each school.

7.02 For each student with Type 1 diabetes who attends the school, the school district shall maintain a copy of the plan developed under Section 504 of the Rehabilitation Act of 1973, as it existed on July 1, 2011, a list of volunteer school personnel who are designated as care providers and trained to administer glucagon, and a copy of the parent's or guardian's signed authorization. The list of volunteer school personnel who are designated as care providers and trained to administer glucagon, and a copy of the parent's or guardian's signed authorization shall also be attached to the student's Individualized Health Plan (IHP).

7.03 The list of volunteer school personnel who are designated as care providers and trained to administer glucagon shall only include the names of such personnel who successfully complete the required training as set forth in Section 6.00 of these rules. The list of volunteer school personnel trained to administer glucagon for each school should be published and made known to all school personnel.

7.04 The principal of each school, in conjunction with each school nurse, shall properly maintain all such records.

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES GOVERNING**  
**BACKGROUND CHECKS AND LICENSE REVOCATION**

**1.00 REGULATORY AUTHORITY AND PURPOSE**

- 1.01 These rules shall be known as Arkansas Department of Education Rules Governing Background Checks and License Revocation.
- 1.02 The State Board of Education enacts these Rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-17-410, 6-17-411, 6-17-414, 6-17-421, and 25-15-201 *et seq.*
- 1.03 It is the purpose of these rules to set forth the requirements for a criminal background check and a Child Maltreatment Central Registry check for:
  - 1.03.1 Each first-time applicant for a license issued by the State Board of Education;
  - 1.03.2 Each applicant for his or her first license renewal after July 1, 1997;
  - 1.03.3 Each applicant for initial employment in a licensed staff position with a public school district or open-enrollment public charter school; and
  - 1.03.4 Each applicant for initial employment or non-continuous reemployment in a non-licensed staff position with a public school district, open-enrollment public charter school, or education service cooperative.
- 1.04 It is further the purpose of these rules to prescribe the procedure for revocation, suspension, or placing on probation of an educational license.
- 1.05 It is further the purpose of these rules to clarify whose criminal records check and Child Maltreatment Central Registry check fees shall be paid by the Department of Education.
- 1.06 It is further the purpose of these rules to clarify that superintendents and charter school directors shall have the responsibility of reporting licensure violations of teachers and fraudulent acts by Fiscal Officers to the State Board.

## **2.00 DEFINITIONS**

For the purposes of these rules:

- 2.01 “Affected District” – A public school district that loses territory or students as a result of annexation, consolidation, or detachment.
- 2.02 “Applicant” – Includes any individual:
  - 2.02.1 Applying for his or her first license to be issued by the State Board of Education;
  - 2.02.2 Applying for his or her first license renewal;
  - 2.02.3 Seeking initial employment in a licensed staff position with a public school district or open-enrollment public charter school;
  - 2.02.4 Seeking initial employment or non-continuous reemployment in a non-licensed staff position with a public school district, open-enrollment public charter school, or education service cooperative;
  - 2.02.5 Seeking initial employment as a Fiscal Officer of a public school district or open-enrollment public charter school; or
  - 2.02.6 Seeking registered volunteer status pursuant to the Arkansas Registered Volunteers Program Act, Ark. Code Ann. § 6-22-101 et seq.
- 2.03 “Breach of Fiduciary Trust” – the wrongful misappropriation by a person of any fund or property, which had lawfully been committed to him or her in a fiduciary character.
- 2.04 “Department” – Arkansas Department of Education.
- 2.05 “Employment” – Includes any contract of hire, whether written or oral, whether express or implied, for any type of work on behalf of an educational entity, whether full-time or part-time, and whether permanent or temporary.
  - 2.05.1 “Employment” also specifically includes without limitation:
    - 2.05.1.1 Service as a substitute teacher, whether paid or unpaid;

2.05.1.2 Student teacher internships, whether paid or unpaid; and

2.05.1.3 Volunteer work pursuant to the Arkansas Registered Volunteers Program Act, Ark. Code Ann. § 6-22-101 et seq.

2.06 “Fiscal Officer” – Any licensed or non-licensed employee of a public school district, open-enrollment public charter school, or education service cooperative who has any right, duty, or responsibility to access funds of a school district in excess of two hundred dollars (\$200), specifically including without limitation superintendents, Fiscal Officers and bookkeepers.

2.07 “Fraud” – All acts, omissions and concealments involving a breach of a legal or equitable duty and resulting in damage to another.

2.08 “Fraudulent Act” – An act involving fraud, or breach of fiduciary trust, which is punishable under the criminal code in the jurisdiction within which the act occurred.

2.09 “Initial employment” means the first time that an applicant has been employed by a public school district, open-enrollment public charter school, or education service cooperative.

2.10 “Law enforcement officer” – A state police officer, a city police officer, a sheriff or a deputy sheriff.

2.11 “Letter of provisional eligibility” – A six-month, non-renewable letter of provisional eligibility for licensure issued by the State Board of Education to an applicant for first-time licensure during the period that a criminal records check and Child Maltreatment Central Registry check are being conducted.

2.12 “Non-continuous reemployment” means employment in a public school district, open-enrollment public charter school, or education service cooperative by an applicant who was previously employed by the same entity but not at any point during the immediately preceding school year.

2.13 “Non-licensed staff position” means a position with a public school district, open-enrollment public charter school, or education service cooperative, which position does not require the holder of the position to possess an Arkansas teacher’s license.

2.14 “Receiving or resulting public school district” – A public school district that is created or gains territory or students as the result of a consolidation, annexation, or detachment.

2.15 “State Board” – Arkansas State Board of Education.

### **3.00 LICENSURE, LICENSE RENEWALS, AND LICENSE REVOCATION**

3.01 Unless a waiver is granted pursuant to this Section 3.0, the State Board shall not issue a license or license renewal to, and shall revoke, suspend, or place on probation the existing license of, any individual who:

3.01.1 Has pled guilty, pled nolo contendere to, or been found guilty of any offense that will or may result in license revocation under Ark. Code Ann. § 6-17-410;

3.01.2 Has an expunged or a pardoned conviction for any sexual or physical abuse offense committed against a child or any offense that will or may result in license revocation under Ark. Code Ann. § 6-17-410;

3.01.3 Has a true report in the Child Maltreatment Central Registry;

3.01.4 Holds a teaching or similar license obtained by fraudulent means;

3.01.5 Has had a teaching or similar license revoked in another state;

3.01.6 Intentionally compromises the validity or security of any student test or testing program administered by or required by the state board or the Department of Education;

3.01.7 Has the completed examination test score of any testing program required by the state board for teacher licensure declared invalid by the testing program company and so reported to the Department of Education by the testing company;

3.01.8 Fails to establish or maintain the necessary requirements and standards set forth in Arkansas law or state board rules and regulations for teacher licensure;

3.01.9 Knowingly submits or provides false or misleading information or knowingly failing to submit or provide information

requested or required by law to the Department of Education, the state board, or the Division of Legislative Audit; or

3.01.10 Knowingly falsifies or directs another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period.

3.02 Before denying an application for licensure or renewal, the Department shall provide to the Applicant or licensee a written notice of the reason for the action and shall afford the Applicant or licensee the opportunity to request a hearing before the State Board.

3.02.1 A written request for hearing by the Applicant or local public school district board of directors must be received by the Department's Office of Legal Services no more than thirty (30) days after the receipt of the notice of denial or nonrenewal by the Applicant.

3.02.2 Upon written notice that an application for licensure or license renewal is being denied for a cause set forth, a person may:

3.02.2.1 Decline to answer the notice, in which case the application for licensure or license renewal will be deemed denied no less than thirty (30) days after the receipt of the notice of denial or nonrenewal by the Applicant;

3.02.2.2 Contest the allegations of fact and request a hearing in writing, in which case the person shall be given an evidentiary hearing before the state board if one is requested;

3.02.2.3 Admit the allegations of fact and request a hearing before the state board to request a waiver; or

3.02.2.4 Stipulate or reach a negotiated agreement, which must be approved by the state board.

3.02.2.5 If the person requesting a hearing fails to appear at the hearing, the hearing shall proceed in the manner described in Section 3.02.2.1 above.

3.03 Before taking action against an existing license, the State Board shall provide by certified mail to the licensee a written notice of the reason for

the action and the time, date, and location when the State Board will consider revocation.

3.03.1 A written request for hearing by a licensee or a local public school district's board of directors must be received by the Department's Office of Legal Services no more than thirty (30) days after the receipt of the notice of revocation by the licensee.

3.03.2 Upon written notice that a revocation, suspension, or probation is being sought by the State Board for a cause set forth, a person may:

3.03.2.1 Decline to answer the notice, in which case the State Board may take action based upon proof submitted by the Department, if the State Board determines by a preponderance of the evidence that cause for the proposed action exists;

3.03.2.2 Contest the allegations of fact and request a hearing in writing, in which case the person shall be given an evidentiary hearing before the state board if one is requested;

3.03.2.3 Admit the allegations of fact and request a hearing before the State Board in mitigation of any penalty that may be assessed; or

3.03.2.4 Stipulate or reach a negotiated agreement, which must be approved by the State Board.

3.03.2.5 If the person requesting the hearing fails to appear at the hearing, the hearing shall proceed in the manner described in Section 3.03.2.1 above.

3.04 Circumstances for which a waiver may be granted after a hearing pursuant to Sections 3.02 or 3.03 shall include without limitation the following:

3.04.1 The age at which the crime or incident was committed;

3.04.2 The circumstances surrounding the crime or incident;

3.04.3 The length of time since the crime or incident;

3.04.4 Subsequent work history;



3.04.5 Employment references;

3.04.6 Character references; and

3.04.7 Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

3.05 After a hearing, the State Board may choose to:

3.05.1 Revoke a license permanently;

3.05.2 Suspend a license for a terminable period of time or indefinitely;

3.05.3 Place or grant a license on probationary status for a terminable period of time with the license to be revoked or suspended if the probationary period is not successfully completed;

3.05.4 Impose a monetary penalty not to exceed five hundred dollars (\$500.00) for each violation;

3.05.5 Require a licensee to complete appropriate professional development programs, education courses, or both;

3.05.6 Require a licensee to successfully complete a licensing examination, credentialing examination, or any other examination required by law or rule to obtain a permit, license, endorsement, or licensure area;

3.05.7 Impose conditions or restrictions on the teaching or educational activities of the licensee;

3.05.8 Impose any other requirement or penalty as may be appropriate under the circumstances of the case and which would achieve the Board's desired disciplinary purposes, but which would not impair the public health or welfare; or

3.05.9 Take no action against a license.

3.06 Any hearing shall comply with the procedures set forth in Section 8.00 herein.

#### **4.00 BACKGROUND CHECKS REQUIRED FOR LICENSURE AND SCHOOL EMPLOYMENT**

4.01 Except as otherwise provided herein, no Applicant may be issued a first-time license or first-time license renewal, nor may an Applicant be employed by a public school district or open-enrollment public charter school, without the successful completion of a criminal records check and the successful completion of a Child Maltreatment Central Registry check as required by these Rules.

#### **4.02 Applicants for a first-time license issued by the State Board:**

4.02.1 Each first-time Applicant for a license issued by the State Board shall be required to apply to:

4.02.1.1 The Identification Bureau of the Department of Arkansas State Police for a criminal records check; and

4.02.1.2 The Department of Human Services for a Child Maltreatment Central Registry check.

4.02.2 The State Board may issue a six-month, non-renewable letter of provisional eligibility for licensure to a first-time applicant meeting all other qualifications, pending the results of the nationwide criminal records and Child Maltreatment Central Registry checks.

4.02.3 The Commissioner of Education may extend the period of provisional eligibility to the end of the contract year if:

4.02.3.1 The applicant is employed by a public school district or open-enrollment public charter school; and

4.02.3.2 Results of the nationwide criminal records check or Child Maltreatment Central Registry check are delayed.

4.02.4 The letter of provisional eligibility will immediately become invalid upon receipt of information obtained from the criminal records check from the Arkansas State Police or the FBI, or other eligibility information, indicating that the applicant has pled guilty or nolo contendere to, or has been found guilty of, any offense that will or may result in license revocation under Ark. Code Ann. § 6-17-410.

- 4.02.5 The Applicant shall be responsible for the payment of any fees associated with the criminal records check and Child Maltreatment Central Registry check.

**4.03 Applicants for a first-time license renewal:**

- 4.03.1 Each Applicant for his or her first license renewal after July 1, 1997, shall be required to apply to:
- 4.03.1.1 The Identification Bureau of the Department of Arkansas State Police for a criminal records check; and
- 4.03.1.2 The Department of Human Services for a Child Maltreatment Central Registry check.
- 4.03.2 The Department shall pay from the Public School Fund any fee associated with the criminal records check at the time of first-time license renewal for employees of:
- 4.03.2.1 Arkansas public school districts;
- 4.03.2.2 Arkansas open-enrollment public charter schools;
- 4.03.2.3 Other public education institutions located in Arkansas; and
- 4.03.2.4 The Arkansas Department of Education.
- 4.03.3 For all other Applicants, the Applicant shall be responsible for the payment of any fees associated with the criminal records check and Child Maltreatment Central Registry check.

**4.04 Applicants for employment in a licensed staff position:**

- 4.04.1 Each Applicant for initial employment or non-continuous reemployment in a licensed staff position for a public school district or open-enrollment public charter school shall be required as a condition of employment to apply to:
- 4.04.1.1 The Identification Bureau of the Department of Arkansas State Police for a criminal records check; and

4.04.1.2 The Department of Human Services for a Child Maltreatment Central Registry check.

4.04.2 The board of directors of a receiving or resulting public school district in a consolidation, annexation, or detachment may waive the requirements of this Section 4.04 for personnel who were employed by an affected district immediately prior to the annexation, consolidation, or detachment and who had a complete criminal records check conducted as a condition of the person's most recent employment with the affected district as required under this section.

4.04.3 A public school district or open-enrollment public charter school shall not employ in a licensed staff position any individual who has a true report in the Child Maltreatment Central Registry, unless the State Board granted a waiver by awarding a license or renewal under Section 3.00 herein.

4.04.4 A public school district or open-enrollment public charter school shall not employ in a licensed staff position any individual who has pled guilty, pled nolo contendere to, or been found guilty of any offense that will or may result in license revocation under Ark. Code Ann. § 6-17-410, unless the State Board granted a waiver by awarding a license or renewal under Section 3.00 herein.

4.04.5 A public school district or open-enrollment public charter school may offer provisional employment to an affected Applicant pending receipt of the results of the nationwide criminal records or Child Maltreatment Central Registry checks.

4.04.6 The Applicant shall be responsible for the payment of any fees associated with the criminal records check and Child Maltreatment Central Registry check, unless the employing public school district or open-enrollment public charter school's board of directors chooses to pay the fees.

**4.05 Applicants for employment in a non-licensed staff position:**

4.05.1 Each Applicant for initial employment or non-continuous reemployment in a non-licensed staff position for a public school district, open-enrollment public charter school, or education service cooperative, shall be required as a condition of employment to apply to:

4.05.1.1 The Identification Bureau of the Department of Arkansas State Police for a criminal records check; and

4.05.1.2 The Department of Human Services for a Child Maltreatment Central Registry check.

4.05.2 The board of directors of a receiving or resulting public school district in a consolidation, annexation, or detachment may waive the requirements of this Section 4.05 for personnel who were employed by an affected district immediately prior to the annexation, consolidation, or detachment and who had a complete criminal records check conducted as a condition of the person's most recent employment with the affected district as required under this section.

4.05.3 A public school district, open-enrollment public charter school, or education service cooperative shall not employ in a non-licensed staff position any individual who has a true report in the Child Maltreatment Central Registry.

4.05.3.1 If an applicant for employment has been determined ineligible for employment because the applicant has a true report in the Child Maltreatment Central Registry, the local school board of directors shall provide a written notice to the applicant and shall afford the applicant the opportunity to request a waiver.

4.05.3.2 The waiver shall be requested no more than thirty (30) days after receipt of the notice of the denial of employment.

4.05.3.3 The waiver may be requested by:

4.05.3.3.1 The hiring official;

4.05.3.3.2 The affected applicant; or

4.05.3.3.3 The person subject to dismissal.

4.05.3.4 Circumstances for which a waiver may be granted shall include without limitation the following:

4.05.3.4.1 The age at which the incident was committed;

4.05.3.4.2 The circumstances surrounding the incident;

4.05.3.4.3 The length of time since the incident;

4.05.3.4.4 Subsequent work history;

4.05.3.4.5 Employment references;

4.05.3.4.6 Character references; and

4.05.3.4.7 Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

4.05.4 A public school district, open-enrollment public charter school, or education service cooperative shall not employ in a non-licensed staff position any individual who has pled guilty or nolo contendere to, or has been found guilty of, any offense identified in Ark. Code Ann. § 6-17-414(b).

4.05.5 A public school district, open-enrollment public charter school, or education service cooperative may offer provisional employment to an affected Applicant pending receipt of the results of the nationwide criminal records or Child Maltreatment Central Registry checks.

4.05.6 The Applicant shall be responsible for the payment of any fees associated with the criminal records check and Child Maltreatment Central Registry check, unless the board of directors of the employing public school district, open-enrollment public charter school, or education service cooperative chooses to pay the fees.

4.05.7 Notwithstanding the provisions of Section 4.05.6, a public school district or open-enrollment public charter school may at its discretion require criminal records checks and Child Maltreatment Central Registry checks of existing non-licensed employees in the same manner as set forth herein, so long as the district or school pays the full cost of the criminal records checks and Child Maltreatment Central Registry checks.

## **5.00 BACKGROUND CHECK PROCEDURES**

- 5.01 The criminal records check and Child Maltreatment Central Registry check required by these Rules shall be initiated by the submission to the Department of a release of information signed by the Applicant.
- 5.01.1 For the purposes of these Rules, a criminal records check shall consist of a statewide criminal records check to be conducted by the Department of Arkansas State Police and a nationwide criminal records check to be conducted by the Federal Bureau of Investigation.
- 5.01.2 Criminal records checks shall conform to the applicable federal or state standards and shall include the taking of fingerprints. The Identification Bureau of the Department of Arkansas State Police may maintain these fingerprints in the automated fingerprint identification system.
- 5.01.3 Each applicant shall complete the State Police fingerprint card in the presence of a law enforcement officer, and shall have the law enforcement officer sign the fingerprint card and give his/her jurisdiction, the date and his/her badge number.
- 5.01.4 If a legible set of fingerprints, as determined by the Identification Bureau of the Department of Arkansas State Police, cannot be obtained after a minimum of three (3) attempts, the Department or the local public school district shall determine eligibility for licensure or employment based upon a name check by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.
- 5.01.5 To be valid for consideration, a criminal records check or Child Maltreatment Central Registry check must have been completed no earlier than twelve (12) months prior to the application for licensure, renewal, or employment.
- 5.02 Any information received by the Department from the Department of Arkansas State Police, the Department of Human Services, or the Federal Bureau of Investigation pursuant to these Rules shall not be available for examination except by the affected applicant or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

- 5.02.1 Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that applicant only.
- 5.02.2 Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.
- 5.02.3 For Applicants seeking employment, the Department may disclose to the employing public school district, open-enrollment public charter school, or education service cooperative only whether the Applicant is eligible for employment.
- 5.03 Employees of a public school district, open-enrollment public charter school, or education service cooperative, whether new or existing, who have a contract with or work for more than one (1) school district in one (1) school year shall be required to have only one (1) criminal records check and one (1) Child Maltreatment Central Registry check to satisfy the requirements of all employing school districts for that year.

## **6.00 REPORTING REQUIREMENTS FOR SUPERINTENDENTS AND CHARTER SCHOOL DIRECTORS**

- 6.01 The superintendent of each public school district and the director of each open-enrollment public charter school shall report in writing by certified mail to the Department's Office of Legal Services the name of any employee of the district or school, whether currently employed or previously employed at any time during the two (2) preceding school years, who:
  - 6.01.1 Has pled guilty or nolo contendere, or has been found guilty, of any offense listed in Ark. Code Ann. §§ 6-17-410(c) or 6-17-414(b);
  - 6.01.2 Holds a teaching or similar license obtained by fraudulent means;
  - 6.01.3 Has had a teaching or similar license revoked in another state;
  - 6.01.4 Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department;



6.01.5 Has knowingly submitted falsified information or failed to submit information requested or required by law to the Department, the State Board, or the Division of Legislative Audit; or

6.01.6 Has a true report in the Child Maltreatment Central Registry.

6.02 The superintendent of each public school district and the director of each open-enrollment public charter school shall report in writing by certified mail to the Department's Office of Legal Services the name of any Fiscal Officer of the district or school, whether currently employed or previously employed at any time during the two (2) preceding school years, who has pled guilty or nolo contendere to, or has been found guilty of, a fraudulent act.

6.03 Failure of a superintendent to report a violation by certified mail within five (5) calendar days of knowledge as listed in Section 6.01 may result in sanctions imposed by the State Board, including but not limited to loss of accreditation.

## **7.00 FISCAL OFFICERS**

7.01 In addition to the requirements of Section 4.00, a public school district, open-enrollment public charter school, or education service cooperative shall not employ as a Fiscal Officer any individual who has pled guilty or nolo contendere to, or has been found guilty of, a fraudulent act.

7.02 A currently-employed Fiscal Officer of a public school district or open-enrollment public charter school who has pled guilty or nolo contendere to, or has been found guilty of, a fraudulent act shall be dismissed from employment with the district or school.

7.02.1 Within five (5) days of knowledge of the plea or conviction, the district or school shall serve written notice of termination on the Fiscal Officer in person or by certified mail. The notice shall advise the Fiscal Officer of his or her right to a hearing before the State Board.

7.02.2 The Fiscal Officer may, within thirty (30) days of service of the written notice of termination, request a hearing before the State Board by sending a written request via certified mail to the Department's Office of Legal Services.

7.02.3 If the Fiscal Officer does not timely request a hearing before the State Board, termination shall become effective thirty (30)

days after the date of service of the written notice of termination.

7.02.4 Termination of employment pursuant to this subsection shall not be subject to the requirements of the Teacher Fair Dismissal Act, Ark. Code Ann. § 6-17-1501 et seq. or the Public School Employee Fair Hearing Act, Ark. Code Ann. § 6-17-1701 et seq.

7.03 Any individual found ineligible for employment or dismissed from employment under Section 7.00 may, within thirty (30) days of service of the written notice of denial of employment or written notice of termination, request a hearing before the State Board by sending a written request via certified mail to the Department's Office of Legal Services.

7.04 Circumstances for which a waiver may be granted shall include without limitation the following:

7.04.1 The age of the Fiscal Officer at the time the criminal act occurred;

7.04.2 The length of time since the conviction;

7.04.3 Whether the Fiscal Officer has pled guilty or nolo contendere to, or has been found guilty of, any other criminal violations since the original conviction;

7.04.4 Whether the original conviction was expunged or pardoned; and

7.04.5 Any other relevant facts.

7.05 The hearing shall follow the procedures set forth in Section 8.00 of these Rules.

7.06 After making its decision, the State Board shall reduce its decision to writing and shall mail copies of the decision to the Fiscal Officer or Applicant and the Superintendent of the affected school district.

## **8.00 STATE BOARD HEARING PROCEDURES**

8.01 Each party will have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the representative of the Department of Education. The Chairperson of the State Board may, only for

good cause shown and upon the request of either party, allow either party additional time to present their opening statements.

- 8.02 Each party will be given forty (40) minutes to present their cases, beginning with the representative of the Department of Education. The Chairperson of the State Board may, only for good cause shown and upon the request of either party, allow either party additional time to present their cases.
- 8.03 Every witness giving oral testimony must be sworn under oath by the court reporter and shall be subject to direct examination, cross examination, and questioning by the State Board.
- 8.04 For the purposes of the record, documents offered during the hearing by the Department of Education shall be clearly marked in sequential, numeric order (1, 2, 3).
- 8.05 For the purposes of the record, documents offered during the hearing by the appealing public school district, open-enrollment public charter school, Applicant, or licensee shall be clearly marked in sequential, alphabetic letters (A, B, C).
- 8.06 The Department of Education shall have the burden of proving, by a preponderance of the evidence, that cause for the proposed licensure action exists, and that the recommended disposition from the Department be adopted.
- 8.07 While the scope of each party's presentation ultimately lies within the Board Chairperson's discretion, case presentation should be arranged in such a way as to avoid redundant testimony.
- 8.08 After both parties have presented their cases, the State Board may allow each party to present limited rebuttal testimony.
- 8.09 After making its decision, the State Board shall reduce its decision to writing and shall mail copies of the decision to each party, each party's attorney, and the superintendent or director of any interested public school district or open-enrollment public charter school.
- 8.10 The Board's written decision shall constitute the final agency action for purposes of judicial review pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.

~~ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING CRIMINAL BACKGROUND CHECKS  
FOR SUBSTITUTE TEACHERS~~

~~April 2008~~

~~1.00—AUTHORITY~~

~~1.01—The Arkansas State Board of Education’s authority for promulgating these rules is pursuant to Ark. Code Ann. § 6-11-105.~~

~~1.02—These rules shall be known as the Arkansas Department of Education Rules Governing Criminal Background Checks for Substitute Teachers.~~

~~2.00—DEFINITIONS~~

~~—For the purpose of these rules, the following terms shall mean as follows:~~

~~2.01—“Applicant” means an individual who is being considered for employment as a substitute teacher by a local school district.~~

~~2.02—“Initial employment” means the first time that an applicant has been considered for employment by a local school district.~~

~~2.03—“Non-licensed staff position” means a position with a local school district which does not require the holder of the position to possess an Arkansas teacher’s license pursuant to Ark. Code Ann. § 6-17-401 *et seq.*~~

~~2.04—“Non-continuous employment” means consideration for employment as a substitute teacher in a local school district by an applicant who has been previously employed by the same local school district in a non-licensed staff position and the last previous employment of the applicant by the district was no earlier than the previous school year.~~

~~2.05—“Substitute teacher” means an individual who does not hold an Arkansas teacher’s license who is employed by a local school district to provide classroom teaching services on an occasional or temporary basis.~~

~~3.00—CRIMINAL BACKGROUND CHECKS FOR SUBSTITUTE TEACHERS~~

~~3.01—The board of directors of a local school district or an education service cooperative shall require, as a condition for initial employment or non-continuous employment as a substitute teacher, that an individual apply to the Identification Bureau of the Arkansas State Police for statewide and national criminal records checks.~~

- ~~3.02 — The Identification Bureau of the Arkansas State Police shall forward the information necessary for the processing of the nationwide criminal records check to the Federal Bureau of Investigation for the completion of the criminal records check.~~
- ~~3.03 — The applicant shall sign a release of information permitting the completed statewide and nationwide criminal records checks to be submitted to the Arkansas Department of Education.~~
- ~~3.04 — Upon completion of the criminal records check, the Identification Bureau of the Arkansas State Police shall forward all releaseable information obtained concerning the applicant to the Department of Education.~~
- ~~3.05 — The Department of Education shall promptly inform the board of directors of the local school district or education service cooperative whether or not the applicant is eligible for employment pursuant to Ark. Code Ann. § 6-17-414(b).~~
- ~~3.06 — No non-licensed applicant shall be eligible for employment as a substitute teacher by a local school district or education service cooperative if the applicant has pleaded guilty or *nolo contendere* to or has been found guilty of any offense listed under Ark. Code Ann. § 6-17-414(b) by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court.~~
- ~~3.07 — The board of directors of a local school district or education service cooperative may offer provisional employment to a substitute teacher pending receipt of eligibility information from the Department of Education.~~
- ~~3.08 — Any information received by the Department of Education from the Identification Bureau of the Arkansas State Police pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file or document shall be removed from the custody of the Department of Education.~~
- ~~3.08.1 — Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.~~
- ~~4.00 — NON-LICENSED SUBSTITUTE TEACHERS WORKING FOR MORE THAN ONE (1) SCHOOL DISTRICT~~
- ~~4.01 — Any non-licensed individual who has successfully completed the statewide and nationwide criminal records checks referenced in Section 3.00 of these rules, and who is employed as a substitute teacher for a local school~~

~~district for a given school year, may also be concurrently employed by one (1) or more other local school districts during the same school year without the necessity of completing another statewide and nationwide criminal records check.~~

- ~~4.02 — Local school districts who wish to hire an applicant covered under Section 4.01 of these rules may, upon verifying that the applicant is employed as a substitute teacher for a local school district, contact the Department of Education's Office of Professional Licensure to ascertain the applicant's eligibility for employment.~~
- ~~4.03 — Under no circumstances shall the Department of Education release information received from the Identification Bureau of the Arkansas State Police on any applicant to any local school district.~~

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES GOVERNING THE REQUIREMENT OF A CRIMINAL BACKGROUND**  
**CHECK FOR THE EMPLOYMENT OF PERSONNEL IN SCHOOL DISTRICTS**  
**April 2008**

**1.00 — REGULATORY AUTHORITY**

- 1.01 — ~~These rules shall be known as Arkansas Department of Education Rules Governing the Requirement of Criminal Background Checks for the Employment of Personnel in School Districts and Requirement of Criminal Background Checks for All First-Time Applicants, Each Applicant for His or Her First License Renewal, and the Revocation Procedures for Such Licenses.~~
- 1.02 — ~~These rules are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-17-410, 6-17-414 and 6-17-421 and Act 1573 of 2007.~~

**2.00 — PURPOSE**

- 2.01 — ~~It is the purpose of these rules to set forth the requirements for a criminal background check for each first-time applicant for a license issued by the State Board of Education and each applicant for his or her first license renewal on or after July 1, 1997.~~
- 2.02 — ~~It is further the purpose of these rules to prescribe the procedure for revocation of an educational license.~~
- 2.03 — ~~It is further the purpose of these rules to clarify whose criminal background check fees shall be paid by the Department of Education.~~
- 2.04 — ~~It is further the purpose of these rules to clarify that the superintendent shall have the responsibility of reporting licensure violations of teachers to the State Board.~~
- 2.05 — ~~It is further the purpose of these rules to add provisions concerning the requirement of criminal background checks for the employment of noncertified personnel in school districts, and fraudulent acts by fiscal officers of public school districts.~~

**3.00 — DEFINITIONS/ACRONYMS**

For the purposes of these rules and regulations:

- 3.01 — ~~ADE: Arkansas Department of Education.~~

- 3.02 — ~~Applicant: An individual that is a first time applicant for a license issued by the State Board of Education; an individual applying for his or her first license renewal on or after July 1, 1997, and an individual applying for initial employment as a fiscal officer of a school district.~~
- 3.03 — ~~Breach of fiduciary trust: means the wrongful misappropriation by a person of any fund or property, which had lawfully been committed to him or her in a fiduciary character.~~
- 3.04 — ~~Criminal background check: a state and nationwide criminal records check conducted by the Arkansas State Police and the Federal Bureau of Investigation, including the taking of fingerprints.~~
- 3.05 — ~~FBI: Federal Bureau of Investigation.~~
- 3.06 — ~~First time applicant: initial or first license issued to each applicant by the State Board of Education.~~
- 3.07 — ~~Fiscal Officer: any certified or non-certified employee of a school district or education service cooperative who has any right, duty, or responsibility to access funds of a school district in excess of two hundred dollars (\$200), specifically including, but not limited to, superintendents, fiscal officers and bookkeepers.~~
- 3.08 — ~~Fraud: means all acts, omissions and concealments involving a breach of a legal or equitable duty and resulting in damage to another.~~
- 3.09 — ~~Fraudulent Act: An act involving fraud, or breach of fiduciary trust, which is punishable under the criminal code in the jurisdiction within which the act occurred.~~
- 3.10 — ~~License renewal applicant for purposes of payment by the Department of Education: employees of Arkansas public school districts, employees of other public education institutions located in Arkansas, and employees of the Department of Education for his or her first license renewal on or after July 1, 1997.~~
- 3.11 — ~~Law enforcement officer: a state police officer, a city police officer, a sheriff or a deputy sheriff.~~
- 3.12 — ~~Letter of provisional eligibility: a six month, non-renewable letter of provisional eligibility for licensure issued by the State Board of Education to a first-time applicant during the period that the criminal background check is being conducted by the Arkansas State Police and the FBI.~~



~~3.13 — OPL: Office of Professional Licensure of the ADE.~~

~~3.14 — SBE: State Board of Education.~~

#### ~~4.00 — THE CRIMINAL BACKGROUND CHECK~~

~~4.01 — Each applicant for an initial license issued by the SBE and each first time license renewal applicant will submit the following to the Office of Professional Licensure:~~

~~4.01.1 — Completed application form including program of studies verification (if applicable)~~

~~4.01.2 — Official transcripts (must bear college seal)~~

~~4.01.3 — Satisfactory scores of on the Praxis Series Examinations including:~~

~~4.01.3.1 Praxis I~~

~~4.01.3.2 PPST/Praxis II~~

~~4.01.3.3 Principles of Learning and Teaching~~

~~4.01.3.4 Specialty area test~~

~~4.01.4 — Effective July 1, 1996, no application for issuance of a first time license will be considered without a criminal background check by the Arkansas State Police and the FBI.~~

~~4.01.5 — Effective July 1, 1997, no application for issuance of a license renewal will be considered without a criminal background check by the Arkansas State Police and the FBI.~~

~~4.01.6 — Effective April 10, 1997, no applicant for initial employment as a certified employee shall be hired by a school district without a criminal background check by the Arkansas State Police and FBI.~~

~~4.01.7 — Effective February 6, 2004, the board of directors of a school district shall require an applicant for initial employment as a fiscal officer to have performed a criminal background check by the Arkansas State Police and the FBI, along with other background checks required by these Rules and/or Arkansas law due to the applicant's noncertified or certified employee status.~~

- 4.02 — ~~Each applicant shall complete the State Police fingerprint card in the presence of a law enforcement officer, and shall have the law enforcement officer sign the fingerprint card and give his/her jurisdiction, the date and his/her badge number.~~
- 4.03 — ~~Each applicant must sign a release of information and submit it to the ADE and shall be solely responsible for the payment of any fee associated with the criminal background check to the Arkansas State Police.~~
- 4.04 — ~~The Department of Education shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal record check of each applicant as defined in Section 3.06 for his or her first license renewal after July 1, 1997.~~
- 4.05 — ~~Upon completion of the criminal background check, the Identification Bureau of the Arkansas State Police shall forward all information obtained concerning the applicant in the commission of any offense listed in Ark. Code Ann. § 6-17-410 (c) or referenced in Ark. Code Ann. § 6-17-410 (d)(1)(A)(v) to the Attorney's Office of the ADE.~~
- 4.06 — ~~The criminal background check conducted by the Arkansas State Police and the FBI shall have been completed no earlier than twelve (12) months prior to the application for an initial license issued by the SBE.~~
- 4.07 — ~~SBE shall be authorized to issue a six-month, non-renewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal records check. This letter of provisional eligibility for licensure shall be issued only to those applicants who meet all other qualifications for licensure by the SBE, and who have submitted the Arkansas State Police background check showing no violations listed in either Ark. Code Ann. § 6-17-410 (c) or referenced in Ark. Code Ann. § 6-17-410(d)(1)(A)(v).~~
- 4.08 — ~~The Commissioner of the Department of Education shall be authorized to extend the period of provisional eligibility to the end of the contract year if:~~
- ~~4.08.1 The applicant is employed by a local school district; and~~
- ~~4.08.2 Results of the criminal records check are delayed.~~
- 4.09 — ~~The letter of provisional eligibility will immediately become invalid upon receipt of information obtained from the criminal background check from the Arkansas State Police and the FBI and other eligibility information indicating that the applicant has pleaded guilty or nolo contendere to, or has been found guilty of, any offense listed in Ark. Code Ann. § 6-17-410(c) or referenced in Ark. Code Ann. § 6-17-410(d)(1)(A)(v).~~

- ~~4.10 — The ADE will not issue a first time teaching license nor a license renewal until the criminal background check conducted by the Arkansas State Police and the FBI has been completed.~~
- ~~4.11 — The ADE shall promptly inform the board of directors of the local school district whether or not the affected employment applicant for a fiscal officer position is eligible for employment.~~
- ~~4.12 — In addition to any ineligibility for employment due to the results of criminal background checks required due to the applicant's certified or non-certified employee status, no person shall be eligible for employment as a fiscal officer by a local school district if the results of the criminal records check released to the ADE by the applicant reveals that the applicant has pleaded guilty or nolo contendere to, or has been found guilty of, a fraudulent act, only after an opportunity for a hearing before the SBE upon reasonable notice in writing.~~
- ~~4.13 — The board of directors of a local school district is authorized to offer provisional employment to an affected applicant for employment as a fiscal officer pending receipt of eligibility information from the ADE.~~

## **~~5.00 — REQUEST FOR WAIVER~~**

- ~~5.01 — A request to waive the provisions of Ark. Code Ann. § 6-17-410(c) can be made to the SBE. A request for waiver of provisions of the aforementioned statutes may be made by:~~
- ~~5.01.1 — the board of a local school district,~~
  - ~~5.01.2 — the affected applicant for licensure (Ark. Code Ann. § 6-17-410(c)), or~~
  - ~~5.01.3 — the person holding a license subject to revocation (Ark. Code Ann. § 6-17-410 (c)(1)).~~
- ~~5.02 — The request must be made in writing to the ADE's Attorney's Office within thirty (30) calendar days after notification of denial of a license. The request for a waiver shall include, but not be limited to, the following:~~
- ~~5.02.1 — a copy of court records indicating a plea of guilty or nolo contendere or a conviction,~~
  - ~~5.02.2 — any other pertinent documentation to indicate surrounding circumstances.~~
- ~~5.03 — If an individual notifies ADE in writing that he/she desires a hearing, the SBE will hold a hearing.~~

- ~~5.04 — If the individual does not notify the ADE that he/she desires a hearing, the SBE will not hold a hearing and may take action based upon proof submitted by the ADE's Attorney's Office.~~
- ~~5.05 — Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~
- ~~5.05.1 The age at which the crime was committed.~~
  - ~~5.05.2 The circumstances surrounding the crime.~~
  - ~~5.05.3 The length of time since the crime.~~
  - ~~5.05.4 Subsequent work history.~~
  - ~~5.05.5 Employment references.~~
  - ~~5.05.6 Character references; and~~
  - ~~5.05.7 Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.~~
- ~~5.06 — Individuals falling under the provisions of Ark. Code Ann. § 6-17-414 are not entitled to request a waiver.~~

## **~~6.00 — SCHOOL DISTRICT RESPONSIBILITIES~~**

- ~~6.01 — The superintendent of each school district shall report to the SBE through the Coordinator of OPL or the ADE's Attorney's Office the name of any licensed or classified personnel currently employed, or employed during the two (2) previous school years, by the local district who has pleaded guilty, nolo contendere, or has been found guilty of any offense listed in Ark. Code Ann. §§ 6-17-410(c) or 6-17-414(b), who holds a license obtained by fraudulent means, who has had a similar license revoked in another state, who has intentionally compromised the validity or security of any student test or testing program administered or required by the ADE, or has submitted falsified information requested or required by the ADE.~~
- ~~6.02 — The superintendent of each school district shall report to the SBE the name of any fiscal officer who is currently employed or who was employed during the two (2) previous years by the local school district who has pleaded guilty or nolo contendere to, or has been found guilty of, a fraudulent act.~~
- ~~6.03 — The superintendent with knowledge shall report, in writing to the SBE through the Coordinator of OPL or the ADE's Attorney's Office, any information contained in Section 6.01. The complaint does not have to be made in any specific form, but it should contain enough information about the person holding a license issued by the SBE to warrant starting an investigation.~~

- 6.04 — ~~Failure of a superintendent to report a violation by certified mail within five (5) calendar days of knowledge, as listed in Section 6.01 may result in sanctions imposed by the SBE, including but not limited to loss of accreditation.~~

## **~~7.00 — LICENSE REVOCATION PROCEDURES~~**

- 7.01 — ~~A complaint is filed with OPL or the ADE's Attorney's Office, or the ADE receives information from the criminal background check and any other eligibility information reflecting that the individual pled guilty, nolo contendere, or has been found guilty of an offense or offenses listed in Ark. Code Ann. § 6-17-410 (c) or is referenced in Ark. Code Ann. § 6-17-410(d)(1)(A)(v).~~
- 7.02 — ~~The ADE's Attorney's Office investigates the complaint and determines whether the individual's educational license must or may be revoked.~~
- 7.03 — ~~If the ADE's Attorney's Office determines revocation of a license is appropriate, OPL or the ADE's Attorney's Office notifies the individual who has plead guilty, nolo contendere, or been found guilty of the offense(s) listed in Ark. Code Ann. § 6-17-410 in writing by certified mail of the date, time and location that the SBE will consider revocation. The letter shall also provide the individual reasonable notice of the cause to be considered.~~
- 7.04 — ~~If the individual notifies ADE in writing within thirty (30) days after notice of the cause is received by the individual that he/she desires a hearing, the SBE will hold a hearing.~~
- 7.05 — ~~If the individual does not notify the ADE that he/she desires a hearing within the time frame stated in Section 7.04, the SBE will not hold a hearing and may take action based upon proof submitted by the ADE.~~

## **~~8.00 — CURRENTLY EMPLOYED FISCAL OFFICERS AND APPLICANTS~~**

- 8.01 — (i) ~~A fiscal officer that pleads guilty or nolo contendere to, or has been found guilty of, a fraudulent act, shall be dismissed from employment with the school district, but only after an opportunity for a hearing before the SBE upon reasonable notice in writing.~~
- (ii) ~~The SBE, after conducting a hearing, shall determine either:~~
- (a) — ~~that the applicant is eligible for employment and that the applicant should be denied employment and/or a license that the applicant's employment and licensure status should be terminated should be prevented or that the termination of employment of the~~

~~currently employed fiscal officer should be required, or~~

~~(b) — that the applicant is eligible for employment and/or a license or that the applicant's employment and licensure status should not be terminated.~~

~~8.02 — The SBE shall be entitled to consider:~~

~~8.02.1 The age of the fiscal officer at the time the criminal act occurred;~~

~~8.02.2 The length of time since the conviction;~~

~~8.02.3 Whether the fiscal officer has pleaded guilty, nolo contendere, or has been found guilty of any other criminal violation since the original conviction;~~

~~8.02.4 Whether the original conviction was expunged or pardoned; and~~

~~8.02.5 Any other relevant facts.~~

~~8.03 — After making its decision, the SBE shall reduce its decision to writing and shall mail copies of the decision to the fiscal officer applicant or currently employed fiscal officer and the Superintendent of the affected school district.~~

**~~ARKANSAS STATE BOARD OF EDUCATION  
POLICY AND PROCEDURES CONCERNING  
TEACHER LICENSURE HEARINGS~~**

1. ~~The Department and the teacher (or his or her attorney) shall have up to forty five (45) minutes each to present their cases to the State Board. The Chairperson of the State Board, at his or her discretion, may grant additional time to either or both parties, if necessary.~~
2. ~~Each party will have the opportunity, should it so choose to make an opening statement. The statement shall be no longer than ten (10) minutes in length; any such times used for an opening statement shall be deducted from the time allowed for case presentation listed in 1. above.~~
3. ~~As the Department bears the burden of establishing to the State Board by a preponderance of the evidence that cause for the proposed licensure action exists, the Department shall present its case (and opening statement, if it so chooses) to the State Board first.~~
4. ~~Any potential witnesses for each party shall be duly sworn in by the court reporter before the presentation of evidence.~~
5. ~~Any written documents, photographs or any other items of evidence may be presented to the State Board with the permission of the Chairperson. The items of evidence shall be marked as either "Department's Exhibit Number 1 (et seq.)" or "Teacher's Exhibit Number 1 (et seq.)". After an item of evidence has been allowed to be presented to the State Board 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.~~
6. ~~After one party has questioned a witness, the other party shall have the same opportunity.~~
7. ~~Members of the State Board shall also have the opportunity to ask questions of any witness or any party.~~
8. ~~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.~~
9. ~~After the teacher has presented his or her case, the State Board may allow each party to present limited rebuttal testimony.~~

10. ~~After the rebuttal evidence has been presented, the teacher shall have up to ten (10) minutes to present a closing statement, if desired.~~
11. ~~After the teacher has made a closing statement, or waived the opportunity for same, the Department shall have up to ten (10) minutes to make its closing statement, if desired.~~
12. ~~After closing statements have been made (or the opportunity to make them has been waived), the State Board may orally announce its decision. Alternatively, the State Board may take the case under advisement and render a written decision at a later time.~~
13. ~~Pursuant to State law, the teacher shall have thirty (30) days after service upon him or her of the State Board's final decision to file a petition with an appropriate Circuit court (pursuant to Ark. Code Ann. 25-15-212) for the judicial review of the State Board's decision.~~



**Arkansas Department of Education**  
**Rules Governing Eligibility and Financial Incentives**  
**For Certified Speech-Language Pathologists**  
~~July 2010~~

**1.00 Regulatory Authority**

- 1.01 These rules shall be known as the Arkansas Department of Education ~~(Department)~~ Rules Governing Eligibility and Financial Incentives For Certified Speech-Language Pathologists.
- 1.02 These rules are enacted under the State Board of Education's ~~(Board)~~ authority pursuant to Ark. Code Ann. §§ 6-11-105 and 6-17-413.

**2.00 Purpose**

- 2.01 The purposes of these rules are to ensure the availability and retention of certified speech-language pathologists by providing additional compensation for speech-language pathologists holding a ~~National~~ Certificate of Clinical Competence in Speech Language Pathology from the American Speech-Language-Hearing Association.

**3.00 Definitions**

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

- 3.01 "Department" means the Arkansas Department of Education.
- 3.02 "Certified speech-language pathologist" means a speech-language pathologist who:
- 3.02+1 Has a master's degree, which includes medical-based training;
- 3.02+2 Has completed a one (1) year clinical fellowship;
- 3.02+3 Has passed the ~~specialty area of the National Teachers Examination~~ Praxis II Speech Language Pathology Test; and
- 3.02+4 Holds a Certificate of Clinical Competence in Speech-Language Pathology from the American Speech-Language-Hearing Association.

**4.00 Payment of Bonuses for Certified Speech-Language Pathologists**

- 4.01 ~~The~~ By December 1 of each year, the Department shall pay a yearly incentive bonus of five thousand dollars (\$5,000) to a certified speech-language pathologist who:

- 4.01.1 Holds an Arkansas teaching license in speech-language pathology;
- 4.01.2 Is a full-time employee of an Arkansas education service cooperative or public school district as a speech-language pathologist at the time of receiving the bonus; and
- 4.01.3 Is not considered a purchased service contractor, but may be employed under a teacher contract subject to renewal under Ark. Code Ann. § 6-17-1506.

## 5.00 Monitoring for Certified Speech-Language Pathologists

- 5.01 The local public school district that employs a certified speech-language pathologist must verify to the Department annually the employment status of that speech-language pathologist.
- 5.02 A certified speech-language pathologist shall not receive a yearly bonus if the person leaves the full-time employment of an Arkansas public school district.
- 5.03 If a certified speech-language pathologist who receives a bonus under this subsection leaves employment in the Arkansas public school system before completing three (3) continuous school years of employment, the speech-language pathologist shall repay the Department a prorated portion of the bonus received in the school year based on a daily rate for the remainder of a school year in which the speech-language pathologist leaves employment.
  - 5.03.1 The first year of the three (3) continuous school years is the first year that the speech-language pathologist received a bonus under this subsection 5.03.
  - 5.03.2 The daily rate is calculated as the amount of the annual bonus paid to the speech-language pathologist divided by the number of days in the speech-language pathologist's contract.
  - 5.03.3 The State Board of Education may suspend the Arkansas speech-language pathology license of any person who fails to repay the amount of the bonus required to be repaid under this subdivision 5.03.
  - 5.03.4 Repayment of all or a portion of a bonus under this subdivision 5.03 is not required if, due to the death or disability of the speech-language pathologist or other extenuating circumstances as may be recognized by the State Board of Education, the speech-language pathologist does not remain employed in the Arkansas public school system for three (3) continuous school years after first receiving the bonus under this subsection.

## 6.00 Funding for Certified Speech-Language Pathologists

6.01 Bonuses paid to a certified speech-language pathologist shall be paid from the funds appropriated and available for bonuses to certified speech-language pathologists.

6.01.1 If sufficient funds are not available to pay the full amount of the bonus to each certified speech-language pathologist as provided under this section, the Department may reduce the amount of the bonus for each qualified recipient, proportionately as necessary to provide a bonus to each qualified speech-language pathologist in an equal amount.

6.01.2 The cost and expenses related to training for or acquisition of the Certificate of Clinical Competence in Speech-Language Pathology from the American Speech-Language-Hearing Association shall not be funded through the National Board for Professional Teaching Standards program created under ~~this section and~~ Ark. Code Ann. §§ 6-17-412 and 413 and shall be the responsibility of the certified speech-language pathologist.

~~6.01.3 Although a certified speech language pathologist entitled to a bonus will hold a valid Arkansas teaching license in speech language pathology, references to "teacher" under this section shall mean a classroom teacher as defined under Ark. Code Ann. § 6-17-412(a)(1) who are in the National Board for Professional Teaching Standards program but not certified speech language pathologists.~~

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING HIGHLY QUALIFIED TEACHERS  
PROMULGATED PURSUANT TO  
THE NO CHILD LEFT BEHIND ACT OF 2001**

**1.0 REGULATORY AUTHORITY**

- 1.01** These shall be known as the Arkansas Department of Education Rules Governing Highly Qualified Teachers and promulgated pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq. (2002).
- 1.02** ~~These~~ The State Board of Education enacts these rules ~~are enacted~~ pursuant to ~~the its~~ authority ~~of the State Board of Education under~~ as set forth in Ark. Code Ann. § 6-11-105 and Ark. Code Ann. § 25-15-201 et seq.

**2.0 PURPOSE**

- 2.01** The purpose of these rules is to establish definitions and procedures used to designate teachers as highly qualified in the core academic subject areas pursuant to the No Child Left Behind Act of 2001.

**3.0 DEFINITIONS**

For the purpose of these Rules the following terms shall be defined to mean:

- 3.01 Act (NCLB)** – the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq. (2002)
- 3.01.1** NCLB requires Highly Qualified Teacher (HQT) designation for those teachers-of-record in core academic classes employed in AR public schools.
- 3.02 Appropriate state teaching license** – any of the following is considered an acceptable license with regard to Arkansas’s highly qualified teacher provisions.
- 3.02.1** Arkansas Initial teaching license
- 3.02.2** Arkansas Standard or Advanced teaching license
- 3.02.3** Arkansas Provisional teaching license held by teachers enrolled in and progressing towards successful completion of a state approved non-traditional licensure program
- 3.02.4** Arkansas Professional Teaching permit
- 3.02.5** Any Arkansas license issued for teachers who have completed all requirements except an *Arkansas History* course for Standard licensure through reciprocity
- 3.02.6** Arkansas Provisional Professional Teaching License.
- 3.03 ARHOUSSE (Single Subject) - Arkansas High Objective Uniform State Standard of Evaluation** - criteria survey used to determine whether a veteran teacher demonstrates competence in the core academic subject area(s) he or she teaches, when required in the definition of a highly qualified teacher.
- 3.03.1** The ARHOUSSE survey of criteria for single subject is hereby incorporated in these rules as referenced in the attached Appendix A

- 3.04 ARHOUSSE (Multi-Subject)** - criteria survey used to determine level of content knowledge for teachers in Special Education, Alternative Learning Environments and/or Juvenile Detention/Residential Centers who teach multiple subjects and are pursuing Highly Qualified Teacher status in Arkansas.
- 3.04.1** The Middle Childhood Multi-Subject ARHOUSSE criteria survey is hereby incorporated in these rules as referenced in the attached Appendix B.
- 3.04.2** The Secondary Grades Multi-Subject ARHOUSSE criteria survey is hereby incorporated in these rules as referenced in the attached Appendix C.
- 3.05 Core Academic Subject Areas** - English, Reading or Language Arts, Mathematics, Science, Foreign Language, Social Studies, Music, and Art.
- 3.06 Early Childhood (Elementary) grade levels** – grade K through grade 6.
- 3.07 Highly Qualified Teacher (HQT)** – a teacher who holds at least a Bachelor’s Degree, holds an appropriate state teaching license, and has demonstrated subject area competence in each of the core academic subjects in which the teacher teaches. When used with respect to a new or veteran Arkansas public early childhood, middle childhood or secondary school teacher HQT means as follows:
- 3.07.1 For New Teachers (teachers ~~new to~~ entering the profession after July 1, 2002)**
- 3.07.1.1** A highly qualified **new early childhood** teacher is a teacher who possesses or exhibits each of the following:
- 3.07.1.1.1** Have at least a Bachelor’s Degree,
- 3.07.1.1.2** Hold an appropriate state teaching license,
- 3.07.1.1.3** Demonstrate subject area competence by having passed the **current** Arkansas Early Childhood **licensure test** or Educational Testing Service (ETS) Early Childhood: Content Knowledge (Praxis II #022) or Education of Young Children (Praxis II #021) or Praxis II #011 Elementary Education: Curriculum, Instruction and Assessment, or Praxis II #012 Elementary Education: Content Area Exercises, or Praxis II #014 Elementary Education: Content Knowledge, or Praxis II #016 Elementary Education: Curriculum, Instruction and Assessment K-5, or Praxis II #020 Early Childhood Education, or other content exam taken and passed in another state which was accepted as demonstration of content knowledge for a teaching license in that state and is acceptable through reciprocity for an Arkansas teaching license.
- 3.07.1.2** A highly qualified **new middle childhood or secondary** teacher is a teacher who possesses or exhibits each of the following:
- 3.07.1.2.1** Have at least a Bachelor’s Degree,
- 3.07.1.2.2** Hold an appropriate state teaching license,
- 3.07.1.2.3** Demonstrate subject area competence by:
- 3.07.1.2.3.1** ~~passing the state licensure ETS Praxis II content~~ appropriate state-mandated content-area assessment(s) in the area the teacher teaches or other content exam taken and passed in another state which was accepted as demonstration of content knowledge for a teaching license in that state and is acceptable through reciprocity for an Arkansas teaching license, or

- 3.07.1.2.3.2 having an undergraduate major in the area the teacher teaches, or
- 3.07.1.2.3.3 having coursework equivalent to an undergraduate major (24 hours) in the area the teacher teaches, or
- 3.07.1.2.3.4 having a graduate degree in the area the teacher teaches, or
- 3.07.1.2.3.5 having National Board Certification in the area the teacher teaches.

**3.07.2 For Veteran Teachers (teachers ~~not new to~~ entering the profession before July 1, 2002)**

- 3.07.2.1 A highly qualified **veteran early childhood** teacher is a teacher who possesses or exhibits each of the following:
  - 3.07.2.1.1 Have at least a Bachelor's Degree,
  - 3.07.2.1.2 Hold an appropriate state teaching license,
  - 3.07.2.1.3 Demonstrate subject area competency by:
    - 3.07.2.1.3.1 having passed the current Arkansas Early Childhood licensure test or Educational Testing Service (ETS) Early Childhood: Content Knowledge (Praxis II #022) or Education of Young Children (Praxis II # 021) or Praxis II #011 Elementary Education: Curriculum, Instruction and Assessment, or Praxis II #012 Elementary Education: Content Area Exercises, or Praxis II #014 Elementary Education: Content Knowledge, or Praxis II #016 Elementary Education: Curriculum, Instruction and Assessment K-5, or Praxis II #020 Early Childhood Education, or other content exam taken and passed in another state which was accepted as demonstration of content knowledge for a teaching license in that state and is acceptable through reciprocity for an Arkansas teaching license, or
    - 3.07.2.1.3.2 accumulating at least 100 points on **ARHOUSSE**.
- 3.07.2.2 A highly qualified **veteran middle childhood or secondary** teacher is a teacher who possesses or exhibits each of the following:
  - 3.07.2.2.1 Have at least a Bachelor's Degree,
  - 3.07.2.2.2 Hold an ~~Initial or Standard~~ Arkansas appropriate state teaching license ~~or have completed all requirements except Arkansas History for Standard Licensure through reciprocity,~~
  - 3.07.2.2.3 Demonstrate subject area competence by:
    - 3.07.2.2.3.1 passing the ~~state licensure ETS Praxis II content~~ appropriate state-mandated content-area assessment(s) in the area the teacher teaches, or other content exam taken and passed in another state which was accepted as demonstration of content knowledge for a teaching license in that state and is acceptable through reciprocity for an Arkansas teaching license, or
    - 3.07.2.2.3.2 having an undergraduate major in the area the teacher teaches or
    - 3.07.2.2.3.3 having coursework equivalent to an undergraduate major (24 credit hours) in the area the teacher teaches, or

**3.07.2.2.3.4** having a graduate degree in the area the teacher teaches, or

**3.07.2.2.3.5** having National Board Certification in the area the teacher teaches, or

**3.07.2.2.3.6** accumulating at least 100 points on ARHOUSSE.

**3.07.3** The requirement of holding an appropriate state teaching license (as per section 3.06) is waived for teachers of charter schools that have been granted a waiver of licensure requirements by the Arkansas State Board of Education.

**3.08 Highly Qualified Teacher, Multi-Subject** - a teacher in Special Education, Alternative Learning Environments and/or Juvenile Detention/Residential Centers who teaches multiple subjects may establish Highly Qualified status by demonstrating content knowledge in each of the areas he or she teaches using the Multi-Subject ARHOUSSE criteria survey, in addition to meeting the license and degree requirements for HQT in Arkansas.

**3.08.1** These teachers in middle childhood grades may use the Multi-Subject Highly Qualified Teacher Designation Form for Middle Childhood grades, hereby incorporated in these rules as referenced in the attached Appendix B

**3.08.2** These teachers in secondary grades may use Multi-Subject Highly Qualified Teacher Designation Form for Secondary grades, hereby incorporated in these rules as referenced in the attached Appendix C.

**3.09 Middle Childhood grade levels** – grades 4 through 8.

**3.10 New Teacher (~~a teacher new to the profession~~)** – a licensed teacher employed by an Arkansas public school after the beginning of the 2002-2003 school year, who was not previously employed as a licensed teacher in any public or private school.

**3.11 Non-traditional licensure programs** – the instructional licensure program administered by the Arkansas Department of Education, whose participants hold a minimum of a baccalaureate degree (and passed the appropriate state-mandated assessments) and are allowed to teach in an Arkansas school via a Non-Traditional Provisional license, or other such programs approved by the Department of Education. Participants are engaged with intensive supervision and mentoring while receiving high-quality, sustained, intensive classroom-focused professional development.

**3.12 Professional Teaching Permit (PTP)** – teaching credential that allows working professionals who participate in PTP training, to be employed as teacher-of-record for a secondary content area class or classes in their area of expertise.

**3.13 Provisional Professional Teaching License (PPTL)** – a three-year provisional license issued to an experienced professional for the purpose of teaching on a part-time or full-time basis as teacher-of-record in an Arkansas public school.

**3.14 Secondary grades** – grades 7 through 12.

**3.15 Teacher of Record** – An individual who has been assigned lead responsibility for a student's learning in a subject/course with aligned performance measures.

**3.164 Title I District, School or Program** – A district, school or program that receives funds under Title I, Part A of the No Child Left Behind Act of 2001.

**3.175 Veteran Teacher (a teacher ~~not new to~~ entering the profession before July 1, 2002)** – a licensed teacher who was previously employed as a licensed teacher in any public or private school before the beginning of the 2002-2003 school year.

#### **4.0 HIGHLY QUALIFIED REQUIREMENTS**

**4.01** All newly hired teachers who teach in core academic subject area(s) in Title I schools or programs must be highly qualified on the date of hire.

**4.02** All classes in the core academic subject areas shall be taught by a highly qualified teacher as defined in these rules.

#### **5.0 HIGHLY QUALIFIED REPORTING**

**5.01** By October 15 of each school year all public charter schools and school districts shall report in their Cycle 2 report the number and percentage of classes in the core academic subject areas being taught by teachers meeting the definition of a highly qualified teacher as defined in this rule, and required by the Arkansas Department of Education (ADE).

**5.02** The ADE shall review the data required in 5.01. To the extent a school district has not met the requirements of these rules, the ADE will take appropriate action to work with that district as required under the Act (NCLB).

**5.03** Schools and districts shall give notice to parents and care givers regarding teacher quality and highly qualified teachers as required by the Act (NCLB).



**Appendix A**  
**Arkansas Department of Education**  
**Highly Qualified Teacher Designation Form (SINGLE SUBJECT)**

**A highly qualified teacher (HQT) must have at least a bachelor's degree; must be appropriately licensed to teach; and must demonstrate content knowledge in the subject area. This form may be used by any Arkansas teacher for whichever HQT status is being sought.**

Teacher Name \_\_\_\_\_ Date \_\_\_\_\_

School \_\_\_\_\_ School District \_\_\_\_\_

**Choose level of HQT status being sought.**

☐ Early Childhood/Elementary-K-6

☐ Middle Childhood/Grades 4-8

☐ Secondary/Grades 7-12

**If applicable choose the subject area.**

☐ English

☐ Reading or Language Arts

☐ Mathematics

☐ Science: (Specify subject \_\_\_\_\_)

☐ Art

☐ Social Studies: (Specify subject \_\_\_\_\_)

☐ Music

☐ Foreign Language: (Specify language \_\_\_\_\_)

**1) BACHELOR'S DEGREE (Provide the appropriate information and documentation.)**

Degree \_\_\_\_\_ Date Awarded \_\_\_\_\_ Institution \_\_\_\_\_

**2) ARKANSAS TEACHING LICENSE (Check one and provide the appropriate information.)**

☐ INITIAL

☐ NTLP PROVISIONAL

☐ PROFESSIONAL TEACHING PERMIT/PPTL

☐ STANDARD

☐ RECIPROCITY PROVISIONAL (all requirements completed except AR History course)

Area \_\_\_\_\_ Level \_\_\_\_\_ Expiration date: \_\_\_\_\_

**3) DEMONSTRATION OF CONTENT KNOWLEDGE IN THE SUBJECT OR AREA? (Check A or B or C, and provide the appropriate information and documentation.)**

**3.A.** ☐ I passed the Praxis Content Knowledge assessment, or licensure content test in other state.

Assessment \_\_\_\_\_ Passing Score \_\_\_\_\_ Date taken \_\_\_\_\_

**OR**

**3.B.** ☐ I am a Middle School or Secondary teacher and I have a major, or coursework equivalent to a major (24 credit hours), or graduate degree, or National Board Certification in the area. (Explain)

**OR**

**3.C.** ☐ I am a Veteran teacher and I have accumulated >100 points in this area on the ARHOUSSE criteria survey. Score = \_\_\_\_\_ (Attach a copy of the ARHOUSSE form.)

**4) Are you HQT (i.e., do you have all of 1, 2, and 3 above)?** Yes \_\_\_\_\_ No \_\_\_\_\_

If you do not meet **all three criteria** (1, 2, & 3 above) you cannot be designated as highly qualified in this area at this time.

**As appropriate, and in conjunction with the school/district administrator the teacher is to develop, maintain and adhere to a written plan for becoming Highly Qualified in this area by the end of this school year.**

Teacher's signature \_\_\_\_\_

Date \_\_\_\_\_

School District Administrator's name \_\_\_\_\_

School District Administrator's signature \_\_\_\_\_

Date \_\_\_\_\_

**TEACHERS ARE TO ATTACH ALL APPROPRIATE DOCUMENTATION. COPIES OF ALL ARE TO BE MAINTAINED BY THE TEACHER AND KEPT ON FILE IN THE SCHOOL DISTRICT.**

## ARHOUSSE - Arkansas High Objective Uniform State Standard of Evaluation

To demonstrate subject area content knowledge a teacher must accumulate at least 100 points in the selected area.  
**This may be done by any teacher for whichever HQT status is being sought.**

Teacher Name \_\_\_\_\_

Date \_\_\_\_\_

School \_\_\_\_\_ School District \_\_\_\_\_

### NOTE: CONTENT KNOWLEDGE ONLY

**Choose level of HQT status being sought. If applicable choose the content area.**

☐ Early Childhood/Elementary, K-6

☐ Middle Childhood, Grades 4-8

☐ Secondary, Grades 7-12

☐ English

☐ Reading or Language Arts

☐ Mathematics

☐ Science: (Specify subject \_\_\_\_\_)

☐ Art

☐ Social Studies: (Specify subject \_\_\_\_\_)

☐ Music

☐ Foreign Language: (Specify language \_\_\_\_\_)

The following evidence must be in the **content area indicated above.**

**Points**

National Teacher Exam Content Area Assessment(s) for this content area (e.g., Praxis # 010) or other non-Praxis non-licensure Content test (Describe)	50 points	
NBPTS Certification for this content area (including Elementary)	100 pts	
Content test taken for licensure in another state (describe)	100 pts	
Years of teaching experience in this subject area within the last ten years (10 pts/year)	# of years _____ (50 pts max)	
<b>Content-based</b> Professional Development - according to the school's Prof. Dev. Plan (1 pt/hr up to 8 pts/year)	# of years _____ (40 pts max)	

The following must **NOT HAVE BEEN USED ABOVE** under Professional Development.

College/University Coursework in the content area List coursework _____ _____ _____ _____	# credit hours _____ 3 pts per credit hour	
Served in an administrative capacity in the content area, e.g., Dept. chair, ACSIP chair, Lead teacher, etc. Describe: _____ _____ _____	# of years served _____ 10 pts per year (30 pts max)	
Documented Committee service in <b>local (LEA)</b> curriculum development <b>in this content area</b> in the last five years Describe: _____ _____ _____	# of activities _____ 5 pts per activity (25 pts max)	
Documented Committee service in <b>state or national</b> curriculum development <b>in this content area</b> in the last five years Describe: _____ _____	# of activities _____ 10 pts per activity (30 pts max)	

## AR HOUSSE p. 2

Textbook adoption committee service <b>in this content area</b> over the last five years Describe: _____ _____ _____ _____	# of committees _____ 15 pts per committee (30 pts max)	
Papers published in refereed journals in this content area in the last five years Describe: _____ _____ _____ _____	# of papers _____ 10 pts per paper (30 pts max)	
Presentations made at content-area or specialty-area association conferences in the last five years Describe: _____ _____ _____ _____	# of pres'ns _____ 10 pts per pres'n (30 pts max)	
Conferences attended in this content area in the last five years Describe: _____ _____ _____ _____	# of conferences _____ 5 pts per conference (15 pts max)	
Service as a Pathwise Mentor <b>in this content area</b>	# of years served _____ 10 pts per year (30 pts max)	
Participation in Arkansas Leadership Academy Individual or Team Institute	20 pts per academy	
Participation in ELLA Curriculum Training – Year Long	20 pts per year	
Participation in Arkansas Mathematics and Science Professional Development Institute – Year Long	20 pts per year	
Participation in Effective Literacy, Literacy Lab, Reading First, etc Curriculum Training – Year Long (describe) _____	1 point per hour up to 20 points per year	
	<b>Total</b>	

\_\_\_\_\_  
Teacher's signature\_\_\_\_\_  
Date\_\_\_\_\_  
School District Administrator\_\_\_\_\_  
School District Administrator's signature\_\_\_\_\_  
Date

**TEACHERS ARE TO ATTACH ALL APPROPRIATE DOCUMENTATION. COPIES OF ALL ARE TO BE MAINTAINED BY THE TEACHER AND KEPT ON FILE IN THE SCHOOL DISTRICT.**

**Appendix B**  
**Arkansas Department of Education**  
**Highly Qualified Teacher Designation Form (MULTI-SUBJECT, for Middle Childhood grades)**

**A highly qualified teacher (HQT) must have at least a bachelor's degree; must be appropriately licensed to teach; and must demonstrate content knowledge in the subject area(s). The Multi-Subject HOUSSE form (to designate content knowledge) may ONLY be used by teachers in Alternative Learning Environments, Juvenile Detention/Residential Centers, or Special Education, who teach two or more subjects and seek Highly Qualified Teacher status as a Multi-Subject HQT.**

Teacher Name \_\_\_\_\_ Date \_\_\_\_\_

School \_\_\_\_\_ School District \_\_\_\_\_

**Choose level of HQT status being sought.**

☐ Middle Childhood/Grades 4-8

**Indicate Instructional Class**

☐ Alternative Learning Environment

☐ Special Education

☐ JDC, Residential

**Choose the content areas.**

☐ English

☐ Reading or Language Arts

☐ Mathematics

☐ Science: (Specify subject \_\_\_\_\_)

☐ Art

☐ Social Studies: (Specify subject \_\_\_\_\_)

☐ Music

☐ Foreign Language: (Specify language \_\_\_\_\_)

**1) BACHELOR'S DEGREE (Provide the appropriate information and documentation.)**

Degree \_\_\_\_\_ Date Awarded \_\_\_\_\_ Institution \_\_\_\_\_

**2) ARKANSAS TEACHING LICENSE (Check one and provide the appropriate information.)**

☐ INITIAL

☐ NTLP PROVISIONAL

☐ ~~NTL~~ PROFESSIONAL TEACHING PERMIT/PPTL

☐ STANDARD

☐ RECIPROCITY PROVISIONAL (all requirements completed except AR History course)

Area \_\_\_\_\_ Level \_\_\_\_\_ Expiration date: \_\_\_\_\_

**3) DEMONSTRATION OF CONTENT KNOWLEDGE AS A MULTI-SUBJECT TEACHER? (Check A or B, and provide the appropriate information and documentation.)**

**3.A.** ☐ I passed the Praxis II: Middle School Content Knowledge (#20146), Praxis II: Middle School Multiple Subjects (#5141), or other appropriate state-mandated content-area assessment, or Multi-Subject licensure content test in other state.

Assessment \_\_\_\_\_

Passing Score \_\_\_\_\_

Date taken \_\_\_\_\_

**OR**

**3.B.** ☐ I am a Veteran teacher and I have accumulated >100 points on the **Multi-Subject ARHOUSSE** criteria survey with a minimum of 50 points in each content area. (Attach a copy of the Multi-Subject ARHOUSSE form.)

**4) Are you HQT (i.e., do you have all of 1, 2, and 3 above)?** Yes \_\_\_\_\_ No \_\_\_\_\_

If you do not meet **all three criteria** (1, 2, & 3 above) you cannot be designated as highly qualified in these areas at this time. **As appropriate, and in conjunction with the school/district administrator the teacher is to develop, maintain and adhere to a written plan for becoming Highly Qualified in this area by the end of this school year.**

Teacher's signature \_\_\_\_\_

Date \_\_\_\_\_

School District Administrator's name \_\_\_\_\_

School District Administrator's signature \_\_\_\_\_

Date \_\_\_\_\_

**TEACHERS ARE TO ATTACH ALL APPROPRIATE DOCUMENTATION. COPIES OF ALL ARE TO BE MAINTAINED BY THE TEACHER AND KEPT ON FILE IN THE SCHOOL DISTRICT.**

**Multi-Subject Arkansas' High Objective Uniform State Standard of Evaluation (MS-ARHOUSSE)  
for Middle Childhood grades**

To establish Highly Qualified status as a Multi-Subject teacher a teacher must be teaching in one of the Instructional Classes listed below, and be teaching two or more of the content areas listed below. To demonstrate content knowledge via Multi-Subject ARHOUSSE a minimum of 50 points is required per content area taught.

Teacher Name \_\_\_\_\_

Date \_\_\_\_\_

School \_\_\_\_\_ School District \_\_\_\_\_

<b>Indicate level of HQT status being sought.</b> <input type="radio"/> Middle Childhood/Grades 4-8	<b>Indicate the content areas to be considered for this HQT designation.</b> <input type="radio"/> English <input type="radio"/> Reading / Language Arts <input type="radio"/> Math <input type="radio"/> Science: (subject _____) <input type="radio"/> Art <input type="radio"/> Social Studies: (subject _____) <input type="radio"/> Music <input type="radio"/> Foreign Language: (subject _____)
<b>Indicate Instructional Class</b> <input type="radio"/> Alternative Learning Environment <input type="radio"/> Special Education <input type="radio"/> JDC, Residential, Other	

The following would demonstrate content knowledge for Multi-Subject HQT criteria in full. **Points**

Praxis II: Middle School Content Knowledge (#20146), Praxis II: Middle School Multiple Subjects (#5141), or other appropriate state-mandated content-area assessment	100 points	
Multi-Subject content test taken for licensure in another state (describe)	100 points	

To demonstrate content knowledge by individual subject, the following evidence must be in the content areas indicated above.

A teacher must accumulate a minimum of 50 points in each core content subject area that they are teaching.

<b>Content Area 1:</b> _____  College/University Coursework in the content area(s): List coursework _____ _____ _____	# credit hours: X 3 points	
NBTS Certification for this content area	100 points	
Content Based Professional Development or Content Knowledge Activities: (Please use the AR HOUSSE to see examples of appropriate activities, committee service, textbook adoption, presentations, conferences, articles written, etc.) Describe Activity and use Point Value from Single Subject AR-HOUSSE form: _____ _____ _____	Prof. Dev. Points 1 pt/hr up to 8 pts/year 40 pts max	
Teaching Experience in this content area: Describe: _____ _____ _____	10 pts per yr 25 points maximum	
Must be a minimum of 50 points <span style="float: right;"><b>CONTENT AREA 1 Total Points:</b></span>		

<b>Content Area 2:</b> _____ College/University Coursework in the content area(s): List coursework _____ _____ _____	# credit hours: X 3 points	
NBTS Certification for this content area	100 points	
Content Based Professional Development or Content Knowledge Activities: (Please use the AR HOUSSE to see examples of appropriate activities, committee service, textbook adoption, presentations, conferences, articles written, etc.) Describe Activity and use Point Value from Single Subject AR-HOUSSE form: _____ _____ _____	Prof. Dev. Points 1 pt/hr up to 8 pts/year 40 pts max	
Teaching Experience in this content area: Describe: _____ _____	10 pts per yr 25 points maximum	
Must be a minimum of 50 points <b>CONTENT AREA 2 Total Points:</b> _____		
<b>Content Area 3:</b> _____ College/University Coursework in the content area(s): List coursework _____ _____ _____	# credit hours: X 3 points	
NBTS Certification for this content area	100 points	
Content Based Professional Development or Content Knowledge Activities: (Please use the AR HOUSSE to see examples of appropriate activities, committee service, textbook adoption, presentations, conferences, articles written, etc.) Describe Activity and use Point Value from Single Subject AR-HOUSSE form: _____ _____ _____	Prof. Dev. Points 1 pt/hr up to 8 pts/year 40 pts max	
Teaching Experience in this content area: Describe: _____ _____	10 pts per yr 25 points maximum	
Must be a minimum of 50 points <b>CONTENT AREA 3 Total Points:</b> _____		

**Duplicate form as needed to add additional content areas.**

Teacher's signature _____	Date _____
School District Administrator's name _____	Date _____
School District Administrator's signature _____	Date _____

**TEACHERS ARE TO ATTACH ALL APPROPRIATE DOCUMENTATION. COPIES OF ALL ARE TO BE MAINTAINED BY THE TEACHER AND KEPT ON FILE IN THE SCHOOL DISTRICT.**

**Appendix C**  
**Arkansas Department of Education**  
**Highly Qualified Teacher Designation Form (MULTI-SUBJECT, for Secondary grades)**

**A highly qualified teacher (HQT) must have at least a bachelor's degree; must be appropriately licensed to teach; and must demonstrate content knowledge in the subject area(s). The Multi-Subject HQT form (to designate content knowledge) may ONLY be used by teachers in Alternative Learning Environments, Juvenile Detention/Residential Centers, or Special Education, who teach two or more subjects and seek Highly Qualified Teacher status as a Multi-Subject HQT.**

Teacher Name \_\_\_\_\_ Date \_\_\_\_\_

School \_\_\_\_\_ School District \_\_\_\_\_

**Choose level of HQT status being sought.**

☐ Secondary/Grades 7-12

**Indicate Instructional Class**

- ☐ Alternative Learning Environment  
☐ Special Education  
☐ JDC, Residential

**Choose the content areas.**

- ☐ English  
☐ Reading or Language Arts  
☐ Mathematics  
☐ Science: (Specify subject \_\_\_\_\_)  
☐ Art  
☐ Social Studies: (Specify subject \_\_\_\_\_)  
☐ Music  
☐ Foreign Language: (Specify language \_\_\_\_\_)

**1) BACHELOR'S DEGREE (Provide the appropriate information and documentation.)**

Degree \_\_\_\_\_ Date Awarded \_\_\_\_\_ Institution \_\_\_\_\_

**2) ARKANSAS TEACHING LICENSE (Check one and provide the appropriate information.)**

- ☐ INITIAL ☐ NTLP PROVISIONAL ☐ ~~NTL~~ PROFESSIONAL TEACHING PERMIT/PPTL  
☐ STANDARD ☐ RECIPROCITY PROVISIONAL (all requirements completed except AR History course)

Area \_\_\_\_\_ Level \_\_\_\_\_ Expiration date: \_\_\_\_\_

**3) DEMONSTRATION OF CONTENT KNOWLEDGE IN THE SUBJECT OR AREA? (Provide the appropriate information and documentation.)**

- ☐ I am an Alternative Learning Environment teacher and I have accumulated >100 points in each of the designated areas on the Secondary-grades Multi-Subject ARHQSSE criteria survey.  
☐ I am a Special Education teacher and I have accumulated >100 points in each of the designated areas on the Secondary-grades Multi-Subject ARHQSSE criteria survey.

**4) Are you HQT (i.e., do you have all of 1, 2, and 3 above)? Yes \_\_\_\_\_ No \_\_\_\_\_**

If you do not meet **all three criteria** (1, 2, & 3 above) you cannot be designated as highly qualified in this area at this time. **IN CONJUNCTION WITH YOUR SCHOOL/DISTRICT ADMINISTRATOR YOU ARE TO DEVELOP, MAINTAIN AND ADHERE TO A WRITTEN PLAN FOR BECOMING HIGHLY QUALIFIED IN THESE AREAS BY THE END OF THIS SCHOOL YEAR.**

\_\_\_\_\_  
Teacher's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
School or District Administrator's name

\_\_\_\_\_  
School or District Administrator's signature

\_\_\_\_\_  
Date

**TEACHERS ARE TO ATTACH ALL APPROPRIATE DOCUMENTATION. COPIES OF ALL ARE TO BE MAINTAINED BY THE TEACHER AND KEPT ON FILE IN THE SCHOOL DISTRICT.**

**Multi-Subject Arkansas High Objective Uniform State Standard of Evaluation (MS-ARHOUSSE)  
for Secondary grades**

**To establish Highly Qualified status as a Multi-Subject teacher a teacher must be teaching in one of the Instructional Classes listed below, and be teaching two or more of the content areas listed below. To demonstrate content knowledge via Multi-Subject ARHOUSSE a minimum of 100 points is required per content area taught.**

Teacher Name \_\_\_\_\_

Date \_\_\_\_\_

School \_\_\_\_\_ School District \_\_\_\_\_

<b>Indicate level of HQT status being sought.</b>  <input type="radio"/> Secondary/Grades 7-12	<b>Indicate the content areas to be considered for this HQT designation.</b>  <input type="radio"/> English <input type="radio"/> Reading / Language Arts <input type="radio"/> Math <input type="radio"/> Science: (subject _____) <input type="radio"/> Art <input type="radio"/> Social Studies: (subject _____) <input type="radio"/> Music <input type="radio"/> Foreign Language: (subject _____)
<b>Indicate Instructional Class</b> <input type="radio"/> Alternative Learning Environment <input type="radio"/> Special Education <input type="radio"/> JDC, Residential, Other	

**NOTE: CONTENT KNOWLEDGE ONLY  
USE MULTIPLE SHEETS AS NECESSARY**

Subject (from page 1) \_\_\_\_\_

The following evidence must be in the **content area indicated above.**

	<b>Points</b>	
Praxis II Middle School: Content Knowledge test (#0146) ), <u>Praxis II: Middle School Multiple Subjects (#5141), or other appropriate state-mandated content-area assessment if the subject area above is Math, Science, English or Social Studies</u>	25 points	
National Teacher Exam Content Area Assessment(s) <b>for this content area</b> (e.g., Praxis # 010) or other non-Praxis non-licensure Content test (Describe.) CLEP Exams in content area	50 points	
NBPTS Certification <b>in this content area</b>	100 pts	
Content test <b>in this area</b> taken for licensure in another state. (Describe)	100 pts	
Years of teaching experience <b>in this subject area</b> within the last ten years (10 pts/year)	# of years _____ (50 pts max)	
<b>Content-based</b> Professional Development - according to the school's Prof. Dev. Plan (1 pt/hr up to 8 pts/year)	# of years _____ (40 pts max)	

The following, if used, must **NOT HAVE BEEN USED ABOVE** under Professional Development.

College/University Coursework in the content area List coursework _____ _____	# credit hours _____ 3 pts per credit hour	
Served in an administrative capacity in the content area, e.g., Dept. chair, ACSIP chair, Lead teacher, etc. Describe: _____ _____	# of years served _____ 10 pts per year (30 pts max)	
Documented Committee service in <b>local (LEA)</b> or Education Service Co-operatives curriculum development <b>in this content area</b> in the last five years Describe: _____ _____	# of activities _____ 5 pts per activity (25 pts max)	



MS-HOUSSE Subject area (from page 1) \_\_\_\_\_

Documented Committee service in <b>state or national</b> curriculum development in <b>this content area</b> in the last five years Describe: _____ _____	# of activities _____ 10 pts per activity (30 pts max)	
Textbook adoption committee service in <b>this content area</b> over the last five years Describe: _____ _____	# of committees _____ 15 pts per committee (30 pts max)	
Papers published in refereed journals in this content area in the last five years Describe: _____ _____	# of papers _____ 10 pts per paper (30 pts max)	
Presentations made at content-area or specialty-area association conferences in the last five years Describe: _____ _____	# of pres'ns _____ 10 pts per pres'n (30 pts max)	
Conferences attended on line or teleconferences, webcast professional development, CIV workshops, project based authentic learning lessons developed in this content area in the last five years Describe: _____ _____	# of conferences _____ 5 pts per conference (15 pts max)	
Service as a Pathwise Mentor or Subject Area Mentor Participant, Peer review of content specific experience in <b>this content area</b> . _____	# yrs served _____ 10 pts per year (30 pts max)	
Participation in a content-specific Arkansas Leadership Academy Individual or Team Institute, or other content specific experience training, etc. _____ _____	20 pts per academy	
Participation in SIM, etc. Curriculum Training – Year Long	20 pts per year	
Participation in Arkansas Mathematics and Science Professional Development Institute – Year Long, Participation in Core Content Competency Based Assessment Circles, Formative Assessment Training and application throughout the year in content area, etc. _____	20 pts per year	
Participation in Effective Literacy, Literacy Lab, Reading First, IDEAs Portal, Web Quest, Teacher-2-Teacher Initiatives, Academic Academies, etc. curriculum training – Year Long (Describe.) _____	1 point per hour up to 20 points per year	
	<b>Total</b>	

Sec. MS-HOUSSE page 2 of 2

Teacher's signature \_\_\_\_\_

Date \_\_\_\_\_

School District Administrator's name \_\_\_\_\_

Date \_\_\_\_\_

School District Administrator's signature \_\_\_\_\_

Date \_\_\_\_\_

**TEACHERS ARE TO ATTACH ALL APPROPRIATE DOCUMENTATION. COPIES OF ALL ARE TO BE MAINTAINED BY THE TEACHER AND KEPT ON FILE IN THE SCHOOL DISTRICT.**

**Arkansas Department of Education**  
**Rules Governing Incentives for Teacher Recruitment and Retention in High**  
**Priority Districts with an Average Daily Membership of 1,000 or Fewer**  
**~~October 2009~~**

**1.00 Regulatory Authority**

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts.
- 1.02 ~~These rules are enacted pursuant to the Arkansas~~ The State Board of Education's enacts these Rules pursuant to its authority under as set forth in Ark. Code Ann. §§ 6-11-105, 6-17-811, and 25-15-201 et seq. and Act 969 of 2009.

**2.00 Purpose**

The purpose of this rule is to establish the procedures to provide incentives for teacher recruitment and retention in high priority districts.

**3.00 Definitions**

Unless otherwise specifically stated herein, the term:

- 3.01 Department - Means the Arkansas Department of Education.
- 3.02 High Priority District - Means a public school district identified by the Department by ~~April~~ February 15 of each year as having a three-quarter average daily membership in the previous year of one thousand (1,000) or fewer students, and in which eighty percent (80%) or more of public school students are eligible for the free or reduced price lunch program under the National School Lunch Act based on the October 1 student count of the previous year submitted to the Department of Education national school lunch students, and
  - 3.02.01 ~~had a three quarter average daily membership in the previous year of one thousand (1,000) or fewer students, or~~
  - 3.02.2 ~~qualifying~~ Qualifying teachers in the resulting school district in an approved voluntary consolidation or in a receiving district in an approved voluntary annexation shall continue to receive the funding provided under this section if all school

districts in the voluntary consolidation or annexation were high-priority districts in the immediately preceding school year, even if the average daily membership of the resulting or receiving school district is one thousand (1,000) or above.

3.03 National School Lunch Students – Means, for the sole purpose of these Rules, those students or the percentage of enrolled students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-price meals under the National School Lunch Act as determined on October 1 of each previous school year and submitted to the Department of Education, unless the school district is identified by the Department of Education as participating in the special assistance certification and reimbursement alternative implemented under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.

3.03.1 If the school district is participating under 42 U.S.C. § 1759a, then for purposes of this section, the school district's annual percentage of national school lunch students is equal to the percentage submitted in the base year, which means the last school year for which eligibility determinations were made and meal counts were taken by type.

3.04 New Teacher Bonus – Means an incentive bonus provided under Sections 4.01.1 through 4.01.3 of these rules to a teacher who is within the first three (3) years of employment with a single high priority district.

3.05 Previous year - Means the school year immediately preceding the current school year.

~~3.05 Provision 2 School District – Means a school district that participates, pursuant to Provision 2 of the National School Lunch Act, in a program operated by the United States Department of Agriculture that allows the district to make eligibility determinations for free and reduced price meals during an initial base year and continue providing free and reduced price meals using the base year calculations for up to three additional years beyond the base year.~~

3.06 Retention Bonus - Means an incentive bonus of three thousand dollars (\$3,000) to be paid to a teacher who has received a new teacher bonus and enters his or her fourth or subsequent year of service in the same or other high- priority school district or for a teacher employed in a high-priority district who does not meet the requirements of Sections 4.01.1 through 4.01.3 of these rules.

- 3.07 Teacher - Means a licensed classroom teacher who spends seventy percent (70%) of his or her time working directly with students in a classroom setting teaching all grade-level or subject-matter appropriate classes, including guidance counselors and librarians.

#### **4.00 Incentives**

- 4.01 At the end of the school year and upon completion ~~on~~ of a licensed teacher's contracted teaching obligation, a teacher who completes the entire current school year teaching in a high-priority district may be entitled to receive, in addition to all other contracted salary and benefits:
- 4.01.1 A newly hired teacher who has not previously taught in a high-priority district, a one-time signing bonus of five thousand dollars (\$5,000) for the first year of service in the district to be paid upon completion of the full year of teaching.
- 4.01.2 A newly hired teacher who meets the requirements of Section 4.01.1 of these rules, who continues to teach in the same high-priority district and who completes the second full year of contracted teaching obligations, a new teacher bonus of four thousand dollars (\$4,000).
- 4.01.3 A teacher who meets the requirements of Sections 4.01.1 and 4.01.2 of these rules, who continues to teach in the same high- priority district and who completes the third full year of contracted teaching obligations, a new teacher bonus in the amount of four thousand dollars (\$4,000).
- 4.01.4 A teacher who meets the requirements of Sections 4.01.1 through 4.01.3 of these rules, who enters the fourth or subsequent year of service with the same high-priority district or begins employment with a high-priority district other than the high-priority district where he or she was employed when he or she received any bonuses pursuant to Sections 4.01.1 through 4.01.3 above shall receive a retention bonus of three thousand dollars (\$3,000) for the fourth and each subsequent complete year of service in the high-priority district to be paid at the end of the school year after completing all contractual obligations

4.01.5 A teacher employed in a high priority district who does not meet the requirements of Sections 4.01.1 through 4.01.3 of these rules, shall receive a retention bonus of three thousand dollars (\$3,000) for each complete year of service in the high-priority district to be paid at the end of the school year after completing all contractual obligations.

4.02 ~~The Superintendent of the high priority district where the teacher is employed shall certify in writing to the Department that the teacher has completed all contractual obligations for the school year. The Superintendent shall submit such certification information for applicable teachers to the Department no more than twenty one (21) calendar days after the end of the high priority district's school year.~~

4.03—No teacher is entitled to any incentives outlined in Section 4.01 above unless the teacher has fulfilled all contractual obligations for the current school year.

4.034 If the funds appropriated and available for the payment of the bonuses under this section are insufficient to pay the maximum bonus amounts to each qualifying teacher, the Department shall distribute the available funding to qualified teachers on a pro rata basis.

4.045 The bonus amounts provided under this section are the maximum amounts to be paid to qualifying teachers in high-priority districts, and are subject to the appropriation and availability of funding for the payment of the bonuses.

4.05 Districts will be responsible for the payment of all matching benefit payments.

## 5.0 Documentation

5.01 ~~Beginning in 2007-2008, the~~ The Department shall issue by February 15 ~~September 4~~ of each year a list of the high priority districts in which eighty percent (80%) or more of the public school students are eligible for the free or reduced-price lunch program under the National School Lunch Act and that had a three-quarter average daily membership in the previous year of one thousand (1,000) or fewer students.

5.02 ~~Beginning in 2007-2008, the~~ The Free and Reduced Price Meal calculation shall be based on the list of eligible students in a district

as verified by the Child Nutrition Unit of the Department based on the October 1 list of eligible students for grades K-12 for the previous school year.

- 5.03 The determination of eligibility for high priority district designation under Section 5.01 of these Rules for a ~~Provision 2~~ school district participating under 42 U.S.C. § 1759a shall be made utilizing the number of students eligible for free and reduced-price meals submitted by the district for the Department during its base year, which means the last school year for which eligibility determinations were made and meal counts were taken by type. ~~In order to be eligible for high priority district designation, eighty percent (80%) or more of a Provision 2 school district's students must actually be eligible for the free or reduced-price lunch program under the National School Lunch Act based on the district's base year calculation.~~
- 5.04 ~~The~~ Subject to the provisions of subsection 3.02.01 above, the determination of eligibility for high priority district designation in annexed or consolidated districts is made based on the combination of enrollment, average daily membership and free and reduced-price meal calculations for the two or more districts that were annexed or consolidated.
- 5.05 ~~Beginning in 2007-2008~~ No later than June 1, high priority districts shall notify the Department on forms provided by the Department, and identify all eligible teachers employed at the high priority district for the current school year.
  - 5.05.1 The district shall list teachers who were not employed by the high priority district during the previous school year and teachers employed the previous school year who continue to be employed for the current school year.
  - 5.05.2 The Superintendent of the high-priority district where the teacher is employed shall certify in writing to the Department that the teacher has completed all contractual obligations for the school year as of the date of certification.
  - 5.05.3 If a teacher fails to complete his or her contractual obligations between the date of certification under Section 5.05 and the following June 15, the Superintendent shall give written notice to the Department no later than June 15.
- 5.06 Upon receipt of the form from each high priority district and the written certification from the Superintendent required by Section

~~4.02~~ 5.05 of these rules, the Department shall distribute the funds to the districts who will distribute the appropriate bonuses to the teachers employed by the high priority districts.

~~5.07~~ ~~Districts will be responsible for the payment of all matching benefit payments.~~

## **6.00 Monitoring of Program**

- 6.01 It shall be the responsibility of each high- priority district to monitor the incentive bonus distribution in their district and provide data to the Arkansas Department of Education.
- 6.02 The Arkansas Department of Education's Teacher Recruitment and Retention Unit will collect the data and monitor the total program for the state.

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES GOVERNING NUTRITION AND PHYSICAL ACTIVITY STANDARDS**  
**AND BODY MASS INDEX FOR AGE ASSESSMENT PROTOCOLS IN ARKANSAS**  
**PUBLIC SCHOOLS**  
**August 2007**

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**1.0 PURPOSE**

- 1.01 The purpose of these rules is to establish the requirements and procedures for governing nutrition and physical activity standards and body mass index for age assessment protocols in Arkansas Public Schools.

**2.0 REGULATORY AUTHORITY**

- 2.01 These shall be known as the Arkansas Department of Education Rules Governing Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools.
- 2.02 These regulations are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-16-132, 20-7-133, 20-7-134, 20-7-135 and ~~Acts 201 and 317 of 2007~~ and Act 981 of 2011.

**3.0 DEFINITIONS**

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

- ~~3.01 Adult - A licensed or qualified physical education teacher or a classified employee trained and assigned to supervise physical education classes.~~
- 3.021 A la<sup>2</sup> carte - Food items and /or beverages, individually priced, provided by the non-profit school food service program. These items may or may not be part of the reimbursable meal.
- 3.032 Arkansas Child Health Advisory Committee - A state level committee that was established by ~~Act 1220 of 2003~~ Ark. Code Ann. § 20-7-133 to develop nutrition and physical activity standards and make policy recommendations to the Arkansas Board of Education and the State Board of Health.
- 3.043 Arkansas Consolidated School Improvement Plan (ACSIP) - A plan of action to address deficiencies in student performance that is reviewed annually and monitored at least every two years.



- 3.054 Body Mass Index (BMI) - Weight in pounds divided by height in inches squared multiplied by 703 (metric: weight in kilograms divided by height in meters squared).
- 3.065 BMI for age assessment- Calculating the height and weight as in the definition for BMI and applying the CDC growth charts for age and gender.
- 3.076 BMI for age assessment protocols- A detailed plan designed to describe appropriate procedure for assessment.
- 3.087 Body Mass Index Percentile for Age - An indicator to assess the size and growth patterns of individual children based on the Centers for Disease Control and Prevention's (CDC) BMI-for-age growth charts for boys and girls.
- 3.098 Carpenter's square – An instrument for ensuring a level reading of height.
- ~~3.10 Certificate of completion – A document provided upon completion of BMI assessment training protocol.~~
- 3.419 Child Nutrition Programs - The federal child nutrition programs operated by Arkansas public ~~and charter~~ schools, including public charter schools, which include the National School Lunch Program, the School Breakfast Program, the After School Snack Program, the Special Milk Program and the Summer Feeding Program, as established by the Richard B. Russell National School Lunch Act (42 U.S.C. § 1751 et seq.) and the Child Nutrition Act of 1966 (~~as amended through PL 108-269, July 2, 2004~~) (42 U.S.C. § 1771 et seq.).
- 3.4210 Community Health Nurse Specialist (CHN) – Arkansas Department of Health Nurses located at educational cooperatives.
- 3.4311 Competitive Foods - Foods and beverages sold or made available to students that compete with the school's operation of the National School Lunch Program, School Breakfast Program and/or After School Snack Program, including, but not limited to, food and beverages sold or provided in vending venue (machines, ice chests, cabinets) in school stores or as part of school fundraisers to students on school premises during the declared school day.

Note: The federal definition of Competitive Foods, found in 7 CFR ~~210.12(a)(1)~~ 210.11(a)(1), is any foods sold in competition with the National School Lunch Program to children in food service areas during the lunch periods.

- 3.4412 Confidential - Information marked or intended for a specific person or persons.
- 3.4513 Declared School Day - The official schedule as required for students and staff in a specific Local Education Agency (LEA) location.
- 3.4614 Designee – A person approved or designated by school district.
- 3.4715 Digital Scale or Scale – A digital instrument for measuring weight.
- 3.4816 Elementary School - A campus with a designated Local Education Agency (LEA) number containing any combination of grades ~~pre-kindergarten~~ through sixth grade.
- 3.4917 Foods of Minimal Nutritional Value (FMNV) – The phrase “Foods of Minimal Nutritional Value” refers to the four categories of foods and beverages (soda water, water ices, chewing gum, and certain candies) that are restricted by the United States Department of Agriculture (USDA) under the Child Nutrition Programs. Definitions within the federal regulations concerning the four categories of FMNV are:
- 3.4917.1 Certain Candies - Certain Candies are FMNV according to United States Department of Agriculture (USDA) Regulations, including any processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients that characterize the following types:
- 3.4917.1.1 Candy Coated Popcorn - Popcorn that is coated with mixture made predominantly from sugar and corn syrup.
- 3.4917.1.2 Fondant - A product consisting of microscopic-sized sugar crystals that are separated by a thin film of sugar and/or invert sugar in solution such as candy corn or soft mints.
- 3.4917.1.3 Hard Candy - A product made predominantly from sugar (sucrose) and corn syrup ~~that~~ which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as ~~sour balls, lollipops, fruit balls, candy sticks, starlight mints, after-dinner mints, jaw breakers, sugar wafers, rock candy, cinnamon candies, breath mints and cough drops~~ sour balls, fruit balls, candy sticks, lollipops,

starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers and cough drops.

3.4917.1.4 Jellies and Gums - A mixture of carbohydrates ~~that~~ which are combined to form a stable gelatinous system of jellylike character and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices.

3.4917.1.5 Licorice - A product made predominantly from sugar and corn syrup ~~that~~ which is flavored with an extract made from the licorice root.

3.4917.1.6 Marshmallow Candies - An aerated confection composed ~~of as~~ sugar, corn syrup, invert sugar, 20 percent water, and gelatin or egg white to which flavors and colors may be added.

3.4917.1.7 Spun Candy - A product that is made from sugar that has been boiled at high temperature and spun at a high speed in a special machine.

3.4917.2 Chewing Gum - Chewing gum is a FMNV according to United States Department of Agriculture (USDA) regulations and includes ~~any~~ flavored products from natural or synthetic gums and other ingredients that form an insoluble mass for chewing.

3.4917.3 Soda Water - Soda water is a FMNV according the United States Department of Agriculture (USDA) regulations and ~~includes any carbonated beverage. No product shall be excluded from this definition because it contains discrete nutrients added to the food such as vitamins, minerals, and protein~~ is a class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 degrees F. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product is excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals and proteins.

3.4917.4 Water Ices - Water ices are FMNV according to United States Department of Agriculture (USDA) regulations and include any frozen, sweetened water and flavored ice with the exception of products that contain fruit or fruit juice.

~~3.20 Fried Food – Foods that are cooked by total or partial immersion into hot oil or other fat, commonly referred to as “deep fat frying” or “pan frying.”~~

~~3.21~~18 Healthy Nutrition Environment - A healthy school nutrition environment gives students consistent, reliable health information and ample opportunity to use it. (Source: United States Department of Agriculture.)

~~3.22~~19 Height – A standing measurement in inches or meters.

~~3.23~~0 High School – Public school(s) having some combination of grades 9-12.

~~3.24~~1 Junior High School - Public school(s) having some combination of grades 7- 9.

~~3.25 Licensed Teacher – An individual who holds a valid Arkansas teaching license with a certification or approval in the subject area to be taught.~~

~~3.26~~2 Local Wellness Policy – A policy required by federal law for public schools participating in a nutrition program authorized by the Richard B. Russell National School Lunch Act (42 U. S. C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U. S. C. 1771 et seq.)

~~3.27~~3 Middle School - Public school (s) having some combination of grades 5-8.

~~3.28~~4 Physical Activity - Any bodily movement produced by skeletal muscles that results in energy expenditure.

~~3.29~~5 Physical Education - A planned, sequential K-12 curriculum that provide cognitive content and learning experiences in a variety of activity areas including basic movement skills; physical fitness, rhythms, and dance; games team, dual, and individual sports; tumbling and gymnastics; and aquatics.

~~3.30~~26 Private - Not openly or in public.

~~3.31 Recorder – A person who writes down student heights and weights or enters measurements into database.~~

~~3.32~~27 Regular Basis - A regularly repeated or continuing occurrence at a specific school site. For example: every day, or on a particular day each week, or repeated on a defined schedule.

~~3.33~~28 Reimbursable Meal - A meal which meets the United States Department of Agriculture (USDA) criteria for reimbursement for one of the Child Nutrition Programs in Arkansas.

~~3.34~~29 School Events – Any occasion such as field day, holiday, school recognition

activities, end of school events, etc. designated at the discretion of the school administration.

- ~~3.35~~0 School Fundraisers - For purposes of this rule, all food and beverage items sold by school administrators or school classified or certified staff (principals, coaches, teachers, club sponsors, etc.), students or student groups, parents or parent groups, or any other person, company or organization directly associated with the school programs.
- ~~3.36~~1 School Health Index - The *School Health Index* (SHI) is a self-assessment and planning guide designed by the Centers for Disease Control (CDC) to help schools identify strengths and weaknesses of the school's health promotion policies and programs, develop an action plan for improving student health, and involving teachers, parents, students and various members of the community in improving the school's policies and programs.
- ~~3.37~~2 Stadiometer – An instrument for measuring standing height.
- ~~3.38~~3 Student Health Report – A written notice to parents with student's health screening information.
- ~~3.39~~4 School Nurse - Nurses employed by school districts.
- ~~3.40~~35 School Nutrition and Physical Activity Advisory Committee - (SNPAA) A committee operating within each public school district; that shall help raise the awareness of the importance of nutrition and physical activity and shall include members from the school district's governing boards, school administrators, food service personnel, teacher organizations, parents, students and professional groups such as nurses and community members. The SNPAA may also be referred to as the "Wellness Committee."
- ~~3.41~~36 School Site - Any and all locations associated with a Local Education Agency (LEA) number.
- ~~3.42~~37 Vending - Means to sell or give away foods and beverages anywhere at a school site on a regular basis, including but not limited to a classroom, school store or concession stand, or equipment such as heated cabinets, hot or cold vending machines, ice chests coolers, etc.
- ~~3.43~~38 Weight – A measurement in pounds or kilograms.

- 3.44~~39~~ Written Refusal – A document to school district requesting a child ~~NOT~~ not be included in assessing BMI.

For the purposes of any protocols developed pursuant to these rules, the following terms mean:

- 3.40 Certificate of Completion – A document provided upon completion of BMI assessment training protocol.
- 3.41 Fried Food – Foods that are cooked by total or partial immersion into hot oil or other fat, commonly referred to as “deep fat frying” or “pan frying.”
- 3.42 Recorder – A person who writes down student heights and weights or enters measurements into a database.

#### **4.0 CHILD HEALTH ADVISORY COMMITTEE**

- 4.01 There is created a Child Health Advisory Committee to consist of twenty (20) members.
- 4.02 The Committee will consist of the following eleven (11) members appointed by the Director of the Department of Health:
- 4.02.1 One (1) member to represent the Department of Health;
- 4.02.2 One (1) member to represent the Arkansas Dietetic Association;
- 4.02.3 One (1) member to represent the American Academy of Pediatrics, Arkansas Chapter;
- 4.02.4 One (1) member to represent the Arkansas Academy of Family Practice;
- 4.02.5 One (1) member to represent they Arkansas Association for Health, Physical Education, Recreation and Dance;
- 4.02.6 One (1) member to represent jointly the Arkansas Heart Association, the American Cancer Society, and the American Lung Association;
- 4.02.7 One (1) member to represent the Fay W. Boozman College of Public Health of the University of Arkansas for Medical Sciences;

4.02.8 One (1) member to represent the Arkansas Center for Health Improvement;

4.02.9 One (1) member to represent the Arkansas Advocates for Children and Families;

4.02.10 One (1) member to represent the University of Arkansas Cooperative Extension Service; and

4.02.11 One (1) member to represent the Office of Minority Health and Health Disparities of the Department of Health.

4.03 The Committee will also consist of the following nine (9) members appointed by the Commissioner of Education:

4.03.1 One (1) member to represent the Department of Education;

4.03.2 One (1) member to represent the Arkansas School Food Service Association (now known as the Arkansas School Nutrition Association);

4.03.3 One (1) member to represent the Arkansas School Nurses Association;

4.03.4 One (1) member to represent the Arkansas Association of Educational Administrators;

4.03.5 One (1) member to represent the Arkansas Parent Teacher Association;

4.03.6 One (1) member to represent the Arkansas School Boards Association;

4.03.7 One (1) member to represent the Arkansas Association of School Business Officials;

4.03.8 One (1) member to represent the Arkansas Association for Supervision and Curriculum Development; and

4.03.9 One (1) member who is a classroom teacher.

4.04 Terms of the committee members will be three (3) years.

4.05 If a vacancy occurs, the officer who made the original appointment shall appoint a person who represents the same constituency as the member being replaced.

- 4.06 The committee will elect one (1) of its members to act as chair for a term of one (1) year.
- 4.07 A majority of the members shall constitute a quorum for the transaction of business.
- 4.08 The committee shall meet at least monthly and will make recommendations to the State Board of Education and the State Board of Health consistent with the intent and purpose of these rules and with Ark. Code Ann. §§ 20-7-133, 20-7-134 and 20-7-135.
- 4.09 The committee shall develop nutrition and physical activity standards and policy recommendations with consideration of the following:
- 4.09.1 Foods sold individually in school cafeterias but outside the regulated National School Lunch Program;
- 4.09.2 Competitive foods as defined by the United States Department of Agriculture as the definition is in existence on January 1, 2003, and offered at schools typically through vending machines, student stores, school fundraisers, food carts, or food concessions;
- 4.09.3 The continuing professional development of food service staff;
- 4.09.4 The expenditure of funds derived from competitive food and beverage contracts;
- 4.09.5 Physical education and activity;
- 4.09.6 Systems to ensure the implementation of nutrition and physical activity standards; and
- 4.09.7 The monitoring and evaluating of results and reporting of outcomes.
- 4.10 The committee shall examine the progress of the Arkansas Coordinated School Health Program and make recommendations to the Department of Education and the Department of Health concerning the implementation of the Arkansas Coordinated School Health Program.

## **5.0 IMPLEMENTATION OF NUTRITION AND PHYSICAL ACTIVITY STANDARDS**

- 5.01 After having consulted the Child Health Advisory Committee and the State Board of Health, the State Board of Education shall promulgate appropriate rules and regulations to ensure that nutrition and physical activity standards



and body mass index for age assessment protocols are implemented to provide students with the skills, opportunities, and encouragement to adopt healthy lifestyles.

5.02 Every school district shall:

5.02.1 Prohibit for elementary school students in-school access to vending machines offering food and beverages;

5.02.2 Require schools to include as part of the annual report to parents and the community the amounts and specific sources of funds received and expenditures made from competitive food and beverage contracts;

5.02.3 Beginning with kindergarten and then in even-numbered grades, require schools to include as a part of a student health report to parents a body mass index percentile by age for each student; and

5.02.4 Permit any parent to refuse to have his or her child's body mass index percentile for age assessed and reported, by providing a written refusal to the school.

5.02.5 Students in grades eleven through twelve (11-12) are exempt from any policy or requirement of a public school or the state for measuring or reporting body mass index.

5.03 The Department of Education shall:

5.03.1 Begin the implementation of standards developed by the committee and approved by the Department of Education; and

5.03.2 Annually monitor and evaluate the implementation and effectiveness of the nutrition and physical activity standards.

**46.0 SCHOOL NUTRITION AND PHYSICAL ACTIVITY ADVISORY COMMITTEE**

6.01 Every school district shall convene a school nutrition and physical activity advisory committee that shall include members from school district governing boards, school administrators, food service personnel, teacher organizations, parents, students, and professional groups such as nurses and community members.

46.042 The school nutrition and physical activity advisory committee will help raise awareness of the importance of nutrition and physical activity and assist in the development of local policies that address issues and goals, including, but not limited to the following:

46.042.1 Assist with the implementation of nutrition and physical activity standards developed by the school nutrition and physical advisory committee with the approval of the Arkansas Department of Education and the State Board of Health;

46.042.2 Integrate nutrition and physical activity into the overall curriculum;

46.042.3 Ensure that professional development for staff includes nutrition and physical activity issues;

46.042.4 Ensure that students receive nutrition education and engage in healthy levels of vigorous physical activity;

46.042.5 Improve the quality of physical education curricula and increasing training of physical education teachers;

46.042.6 Enforce existing physical education requirements; and

46.042.7 Pursue ~~vending~~ contracts that both encourage ~~healthy~~ healthful eating by students and reduce school dependence on profits from the sale of foods of minimal nutritional value.

6.03 Every school district shall begin the implementation of standards developed by the Child Health Advisory Committee with the approval of the Department of Education and the State Board of Health.

6.04 Every school district shall require that goals and objectives for nutrition and physical activity be incorporated into the annual school planning and reporting process.

46.025 The School Nutrition and Physical Activity Advisory Committee shall be structured in a way as to ensure age-appropriate recommendations that are correlated to the current grade configuration of the school district utilizing one of the following options:

46.025.1 Establish a School Nutrition and Physical Activity Advisory Committee at each school in addition to the district committee;

46.025.2 Establish subcommittees of the District Committee, representing the

appropriate age and grade configuration for that school district; ~~and or~~

~~46.025.3~~ Include representatives from each appropriate grade level group (elementary, middle, junior and senior high) on the membership of the district committee;

~~46.036~~ ~~Beginning with the 2005 school year, at~~ At a minimum, the School Nutrition and Physical Activity Advisory Committee will:

~~46.036.1~~ Annually, assess each school campus, using the School Health Index for Physical Activity, Healthy Eating and a Tobacco-Free Lifestyle using the following modules:

- #1 - School Health Policies and Environment;
- #2 - Health Education;
- #3 - Physical Education and other Physical Activity Programs;
- #4 - Nutrition Services; and
- #8 - Family and Community Involvement Assessment;

~~46.036.2~~ Compare the physical education and health education assessment from the School Health Index to the standards defined by the Arkansas Department of Education Physical Education and Health Curriculum Framework;

~~46.036.3~~ Compile the results of the School Health Index and provide a copy to the principal of each school in the district to be included in the individual school improvement plan (ACSIP);

~~46.036.4~~ Provide the annual completed School Health Index assessment results and the physical activity standards comparison to the principal of each school in the district to be included in the district's Arkansas Consolidated School Improvement Plan (ACSIP) and to the local school board;

~~46.036.5~~ Assist the schools in implementing the Arkansas Child Health Advisory Committee recommendations for all foods and beverages sold or served anywhere on the school campus, including all foods and beverages other than those offered as part of reimbursable meals, including a la carte, vending machines, snack bars, fund raisers, school stores, class parties, and other venues that compete with healthy school meals;

46.036.6 Maintain and update annually a written list of recommended locally available, healthier options for food and beverages available for sale to students;

46.036.7 Encourage the use of non-food alternatives for fund-raisers;

46.036.8 Review and make written recommendations to the local school board regarding the components to be included in food and beverage vending contracts; and

46.036.9 Include as part of the district's annual report to parents and the community the amount of funds received and expenditures made from competitive food and beverage contracts.

46.047 The Local Wellness Policy is required under the current version of the Richard B. Russell National School Lunch Act (42 U.S.C.1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

46.047.1 Not later than the first day of the school year ~~beginning after June 30, 2006~~, each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for schools under the local educational agency that:

46.047.1.1 Includes goals for nutrition education, physical activity, and

other school-based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate;

46.047.1.2 Includes nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity;

46.047.1.3 Provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issues by the Secretary of Agriculture pursuant to subsections (a) and (b) of Section 10 of the Child Nutrition Act (42 U.S.C. 1779) and Sections 9(f)(1) and 17 (a) of the

Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)), as those regulations and guidance apply to public schools;

46.047.1.4 Establishes a plan for measuring implementation of the local wellness policy, including designation of one (1) or more persons within the local educational agency or at each school, as appropriate, charged with the operational responsibility for ensuring that the school meets the local wellness policy; and

46.047.1.5 Involves parents, students, representatives of the school food authority, the school board, school administrators, and the public in the development of the school wellness policy.

6.08 The Department of Education and the Department of Health shall report annually on progress in implementing nutrition and physical education standards to the chairs of the House Interim Committee on Public Health, Welfare, and Labor and the Senate Interim Committee on Public Health, Welfare, and Labor, the House Interim Committee on Education and the Senate Interim Committee on Education.

6.09 The State Board of Education shall submit to the House Interim Committee on Education and the Senate Interim Committee on Education for the committees' review any proposed rules regarding physical education or physical activity standards for grades kindergarten through twelve (K-12).

## **7.0 PHYSICAL EDUCATION REQUIREMENTS AND STANDARDS**

7.01 The physical education curriculum and physical activity requirements for every public school student who is physically fit and able to participate are:

7.01.1 Except as provided in Section 7.01.2 of these rules, for students in kindergarten through grade six (K-6):

7.01.1.1 Sixty (60) minutes of physical education training and instruction each calendar week of the school year; and

7.01.1.2 Ninety (90) minutes of physical activity each calendar week of the school year, which may include without limitation daily recess, physical education instruction in addition to the requirement of Section 7.01.1.1 of these rules, or intramural sports;

7.01.2 For students in grades five through eight (5-8) who attend a public

school organized to teach grades five through eight (5-8) or any combination thereof, sixty (60) minutes of physical education training and instruction each calendar week of the school year **or** an equivalent amount of time in each school year, with no additional requirement for physical activity; and

7.01.3 For students in grades nine through twelve (9-12) one-half (1/2) unit of physical education as required for high school graduation, with no additional requirement for physical activity.

7.02 Nothing in these rules prohibits:

7.02.1 A public school student's elective enrollment or voluntary participation in physical activity or physical education as a part of public school curriculum or extra-curricular activities; or

7.02.2 A school district's decision to require physical education instruction or physical activity in excess of the amounts identified in Section 7.01 of these rules.

7.03 The physical education training and instruction shall be designed to:

7.03.1 Improve the health of this state's school children;

7.03.2 Increase knowledge about the health benefits of physical activity and exercise;

7.03.3 Develop behavioral and motor skills that promote a lifelong commitment to healthy physical activity;

7.03.4 Promote health-focused activity among children and adolescents; and

7.03.5 Encourage physical activity outside of physical education.

7.04 Suitable modified courses shall be provided for students physically or mentally unable or unfit to take the course or courses prescribed for other pupils.

7.05 A student may be exempted from physical education and physical activity requirements by seeking a waiver from the local school board of directors. The local school board of directors may grant such a waiver based upon the following criteria:

7.05.1 The student must present a statement by the student's attending physician indicating that participation in physical education and

physical activity will jeopardize the student's health or well-being; or

7.05.2 The parent and student must show that attending physical education classes will violate the student's religious beliefs and would not be merely a matter of personal objection. The parent or student must be members of a recognized religious faith that objects to physical education as part of its official doctrine or creed.

7.05.3 The local school board of directors shall encourage a student granted a waiver under Section 7.05 of these rules to take, as an alternative to physical education, appropriate instruction in health education or other instruction in lifestyle modification if an exemption is granted.

7.06 Each school shall develop a physical education program that fits effectively and efficiently into the school's existing organization and into the standards and curriculum frameworks adopted by the State Board of Education, while incorporating the goals of these rules.

7.07 Nothing in Section 7.0 of these rules shall be construed to require any school or school district to hire personnel certified in physical education.

7.08 The State Board of Education shall submit to the House Interim Committee on Education and the Senate Interim Committee on Education for the committees' review any proposed rules regarding physical education or physical activity standards for grades kindergarten through twelve (K-12) developed pursuant to Section 7.0 of these rules that exceed the maximums identified in Section 7.01 of these rules.

7.09 At a minimum, school districts will work with their local School Nutrition and Physical Activity Advisory Committee to:

7.09.1 Encourage participation in extracurricular programs that support physical activity, such as walk-to-school programs, biking clubs, after-school walking etc.;

7.09.2 Encourage the implementation of developmentally appropriate physical activity in after-school childcare programs for participating children;

7.09.3 Promote the reduction of time youth spend engaged in sedentary activities such as watching television and playing video games;

7.09.4 Encourage the development of and participation in family-oriented community-based physical activity programs, and;

7.09.5 Incorporate into the school ACSIP the strategies to be employed to achieve the requirements set forth in section 7.0 of these rules.

**7.10 Physical Education Instruction in Grades Kindergarten through Six (K-6):**

**7.10.1 For grades K-6, physical education classes will have a maximum student to adult ratio of 30:1.**

**7.10.1.1 At least one of the adults directly supervising the physical education classes must be a licensed physical education teacher or licensed elementary teacher. The licensed physical education teacher or licensed elementary teacher will be responsible for the delivery of physical education instruction.**

**7.10.1.2 Classified personnel may assist in filling the 30:1 student to adult ratio requirement if they are trained and assigned to supervise physical education classes.**

**7.11 Physical Education Instruction in Grades Seven through Twelve (7-12): For grades 7-12, physical education instruction must be provided by a licensed physical education teacher with a license that corresponds to the grade levels being taught.**

**85.0 GENERAL REQUIREMENTS FOR FOOD AND BEVERAGES IN PUBLIC SCHOOLS**

**85.01 Access to Foods and Beverages in Public Schools**

**85.01.1 Elementary students will not have access to vended food and beverages anytime, anywhere on school premises during the declared school day.**

**85.01.2 ~~Effective July 1, 2005, during~~ During the declared school day, an elementary school site may not serve, provide access to, through direct or indirect sales, or use as a reward, any FMNV or competitive food. This includes FMNV and competitive foods given, sold, or provided by school administrators, or staff (principals, coaches, teachers, club sponsors, etc.) students or student groups, parents or parent groups, or**



any other person, company or organization associated with the school site. Exceptions to this requirement are listed in ~~5.02~~ Section 8.02 of these rules.

85.01.3 In elementary schools, the Child Nutrition Program may only sell food items in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year, including extra milk, fresh fruits, vegetables, and/or an extra meal meeting the same requirements of the reimbursable meal. School food service departments shall not sell or give extra servings of desserts, french fries and/or ice cream.

85.01.4 ~~Effective July 1, 2005, during~~ During the declared school day, at middle, junior high and high school sites, schools shall not serve, provide access to, through direct or indirect sales, or use as a reward, any FMNV or competitive food to students anywhere on school premises until ~~30~~ thirty (30) minutes after the last lunch period has ended. This includes FMNV and competitive foods given, sold or provided by school administrators, or staff (principals, coaches, teachers, club sponsors, etc.) students or student groups, parents or parent groups, or any other person, company or organization associated with the school site.

85.01.5 In middle, junior high, and high schools, the Child Nutrition Program may only sell food items in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year, including extra milk, fresh fruits, vegetables, unsweetened unflavored water, and/or other food/beverage items that meet standards of maximum portion size and/or an extra meal meeting the same requirements of the reimbursable meal.

## 85.02 Exceptions to Limiting Access to Foods and Beverages in All Schools

85.02.1 Parents Rights - This policy does not restrict what parents may provide for their own child's lunch or snacks. Parents may provide FMNV or candy items for their own child's consumption, but they may not provide restricted items to other children at school.

85.02.2 School Nurses - This policy does not apply to school nurses using FMNVs or candy during the course of providing health care to individual students.

85.02.3 Special Needs Students – This policy does not apply to special needs students whose Individualized Education Program (IEP) plan indicates the use of an FMNV or candy for behavior modification (or

other suitable need).

85.02.4 School Events - Students may be given any food and/or beverage items during the school day for up to nine different events each school year to be determined and approved by school officials. These items may not be given during meal times in the areas where school meals are being served or consumed.

85.02.5 Snacks During the Declared School Day – Snacks may be provided or distributed by the school as part of the planned instructional program, for example, afternoon snack for kindergarten students who eat early lunch. Snacks shall meet the United States Department of Agriculture Child and Adult Care Snack Patterns.

85.02.6 Foods for Instructional Purposes – Foods integrated as a vital part of the instructional program are allowed at any time. Examples include edible manipulatives such as a square of cheese to teach fractions, a nutrition food experience, food production in family and consumer science units, and food science units.

85.03 New or renewed vending contracts for carbonated and sweetened non-carbonated beverages will be restricted to no more than ~~42~~ twelve (12) ounces per vended container. This requirement does not apply to contracts with an effective date on or before August 8, 2005.

## **69.0 NUTRITION STANDARDS FOR FOODS AND BEVERAGES**

69.01 ~~As of July 1, 2005, the~~ The Arkansas Child Health Advisory Committee nutrition standards will apply to all foods and beverages served, sold, or made available to students on elementary, middle, junior high and high school campuses (except the reimbursable school meals, which are governed by United States Department of Agriculture (USDA) federal regulations).

69.02 A list of the maximum portion size restrictions and nutrition standards will be provided to school districts. This list, ~~effective July 1, 2005,~~ will apply to all foods and beverages served, sold, or made available to students during the declared school day at any school site with the exception of reimbursable school meals which have nutrition standards governed by the United States Department of Agriculture (USDA) federal law and regulations.

69.02.1 Prior to each school year, on or before April 1, the updated list of maximum portion sizes and nutrition standards for foods and beverages will be developed by the Arkansas Child Health Advisory Committee and distributed by the Arkansas Department of Education (ADE) via ADE Director's Memo Communication.

- 69.02.2 Compliance will be monitored by the Arkansas Department of Education in addition to the self-monitoring by the Local School Nutrition and Physical Activity Advisory Committee.
- 69.02.3 All FMNV or competitive food beverages sold to students will be restricted to no more than ~~12~~ twelve (12) ounces per vended container. The only exception for a larger portion size will be unsweetened unflavored water.
- 69.02.4 A choice of two (2) fruits and/or 100% fruit juices must be offered for sale at the same time and place whenever competitive foods are sold. Fruits should be fresh whenever possible. Frozen and canned fruits should be packed in natural juice, water, or light syrup.
- 69.02.5 At the point of choice, at least 50% of beverage selections in vending machines, school stores and other sales venues shall be 100% fruit juice, low-fat or fat-free milk, and unflavored unsweetened water.
- 69.02.6 At middle school and high school levels, local leaders are encouraged to implement vending policies that encourage healthy eating by students.
- 69.02.7 ~~Beginning August 8, 2005 any~~ Any modification or revisions of vending contracts in existence prior to August 8, 2005, must be in full compliance with all sections of the Rules Governing Nutrition and Physical Activity Standards in Arkansas Public Schools as approved by the State Board of Education.
- 69.02.8 Nothing in these rules shall be construed to prohibit or limit the sale or distribution of any food or beverage item through fund raisers by students, teachers, or other groups when the items are sold off the school campus.

## **710.0 NUTRITION EDUCATION**

- 710.01 The Arkansas Department of Education shall promote grade-appropriate nutrition education as part of a broad based integrated health education program that is aligned with the Arkansas Physical Education and Health Education Framework. The Child Nutrition Unit of the Department of Education shall review nutrition standards prior to implementation. Examples of integration into the curriculum include comprehensive health education courses and ~~Workforce~~ Career Education courses which are taught within Family and Consumer Sciences, such as Nutrition and Wellness and/or Foods and Nutrition.

710.02 The Arkansas Department of Education and the Department of ~~Workforce~~  
Career Education will provide technical assistance in helping schools  
integrate health education curricula that will include the nutrition components.

710.03 Implementation of grade-appropriate nutrition education through a  
comprehensive education program will be included in the school improvement  
process.

## **811.0 HEALTHY SCHOOL ENVIRONMENT**

811.01 No food or beverage shall be used as rewards for academic, classroom or  
sport performances and/or activities. For exceptions to this requirement, see  
~~section 5.02~~ Section 8.02 of ~~this~~ these rules.

811.02 All school cafeterias and dining areas should reflect healthy nutrition  
environments.

811.03 Schools should ensure that all students have access to school meals. Schools  
should not establish policies, class schedules, bus schedules or other barriers  
that directly or indirectly restrict meal access.

811.04 Drinking water via water fountains or other service receptacle should be  
available without charge to all students on campus according to Arkansas  
Department of Health standards.

## **~~9.0 — PHYSICAL EDUCATION AND PHYSICAL ACTIVITY STANDARDS~~**

~~9.01 — Beginning in the school year 2005–2006, at At a minimum, school districts  
will work with their local School Nutrition and Physical Activity Advisory  
Committee to:~~

~~9.01.1 Encourage participation in extracurricular programs that support  
physical activity, e.g., such as walk to school programs, biking clubs,  
after school walking etc.;~~

~~9.01.2 Encourage the implementation of developmentally appropriate  
physical activity in after school childcare programs for participating  
children;~~

~~9.01.3 Promote the reduction of time youth spend engaged in sedentary activities such as watching television and playing video games;~~

~~9.01.4 Encourage the development of and participation in family-oriented community-based physical activity programs, and;~~

~~9.01.5 Incorporate into the school ACSIP the strategies to be employed to achieve the requirements set forth in section 9.0 of these rules.~~

~~9.02 Beginning in the school year 2006-2007, physical education classes in grades kindergarten through six (K-6) will have a maximum student to adult ratio of 30:1. At least one of the adults supervising, as referenced in this section, must be a licensed or qualified physical education teacher with the responsibility for instruction. Classified personnel may assist in fulfilling this requirement.~~

~~9.03 Beginning in the 2007-2008 school year, the The Arkansas Department of Education will devise and implement standards regarding the amount of instructional time to be devoted to various curriculum components. These standards will ensure that the physical education curriculum and physical activity requirements for every public school student who is physically fit and able to participate shall be:~~

~~9.03.1 Public school students in grades K-6 will receive sixty (60) minutes of scheduled physical education training and instruction, and ninety (90) minutes of physical activity each calendar week of the school year. The physical activity may include additional physical education classes, physical activity during the regular school day through activities such as daily recess periods, walking programs, intramurals and the integration of physical activity into the academic curriculum.~~

~~9.03.2 Public school students who attend a school organized to teach grades five (5) through eight (8), or any combination thereof, shall receive Sixty (60) minutes of physical education each calendar week of the school year or an equivalent amount of time each school year with no additional physical activity requirement.~~

~~9.03.3 Public school students in grades 9-12 shall be required to take one-half ( $\frac{1}{2}$ ) unit of physical education to comply with current Arkansas Standards for Accreditation, as required for graduation, with no additional requirement for physical activity.~~

~~9.03.4 Nothing in this act prohibits a public school student's elective enrollment, voluntary participation, or a voluntary requirement put in~~

~~place by the school district in physical education or physical activity as a part of the public school curriculum or extra-curricular activities.~~

~~9.03.5 A school district's decision to require physical education or physical activity in excess of the amounts required in Sections 9.03.1, 9.03.2, and 9.03.3, shall not be prohibited.~~

~~9.04 Beginning in the 2008-2009 school year, for grades K-6, the district will employ at least one licensed and/or qualified physical education full-time equivalent (FTE) teacher for every 500 students. This licensed and/or qualified physical education teacher will directly supervise physical education instruction.~~

~~9.06 Beginning with the 2012 school year, all personnel teaching physical education in grades K-12 will hold a physical education license appropriate for grade levels being taught.~~

## **1012.0 SCREENING PROCESS FOR BMI ASSESSMENT**

~~1012.01 Beginning in the 2007-2008 school year, all All children in Kindergarten (K),~~

~~grade two (2), grade (4), grade six (6), grade eight (8), and grade ten (10) shall have their height and weight assessed to calculate body mass index for age percentile.~~

~~1012.01.1 This requirement applies to public schools.~~

~~1012.01.2 The responsibility for enforcement of this section rests equally with  
each school district.~~

~~1012.01.3 Nothing in ~~this act~~ these rules shall preclude voluntary screening  
of  
any educational grade or preclude the referral of any child,  
regardless of grade, whom the parent, teacher or school nurse feels  
should be screened or examined unless the school has received  
written refusal from the student's guardian.~~

~~1012.01.4 ~~Follow~~ Each school district shall follow the approved screening process as outlined in the Height and Weight Measurement Training Manual.~~

~~1012.02 Screening equipment shall include but is not limited to:~~

~~1012.02.1 Stadiometer~~

~~40~~12.02.2 Scales for measuring weight

~~40~~12.02.3 Carpenter's square

#### ~~40~~12.03 TRAINING/ASSURANCE

~~40~~12.03.1 The Arkansas Department of Education in conjunction with the Arkansas Department of Health shall develop standards for training school nurses or other school designees to perform body mass index for age assessments.

~~40~~12.03.2 The Department of Health in consultation with the Department of Education shall assign all community health nurses under its supervision to work with schools to assure that body mass index for age assessment protocols are followed by school employees or their designees who conduct body mass index for age assessments and other student health screenings.

#### ~~40~~12.04 REPORTING

~~40~~12.04.1 Beginning with kindergarten and then in even numbered grades, schools will be required to include, as a part of a student health report to parents, a body mass index percentile by age for each student in a private and confidential manner.

#### ~~40~~.05 ~~EXEMPTIONS~~

~~40.05.1 Students in grades eleven (11) through twelve (12) shall be exempt from any policy or requirement of a public school or the state for measuring or reporting body mass index.~~

~~40.05.2 Parents who refuse to have their child participate in the body mass index percentile for age assessed and reported, must provide written documentation of the refusal to the school.~~

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES AND REGULATIONS GOVERNING ETHICAL GUIDELINES AND  
PROHIBITIONS FOR EDUCATIONAL ADMINISTRATORS, EMPLOYEES,  
BOARD MEMBERS AND OTHER PARTIES**

**July 11, 2005**

**1.00 REGULATORY AUTHORITY**

- 1.01 These rules and regulations shall be known as the Arkansas Department of Education Rules Governing Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members and other parties.
- 1.02 These rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-24-101 et seq., 25-15-201 et seq., and Act 878 of 2011. ~~et. Seq. and Act 1381 of the 85<sup>th</sup> Arkansas General Assembly.~~

**2.00 PURPOSE**

- 2.01 The purpose of these rules is to set forth certain ethical guidelines and prohibitions for educational administrators, employees, board members and other parties which involve contracts, transactions or agreements with Arkansas public school districts, charter schools, educational cooperatives or any publicly supported entity having supervision over public educational entities excluding institutions of higher education.

**3.00 DEFINITIONS**

Unless otherwise specifically stated herein, the term:

- 3.01 "Administrator" means any superintendent, assistant superintendent or his/her equivalent, open-enrollment public charter school director, school district treasurer, business manager, or other individual responsible for entity-wide purchasing. *The determining factor for being considered an "administrator" for the purposes of these regulations, ~~and compliance with Act 1599 of 2001~~ is the actual or implied authority of an individual to make purchases on behalf of the entire organization. This definition excludes many building principals (whose purchasing authority is often limited to their own school), but could include athletic directors or others. Classified employees serving in food services, business/accounting or other capacities may also be considered "administrators" ~~under Act 1599~~ when they exercise autonomous system-wide purchasing authority.*
- 3.02 "Board" means local school boards or other governing bodies of public educational entities;



- 3.03 “Board Member” means any board member, director, or other member of a governing body of a public educational entity;
- 3.04 “Board of Education” means the State Board of Education;
- 3.05 “Commissioner” means the Commissioner of the Arkansas Department of Education or his or her designee.
- 3.06 “Commodities” means all supplies, goods, material, equipment, computers, software, machinery, facilities, personal property, and services, other than personal and professional services, purchased for or on behalf of a public educational entity;
- 3.07 “Contract” means any transaction or agreement for the purchase, lease, transfer, or use of real property or personal property and personal or professional services, including but not limited to, motor vehicles, equipment, commodities, materials, services, computers or other electronics, construction, capital improvements, deposits, and investments;
- 3.08 “Contract disclosure form” means the form herein incorporated and attached to these rules ~~and regulations~~ as Appendix Form ~~E~~ B;
- 3.09 “Day” means a working day in which the Arkansas Department of Education is open to transact official governmental business;
- 3.10 “Department” means the Arkansas Department of Education;
- 3.11 “Directly” or “directly interested” means receiving compensation or other benefits personally or to a business or other entity in which the individual has a financial interest or receives other benefits. *See 3.16 “Financial interest.” A direct interest exists even when a management position or ownership interest is merely “on paper,” and is not dependent on the exercise of actual authority or the receipt of actual financial benefits from a business or entity;*
- 3.12 “Emergency purchase” means purchases mandated by unforeseen and unavoidable circumstances in which human life, health, or public property is in immediate jeopardy; and the expenditure is necessary to preserve life, health, or public property;
- 3.13 “Employee” means a full-time employee or part-time employee of a public educational entity;

3.14 “Employment contract” ~~M~~means an agreement or contract between an employer and an employee in which the terms and conditions of the employment are provided.

3.15 “Family” or “family members” means:

3.15.1 An individual’s spouse;

3.15.2 Children of the individual or the children of the individual’s spouse;

3.15.3 The spouse of a child of the individual or the spouse of a child of the individual’s spouse;

3.15.4 Parents of the individual or parents of the individual’s spouse;

3.15.5 Brothers and sisters of the individual or brothers and sisters of the individual’s spouse;

3.15.6 Anyone living or residing in the same residence or household with the individual or in the same residence or household with the individual’s spouse; or

3.15.7 Anyone acting or serving as an agent of the individual or as an agent of the individual’s spouse.

~~(A) — An individual’s spouse;~~

~~(B) — Children of the individual or the individual’s spouse;~~

~~(C) — The spouse of a child of the individual or the spouse of a child of the individual’s spouse;~~

~~(D) — Parents of the individual or the spouse;~~

~~(E) — Brothers and sisters of the individual or the spouse;~~

~~(F) — Anyone living or residing in the same residence or household with the individual or the spouse; or~~

~~(G) — Anyone acting or serving as an agent of the individual or the spouse.~~

3.16 “Financial interest” in a business or other entity means:

3.16.1 Ownership of more than a five percent (5%) interest;

3.16.2 Holding a position as officer, director, trustee, partner, or other top level management; or

3.16.3 Being an employee, agent, independent contractor, or having any other arrangement in which the individual's compensation is based in whole or in part on transactions with the public educational entity.

3.16.4 "Financial interest" does not include:

3.16.4.1 The ownership of stock or other equity holdings in any publicly held company; or

3.16.4.2 Clerical or other similar hourly compensated employees.

~~(A) Ownership of more than a five percent (5) interest; or~~

~~(B) Holding a position as an officer, director, trustee, partner, or other top level management; or~~

~~(C) Being an employee, agent, independent contractor, or other arrangement where the individual's compensation is based in whole or in part on transactions with the public educational entity; or~~

~~(D) Financial interest does not mean the ownership of stock or other equity holdings in any publicly held company. or~~

~~(E) Financial interest does not mean clerical or other similar hourly compensated employees.~~

3.17 "Gratuity" means a payment, loan, subscription, advance, deposit of money, travel, services or anything having a present market value of one hundred dollars (\$100) or more unless consideration of substantially equal or greater value is received;

3.18 "Indirectly" or "indirectly interested" means that a family member, business, or other entity in which the individual or family member has a financial interest will receive compensation or benefits; receiving compensation or other benefits personally, to a family member, or to a business or other entity in which the individual or a family member has a financial interest;

3.19 "Initially employed" means:

3.19.1 Employed in either an interim or permanent position for the first time or following a severance in employment with the school district; or

3.19.2 A change in the terms and conditions of any existing contract, excluding:

3.19.2.1 Any renewal of a teacher contract under Ark. Code Ann. § 6-17-1506;

3.19.2.2 Renewal of a noncertified employee's contract that is required by law; or

3.19.2.3 Movement of an employee on the salary schedule that does not require board action.

~~(A) Employed in either an interim or permanent position for the first time or following a severance in employment with the school district; or~~

~~(B) A change in the terms and conditions of an existing contract, excluding:~~

~~(i) Any renewal of a teacher contract under Ark. Code Ann. § 7-17-1506; or~~

~~(ii) Renewal of a noncertified employee's contract that is required by law.~~

~~(iii) Movement of an employee on the salary schedule which does not require board action.~~

3. 20 “Public educational entity” means Arkansas public school districts, charter schools, educational service cooperatives, or any publicly-supported entity having supervision over public educational entities. “Public educational entity” does not include institutions of higher education.

3.21 “Unusual and limited circumstances” means, without limitation, those circumstances that are uncommon, rare and restricted.

3.21.1 For the purposes of employment contracts, unusual and limited circumstances may include without limitation, a shortage of qualified candidates.

3.21.2 For contracts and transactions other than employment contracts, unusual and limited circumstances may include without limitation: the selected vendor being the only vendor within a reasonable distance offering the required services; or the selected vendor offering the lowest bid for prices or services as compared to two (2) or more other bidders.

3.242 “Written resolution” means the form herein incorporated and attached to these rules and regulations as Appendix Form F C.

#### **4.00 COMPLIANCE WITH OTHER LAWS AND RULES**

- 4.01 Nothing in these rules alters or diminishes other statutory or regulatory requirements regarding purchasing, contracting, bidding, disposition of property, or other transactions with public educational entities.
- 4.02 Nothing in these rules alters or diminishes the professional and/or ethical obligations of licensed personnel.

#### **5.00 GENERAL PROHIBITION**

- 5.01 No board member, administrator, or employee shall knowingly use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or others.
- 5.02 While serving as a board member, administrator, or employee, an individual shall not accept employment, contract, or engage in any public or professional activity that a reasonable person would expect might require or induce him or her to disclose any information acquired by the member by reason of his or her official position that is declared by law or regulation to be confidential.
- 5.03 No board member, administrator, or employee shall knowingly disclose any confidential information gained by reason of his or her position, nor shall the member knowingly otherwise use such information for his or her personal gain or benefit.
- 5.04 Nothing in these rules prohibits board members, administrators, or employees of public educational entities from donating services or property to a public educational entity.

#### **~~4.00 GENERAL PROHIBITION~~**

- ~~4.01 No board member, administrator, or employee of a public educational entity shall knowingly use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.~~
- ~~4.02 No board member, administrator, or employee of a public educational entity shall accept employment, contract, or engage in any professional activities for which a reasonable person might be expected in exchange to disclose confidential information acquired by the board member, administrator or employee by reason of his/her official position with the public educational entity.~~

~~4.03 — No board member, administrator, or employee shall knowingly disclose any confidential information gained by reason of his/her position or use such confidential information for his/her personal gain or benefit.~~

## **~~5.00 — TECHNOLOGY PROHIBITION~~**

~~5.01 — All transactions are prohibited involving the purchase, lease, acquisition or other use of computers, software, copiers or other electronic devices from family members of an employee responsible for establishing specifications or approving purchases of such equipment for the public educational entity which unless approved according to the public disclosure requirements regarding contracts with employees of a public educational entity which have a direct interest in such contracts as provided for in Section 12.00 of these rules and regulations.~~

## **6.00 GENERAL ETHICAL STANDARDS FOR NON-EMPLOYEES**

Any effort by a nonemployee to influence a public educational entity board member, administrator, or employee to breach the standards of ethical conduct stated in these rules and Ark. Code Ann. § 6-24-101 et seq. is a breach of ethical standards punishable under the criminal penalties set forth in Ark. Code Ann. § 6-24-101 et seq.

~~6.01 — No person shall attempt by any effort to influence any public educational entity board member, administrator, or employee to knowingly violate any provisions of these rules.~~

~~6.02 — Any person attempting to influence a public educational entity board member, administrator, or employee to knowingly violate the provisions of these rules may be subject to the criminal penalties provided for in Act 1599 of 2001 and the Arkansas criminal code.~~

## **7.00 EMPLOYMENT RESTRICTIONS OF ADMINISTRATORS RESTRICTIONS ON EMPLOYMENT OF PRESENT AND FORMER ADMINISTRATORS**

7.01 Unless written approval is granted by the Commissioner of the Arkansas Department of Education, it is a breach of ethical standards for an administrator to be or become the employee, agent, or independent contractor of any party contracting with the public educational entity the administrators serve. The Commissioner's approval letter shall be filed with and maintained by the public educational entity employing the administrator. provides written approval otherwise, administrators are prohibited from being or becoming the employee, agent or independent contractor of any party contracting with the public educational entity they serve while serving as an administrator for that public educational entity.

- 7.02 ~~Unless written approval is granted by the Commissioner of the Arkansas Department of Education, it is a breach of ethical standards for administrators to engage in selling or attempting to sell commodities or services to the public educational entity they served or were employed by for one (1) year following the date employment or service ceased. provides written approval otherwise, administrators are prohibited from engaging in selling or attempting to sell commodities or services to the public educational entity which employs him/her as an administrator for one (1) year following the termination of his/her employment as an administrator for the public educational entity.~~

## **8.00 GRATUITIES AND KICKBACKS**

- 8.01 It is a breach of the ethical standards for any person to offer, give, or agree to give any board member, administrator, or employee a gratuity or an offer of employment in connection with any contract or transaction of a public educational entity.
- 8.02 It is a breach of the ethical standards for any board member, administrator, or employee to solicit, demand, accept, or agree to accept from another person or entity a gratuity or an offer of employment in connection with any contract or transaction of a public educational entity.
- 8.03 It is a breach of the ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a person or an entity as an inducement for the award of a contract or transaction with a public educational entity.
- ~~8.01 No person may offer, give or agree to give any board member, administrator, or employee of a public educational entity a gratuity or an offer of employment in connection with any contract or transaction with a public educational entity.~~
- ~~8.02 No board member, administrator, or employee may solicit, demand, accept, or agree to accept from another person or entity a gratuity or an offer of employment in connection with any contract or transaction with a public educational entity.~~
- ~~8.03 No person may induce the award of a contract or transaction with a public educational entity by offering any payment, gratuity, or offer of employment to be made by or on behalf of a person or entity directly or indirectly interested in the contract or transaction with a public educational entity.~~

## **9.00 EMERGENCY PURCHASES**

- 9.01 Any emergency purchases or contracts with a public educational entity shall be exempt from the prohibitions of these rules.

- 9.02 Emergency purchases shall only be used ~~only those contracts~~ for the preservation of life, health or public property, and shall not be used to substantially improve the condition of an asset of the public educational entity, the board member, administrator or employee of the public educational entity prior to the emergency.
- 9.03 Each public educational entity shall maintain records and copies of all documentation relating to and supporting a determination that the transactions qualify ~~qualifies as an emergency purchases for three (3) years from the date of the emergency purchase.~~
- 9.04 Any person ~~attempting to use~~ using emergency purchases to avoid the intent of these rules ~~and regulations~~ shall be guilty of violating these rules and shall be subject to the penalties provided for in ~~Section 17.00 of these rules~~ and in Ark. Code Ann. § 6-24-101 et seq.

#### **10.00 ~~BOARD MEMBERS~~ SCHOOL BOARDS**

- 10.01 General Prohibition: Except as otherwise provided, it is a breach of the ethical standards for a board member to contract with the public educational entity the member serves if the board member has knowledge that he or she is directly or indirectly interested in the contract.
- 10.02 Employment of Family Members: A board member's family member may not be initially employed by the public educational entity the member serves during the member's tenure of service on the local board for compensation in excess of five thousand dollars (\$5,000) unless the Commissioner issues a letter of exemption and approves the employment contract based on unusual and limited circumstances.
- 10.02.1 The determination of unusual and limited circumstances shall be at the sole discretion of the Commissioner as further defined by these rules.
- 10.02.2 A family member of a school board member who was employed by the public educational entity during the school year immediately preceding the election of the board member may continue employment with the public educational entity under the same terms and conditions of the previously executed contract and any renewal of the contract under Ark. Code Ann. § 6-17-1506.
- 10.02.3 Subject to the local board's written policy, a qualified family member of a board member may be employed as a substitute teacher, substitute cafeteria worker, or substitute bus driver for a



period of time not to exceed a total of thirty (30) days per fiscal year for the public educational entity served by the board member.

10.02.4 No employment contract that is prohibited under this section is valid or enforceable by any party to the employment contract until approved in writing by the Commissioner.

10.02.5 The Commissioner's approval of an employment contract may include restrictions and limitations that are by this section incorporated as terms or conditions of the contract.

10.02.6 Excluding any renewal of a contract under Ark. Code Ann. § 6-17-1506, any change in the terms and conditions of an employment contract, a promotion, or a change in employment status for a family member of a school board member employed by a public educational entity that will result in an increase in compensation of more than two thousand five hundred dollars (\$2,500) must be approved in writing by the Commissioner before any change in the terms or conditions of the employment contract or promotion or changes in employment status are effective, valid, or enforceable.

### 10.03 Exceptions:

10.03.1 Board Approval: In unusual or limited circumstances, a public educational entity's board may approve a contract, but not an employment contract, between the public educational entity and the board member or the member's family if the board determines that the contract is in the best interest of the public educational entity.

10.03.1.1 In unusual or limited circumstances, a public educational entity's board may approve an employment contract as provided in this section.

10.03.1.2 The approval by the public educational entity's board shall be documented by written resolution(Form C) after fully disclosing the reasons justifying the contract or employment contract in an open meeting. Such disclosure should include without limitation the contract disclosure form (Form B). The resolution shall state the unusual and limited circumstances necessitating the contract or employment contract and shall document the

restrictions and limitations of the contract or employment contract.

10.03.1.3 If any proposed contract or employment contract is with a family member of a board member or a board member directly or indirectly interested in the proposed contract or employment contract, then the board member shall leave the meeting until the voting on the issue is concluded, and the absent member shall not be counted as having voted.

10.03.2 Independent Approval: If it appears the total transactions or contracts with the board member or a family member for a fiscal year total, or will total, five thousand dollars (\$5,000) or more, the superintendent or other chief administrator of the public educational entity shall forward the written resolution (Form C) along with all relevant data, including Form B, to the Commissioner for independent review and approval.

10.03.2.1 The written resolution and other relevant data shall be sent by certified mail, return receipt requested, or other method approved by the State Board of Education to assure that adequate notice has been received by the Department of Education and to provide a record for the school district board of directors sending the request for approval.

10.03.2.2 Upon review of the submitted data for any contract, including an employment contract, the Commissioner, within twenty (20) days of receipt of the resolution and other relevant data, shall approve or disapprove in writing the board's request.

10.03.2.3 The Commissioner may request additional information or testimony before ruling on a request. If additional data are needed for a proper determination, the Commissioner shall approve or disapprove the contract within twenty (20) days of receipt of the additional requested data.

10.03.2.4 If the Commissioner does not respond to the public educational entity within the twenty-day period or request additional time or data for

proper review of the contract, the contract shall be deemed to be approved by the Commissioner.

10.03.2.5 If approved, the Commissioner shall issue an approval letter stating all the relevant facts and circumstances considered and any restrictions or limitations pertaining to the approval. The Commissioner may grant the approval for a particular transaction or contract, a series of related transactions or contracts, or employment contracts. However, the approval shall not be granted for a period greater than two (2) complete and consecutive fiscal years, excluding employment contracts.

10.03.2.6 No contract subject to the Commissioner's review and approval shall be valid or enforceable until an approval letter has been issued by the Commissioner or the Commissioner fails to respond to the public educational entity within the time periods specified in this section.

10.04 Records: The Department of Education and the public educational entity shall maintain a record and copy of all documentation relating to transactions or contracts with board members or members of their families.

10.05 Providing False or Incomplete Information: Any board member or other person knowingly furnishing false information or knowingly not fully disclosing relevant information necessary for a proper determination by the public educational entity or the Commissioner shall be guilty of violating the provisions of these rules and Ark. Code Ann. § 6-24-101 et seq.

10.06 School board members should also be mindful of the requirements of Ark. Code Ann. § 6-13-616, which prohibits school board members from being employed by the school district they serve.

#### General Contracts

~~10.01 Board members and family members of board members may not contract with the public educational entity the board member serves except as allowed by Act 1599 of 2001 and these rules.~~

~~10.02 In unusual and limited circumstances, family members of a board member may contract with the public educational entity the board member serves after~~

~~submitting complete and full disclosure of all relevant facts in a contract disclosure form (Form E) at an open meeting and a majority of the board members determine that the contract is in the best interest of the public educational entity and approves a written resolution (Form F) explaining the unusual circumstances necessitating and justifying the contract and explaining the restrictions and limitations of the contract.~~

- ~~10.03 In unusual and limited circumstances, board members may contract with the public educational entity they serve after submitting complete and full disclosure of all relevant facts in a contract disclosure form (Form E) in an open scheduled meeting of the board and a majority of the board determines that the contract is in the best interests of the public educational entity and approves a written resolution (Form F) explaining the unusual circumstances necessitating and justifying the contract and explaining the restrictions and limitations of the contract.~~
- ~~10.04 No board member may participate in the discussion or vote on a contract in which they have a direct or indirect interest and the board member shall leave the board meeting room until the discussion and vote on the issue or contract is concluded.~~
- ~~10.05 If a contract with a board member or board member's family member totals \$5,000 or more, the superintendent of the public educational entity or chief administrator shall seek independent review and approval of the contract from the Commissioner of the Department in the following manner:~~
- ~~a. The written resolution (Form F) along with the contract disclosure form (Form E) shall be fully and accurately completed and shall be forwarded to the Commissioner by certified mail to the address listed on the contract disclosure form (Form E) provided by the Department of Education.~~
  - ~~b. The Commissioner or his designee shall review the contract information and either approve or disapprove the contract or request additional information and/or time by responding to the public educational entity within the initial ten (10) day time period of receipt of the resolution.~~
  - ~~c. If approved, the Commissioner shall issue an approval letter stating all relevant facts and circumstances considered and establish any restrictions or limitations pertaining to the contract.~~
  - ~~d. In no event shall a contract be approved by the Commissioner for a time period greater than two (2) years.~~
  - ~~e. No contract shall be valid until written approval has been issued by the Commissioner of the Department or the Commissioner fails to respond to~~

~~a request for independent review and approval within the time period of ten (10) days of receipt of a resolution or at a later time specified by the Commissioner if the Commissioner requests additional data or time in order to respond to the request for independent review.~~

#### Employment Contracts with Family Members

~~10.06 A board member's family member may not be initially employed by the public educational entity the member serves during the member's tenure of service on the local board for compensation in excess of five thousand dollars (\$5,000) unless the Commissioner of the Department of Education issues a letter of exemption and approves the employment contract based on unusual and limited circumstances.~~

- ~~(a) The determination of unusual and limited circumstances shall be at the sole discretion of the Commissioner of the Department of Education and may be further defined by rule of the State Board of Education.~~
- ~~(b) The Commissioner of the Department of Education's approval of an employment contract may include restrictions and limitations that are by this subsection incorporated as terms or conditions of the contract.~~
- ~~(c) No employment contract that is prohibited under this section is valid or enforceable by any party to the employment contract until approved in writing by the Commissioner of the Department of Education.~~
- ~~(d) In order to make a determination regarding a request for an exemption of the prohibition of a Board Member's family member being employed by a public school district, the Commissioner may request additional information to facilitate a review of the documentation. Items requested may include but are not limited to:~~
  - ~~❖ Position Title~~
  - ~~❖ Date Position Posted~~
  - ~~❖ Place(s) Position Posted~~
  - ~~❖ Number of Applications Received~~
  - ~~❖ Number of Applicants Interviewed~~
  - ~~❖ Date of Interviews~~
  - ~~❖ Name of Person Recommended~~
  - ~~❖ Salary to be Paid to Applicant Recommended~~
  - ~~❖ Length of Contract Offered~~
  - ~~❖ The unusual circumstances requiring the hiring of the person~~
  - ~~❖ The limited circumstances requiring the hiring of a Board Member's family member~~

- ❖ ~~Specific experience or training that makes the applicant the most desirable candidate~~

~~10.07 A family member of a school board member who was employed by the public educational entity during the school year immediately preceding the election of the board member may continue employment with the public educational entity under the same terms and conditions of the previously executed contract and any renewal of the contract under Ark. Code Ann. § 6-17-1506.~~

~~10.08 Subject to the local board's written policy, a qualified family member of a board member may be employed as a substitute teacher, substitute cafeteria worker or substitute bus driver for a period of time not to exceed a total of thirty (30) days per fiscal year for the public educational entity served by the board member.~~

~~10.09 Excluding any renewal of a contract under Ark. Code Ann. § 6-17-1506, any change in the terms or conditions of an employment contract, a promotion, or a change in employment status for a family member of a school board member employed by a public educational entity that will result in an increase in compensation of more than two thousand five hundred dollars (\$2,500) must be approved in writing by the Commissioner of the Department of Education before any change in the terms or conditions of the employment contract or promotion or changes in employment status are effective, valid or enforceable.~~

~~(a) The determination of unusual and limited circumstances shall be at the sole discretion of the Commissioner of the Department of Education and may be further defined by rule of the State Board of Education.~~

~~(b) The Commissioner of the Department of Education's approval of an employment contract may include restrictions and limitations that are by this subsection incorporated as terms or conditions of the contract.~~

~~(c) No employment contract that is prohibited under this section is valid or enforceable by any party to the employment contract until approved in writing by the Commissioner of the Department of Education.~~

~~(d) In order to make a determination regarding a request for an exemption of the prohibition of a Board Member's family member being employed by a public school district, the Commissioner may request additional information to facilitate a review of the documentation. Items requested may include but are not limited to:~~

- ~~❖ Position Title~~
- ~~❖ Date Position Posted~~
- ~~❖ Place(s) Position Posted~~
- ~~❖ Number of Applications Received~~

- ❖ ~~Number of Applicants Interviewed~~
- ❖ ~~Date of Interviews~~
- ❖ ~~Name of Person Recommended~~
- ❖ ~~Salary to be Paid to Applicant Recommended~~
- ❖ ~~Length of Contract Offered~~
- ❖ ~~The unusual circumstances requiring the hiring of the person~~
- ❖ ~~The limited circumstances requiring the hiring of a Board Member's family member~~
- ❖ ~~Specific experience or training that makes the applicant the most desirable candidate~~

~~10.10 If an employment contract with a board member's family member totals \$5,000 or more and the local board of the public educational entity or chief administrator wish to seek independent review and approval of the contract from the Commissioner of the Department, they should do so in the following manner:~~

- a. ~~The written resolution (Form F) along with the contract disclosure form (Form E) shall be fully and accurately completed and shall be forwarded to the Commissioner by certified mail to the address listed on the contract disclosure form (Form E) provided by the Department of Education.~~
- b. ~~The Commissioner or his designee shall review the contract information and either approve or disapprove the contract or request additional information and/or time by responding to the public educational entity within the initial ten (10) day time period of receipt of the resolution.~~
- c. ~~If approved, the Commissioner shall issue an approval letter stating all relevant facts and circumstances considered and establish any restrictions or limitations pertaining to the contract.~~
- d. ~~In no event shall a contract be approved by Commissioner for a time period greater than two (2) years.~~
- e. ~~No contract shall be valid until written approval has been issued by the Commissioner of the Department or the Commissioner fails to respond to a request for independent review and approval within the time period of ten (10) days of receipt of a resolution or at a later time specified by the Commissioner if the Commissioner requests additional data or time in order to respond to the request for independent review.~~

## 11.00 ADMINISTRATORS

11.01 Except as otherwise provided, it is a breach of the ethical standards for an administrator to contract with the public educational entity employing him or her if the administrator has knowledge that he or she is directly or indirectly interested in the contract.

11.02 Except as otherwise provided, it is a breach of the ethical standards for an administrator to contract with any public educational entity if the administrator has knowledge that he or she is directly interested in the contract.

11.03 Family Members as Employees: These rules do not prohibit an administrator's family members from being employed by the public educational entity the administrator serves or any other public educational entity. However, a member of an administrator's immediate family or former spouse may not be initially employed as a disbursing officer of the public educational entity where the administrator is employed unless the public educational entity receives written approval from the Commissioner. Before issuing written approval or denial, the Commissioner shall request the Division of Legislative Audit to review the internal controls, including the segregation of duties, present at the public educational entity. The Division of Legislative Audit shall report its findings to the Commissioner.

### 11.04 Exceptions:

11.04.1 In unusual and limited circumstances and only with prior written approval from the Commissioner, an administrator may contract with a public educational entity other than the public educational entity employing him or her.

11.04.2 In unusual and limited circumstances and only with prior written approval from the Commissioner, an administrator's family members may contract with a public educational entity employing the administrator.

11.04.3 An administrator seeking to contract with other public educational entities, or an administrator's family member seeking to contract with the public educational entity employing the administrator, shall first present the request, with all relevant facts and circumstances justifying approval, to the board currently employing the administrator at an open meeting. Such request should include without limitation the contract disclosure form (Form B).



- 11.04.4 After reviewing the request in an open meeting, the board may, by written resolution (Form C), approve the contract subject to approval by the Commissioner. A copy of the approval resolution (Form C) and all relevant data, including Form B, shall be forwarded by the board president to the Commissioner.
- 11.04.4.1 The written resolution and other relevant data shall be sent by certified mail, return receipt requested, or other method approved by the State Board of Education to assure that adequate notice has been received by the Department of Education and to provide a record for the school district board of directors sending the request for approval.
- 11.04.4.2 Upon review of the submitted data, the Commissioner shall, within twenty (20) days of receipt of the resolution and other relevant data, approve or disapprove in writing the board's request.
- 11.04.4.3 The Commissioner may request additional information or testimony before ruling on a request. If additional data is needed for a proper determination, the Commissioner shall approve or disapprove the contract within twenty (20) days of receipt of the additional requested data.
- 11.04.4.4 If the Commissioner does not respond to the public educational entity within the twenty-day period or request additional time or data for a proper review of the contract, the contract shall be deemed to be approved by the Commissioner.
- 11.04.4.5 If approved, the approval letter shall state all relevant facts and circumstances considered in the approval and shall state any restrictions or limitations of the approval. The Commissioner may grant an approval for a particular transaction or a series of related transactions. No approval shall be granted for a period greater than two (2) complete and consecutive fiscal years.

- 11.04.5      The Department of Education and the public educational entity shall maintain a record and copy of all documentation relating to an exemption from the provisions of these rules.
- 11.04.6      A contract subject to this section is not valid until the Commissioner:
- 11.04.6.1      Approves the contract; or
- 11.04.6.2      Fails to respond to the public educational entity within the time periods specified in this section.
- 11.05   Providing False or Incomplete Information: Any administrator knowingly furnishing false information or knowingly not disclosing relevant information necessary for a proper determination by the public educational entity or the Commissioner shall be guilty of violating the provisions of these rules and Ark. Code Ann. § 6-24-101 et seq.
- 11.06   “Contract” defined: For the purposes of this section only, “contract” does not apply to employment contracts issued to an administrator of a public educational entity for administrative or other duties such as, but not limited to, teaching, bus driving, or sponsorship of clubs or activities.
- 11.07   Compensation for Officiating Athletic Events: Nothing in this section prohibits administrators from receiving compensation for officiating school-sponsored athletic activities with any public education entity.
- 11.08   Compensation for Conducting Seminars: Nothing in this section prohibits administrators from receiving compensation for conducting seminars for, or making presentations to, public educational entities other than the public educational entity employing them.
- ~~11.01—Administrators shall not contract with the public educational entity which employs him/her.~~
- ~~11.02—Administrators may not contract with any public educational entity except as allowed for by Act 1599 of 2001 and these rules.~~
- ~~11.03—Administrator family members may not contract with the public educational entity that employs the administrator except as allowed for by Act 1599 of 2001 and these rules.~~
- ~~11.04—Beginning July 1, 2002 no member of an administrator's immediate family or former spouse may be initially employed as a dispersing officer of the public~~

~~educational entity where the administrator is employed unless the Division of Legislative Audit has submitted a written report on its review of the internal controls, including the segregation of duties of the public educational entity, to the Commissioner of the Department and after review of the report, the Commissioner issues written approval of the initial hiring of the administrator's family member or former spouse as a dispersing officer of the public educational entity.~~

~~11.05 In unusual and limited circumstances, an administrator may contract with a public educational entity other than the entity employing him/her or an administrator's family member may contract with the public educational entity employing the administrator but only after:~~

- ~~a. The administrator makes full and complete disclosure of all relevant facts, circumstances, interests and relations associated with the contract to the board of the public educational entity at a scheduled open meeting; and~~
- ~~b. The board determines that the contract with the administrator's family member is in the best interest of the public educational entity; and~~
- ~~c. A majority of the board adopts a written resolution (Form F) approving the contract and the resolution specifies all relevant facts and circumstances and states the unusual and limited circumstances justifying and necessitating the contract and sets forth any restrictions and limitations on the contract; and~~
- ~~d. The board forwards the written resolution (Form F) and the contract disclosure form (Form E) with all relevant facts to the Commissioner of the Department pursuant to the procedures set forth in Section 11.06 of these rules.~~

~~11.06 When the board of a public educational entity approves any contract with the family member of an administrator employed at that public educational entity and the board has complied with the requirements of Section 11.05 of these rules, the entity shall then seek independent review and approval of such contract from the Director in the following manner:~~

- ~~a. A written resolution (Form F) of approval along with the contract disclosure form (Form E) shall be forwarded to the Commissioner by certified mail to the address listed on the contract disclosure forms (Form E) by the Department; and~~

- ~~b. — The Commissioner or his designee shall review the written resolution (Form F) and contract disclosure form (Form E) and either approve or disapprove the contract or request additional data and/or time by responding to the public educational entity within the initial ten (10) days of receipt of the resolution; and~~
  - ~~c. — If the contract is approved, the Commissioner shall issue an approval letter stating all relevant facts and circumstances considered and shall state any restrictions or limitations pertaining to the contract.~~
  - ~~d. — In no event shall a contract be approved by the Commissioner for a time period greater than two (2) years.~~
  - ~~e. — No contract shall be valid until written approval has been issued by the Commissioner or the Commissioner fails to respond to a request for independent review and approval within the time period of ten (10) days of receipt of the resolution or a later specified time period if additional data or time is required by the Commissioner for an independent review.~~
- ~~11.07 — The Department and public educational entity shall maintain a record and copy of all documentation relating to any contracts between a family member of an administrator and a public educational entity that employs the family member of an administrator.~~
- ~~11.08 — For purposes of these rules and regulations, the term "contract" does not apply to employment contracts issued to an administrator of a public educational entity for administrative or other duties such as, but not limited to, teaching, bus driving, sponsorship of clubs or activities and officiating school-sponsored athletic activities.~~
- ~~11.09 — Administrators are not prohibited from receiving compensation for conducting seminars or making presentations to public educational entities other than the public educational entity employing them.~~
- ~~11.10 — Any administrator that knowingly furnishes false information or knowingly fails to fully disclose all relevant information as required by Act 1599 of 2001 or these rules and regulations is in violation of these rules and regulations and shall be subject to the sanctions and penalties provided for in Section 17.00 of these rules and regulations.~~

## 12.00 EMPLOYEES

12.01 Except as otherwise provided, it is a breach of the ethical standards for an employee to contract with the public educational entity employing him or her if the employee has knowledge that he or she is directly interested in the contract.

### 12.02 Exceptions

12.02.1 Approval by Board: In unusual and limited circumstances, a public educational entity's board may approve a contract between the public educational entity and the employee if the board determines that the contract is in the best interest of the public educational entity.

12.02.1.1 The approval by the public educational entity's board shall be documented by written resolution (Form C) after fully disclosing the reasons justifying the contract in an open meeting. Such disclosure should include without limitation the contract disclosure form (Form B). The resolution shall state the unusual circumstances necessitating the contract and shall document the restrictions and limitations of the contract.

12.02.1.2 Any board member directly or indirectly interested in the proposed contract shall leave the meeting until the voting on the issue is concluded, and the absent member shall not be counted as having voted.

12.02.2 Independent Approval: If it appears that the total transactions with an employee for a fiscal year total, or will total, five thousand dollars (\$5,000) or more, the superintendent or other chief administrator of the public educational entity shall forward the written resolution (Form C) along with all relevant data, including Form B, to the Commissioner for independent review and approval.

12.02.2.1 The written resolution and other relevant data shall be sent by certified mail, return receipt requested, or other method approved by the State Board of Education to assure that adequate notice has been received by the Department of Education and to

provide a record for the school district board of directors sending the request for approval.

12.02.2.2 Upon review of the submitted data, the Commissioner shall, within twenty (20) days of receipt of the resolution and other relevant data, approve or disapprove in writing the board's request.

12.02.2.3 The Commissioner may request additional information or testimony before ruling on a request. If additional data is needed for a proper determination, the Commissioner shall approve or disapprove the contract within twenty (20) days of receipt of the additional requested data.

12.02.2.4 If the Commissioner does not respond to the public educational entity within the twenty-day period or request additional time or data for a proper review of the contract, the contract shall be deemed to be approved by the Commissioner.

12.02.2.5 If approved, the Commissioner shall issue an approval letter stating all relevant facts and circumstances considered and any restrictions or limitations pertaining to the approval. The Commissioner may grant the approval for a particular transaction or series of related transactions. However, approval shall not be granted for a period greater than two (2) complete and consecutive fiscal years.

12.02.2.6 No contract subject to the Commissioner's review and approval shall be valid or enforceable until an approval letter has been issued by the Commissioner or the Commissioner fails to respond to the public educational entity within the time periods specified in this section.

12.03 Documentation: The Department of Education and the public educational entity shall maintain a record and copy of all documentation relating to transactions with employees.

12.04 Providing False or Incomplete Information: Any employee or other person knowingly furnishing false information or knowingly not fully disclosing relevant information necessary for a proper determination by the public educational entity or the Commissioner shall be guilty of violating the provisions of these rules and of Ark. Code Ann. § 6-24-101 et seq.

12.05 “Contract” defined: For the purposes of this section only, the term “contract” does not apply to employment contracts issued to public educational entity employees or other transactions for the performance of teaching or other related duties such as, but not limited to, bus driving, sponsorship of clubs or activities, tutoring, summer school duties, or working at school sponsored events.

12.06 Technology Employees: All transactions involving the purchase, lease, acquisition, or other use of computers, software, copies, or other electronic devices from family members of an employee responsible for establishing specifications or approving purchases of such equipment shall be approved according to the requirements of this section regarding the purchase from an employee with a direct interest in the transaction.

~~12.01—Employees are prohibited from contracting with the public educational entity which employs them except as allowed for by Act 1599 of 2001 and these rules.~~

~~12.02—In unusual and limited circumstances, employees may contract with the public educational entity which employs them after submitting complete and full disclosure of all relevant facts in a contract disclosure form (Form E) in an open scheduled meeting of the board and a majority of the board determines that the contract is in the best interest of the public educational entity and approves a written resolution (Form F) explaining the unusual circumstances necessitating and justifying the contract and explaining the restrictions and limitations of the contract.~~

~~12.03—If a contract with an employee totals \$5,000 or more, the superintendent of the public educational entity shall seek independent review and approval of the contract from the Commissioner of the Department in the following manner:~~

~~a. —The written resolution (Form F) along with the contract disclosure form (Form E) shall be fully and accurately completed and shall be forwarded to the Commissioner by certified mail to the address listed on the contract disclosure form (Form E).~~

~~b. —The Commissioner or his designee shall review the contract information and either approve or disapprove the contract or request additional information and/or time by responding to the public educational entity~~

~~within the initial ten (10) day time period of receipt of the written resolution (Form F).~~

- ~~e. — If approved, the Commissioner shall issue an approval letter stating all relevant facts and circumstances considered and establish any restrictions or limitations pertaining to the contract.~~
- ~~d. — In no event shall a contract be approved by the Commissioner for a time period greater than two (2) years.~~
- ~~e. — No contract shall be valid until written approval has been issued by the Commissioner of the Department or the Commissioner fails to respond to a request for independent review and approval of the resolution within the time period of ten (10) days of receipt of the resolution or a later time period specified by the Commissioner if additional data or time is requested to review the resolution.~~

### **13.00 REIMBURSEMENT OF EXPENSES**

Nothing in these rules prevents board members, administrators, or employees from being reimbursed by the appropriate public educational entity for necessary and documented travel or other job-related expenses in accordance with law and school district policy.

### **13.00 EXEMPTION**

- ~~13.01 — For purposes of these rules and regulations, the term "contract" does not mean "employment contracts" issued to public educational entity employees for the performance of teaching or other related duties including, but not limited to, bus driving, substitute teaching, sponsorship of clubs or activities, or working at school sponsored events.~~
- ~~13.02 — "Employment contracts" issued to public educational entity employees are exempt from the requirements of these rules and regulations; regardless of the relation of that employee to a board member, administrator, or other employee, as long as the contract between the public educational entity and the employee is solely for the performance of teaching or other related duties including, but not limited to, bus driving, substitute teaching, sponsorship of clubs or activities, or working at school sponsored events.~~
- ~~13.03 — Any administrator or employee knowingly attempting to avoid the requirements of these rules and regulations with regard to contracting with a public educational entity by falsely claiming an "employment contract" as described in Section 13.01 and 13.02 shall be subject to the sanctions and penalties provided for in Section 17.00 of these rules.~~



#### **14.00 EDUCATIONAL AWARDS, RECOGNITIONS, GRANTS AND GIFTS**

Nothing in these rules prohibits administrators or employees of public educational entities from receiving monetary or other awards, grants, or benefits from entities generally recognized as providing benefits based upon exceptional skills or exemplary contributions to education.

~~Public educational administrators or employees of public educational entities are not prohibited from receiving monetary or other awards, grants or benefits based upon exceptional skills or exemplary contributions to education as allowed for by Ark. Code Ann. § 21-8-101 et seq. and Act 1599 of 2001.~~

#### **15.00 REGISTRATION, TRAVEL, CONVENTIONS AND SEMINARS**

15.01 Board members, administrators and employees of a public educational entity are prohibited from receiving any payment or reimbursement from a vendor for any registration, travel, lodging, food, entertainment or other expenses not directly associated with an educational interest or business interest of the public educational entity.

15.02 Board members, administrators and employees of a public educational entity are prohibited from receiving any trip or attending any convention or seminar which is paid for by a vendor when the purpose for the trip or attendance at the convention or seminar is not directly associated to an educational interest or business interest of the public educational entity.

15.03 Board members, administrators and employees of a public educational entity are prohibited from receiving any gift or award from any public educational entity except as allowed for by Arkansas law.

15.04 All public educational entities shall maintain a record and copy for at least three (3) years of all documentation relating to payments or reimbursements made by a vendor on behalf of a board member, administrator or employee for travel, lodging, food, registration, entertainment, or other expenses when the payments or reimbursements total \$300.00 or more per fiscal year per individual board member, administrator, or employee.

15.05 Any board member, administrator or employee of a public educational entity that violates any provisions of these rules may be subject to the penalties and sanctions provided for in Section 17.00 of the rules.

## **16.00 FILING STATEMENT OF FINANCIAL INTEREST ~~(FORM I)~~**

- 16.01 Every board member, public and charter school superintendent, or executive director of a public school or educational cooperative shall timely file a financial statement of interest (~~Form I~~) as required by Ark. Code Ann. § 21-8-701 et seq. and Act 1599 of 2001. The financial statement of interest and instructions for completing and filing the financial statement of interest can be found on the website of the Arkansas Ethics Commission: <http://www.arkansasethics.com/>.
- 16.02 Any person ~~public educational entity employee, administrator or board member~~ required to file a financial statement of interest (~~Form I~~) as required under Arkansas law who fails to file said financial statement of interest (~~Form I~~) shall be in violation of the provisions of these rules and regulations and may be subject to the sanctions and penalties provided for in Section 17.00 of these rules.

## **17.00 ADMINISTRATIVE SANCTIONS AND PENALTIES**

- 17.01 The Department of Education may review alleged violations of these rules and of Ark. Code Ann. § 6-24-101 et seq. If the Department of Education reviews the allegations and the Commissioner determines that there is adequate evidence of a violation, the Commissioner may refer the allegations to the State Board of Education for review. If a licensed educator is alleged to have violated these rules or Ark. Code Ann. § 6-24-101 et seq., the Commissioner may refer the allegation(s) against the licensed educator to the Professional Licensure Standards Board in lieu of following the procedures listed below.
- 17.02 Upon the State Board's approval to review the alleged violation and after reasonable notice in writing to all parties, the State Board may schedule a hearing to determine whether an administrator or employee has knowingly violated the provisions of these rules or Ark Code Ann. § 6-24-101 et seq. At the State Board hearing, a member of the Arkansas Department of Education or a member of the Professional Licensure Standards Board staff, as appropriate, shall present the allegations against the administrator or employee.
- 17.03 A hearing by the State Board shall be subject to the following procedures:
- 17.03.1 Each party will have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the representative of the Arkansas Department of Education or the Professional Licensure Standards Board. The Chairperson of the State Board may, only for good cause shown and upon the request of either party, allow either party additional time to present their opening statements.

- 17.03.2 Each party will be given thirty (30) minutes to present their cases, beginning with the representative of the Arkansas Department of Education or the Professional Licensure Standards Board. The Chairperson of the State Board may, only for good cause shown and upon the request of either party, allow either party additional time to present their cases.
- 17.03.3 Every witness giving oral testimony must be sworn under oath by the court reporter and shall be subject to direct examination, cross examination, and questioning by the State Board.
- 17.03.4 For the purposes of the record, documents offered during the hearing by the Arkansas Department of Education or the Professional Licensure Standards Board shall be clearly marked in sequential, numeric order (e.g. 1, 2, 3).
- 17.03.5 For the purposes of the record, documents offered during the hearing by the administrator or employee shall be clearly marked in sequential, alphabetic letters (e.g. A, B, C).
- 17.03.6 The Arkansas Department of Education or the Professional Licensure Standards Board shall have the burden of proving the basis for the violation by a preponderance of the evidence.
- 17.04 After presentation of all evidence, if the State Board determines that the administrator or employee knowingly violated the provisions of these rules, the State Board may provide any or all of the following administrative remedies:
- 17.04.1 Issue a letter of reprimand; or
- 17.04.2 Suspend or revoke the administrator's or teacher's Arkansas teaching license for a definite period, or permanently.
- 17.05 After reasonable notice and opportunity for a hearing, a board of a public educational entity may take appropriate administrative remedies against an administrator or employee that has allegedly violated the provisions of these rules. If an administrator or employee of a public educational entity is charged by the prosecuting attorney for a possible violation of this chapter, the public educational entity's board may, after reasonable notice and opportunity for a hearing, place the individual charged on leave, with or without pay, dismiss the individual, or provide any other proper administrative remedy. If the individual is dismissed by the board due to charges being filed for an alleged violation of these rules, any employment contracts with the public educational entity shall be deemed void from the date of the action of the board.

~~17.01 The Department may consider and review any alleged violations of the provisions of these rules or the provisions of Act 1599 of 2001.~~

~~17.02 If the Commissioner or his designee determines that there is adequate evidence of a violation of these rules, the Commissioner may refer the allegations and evidence to the Board of Education for administrative review.~~

~~17.03 Upon State Board of Education approval of the request for administrative review of any alleged violations of these rules, the State Board of Education shall issue a thirty (30) day written notice to all parties of an administrative hearing to determine if any person has knowingly violated any provisions of these rules and regulations or provisions of Act 1599 of 2001 governed by these rules.~~

~~17.04 After giving reasonable notice thereof and conducting an administrative hearing whereby the State Board of Education considered the presentation of evidence by all parties, the State Board of Education upon determining that an administrator or employee knowingly violated provisions of Act 1599 of 2001 or provisions of these rules may administer any of the following administrative remedies:~~

~~(1) Issue a letter of reprimand; and/or~~

~~(2) Suspend or revoke an administrator or teacher's license for a specified or permanent time period; and/or~~

~~(3) Issue a letter of recommendation to a local board of a public educational entity recommending the local board take administrative action as provided for pursuant to Act 1599 of 2001; and/or~~

~~(4) Require the Commissioner of the Department to request that the appropriate prosecuting attorney review the contract to determine whether there has been criminal violation of any provisions of Act 1599 of 2001; and/or~~

~~(5) Any other administrative remedies allowed the State Board of Education pursuant to Arkansas law.~~

~~17.05 Upon a final administrative decision by the State Board of Education, a party may seek an appeal of the administrative decision pursuant to the Arkansas Administrative Procedures Act. Ark. Code Ann. § 25-15-201 et seq.~~

## **18.00 NOTICE OF POTENTIAL CRIMINAL PENALTIES**

18.01 Any board member, administrator, employee, or nonemployee who shall knowingly violate the provisions of Ark. Code Ann. § 6-24-101 et seq. shall be guilty of a felony.

18.02 Upon pleading guilty or nolo contendere to or being found guilty of violating the provisions of Ark. Code Ann. § 6-24-101 et seq., the court shall order restitution to the public educational entity.

18.03 In addition, the court may fine the violator in any sum not to exceed the greater of ten thousand dollars (\$10,000) or double the dollar amounts involved in the transactions, sentence the violator to prison for not more than five (5) years, or impose both a fine and imprisonment.

## **18.00 OTHER LAWS OR REGULATIONS**

~~Nothing in these rules and regulations alters or diminishes any other statutory or regulatory requirements regarding purchasing, contracting, bidding, disposition of property, or other contracts or transactions with public educational entities.~~

## **19.00 REQUEST FOR REVIEW OF TRANSACTIONS**

At the request of a board of a public educational entity, the executive administrator at a public educational entity, the Commissioner, or the Legislative Joint Auditing Committee, the appropriate prosecuting attorney shall review contracts or transactions for compliance with the provisions of Ark. Code Ann. § 6-24-101 et seq.

## **20.00 BOARD POSITION VACANT UPON CONVICTION**

If a board member is found guilty of violating the provisions of Ark. Code Ann. § 6-24-101 et seq., the board member shall immediately cease to be a board member, the position is declared vacant, and a replacement shall be named as provided by law.

## **21.00 ENFORCEMENT OF CRIMINAL SANCTIONS BY THE PROSECUTING ATTORNEY**

21.01 It shall be the duty and responsibility of the prosecuting attorneys to supervise compliance with Ark. Code Ann. § 6-24-101 et seq. and prosecute violators.

21.02 If the prosecuting attorney fails or refuses to enforce this chapter when the facts are known by the prosecuting attorney, or are called to his or her attention, the Attorney General or any citizen of this state may bring mandamus proceedings to compel the prosecuting attorney to perform his or her duties.

21.03 All criminal actions related to alleged violations of this chapter shall be filed in circuit court and shall be subject to the criminal rules and procedures of this state.

**~~19.00~~ 22.00 FORM PROCEDURES AND REQUIREMENTS**

- ~~19~~22.01 For purposes of these rules the following attached Forms A - ~~C~~I are herein incorporated into these rules as Appendix Forms A - ~~C~~I and supporting documents.
- ~~19~~22.02 A public educational entity shall use Forms A - ~~C~~I when such form is specifically required by any section of these rules.
- ~~19~~22.03 A public educational entity seeking independent review and approval from the Commissioner shall submit a separate contract disclosure form (Form B) and written resolution (Form C) of approval for each contract involving a different party or entity.

## NOTIFICATION LETTER

(Date)

Dear Board Members, Administrators and Employees:

A.C.A. § 6-24-101 et seq. requires full open disclosure and approval before a school district board member, administrator or employee may sell, lease, provide services, or enter into contracts or other transactions with the school district where he/she serves or is employed.

A.C.A. § 6-24-101 et seq. does not apply to reimbursements paid for proper work-related expenses. However, in the case of hiring family members of administrators and/or board members, the district must meet all requirements set forth in A.C.A. § 6-24-101 et seq. ~~and Act 1381 of 2005.~~

A.C.A. § 6-24-101 et seq. applies when the board member, administrator or school employee is “financially interested” or “directly interested” in the transaction. “Financially interested” means ownership or more than 5% interest; holding a position of officer, director, trustee, partner, or top level management; and/or the employee’s compensation is based in whole or in part on the transactions with the district public education entity. For board members and administrators, restrictions may also apply to family members. “Directly interested” means receiving compensation or other benefits personally or to a business or other entity in which the individual has a financial interest or receives other benefits.

Therefore, board members, administrators and employees of this district have an affirmative obligation under A.C.A. § 6-24-101 et seq. to disclose relationships with vendors before the district enters into the contract or before services are performed. Disclosure is to be made to the superintendent of the district. Forms for this purpose will be provided by the district.

~~Technology employees who establish specifications or approve technology purchases and their family members must disclose relationships and financial interest before the district may enter into technology transactions with the technology employee or a family member.~~

All transactions involving the purchase, lease, acquisition, or other use of computers, software, copiers, or other electronic devices from family members of an employee responsible for establishing specifications or approving purchases of such equipment shall be approved according to the requirements of Arkansas law regarding the purchase from an employee with a direct interest in the transaction.

A.C.A. § 6-24-101 et seq. requires proper disclosure and approval of the transaction at an open board meeting. In certain instances, approval by the Commissioner of the Department of Education is required.

Therefore, every district board member, administrator or employee will be required to disclose any potential vendor relationship by completing a disclosure form provided by the district. Failure to fully disclose could result in criminal ~~felony~~ charges being brought against the board member, administrator or employee. A copy of A.C.A. § 6-24-101 et seq. is available in the central office if you wish to review it the law. The ~~Act~~ law may also be viewed at www.arkleg.state.ar.us.

Sincerely,

Superintendent

Please sign below to acknowledge receipt of this notification.

\_\_\_\_\_  
Board Member, Administrator or Employee

\_\_\_\_\_  
Date



**BOARD MEMBERS  
GENERAL DISCLOSURE STATEMENT**

If you have a financial interest in potential transactions with the district where you serve or you have a family member with a financial interest in a potential transaction with the district where you serve, then you have an affirmative obligation under A.C.A. § 6-24-101 and Act 1381 of 2005 to disclose the potential transactions before the district enters into a contract and/or services are performed.

Disclosures must be made by completing the form below. The form must be completed and submitted to the superintendent's office by \_\_\_\_\_.

A.C.A. § 6-24-101 and Act 1381 of 2005 require full, open disclosure and approval before a board member or a member of a board member's family may sell, lease, provide services, or enter into transactions with the district where they serve.

Ignoring this requirement or knowingly failing to comply with the provisions of A.C.A. § 6-24-101 could result in the filing of criminal felony charges.

**GENERAL DISCLOSURE**

Board Member: \_\_\_\_\_  
 School District: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Work Telephone: \_\_\_\_\_

I am declaring a financial interest and/or relationship with the following vendor:

\_\_\_\_\_

State specific nature of your financial interest:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Relationships that need to be disclosed:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 Board Member Signature

\_\_\_\_\_  
 \_\_\_\_\_  
 Date Submitted

## **ADMINISTRATORS GENERAL DISCLOSURE STATEMENT**

If you have a financial interest in a potential transaction with any public educational entity or you have a family member with a financial interest in a potential transaction with the district where you are employed, you have an affirmative obligation under A.C.A. § 6-24-101 and Act 1381 of 2005 to fully disclose the relationship and potential transactions before the district enters into a contract or before services are provided.

Disclosure must be made by completing the form below. The form must be completed and submitted to the superintendent's office by \_\_\_\_\_.

A.C.A. § 6-24-101 requires full open disclosure and state approval before a school district administrator or a member of an administrator's family may sell, lease, provide services, or enter into transactions with the employing school district and/or before an administrator enters into a transaction with any public educational entity in Arkansas.

Ignoring this requirement or knowingly failing to comply with the provisions of A.C.A. § 6-24-101 could result in the filing of criminal felony charges.

### **GENERAL DISCLOSURE**

Administrator Name: \_\_\_\_\_  
 School District: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Work Telephone: \_\_\_\_\_

I am declaring a financial interest and/or relationship with the following vendor:

\_\_\_\_\_

State specific nature of your financial interest:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Relationships that need to be disclosed:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Administrator Signature \_\_\_\_\_ Date Submitted \_\_\_\_\_

**~~PRINCIPALS AND EMPLOYEES~~**  
**~~GENERAL DISCLOSURE STATEMENT~~**

If you have a financial interest in potential transactions with the district where you are employed, you have an affirmative obligation under A.C.A. § 6-24-101 and Act 1381 of 2005 to fully disclose the relationships and potential transactions before the district enters the contract or before services are performed.

Disclosure must be made by completing the form below. The form must be completed and submitted to the superintendent's office by \_\_\_\_\_.

Ignoring this requirement or knowingly failing to comply with the provisions of A.C.A. § 6-24-101 and Act 1381 of 2005 could result in the filing of criminal felony charges.

**~~GENERAL DISCLOSURE~~**

Employee Name: \_\_\_\_\_  
 School District: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Work Telephone: \_\_\_\_\_

I am declaring a financial interest and/or relationship with the following vendor:

\_\_\_\_\_  
 \_\_\_\_\_

State specific nature of your financial interest:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Relationships that need to be disclosed:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Employee Signature

\_\_\_\_\_  
 Date Submitted

## CONTRACT DISCLOSURE FORM

Name of Public Educational Entity: \_\_\_\_\_

Name of Person Disclosing Transaction: \_\_\_\_\_

***Note: Fully complete this form and return to the administration office.  
NO TRANSACTION OR SERVICE MAY BE RENDERED UNTIL THIS  
FORM HAS BEEN COMPLETED AND APPROVED. A.C.A. § 6-24-101 et  
seq. ~~and Act 1381 of 2005~~ requires FULL and COMPLETE DISCLOSURE of  
transactions with public educational entities. KNOWINGLY FAILING to  
FULLY DISCLOSE pertinent information relating to a transaction could result  
in criminal ~~felony~~ charges.***

I am a (an)    ☐ Board Member    ☐ Administrator    ☐ Employee

***Note: “Board member” means any board member, director, or other member of a governing body of a public educational entity.***

***“Administrator” means any superintendent or assistant superintendent or his or her equivalent, open-enrollment public charter school director, school district treasurer, business manager, or other individual directly responsible for entity-wide purchasing.***

***“Employee” means a full-time employee or part-time employee of a public educational entity.***

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_

Nature of transaction subject to disclosure and approval: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Estimated dollar amount of transactions with public educational entity for entire school year: \_\_\_\_\_

\_\_\_\_\_

Check One:

- ☐ I have a financial interest in the transaction with the public educational entity.  
☐ A family member has a financial interest in the transaction with the public educational entity.  
☐ Both a family member and I have a financial interest in the transaction with the public educational entity.

Nature of financial interest: (State how you and/or family members are financially interested in the transaction): \_\_\_\_\_

---

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Justification for Approval: (State reason why you believe the transactions are in the best interest of the public educational entity; Sstate the unusual and limited circumstances involved.)

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☐ Check here if Emergency Transaction as defined by ~~Section 9~~ of A.C.A. § 6-24-101(9).

PLEASE ATTACH ANY OTHER ADDITIONAL INFORMATION OR DOCUMENTS YOU BELIEVE ARE NECESSARY FOR A FULL, COMPLETE, AND ACCURATE DISCLOSURE OF THE FACTS AND CIRCUMSTANCES OF THE TRANSACTIONS.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

---

**FOR OFFICE USE ONLY:**

Date completed form received by district: \_\_\_\_\_

\_\_\_\_\_  
School Official's Signature

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
FAX Number

Local Board Action:

☐ APPROVED

☐ DISAPPROVED

Date Presented to Board: \_\_\_\_\_

Board President's Signature: \_\_\_\_\_

Required to be presented to the Commissioner of the Department of Education for written approval: ☐ YES ☐ NO

Written Adopted Resolution Attached: ☐ YES ☐ NO

Required Additional Documentation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Certified to ADE: \_\_\_\_\_

Date Commissioner's Written Approval received by district: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Please return by certified mail to: ~~Dr. T. Kenneth James~~, Office of the Commissioner  
Arkansas Dept. of Education  
#4 Capitol Mall, Room 304A  
Little Rock, AR 72201

# RESOLUTION

A.C.A. § 6-24-101 et seq. ~~and Act 1381 of 2005~~

Whereas the \_\_\_\_\_ School District Board of Directors met in a (regular/special), open, and properly-called board meeting on (MM/DD/YY), in (location).

Whereas (Number) members were present, a quorum was declared by the chair.

Whereas the Board of Directors received a recommendation to adopt a resolution to enter into a contract with \_\_\_\_\_

Full disclosure of all relationships and interest as required by A.C.A. § 6-24-101 et seq. ~~and Act 1381 of 2005~~ that are relevant to proposed contract:

---

---

---

Specific facts and reasons for justifying the contract were:

---

---

---

The unusual and limited circumstances necessitating the contract were:

---

---

---

List of relevant data enclosed supporting the unusual and limited circumstances:

---

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Note: For employment contracts, the following information may be necessary to support a finding of unusual and limited circumstances:

- A copy of the job vacancy announcement or posting;
- A description of how/where the job vacancy announcement was posted;
- Copies of applications received;
- A list of those applicants who were interviewed;
- Interview/Applicant score sheets kept by the interviewer or hiring committee;
- A copy of the interviewer's or hiring committee's recommendation(s); and
- Specific justification of why the selected applicant is the best qualified candidate.

For contracts and transactions other than employment contracts, the following information may be necessary to support a finding of unusual and limited circumstances:

- Request for bids (if bids were required);
- Copies of bids submitted by interested vendors (if bids were required);
- Price lists or quotes by interested vendors;
- Number of bidders or interested vendors with names and addresses; and
- A list of those vendors offering similar services in the area.

Whereas \_\_\_\_\_, board member(s) having declared an interest in the proposed contract, left the meeting prior to the discussion of the contract and did not return to the meeting room until the voting on the contract had been concluded.

Whereas the Board, after serious consideration, moved to approve the contract with:  
\_\_\_\_\_

Whereas the contract was approved with the following restrictions and/or limitations:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Whereas the period of the contract shall be from \_\_\_\_\_ to \_\_\_\_\_.

Therefore, due to the specific reasons cited above, it is hereby declared to be the intent of the \_\_\_\_\_ School District Board of Directors to award this contract to  
\_\_\_\_\_

As is required by A.C.A. § 6-24-101 et seq. and ~~Act 1381 of 2005~~, the contract is contingent upon approval by the Commissioner of the Arkansas Department of Education, if required. If approval is denied, this contract approved by the Board would be null and void.

\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Board President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



## NOTICE

~~Pursuant to Section 22 of A.C.A. § 6-24-101 and Act 1381 of 2005, the list set forth in Ark. Code Ann. § 21-8-701(a) of persons required to file a Statement of Financial Interest (“SFI”) was expanded to include two new categories of persons. The first such category is “[a]ll public and charter school superintendents” and the second is “[d]irectors of educational cooperatives.”~~

~~Attached hereto are copies of the current SFI form and instructions. In accordance with Ark. Code Ann. § 21-8-703, a school district public servant is required to file his or her SFI with the county clerk.~~

~~If you should have any questions concerning this matter, please feel free to contact the Ethics Commission at (501) 324-9600 or toll free at (800) 422-7773.~~

## ~~INSTRUCTIONS FOR STATEMENT OF FINANCIAL INTEREST~~

### **INTRODUCTION/WHO MUST FILE**

~~Ark. Code Ann. § 21-8-701(a) requires that the following persons file a written Statement of Financial Interest on an annual basis:~~

- ~~—— A public official, as defined by Ark. Code Ann. § 21-8-402(16);~~
- ~~—— A candidate for elective office;~~
- ~~—— A municipal judge or city attorney, whether elected or appointed;~~
- ~~—— Any agency head, department director, or division director of state government;~~
- ~~—— Any public appointee to any state board or commission (who possesses regulatory authority or is authorized to receive or disburse state or federal funds);~~
- ~~—— All persons who are elected members of a school board or who are candidates for a position on a school board;~~
- ~~—— All public and charter school superintendents;~~
- ~~—— All directors of educational cooperatives; and~~
- ~~—— Any person appointed to a municipal, county or regional (i) planning board or commission, (ii) airport board or commission, (iii) water or sewer board or commission, (iv) utility board or commission, or (v) civil service commission.~~

~~The Arkansas Ethics Commission, which enforces this statute, has prepared these instructions, along with the office of the Secretary of State, whose office maintains the records, to assist persons required to file these statements. If you have any questions concerning the reporting requirements or how to fill out your Statement of Financial Interest, call or write either the **Arkansas Ethics Commission**, Post Office Box 1917, Little Rock, Arkansas 72203-1917, tel. (501) 324-9600 or the **Secretary of State, Elections Division**, State Capitol, Room 026, Little Rock, Arkansas 72201, tel. (501) 682-5070.~~

~~When preparing the Statement of Financial Interest, please **print or type the information.** You must also sign the Statement in Section 13 and your signature must be attested to before a Notary Public.~~

### **TIME FOR FILING/PERIOD COVERED**

~~Pursuant to Ark. Code Ann. § 21-8-701(e)(1)(A), a Statement of Financial Interest for the previous calendar year "shall be filed by January 31, of each year, except that a candidate for elective office shall file the Statement of Financial Interest within thirty (30) days after the deadline for filing for office." Moreover, an agency head, department director, or division director of state government and any public appointee to a state board or commission authorized or charged by law with the exercise of regulatory authority or authorized to receive or disburse state or federal funds shall file a Statement of Financial Interest for the previous calendar year~~

~~within thirty (30) days after appointment or employment. Incumbent officeholders who filed a Statement of Financial Interest for the previous calendar year by January 31 of the year in which an election is held are not required to file an additional Statement of Financial Interest upon becoming a candidate for reelection or election to another office during the year. Ark. Code Ann. § 21-8-701(c)(2). If a person required to file a Statement of Financial Interest leaves his or her office or position during a particular calendar year, he or she shall still be required to file a Statement of Financial Interest covering that part of the year which he or she held the office or position. Ark. Code Ann. § 21-8-701(c)(1)(B).~~

## **WHERE TO FILE**

~~Pursuant to Ark. Code Ann. § 21-8-703, the Statement of Financial Interest shall be filed as follows:~~

- ~~(1) State or district public servants and candidates for state or district public office are required to file the statement with the Secretary of State;~~
- ~~(2) County, township, or school district public servants and candidates for county, township, or school district public office are required to file the statement with the county clerks;~~
- ~~(3) Municipal public servants and candidates for municipal office are required to file the statement with the city clerk or recorder;~~
- ~~(4) Municipal judges and city attorneys are required to file the statement with the city clerk of the municipality within which they serve; and~~
- ~~(5) Members of regional boards or commissions are required to file the statement with the county clerk of the county in which they reside.~~

## **SPECIFIC REPORTING INSTRUCTIONS**

### **SECTION 1 (Name and Address)**

~~Answer each of these questions or indicate "Not Applicable". List all names under which you and/or your spouse do business.~~

### **SECTION 2 (Reason for Filing)**

~~Check the box applicable to you and provide the office/position held or name of the board, commission or school district in the appropriate space.~~

### **SECTION 3 (Sources of Income)**

~~The term "gross income" is intended to be comprehensive. It refers to all income from whatever source derived, including but not limited to compensation for services, fees, commissions, and income derived from business interests. Report each employer and/or each~~

other source of income from which you, your spouse, or any other person for the use or benefit of you or your spouse receives gross income exceeding \$1,000 on an annual basis. Include your governmental income from the office or position which requires your filing of this form. You are required to use the gross amount received as income. Thus, you must compute your total income from any particular source without first deducting expenses.

You are not required to list the individual items of gross income that constitute a portion of the income of the business or profession from which you or your spouse derives income. (For example: Accountants, attorneys, farmers, contractors, etc. do not have to list their individual clients.) If more than one source/employer/entity compensated you during the past year, you are required to list each source of income greater than \$1,000. If you or your spouse received speaking honoraria, you must report, under the request for "source", the sponsor of each event for which a payment was made for your speech or appearance, as well as the date and dollar category ("more than \$1,000.00" or "more than \$12,500.00"). The term "honoraria", as used herein, means a payment of money or any thing of value for an appearance, speech, or article. NOTE: Food, lodging, and travel provided to a public servant in connection with an appearance would not constitute honoraria if the public servant is appearing in his or her official capacity and the appearance bears a relationship to the public servant's office or position. Section 10 of the Statement of Financial Interest addresses the reporting of payment for such food, lodging, and travel.

You must also provide a brief description of the nature of the services for which the income was received, as well as the name under which the income was received. For example:

Source	Description	Amount
State of Arkansas (address) John Doe	Executive Dir.	More than \$12,500.00
University of Arkansas (address) John M. Doe	Teaching	More than \$12,500.00
450 Main Street, Little Rock, Arkansas John M. Doe	Rent Income	More than \$12,500.00
Ark. Med. Society Annual Meeting (address) John Doe	Speaking fee Oct. 2, Little Rock	More than \$1,000.00
Star National Bank Star, Arkansas John or Jane Doe	Interest Income	More than \$1,000.00

City of Mayberry \_\_\_\_\_ Spouse income \_\_\_\_\_ More than \$12,500.00  
(address)  
Jane Doe

Ark. Bar Association \_\_\_\_\_ Speaking Fee \_\_\_\_\_ More than \$1,000.00  
Annual Meeting  
(address) \_\_\_\_\_ Spouse, June 12  
Jane Doe \_\_\_\_\_ Hot Springs

#### **Section 4 (Business or Holdings)**

In this section, list the name of every business in which you, your spouse or any other person for the use or benefit of you or your spouse have an investment or holding. Stocks, bonds, stock options and other securities held by you or your spouse must be reported. Figures for these items, as well as all other holdings or accounts, should be based on fair market value at the end of the reporting period.

For **securities, stocks, or bonds**, you must disclose each security held in your portfolio which exceeds the \$1,000.00 threshold. If securities are held through an investment firm, the firm will normally provide periodic statements from which you may obtain the information required to be disclosed. If you own different types of securities issued by the same authority, such as U. S. Treasury obligations or bonds, it is not necessary to provide an itemized list of each security worth over \$1,000.00. Rather, you may simply report the aggregate value of the securities issued by the same authority and identify the type of securities.

In the case of **mutual funds or similar investments**, you need not disclose specific stocks held in a widely diversified investment trust or mutual fund as long as the holdings of the trust or fund are a matter of public record and you have no ability to exercise control over the specific holdings. If you have such control, you must disclose each holding exceeding the threshold level of \$1,000.00, whether or not you exercise the control. Otherwise, you may simply disclose the name, address, etc. of the authority through which your mutual fund is invested (e.g., IDS), the category of the fund and the category of the appropriate amount (e.g., "more than \$1,000.00").

In the case of **bank accounts**, if the total of interest bearing accounts (including certificates of deposit) deposited in a particular bank exceeds \$1,000.00, list each institution holding more than \$1,000.00. If no particular bank holds more than \$1,000.00, you need not report any bank accounts. All accounts at one institution, including those for your spouse, may be combined as one entry. Thus, for example, you may report a checking account, savings account, certificate of deposit, and IRA in Smith First National Bank of Arkansas by checking the gross total of the accounts (e.g., "more than \$1,000.00") and stating "Smith First National

Bank of Arkansas" with its address. You need not list each account. If you are listed on an account purely for custodial reasons, and you do not assert any ownership rights to the assets in the account (for example, if you are a joint tenant with an elderly relative), you need not list the account.

For any business interest, if you or your spouse has an interest in a proprietorship, partnership, or corporation that is actively engaged in a trade or business, you must disclose the name and address of each interest. It is not necessary to provide an itemized list of the assets of the business. For example, you need only categorize the total value of your interest (e.g., "more than \$12,500.00") and not items such as "office equipment." This includes each asset held in trust for you or your spouse which has a value greater than \$1,000.00. Holdings of a trust for which you or your spouse are merely an administrator and for which you have no beneficial interest need not be reported.

### **Section 5 (Office or Directorship)**

You must report your nongovernmental offices and directorships held by you or your spouse in any business, corporation, firm, or enterprise subject to the jurisdiction of a regulatory agency of this State, or any of its political subdivisions. For each such business, provide the name of the business, its address, the office or directorship held and the name of the person (either you or your spouse) who holds the office or directorship. A "regulatory agency", as defined by Ark. Code Ann. § 21-8-301(1), means any "state board, commission, department, or officer authorized by law to make rules or to adjudicate contested cases except those in the legislative or judicial branches."

### **Section 6 (Creditors)**

You must report the name and address of each creditor to whom the value of \$5,000.00 or more is personally owed and outstanding at the end of the reporting period. All information regarding a single creditor may be reported in a single entry. If you have more than one liability owed to the same creditor, add up the items of credit to determine if the \$5,000.00 threshold has been met. The identity of the creditor is the name of the person or organization to which the liability is owed (e.g., "Bob Smith, 1000 Elm Street, Little Rock, Arkansas" or "First Federal Bank of Little Rock, 111 Main, Little Rock, Arkansas").

You do not need to include debts owed to members of your family. You may also exclude loans made in the ordinary course of business by either a financial institution or a person who regularly and customarily extends credit. This exclusion applies to such items as a mortgage secured by real property which is your personal residence, credit extended to purchase personal items such as furniture or appliances, credit card debts, and car loans, provided the credit does not exceed the value of the item purchased.

Debts not incurred in the ordinary course of business include, but are not limited to, such items as legal judgments, judgment liens, money borrowed from individuals, other than family

members, who are not normally in the business of lending money, and tax liens owed to any governmental agency.

### **Section 7 (Guarantor, Co-Maker)**

The law requires you to provide the name and address of each guarantor or co-maker, other than a member of your family, who has guaranteed a debt which is still outstanding. The \$5,000.00 threshold of Section 6 does not apply here. To the extent that you have a guarantor or co-maker of any of your outstanding debts, the guarantor or co-maker must be disclosed. There is no exception for debts incurred in the ordinary course of business. This requirement also includes debts arising, extended or refinanced after January 1, 1989.

This requirement extends to situations where you have co-signed a loan to assist another person in obtaining credit, unless the person is a member of your family.

### **Section 8 (Gifts)**

The law requires you to identify the source, date, description, and a reasonable estimate of the fair market value of each gift of more than one hundred dollars (\$100.00) received by you or your spouse during the reporting period or more than two hundred and fifty dollars (\$250.00) received by your dependent children during the reporting period. A gift is any "payment, entertainment, advance, services, or anything of value" unless consideration of equal or greater value has been given therefor. The value of an item shall be considered to be less than one hundred dollars (\$100) if the public servant reimburses the person from whom the item was received any amount over one hundred dollars (\$100) and the reimbursement occurs within ten (10) days from the date the item was received. All types of gifts must be reported. Items such as food, lodging, and travel are considered gifts unless they are received when you are appearing in your official capacity and the appearance bears a relationship to your office or position. [Note: The reporting of food, lodging, and travel received by a public servant who is appearing in his or her official capacity at an event which bears a relationship to his or her office or position is addressed in Section 10 below.]

A gift can be a tangible item, such as a watch, or an intangible item, such as a hunting or fishing trip. A gift does not include (1) informational material; (2) receiving food, lodging, or travel which bears a relationship to the public servant's office and when appearing in an official capacity; (3) gifts which are not used and returned to the donor within 30 days; (4) gifts from a family member listed in Ark. Code Ann. § 21-8-402(5)(B)(iv), unless the family member is acting as an agent for a person not covered by the exception; (5) campaign contributions; (6) devises or inheritances; (7) anything with a value of \$100 or less; (8) wedding presents and engagement gifts; (9) a monetary or other award presented to an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics and Science, a university, a college, a technical college, a technical

~~institute, a comprehensive life-long learning center, or a community college in recognition of the employee's contribution to education; (10) tickets to charitable fundraising events held within this state by a non-profit organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; (11) a personalized award, plaque, or trophy with a value of one hundred fifty dollars (\$150) or less; (12) an item which appointed or elected members of a specific governmental body purchase with their own personal funds and present to a fellow member of that governmental body in recognition of public service; (13) food or beverages provided at a conference scheduled event that is part of the program of the conference; (14) food or beverages provided in return for participation in a bona fide panel, seminar, speaking engagement at which the audience is a civic, social, or cultural organization or group; and (15) a monetary or other award publicly presented to an employee of state government in recognition of his or her contributions to the community and State of Arkansas when the presentation is made by the employee's supervisor or peers, individually or through a non-profit organization which is exempt from taxation under Section 501(c) of the Internal Revenue Code, and the employee's receipt of the award would not result in or create the appearance of the employee using his or her position for private gain, giving preferential treatment to any person, or losing independence or impartiality (This exception shall not apply to an award presented to an employee of state government by a person having economic interests which may be affected by the performance or nonperformance of the employee's duties or responsibilities.).~~

~~In reporting a gift, you must report the source, the date it was received, a reasonable estimate of its fair market value, and a brief description. In that regard, the Ethics Commission has issued opinions concerning the "fair market value" of such items as transportation on a private aircraft. A group of items received from the same source at the same time would be considered one gift and the separate values should be added together. As an example, if you receive a tie and tie clip (valued \$50.00) along with a pair of golf shoes (valued at \$75) from one donor, this should be reported and described in Section 8, as the receipt of a gift, "tie, tie clip and shoes." The value would be \$125.00. Similarly, food and beverages provided you in connection with lodging should be aggregated to ascertain if the threshold reporting level has been reached. If you are unsure if the value should be aggregated for purposes of reporting, you may wish to contact the Arkansas Ethics Commission for an opinion.~~

~~In accordance with Ark. Code Ann. § 21-8-804, certain designated officials are authorized to accept gifts, grants, and donations of money or property on behalf of the State of Arkansas, the Arkansas Senate, the Arkansas House of Representatives, and the Arkansas Supreme Court. In addition, the designated officials are authorized to accept donations of money for the purpose of hosting official swearing-in and inaugural events of the constitutional officers, Senate, House of Representatives, and Supreme Court justices, the official recognition event for the President Pro Tempore, and the official recognition event for the Speaker of the House. The public official accepting the gift, grant, or donation of money or property on behalf of an appropriate entity is not required to disclose same on his or her Statement of Financial Interest. Instead, public servants are required to report such gifts, grants, or donations of money or property to the Ethics Commission on a quarterly basis on a separate disclosure form prepared for such purposes.~~



### **Section 9 (Awards)**

If you are an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics and Science, a university, a college, a technical college, a technical institute, a comprehensive life-long learning center, or a community college, the law requires you to disclose each monetary or other award which you have received in recognition of your contributions to education. The information disclosed with respect to each such award should include the source, date, description, and a reasonable estimate of the fair market value.

### **Section 10 (Nongovernmental Sources of Payment)**

Payments for food, lodging, or travel are not considered a gift in situations where a public servant is appearing in his or her official capacity and the appearance bears a relationship to the public servant's office or position. However, Section 10 requires that each nongovernmental source of payment of expenses for such food, lodging, or travel be listed when the expenses paid by that source exceed \$150.00. [Note: The reporting of money or things of value received when you are not appearing in an official capacity or the appearance does not bear a relationship to your office or position is addressed in Section 3 ("Sources of Income") or Section 8 ("Gifts").] In this regard, you must list the name and business address of the person or organization which has paid your expenses, the date and nature of the expenses unless such person or organization was compensated by the governmental body for which the public servant serves. Thus, you must disclose in this section, lodging or travel received in connection with such activities as speaking engagements, conferences, or fact finding events related to your official duties.

Section 10 requires the disclosure of each nongovernmental source of payment when the expenses paid in connection with a particular appearance exceed \$150.00. Thus, if one source provides lodging and food and the total amount paid exceeds \$150.00, that source must be reported in this section. You do not need to itemize the dollar value or provide an itemized accounting of the expenses provided. Also, as an example, you do not need to indicate whether the travel was on private or commercial carrier. You only need to provide the name of the organization providing the travel, its address, the date of the travel and the nature of the expenses, i.e. "travel to conference along with lodging."

The **organization** is the source of payment. It should be the name of the sponsor actually paying or providing the expenses. The **date of expenses** should be the inclusive dates of all travel provided. If the travel all occurred on one day, report that day. Otherwise, list the starting and ending dates of each trip provided (i.e., "May 1–5, 1997").

It is permissible to extend the duration of a trip at your own expense, accepting return travel from the sponsor. However, to avoid suggesting that travel was accepted for a longer period of time than was actually the case, you should indicate any time not spent at the sponsor's expense on either the line requesting the "date" or "nature" of expenses. For example, using the

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dates listed above, you could report "May 1 – 5, 1997. May 3 – 4 on personal business, expenses paid by me."

### **Section 11 (Direct Regulation of Business)**

The law requires you to list any business by whom you are employed if the business is under direct regulation or subject to direct control by the governmental body which you serve. You must report the employment by listing the name of this business/employer and provide the governmental body which regulates or controls aspects of the business. Such a business relationship typically exists if your private employer is subject to any rules or regulations of a governmental body or if a governmental body adjudicates contested cases of fact involving your private employer. For example, if you work as a licensed dentist, the appropriate regulatory governing body may be the State Board of Dental Examiners.

Whether your business is under direct regulation or subject to direct control by a governing body is often a question of fact. If you are unsure, you should contact the Arkansas Ethics Commission or, if you know, the agency you suspect may regulate part or all of your activities.

### **Section 12 (Sales to Governmental Body)**

The law requires you to report certain business relationships with the government if a significant sale of goods or services occurs. Specifically, you must set out in detail the goods or services sold having a total annual value in excess of \$1,000.00 sold to the governmental body for which you serve or are employed and the compensation paid for each category of goods or services by you or any business in which you or your spouse is an officer, director, stockholder owning more than ten percent (10%) of the stock, owner, trustee, or partner.

### **Section 13 (Signature)**

Under the law, each person, required to file a Statement of Financial Interest must prepare the statement under penalty of false swearing and sign such form attesting to the truth and accuracy of the information set forth on the form. Ark. Code Ann. § 21-8-702. If a person who is required to file a Statement of Financial Interest is called to active duty in the armed forces of the United States, the statement may be completed by the spouse of the person. If the Statement of Financial Interest is completed by the spouse, under this exception, the spouse's signature shall be sufficient for the requirement of Ark. Code Ann. § 21-8-702.

~~**SECTION 1 NAME AND ADDRESS**~~

~~SECTION 2-REASON FOR FILING~~

☐ Public Official \_\_\_\_\_  
(office held)

☐ Candidate \_\_\_\_\_  
(office sought)

☐ Municipal Judge \_\_\_\_\_  
(name of municipality)

☐ City Attorney \_\_\_\_\_  
(name of city)

☐ State Government: Agency Head/Department Director/Division Director \_\_\_\_\_  
(name of agency/department/division)

☐ Public appointee to State Board or Commission \_\_\_\_\_  
(name of board/commission)

☐ School Board member \_\_\_\_\_  
(name of school district)

☐ Candidate for school board \_\_\_\_\_  
(name of school district)

☐ Public or Charter School Superintendent \_\_\_\_\_  
(name of school district/school)

☐ Director of Educational Cooperative \_\_\_\_\_  
(name of cooperative)

☐ Appointee to one of the following municipal, county or regional boards or commissions (list name of board or commission):

☐ Planning board or commission \_\_\_\_\_

☐ Airport board or commission \_\_\_\_\_

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- ☐ Water or Sewer board or commission \_\_\_\_\_
- ☐ Utility board or commission \_\_\_\_\_
- ☐ Civil Service commission \_\_\_\_\_

**SECTION 3 – SOURCE OF INCOME**

List each employer and/or each other source of income from which you, your spouse, or any other person for the use or benefit of you or your spouse receives gross income amounting to more than \$1,000. (You are not required to disclose the individual items of income that constitute a portion of the gross income of the business or profession from which you or your spouse derives income. For example: accountants, attorneys, farmers, contractors, etc. do not have to list their individual clients.) If you receive gross income exceeding \$1,000 from at least one source, the answer N/A is not correct.

- a) Check appropriate box: ☐ More than \$1,000 ☐ More than \$12,500
- \_\_\_\_\_
- \_\_\_\_\_ (name of employer or source of income)
- \_\_\_\_\_
- \_\_\_\_\_ (address)
- \_\_\_\_\_
- \_\_\_\_\_ (name under which income received)
- \_\_\_\_\_ Provide a brief description of the nature of the services for which the compensation was received \_\_\_\_\_
- \_\_\_\_\_

- b) Check appropriate box: ☐ More than \$1,000 ☐ More than \$12,500
- \_\_\_\_\_
- \_\_\_\_\_ (name of employer or source of income)
- \_\_\_\_\_
- \_\_\_\_\_ (address)
- \_\_\_\_\_
- \_\_\_\_\_ (name under which income received)
- \_\_\_\_\_ Provide a brief description of the nature of the services for which the compensation was received \_\_\_\_\_
- \_\_\_\_\_

- c) Check appropriate box: ☐ More than \$1,000 ☐ More than \$12,500
- \_\_\_\_\_
- \_\_\_\_\_ (name of employer or source of income)
- \_\_\_\_\_
- \_\_\_\_\_ (address)
- \_\_\_\_\_
- \_\_\_\_\_ (name under which income received)
- \_\_\_\_\_ Provide a brief description of the nature of the services for which the compensation was received \_\_\_\_\_
- \_\_\_\_\_

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d) Check appropriate box: ☐ More than \$1,000 ☐ More than \$12,500

\_\_\_\_\_  
(name of employer or source of income)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(name under which income received)

\_\_\_\_\_  
Provide a brief description of the nature of the services for which the compensation was received

**SECTION 4 – BUSINESS OR HOLDINGS**

List the name of every business in which you, your spouse or any other person for the use or benefit of you or your spouse have an investment or holding. Individual stock holdings should be disclosed. Figures should be based on fair market value at the end of the reporting period.

a) Check appropriate box: ☐ More than \$1,000 ☐ More than \$12,500

\_\_\_\_\_  
(name of corporation, firm or enterprise)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(name under which investment held)

b) Check appropriate box: ☐ More than \$1,000 ☐ More than \$12,500

\_\_\_\_\_  
(name of corporation, firm or enterprise)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(name under which investment held)

c) Check appropriate box: ☐ More than \$1,000 ☐ More than \$12,500

\_\_\_\_\_  
(name of corporation, firm or enterprise)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(name under which investment held)

d) Check appropriate box: ☐ More than \$1,000 ☐ More than \$12,500

\_\_\_\_\_  
(name of corporation, firm or enterprise)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(name under which investment held)

e) Check appropriate box: ☐ More than \$1,000 ☐ More than \$12,500

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (name of corporation, firm or enterprise)  
\_\_\_\_\_  
\_\_\_\_\_ (address)  
\_\_\_\_\_  
\_\_\_\_\_ (name under which investment held)  
f) Check appropriate box: ☐ More than \$1,000 ☐ More than \$12,500  
\_\_\_\_\_  
\_\_\_\_\_ (name of corporation, firm or enterprise)  
\_\_\_\_\_  
\_\_\_\_\_ (address)  
\_\_\_\_\_  
\_\_\_\_\_ (name under which investment held)

**SECTION 5 – OFFICE OR DIRECTORSHIP**

List every office or directorship held by you or your spouse in any business, corporation, firm, or enterprise subject to jurisdiction of a regulatory agency of this State, or of any of its political subdivisions.

a) \_\_\_\_\_  
\_\_\_\_\_ (name of business, corporation, firm, or enterprise)  
\_\_\_\_\_  
\_\_\_\_\_ (address)  
\_\_\_\_\_  
\_\_\_\_\_ (office or directorship held)  
\_\_\_\_\_  
\_\_\_\_\_ (name of office holder)  
b) \_\_\_\_\_  
\_\_\_\_\_ (name of business, corporation, firm, or enterprise)  
\_\_\_\_\_  
\_\_\_\_\_ (address)  
\_\_\_\_\_  
\_\_\_\_\_ (office or directorship held)  
\_\_\_\_\_  
\_\_\_\_\_ (name of office holder)

**SECTION 6 – CREDITORS**

List each creditor to whom the value of five thousand dollars (\$5,000) or more was personally owed or personally obligated and is still outstanding. (This does not include debts owed to members of your family or loans made in the ordinary course of business by either a financial institution or a person who regularly and customarily extends credit.)

a) \_\_\_\_\_  
\_\_\_\_\_ (name of creditor)  
\_\_\_\_\_  
\_\_\_\_\_ (address of creditor)

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- b) \_\_\_\_\_  
\_\_\_\_\_ (name of creditor)  
\_\_\_\_\_ (address of creditor)
- e) \_\_\_\_\_  
\_\_\_\_\_ (name of creditor)  
\_\_\_\_\_ (address of creditor)

#### **SECTION 7 – GUARANTOR OR CO-MAKER**

List each guarantor or co-maker who has guaranteed a debt of yours that is still outstanding. (This includes debt guarantors arising or extended and refinanced after Jan. 1, 1989. Members of your family who are your guarantors are not required to be disclosed.)

- a) \_\_\_\_\_  
\_\_\_\_\_ (name)  
\_\_\_\_\_ (address)
- b) \_\_\_\_\_  
\_\_\_\_\_ (name)  
\_\_\_\_\_ (address)

#### **SECTION 8 – GIFTS**

List the source, date, description, and a reasonable estimate of the fair market value of each gift of more than \$100 received by you or your spouse and of each gift of more than \$250 received by your dependent children. The term “gift” is defined as “any payment, entertainment, advance, services, or anything of value unless consideration of equal or greater value has been given therefor.” There are a number of exceptions to the definition of “gift.” Those exceptions are set forth in the Instructions for Statement of Financial Interest prepared for use with this form. (Note: The value of an item shall be considered to be less than \$100 if the public servant reimburses the person from whom the item was received any amount over \$100 and the reimbursement occurs within ten (10) days from the date the item was received.)

- a) \_\_\_\_\_  
\_\_\_\_\_ (description of gift)  
\_\_\_\_\_ (date) \_\_\_\_\_ (fair market value)  
\_\_\_\_\_ (source of gift)
- b) \_\_\_\_\_  
\_\_\_\_\_ (description of gift)  
\_\_\_\_\_ (date) \_\_\_\_\_ (fair market value)  
\_\_\_\_\_ (source of gift)
- e) \_\_\_\_\_  
\_\_\_\_\_ (description of gift)  
\_\_\_\_\_ (date) \_\_\_\_\_ (fair market value)

d)	_____	_____
	_____ (source of gift)	_____
	_____ (description of gift)	_____
	_____ (date)	_____ (fair market value)
	_____ (source of gift)	_____
e)	_____	_____
	_____ (description of gift)	_____
	_____ (date)	_____ (fair market value)
	_____ (source of gift)	_____
f)	_____	_____
	_____ (description of gift)	_____
	_____ (date)	_____ (fair market value)
	_____ (source of gift)	_____
g)	_____	_____
	_____ (description of gift)	_____
	_____ (date)	_____ (fair market value)
	_____ (source of gift)	_____

If you are an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics and Science, a university, a college, a technical college, a technical institute, a comprehensive life long learning center, or a community college, the law requires you to disclose each monetary or other award which you have received in recognition of your contributions to education. The information disclosed with respect to each such award should include the source, date, description, and a reasonable estimate of the fair market value.

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\_\_\_\_ (source of award)

e) \_\_\_\_\_  
\_\_\_\_ (description of award)  
\_\_\_\_\_  
\_\_\_\_ (date) \_\_\_\_\_ (fair market value)  
\_\_\_\_\_  
\_\_\_\_ (source of award)

d) \_\_\_\_\_  
\_\_\_\_ (description of award)  
\_\_\_\_\_  
\_\_\_\_ (date) \_\_\_\_\_ (fair market value)  
\_\_\_\_\_  
\_\_\_\_ (source of award)

#### **SECTION 10- NONGOVERNMENTAL SOURCES OF PAYMENT**

List each nongovernmental source of payment of your expenses for food, lodging, or travel which bears a relationship to your office when you appear in your official capacity when the expenses incurred exceed \$150.

a) \_\_\_\_\_  
\_\_\_\_ (name of person or organization paying expense)  
\_\_\_\_\_  
\_\_\_\_ (business address)  
\_\_\_\_\_  
\_\_\_\_ (date of expense)  
\_\_\_\_\_  
\_\_\_\_ (nature of expenditure)

b) \_\_\_\_\_  
\_\_\_\_ (name of person or organization paying expense)  
\_\_\_\_\_  
\_\_\_\_ (address)  
\_\_\_\_\_  
\_\_\_\_ (date of expense)  
\_\_\_\_\_  
\_\_\_\_ (nature of expenditure)

#### **SECTION 11- DIRECT REGULATION OF BUSINESS**

List any business which employs you and is under direct regulation or subject to direct control by the governmental body which you serve:

a) \_\_\_\_\_  
\_\_\_\_ (name of business)  
\_\_\_\_\_  
\_\_\_\_ (governmental body which regulates or controls)

- b) \_\_\_\_\_  
\_\_\_\_\_ (name of business)  
\_\_\_\_\_ (governmental body which regulates or controls)
- c) \_\_\_\_\_  
\_\_\_\_\_ (name of business)  
\_\_\_\_\_ (governmental body which regulates or controls)
- d) \_\_\_\_\_  
\_\_\_\_\_ (name of business)  
\_\_\_\_\_ (governmental body which regulates or controls)

**SECTION 12- SALES TO GOVERNMENTAL BODY**

List the goods or services sold to the governmental body for which you serve which have a total annual value in excess of \$1,000. List the compensation paid for each category of goods or services sold by you or any business in which you or your spouse is an officer, director, or stockholder owning more than 10% of the stock of the company.

- a) \_\_\_\_\_  
\_\_\_\_\_ (goods or services)  
\_\_\_\_\_ (governmental body to whom sold)  
\_\_\_\_\_ (compensation paid)
- b) \_\_\_\_\_  
\_\_\_\_\_ (goods or services)  
\_\_\_\_\_ (governmental body to whom sold)  
\_\_\_\_\_ (compensation paid)
- c) \_\_\_\_\_  
\_\_\_\_\_ (goods or services)  
\_\_\_\_\_ (governmental body to whom sold)  
\_\_\_\_\_ (compensation paid)
- d) \_\_\_\_\_  
\_\_\_\_\_ (goods or services)  
\_\_\_\_\_ (governmental body to whom sold)  
\_\_\_\_\_ (compensation paid)

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**SECTION 13- SIGNATURE**

I certify under penalty of false swearing that the above information is true and correct.

\_\_\_\_\_  
Signature

STATE OF ARKANSAS

\_\_\_\_\_) ss

COUNTY OF \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Legible Notary Seal)

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Note: If faxed, notary seal must be legible (i.e., either stamped or raised and inked) and the original must follow within ten (10) days pursuant to Ark. Code Ann. § 21-8-703(b)(3).

**IMPORTANT**

**Where to file:**

State or district candidates and public servants file with the Secretary of State.  
County, township, and school district candidates and public servants file with the county clerk.  
Municipal candidates and public servants file with the city clerk or recorder, as the case may be.  
Municipal judges and city attorneys file with the city clerk of the municipality in which they serve.  
Members of regional boards or commissions file with the county clerk of the county in which they reside.

**General Information:**

- \* \_\_\_\_\_ The Statement of Financial Interest should be filed by January 31 of each year.
- \* \_\_\_\_\_ The filing covers the previous calendar year.
- \* \_\_\_\_\_ Candidates for elective office shall file the Statement of Financial Interest for the previous calendar year within thirty (30) days after the deadline for filing for office unless already filed by January 31.
- \* \_\_\_\_\_ Agency heads, department directors, and division directors of state government shall file the Statement of Financial Interest within thirty (30) days of appointment or employment unless already filed by January 31.
- \* \_\_\_\_\_ Appointees to state boards or commissions shall file the Statement of Financial Interest within thirty (30)

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~~days after appointment unless already filed by January 31.~~

~~\* — If a person is included in any category listed above for any part of a calendar year, that person shall file a Statement of Financial Interest covering that period of time regardless of whether they have left their office or position as of the date the statement is due.~~

**Public Comments – Rules Governing Ethical Guidelines**

<b>Date</b>	<b>Respondent</b>	<b>Comment</b>	<b>ADE Response</b>
10/18/2011	Rich Nagel, Arkansas Education Association	<ul style="list-style-type: none"> <li>The AEA believes that both parts of the proposed rule (17.03.1 and 17.03.2) establishes [sic] an unfair process for an educator who may lose his or her license. This rule could result in a denial of due process for an educator who may lose his or her license. Given the right circumstances, it could be found to be arbitrary and capricious in violation of the Administrative Procedure Act. AEA recommends that the current rule be amended to provide that the hearing before the State Board of Education simply follow the process set forth in the Administrative Procedures Act. In part, the Administrative Procedures Act provides that, "Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved."</li> </ul>	<ul style="list-style-type: none"> <li>Comment considered. As an administrative agency, all hearings of the State Board of Education are currently governed by the Administrative Procedure Act. The Administrative Procedure Act has never been construed to provide a hearing that proceeds in perpetuity. The rule explicitly allows the Chairperson of the State Board of Education, for good cause shown, to extend the time limits for all parties to adequately present their cases in an orderly fashion.</li> </ul>
10/20/2011	Tripp Walter, Arkansas Public School Resource Center	<ul style="list-style-type: none"> <li>Amend the rules to add a new section 3.15 to read as follows: "Ethical standards" means the requirements set forth in Ark. Code Ann. § 6-24-101 et seq. and these rules."</li> </ul>	<ul style="list-style-type: none"> <li>Comment considered. The Department of Education does not see a need for this proposed definition. The statutes and rules clearly describe conduct that constitutes a breach of ethical standards.</li> </ul>
		<ul style="list-style-type: none"> <li>Section 3.21: Will any "weighting" be applied to the various types of "unusual and limited circumstances" that the educational entity could submit to the Commissioner? Will the circumstances listed in subsections 3.21.1 and 3.21.2 be given greater deference by the Commissioner than other circumstances?</li> </ul>	<ul style="list-style-type: none"> <li>Comment considered. No weighting will be applied to the types of unusual and limited circumstances the educational entity could submit to the Commissioner. The circumstances listed in subsections 3.21.1 and 3.21.2 will be afforded no greater deference by the Commissioner than other circumstances. The subsections are offered only as examples of circumstances that might be deemed to be "unusual and limited."</li> </ul>
		<ul style="list-style-type: none"> <li>Section 4.02: Amend language to read: "Nothing in these rules alters or diminishes the professional and/or ethical obligations of licensed personnel, as may be set forth in other statutes and Department of Education rules."</li> </ul>	<ul style="list-style-type: none"> <li>Comment considered. The Department of Education does not see the rationale for adding the proposed language. The purpose of Section of 4.02 is to remind educators that other ethical obligations may exist apart from these rules and Ark. Code Ann. § 6-24-101 et seq.</li> </ul>
		<ul style="list-style-type: none"> <li>Where is the statutory support for the Commissioner to refer the allegation(s) against a licensed educator to the Professional Licensure Standards (PLSB), instead of to the State Board of Education? There appears to be no jurisdictional support in either statute or rules for the PLSB to consider alleged violations of these rules or Ark. Code Ann. § 6-24-101 et seq., with the possible exception of allegations in violation of Ark. Code Ann. § 6-24-112 (see discussion of "Standard 5", Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators (September 2010) at page 17).</li> </ul>	<ul style="list-style-type: none"> <li>Comment considered. Ark. Code Ann. § 6-24-114 gives the Commissioner the discretion to refer alleged violations of that chapter to the State Board of Education. Additionally, Ark. Code Ann. § 6-17-428(d) allows the Commissioner to file a complaint with the PLSB. Accordingly, the Commissioner has the clear statutory discretion to refer alleged violations to either the State Board through Ark. Code Ann. § 6-24-114 or to the PLSB through Ark. Code Ann. § 6-17-428. Certainly, alleged ethical violations that are outside the purview of PLSB should not be referred to the PLSB.</li> </ul>

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING INSTRUCTIONAL MATERIALS**

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**1.00 REGULATORY AUTHORITY**

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Instructional Materials.

1.02 These rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-21-401 et seq., and 25-15-201 et seq.

**2.00 PURPOSE**

The purpose of these rules is to set forth requirements related to the purchase, distribution and use of instructional materials.

**3.00 DEFINITIONS**

3.01 "Basal textbook" means the textbook that contains the core curriculum for the subject area to be taught.

3.02 "Commissioner" means the Commissioner of Education.

3.03 "Instructional materials" means:

3.03.1 Traditional books and trade books in printed and bound form;

3.03.2 Activity-oriented programs that may include:

3.03.2.1 Manipulatives;

3.03.2.2 Hand-held calculators; or

3.03.2.3 Other hands-on material; and

3.03.3 Technology-based materials that require the use of electronic equipment in order to be used in the learning process. Technology-based materials do not include the equipment required to make use of these materials. **In**

accordance with Ark. Code Ann. 6-21-403, school districts may purchase digital resources and make available any equipment needed to access the digital resources.

3.04 “School” or “School District” as those terms are used in these rules, shall include open-enrollment public charter schools.

3.05 “State” means the State of Arkansas.

3.06 “State Board” means the Arkansas State Board of Education.

3.07 “Supplemental textbook” means textbooks that supplement the basal textbook.

3.08 “Textbook” includes textbooks in both printed form and electronic form.

#### **4.00 GENERAL POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION**

4.01 Pursuant to Ark. Code Ann. § 6-21-404, the State Board of Education is authorized and empowered to:

4.01.1 Provide for a statewide textbook selection committee as follows:

4.01.1.1 The Commissioner of Education shall select a statewide selection committee no later than June 15 of each year. Each state committee shall be composed of members representative of the subject areas and instructional levels being adopted and from the state at large. The committee shall include licensed personnel from public schools and shall include a majority of classroom teachers.

4.01.1.2 The committee shall recommend a list of instructional materials consistent with course content standards and curriculum frameworks.

4.01.2 Require reports from school districts on the use and distribution of instructional materials; and

4.01.3 Do whatever else may be necessary for the general welfare of the public school textbook and instructional materials system in order to acquire the items at the lowest possible cost.

4.02 The powers enumerated in section 4.00 of these rules and in Ark. Code Ann. § 6-21-404 are cumulative and not restrictive.

4.03 The State Board shall have the power to modify the bid and contract form and negotiate any additional or modified terms that the State Board deems necessary for the administration of these rules.

4.04 Publishers must sell their materials at the same price to all schools and school districts in the State of Arkansas and must guarantee that price for the life of a state adoption cycle.

4.05 The State Board, through the Department of Education, will include funding for instructional materials in the foundation funding amount provided to each school district pursuant to Ark. Code Ann. § 6-20-2305.

## **5.00 GENERAL REQUIREMENTS RELATED TO INSTRUCTIONAL MATERIALS**

5.01 Each school district shall select a textbook selection committee to be composed of a majority of licensed personnel, which shall include classroom teachers.

5.02 Public school districts shall provide textbooks, other instructional materials, or digital resources, including the availability of any equipment needed to access the digital resources, for all pupils attending the public schools of this state in kindergarten through grade twelve (K-12), inclusive, in all subjects taught in those grades, without cost to the pupils.

5.03 School districts may select their own textbooks, instructional materials, or digital resources, or school districts may select from the recommended state-approved list.

5.04 Any materials purchased with state funds shall be consistent with course content standards and curriculum frameworks.

5.05 The Department of Education shall monitor to ensure that all school districts in the State of Arkansas comply with Section 5.00 of these rules and with Ark. Code Ann. § 6-21-403. The primary methods of compliance shall be through a Report of Local Adoptions filed by a school districts with the Department of Education and through a school district's Statement of Assurance filed with the Department of Education pursuant to Ark. Code Ann. § 6-15-202.



5.05.1 The Department of Education shall report in the annual school performance report a school district that fails to provide textbooks, other instructional materials, or digital resources, including the availability of any equipment needed to access the digital resources or any school district that charges any student a fee for use of or access to any instructional materials.

5.05.2 The State Board of Education shall report to the members of the House Committee on Education and Senate Committee on Education annually any school district out of compliance with Section 5.00 of these rules and with Ark. Code Ann. § 6-21-403 by November 1 of each year.

## **6.00 DETERMINATION OF RECOMMENDED INSTRUCTIONAL MATERIALS**

6.01 By March 15 of each year, the Department of Education shall prepare and distribute to school districts a recommended list of books, series of books, and other instructional materials for all subjects and instructional levels required by the Standards for Accreditation of Arkansas Public Schools and School Districts.

6.02 School districts may elect to purchase instructional materials from the state-recommended list, or school districts may select other instructional materials.

6.03 If a school district selects other instructional material not recommended by the Department of Education, the school district shall certify to the Department of Education by June of each year which instructional materials the school district wishes to purchase by state contract from the state-recommended list.

6.04 If a school district selects other instructional materials not recommended by the Department of Education, the school district may purchase such materials outside any state contract.

## **7.00 CONDITIONS FOR OFFERING TEXTBOOKS FOR ADOPTION, SALE OR EXCHANGE**

7.01 Before any person, company, or corporation shall offer any school textbooks or other instructional materials used in kindergarten through grade twelve (K-12), inclusive, for adoption, sale, or exchange in the State of Arkansas, the person, company, or corporation shall comply with the following conditions:

- 7.01.1 The person, company, or corporation shall file a bid and contract form in the office of the Commissioner of Education showing the prices at which the publisher will agree to sell to the State of Arkansas during the contract period.
- 7.01.2 When the State Board of Education accepts any or all of the textbooks or other instructional materials in the bid and contract form and so certifies the form, the bid and contract form shall become an official contract.
- 7.01.3 The State Board of Education is authorized to permit publishers to bid current wholesale prices, or the State Board may require publishers to bid lowest existing contract prices at which the textbooks or other instructional materials are being sold elsewhere in the country.
- 7.01.4 The State Board of education shall certify in the call for bids whether it wants current wholesale prices or lowest contract prices.
- 7.01.5 In the bid and contract form, the publisher shall certify the date on which the current wholesale prices were established and submit a list of all existing adoption bids showing such items as may be requested by the State Board on an official form furnished by the State Board.
- 7.01.6 At the end of each fiscal year of the contract, the publisher shall submit a certified list of all state contracts made during the fiscal year just closed on all books or other instructional materials for which the publisher has a contract in the State of Arkansas.
- 7.01.7 The publisher shall automatically reduce prices in Arkansas whenever a contract is made at a lower price in another state after the date of the contract in Arkansas.
- 7.01.8 If any publisher makes a contract on a special or state edition in another state after the date of the contract in Arkansas, the State Board is authorized to require the publisher to supply the special or state edition to the schools of Arkansas at the contract price in other states.
- 7.01.9 The State Board may require a publisher to bid an exchange price on all basal or supplementary textbook bids, and all the price regulations in these rules applying to regular contracts shall also apply to exchange prices; and

7.01.10 The person, company, or corporation shall deposit a copy of each textbook and other instructional material in printed, digital or manuscript form in the Office of the Commissioner.

7.01.10.1 All publishers doing business in the State of Arkansas shall maintain one (1) or more book depositories at the publisher's expense in Arkansas.

7.01.10.2 All items offered for sale in Arkansas pursuant to these rules shall be equal in quality to those deposited in the Office of the Commissioner and shall meet the minimum standards and specifications set forth by the State Board.

## **8.00 CONTRACTS WITH PUBLISHERS**

8.01 The State Board of Education shall make and execute contracts with all publishers whose books, series of books, or instructional materials have been recommended by the Department of Education.

8.02 The State Board shall determine the contract period, provided no contract period shall be for less than three (3) years nor more than five (5) years for courses subject to rapid knowledge-base changes. For courses determined by the State Board to be free of rapid knowledge-base changes, the contract period may be for a maximum of ten (10) years.

8.03 Contract periods for paperback books, novels, plays, and other forms of literature in a softbound cover that are part of a basal textbook program may be from one (1) to five (5) years.

8.04 If during the first two (2) years of any contract, the consumer price index has increased by twelve percent (12%) or more, the State Board is authorized to renegotiate with the contract holder the prices contained in the contract. The State Board may grant a price increase in the last three (3) years of the contract, provided the publisher certifies that the price is no higher than the lowest contract prices the product is currently bid in any other state.

8.05 The State Board is authorized to renew or extend contracts for no less than one (1) year nor more than two (2) years. This provision shall be made a part of the publisher's contract, and the State Board may exercise the provision by notifying

the publisher no less than one (1) year prior to the expiration of the original contract.

## **9.00 EXCHANGE PROVISIONS**

9.01 Any textbook exchange provisions approved by the State Board will guarantee the payment of exchange prices and govern the exchange on basal and supplementary textbooks.

9.02 The State Board may incorporate any exchange provisions it approves in the contract of the publisher, and the publisher shall be bound by such exchange provision of the contract as if it were a part of these rules.

## **10.00 ASSESSMENT OF DAMAGES FOR PUBLISHER'S FAILURE TO COMPLY**

10.01 The State Board is authorized to assess any publisher any amount of damages to the State of Arkansas for failure to comply with the terms of the publisher's contract or any published regulation of the State Board, provided that the publisher has been given a hearing before the State Board regarding the assessment of damages.

10.02 Failure to reimburse the State of Arkansas within six (6) months after notice of assessment has been served on the publisher shall give the State Board the right to cancel all the contracts of the publisher involved and to forbid the publisher to bid any future adoptions for a maximum period of five (5) years from the date that damages are assessed pursuant to Section 10.00 of these rules.

10.03 The following procedures shall apply to a situation involving a publisher's alleged failure to comply with the terms of the publisher's contract or any published regulation of the State Board:

10.03.1 The Commissioner of Education shall provide written notice, via certified mail, return receipt requested, to the publisher. The written notice shall include specific allegations of precisely how the publisher failed to comply with the terms of the publisher's contract or any published regulation of the State Board. The written notice shall also include a recommendation from the Commissioner of Education concerning the assessment of damages for the publisher's failure to comply.

10.03.2 Within thirty (30) days of receipt of the written notification from the Commissioner of Education, the publisher shall respond in writing to the Commissioner of Education, indicating one of the following:

10.03.2.1 The publisher concurs with the specific allegations and/or recommended assessment of damages; or

10.03.2.2 The publisher disputes the specific allegations and/or recommended assessment and requests an appeal before the State Board of Education. Such a notice of appeal shall include a brief statement of the reasons why the Commissioner's specific allegations and/or recommended assessment of damages should not be adopted.

10.03.4 If the publisher concurs with the Commissioner's specific allegations and/or recommended assessment of damages, or fails to respond to the same within thirty (30) days, the Commissioner shall place his or her recommended assessment of damages on the consent agenda of the next regularly scheduled State Board of Education meeting in accordance with the State Board of Education's procedures for the submission of agenda items.

10.03.5 If the publisher disputes the Commissioner's specific allegations and/or recommended assessment of damages, the State Board of Education shall hear the publisher's appeal within sixty (60) days of receipt of the notice of appeal. Through mutual agreement, the Commissioner of Education and the publisher may extend the date of the hearing for an additional thirty (30) days.

10.04 The following procedures shall apply to a hearing before the State Board of Education:

10.04.1 Each party will have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the representative of the Department of Education. The Chairperson of the State Board of Education may, only for good cause shown and upon the request of either party, allow either party additional time to present their opening statements.

- 10.04.2 Each party will be given thirty (30) minutes to present their cases, beginning with the representative of the Department of Education. The Chairperson of the State Board of Education may, only for good cause shown and upon the request of either party, allow either party additional time to present their cases.
- 10.04.3 Every witness giving oral testimony must be sworn under oath by the court reporter and shall be subject to direct examination, cross examination, and questioning by the State Board of Education.
- 10.04.4 For the purposes of the record, documents offered during the hearing by the Department of Education shall be clearly marked in sequential, numeric order (1, 2, 3).
- 10.04.5 For the purposes of the record, documents offered during the hearing by the publisher shall be clearly marked in sequential, alphabetic letters (A, B, C).
- 10.04.6 The Department of Education shall have the burden of proving, by a preponderance of the evidence, that the Commissioner's specific allegations and/or recommended assessment of damages be adopted.
- 10.04.7 The State Board of Education may:
- 10.04.7.1 Adopt the Commissioner's specific allegations and/or recommended assessment of damages be adopted;
- 10.04.7.2 Modify the Commissioner's recommended assessment of damages; or
- 10.04.7.3 Grant the appeal of the publisher.
- 10.04.8 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board of Education shall provide a written decision to the Department of Education and the publisher within fourteen (14) days of the hearing.

## **11.00 NOTICE OF ILLEGAL ACTS INVOLVING SCHOOL OFFICIALS PURSUANT TO ARK. CODE ANN. § 6-21-410**

- 11.01 It shall be illegal for the Commissioner of Education or any other employee connected with the Department of Education, any member of any selecting committee, or any member of any school board of directors to accept or receive

any money, gift, property, or favor whatsoever from any person, firm, corporation, or any agent thereof offering for sale any item pursuant to Ark. Code Ann. § 6-21-401 et seq. or from any person in any way interested in such sale.

11.01.1 Any person who pleads guilty or nolo contendere to or is found guilty of violating Ark. Code Ann. § 6-21-410(a) shall be found guilty of a Class B misdemeanor.

11.01.2 Any fines collected under Ark. Code Ann. § 6-21-410(a) shall be deposited into the State Treasury to the credit of the Public School Fund.

11.02 It shall be illegal for any teacher in the public schools of Arkansas or any person connected with the public school system of Arkansas in any capacity to have any interest in the profits, proceeds, or sale of any school textbooks or other instructional materials used in the schools of Arkansas under his or her charge or with which he or she is connected in any official capacity. However, this provision shall not apply nor have any reference to royalties or fees received by a person from the sale of school books or other instructional materials of which he or she is the author.

11.02.1 Any person who pleads guilty or nolo contendere to or is found guilty of violating Ark. Code Ann. § 6-21-410(b) shall be guilty of a violation and subject to a fine of no less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200).

11.02.2 Any fines collected under Ark. Code Ann. Ark. Code Ann. § 6-21-410(b) shall be deposited into the State Treasury to the credit of the Public School Fund.

11.03 It shall be illegal for any person directly or indirectly to promise or offer to give or cause to be promised, offered, or given any money, good, bribe, present, reward, or any valuable thing whatsoever to the Commissioner of Education, his or her assistants, or any other employee of the Department of Education, the Director of the Department of Career Education, his or her assistants, or any other employee of the Department of Career Education, any school board members, teachers, or other persons with the intent of influencing their decisions on any questions, matters, causes, or proceedings in the selection of any textbooks or other instructional materials.

11.03.1 Any person who pleads guilty or nolo contendere to or is found guilty of violating Ark. Code Ann. § 6-21-410(c) shall be guilty of a Class B misdemeanor.



~~11.03.2 Any fines collected under Ark. Code Ann. § 6-21-410(c) shall be deposited into the State Treasury to the credit of the Public School Fund.~~

## **Rules and Regulations Governing the Purchase of Instructional Materials by Arkansas School Districts**

### **1.0 Regulatory Authority**

~~1.01 These regulations shall be known as the Arkansas Department of Education's regulations implementing Arkansas Code Annotated 6-21-402 through 6-21-413.~~

~~1.02 These regulations are enacted pursuant to the State Board of Education's authority under Arkansas Code Annotated 6-21-404 (Repl. 1993), as amended by Acts 280 and 605 of 1995.~~

### **2.00 Purpose**

~~2.01 The purpose of these regulations is to describe how the Arkansas Department of Education (ADE) will implement Ark. Code Ann. 6-21-402 through 6-21-413.~~

~~2.02 These regulations shall establish the general guidelines for the use of state funds for the purchase of instructional materials for Arkansas school districts for grades kindergarten through twelve (K-12) for the school year 1995-96.~~

### **3.00 Definitions**

~~3.01 Instructional materials: Traditional books and trade books in printed and bound form; activity-oriented programs; manipulatives; handheld calculators; hands-on materials; and technology-based materials that require the use of electronic equipment in order to be used in the learning process.~~

~~3.02 Arkansas Textbooks/Instructional Materials List (State Recommended List): Those textbooks and other instructional materials that have been recommended by the state textbook committee.~~

~~3.03 State Textbooks/Instructional Materials Selecting Committee (state committee): Individuals recommended by the Director of General Education and approved by the State Board to examine textbooks and other instructional materials and make recommendations for the State Recommended List.~~

### **4.00 Distribution of Textbooks/Instructional Materials Funds**

~~4.01 For the 1995-96 school year, the State Board of Education shall allocate \$44.50 per ADM for the purchase of instructional materials in grades K-12.~~

~~4.02 The calculation of textbook aid shall be based on the previous year's first three quarter average ADM.~~



~~4.03 After the end of the first quarter of attendance, districts will receive instructional materials funding based upon actual student growth.~~

~~4.04 The amount funded per pupil will be the same for grades K-12. There will be no specific allocation amounts for the various grade levels.~~

~~4.05 Local school districts shall maintain documentation of expenditures for instructional materials to satisfy audit requirements.~~

## **5.00 General Requirements**

~~5.01 The State Board will adopt a State Recommended List of Instructional Materials for each instructional level on all subject matter required by the Arkansas Standards for Accreditation.~~

~~5.02 The State Board shall make and execute state contracts with publishers who wish to provide instructional materials to be used in grades K-1-2 and who meet the pricing requirements of Ark. Code Ann. 6-21-406.~~

~~5.03 Any instructional materials purchased with state funds must be consistent with the curriculum and educational goals established by the State Board of Education. If a district is denied purchase of instructional materials with state funds as a result of those items being declared inconsistent with the curriculum and educational goals established by the State Board of Education, that district may appeal the decision to the State Board of Education.~~

~~5.04 The Department of Education on an annual basis shall prepare and distribute to school districts a State Recommended List of Instructional Materials for all subjects that fall within the year's subject area selecting cycle.~~

~~5.05 School districts may select instructional materials from the State Recommended List or may purchase other instructional materials not on the recommended listing.~~

~~5.06 School districts must notify the Department of Education by May 1 each year regarding the instructional materials the district wishes to purchase by state contract from the State Recommended List.~~

~~5.07 School districts desiring to purchase instructional materials not on the State Recommended List must contact the Department of Education and identify those instructional materials which they desire to purchase with state funds. Districts desiring to use state funds to purchase instructional materials not on the State Recommended List must provide a justification for their specific request assuring that the materials requested are consistent with the curriculum and educational goals established by the State Board of Education. The request must also include an explanation of why the instructional materials on the State Recommended List were not considered appropriate for use by the district. The Department of Education will immediately seek to procure the required state contracts for these items. Districts should specifically identify these instructional materials and notify the Instructional Materials Unit of the ADE in writing by June 30 of each year.~~

## **6.00 State Selecting Committee**

~~6.01 The State Department of Education shall select statewide selection committees no later than June 15 of each school year. Each state committee shall be composed of members representative of the subject areas and grades being adopted and from the state at large. The committee shall include certified personnel from public schools and shall include a majority of classroom teachers.~~

~~6.02 The state committee shall recommend a list of instructional materials consistent with the curriculum and educational goals established by the State Board.~~

## **~~7.00 Purchasing Procedures~~**

~~7.01 After the state contracts have been entered into by the publishers to provide instructional materials and each district has selected its own instructional materials, then each local school district shall procure the selected instructional materials from an appropriate book depository in the State of Arkansas or from another entity having a state contract for those specific instructional materials.~~

~~7.02 No invoices for the purchase of instructional materials by local school districts shall be processed by the Arkansas Department of Education.~~

~~7.03 School districts shall maintain appropriate invoices and/or documentation of expenditures to demonstrate that the district has properly expended state funds allocated for instructional materials.~~

## Public Comments – Rules Governing Instructional Materials

Date	Respondent	Comment	ADE Response
9/28/11	Kim Herndon-parent and HMM Publishing	<ul style="list-style-type: none"> <li>Concerned about statewide selection committee process; process did not flow this year; can something be added to rule that if someone has a concern with the process, the process can be stopped? If that's allowed to happen the rule should read that way.</li> <li>Why do we have adoption forms that say "per the commissioner of education do not buy books?"</li> <li>11.01 no profit-co-ops, board or directors, commissioner, deputy should not let opinion influence/recommend program above anyone; recommending Gates curriculum/open sources; put in rule state employee should not give opinion on program</li> </ul>	<p>No changes were made to the rule as a result of this comment. The process followed all applicable laws and rule last year. The math adoption process was extended, but this is permissible under the contracts with publishers.</p> <p>No changes were made as a result of this comment. We are unaware of any forms or publications from the Commissioner of Education ordering districts to not buy books or instructional materials.</p> <p>No changes were made to the rule as a result of this comment. The language in Section 11.01 tracks the language in Ark. Code Ann. § 6-21-410. The ADE does not recommend any particular materials that are sold to school districts. The Gates curriculum was used as an example of an open-source resource, but would require schools to use whatever textbooks they selected.</p> <p>No changes were made to the rule as a result of this comment. A state employee or teacher may preside over professional development sessions in the summer as long as they are not promoting particular vendors or publishers in violation of Ark. Code Ann. § 6-21-410 and Sections 11.01 or 11.02 of the rule.</p>
9/28/11	Kellye Sutton-LRSD textbook coordinator	<ul style="list-style-type: none"> <li>Technology-based equipment in definition does not include equipment required to use these materials; Can textbook funds be used to purchase the equipment?</li> <li>Conflict between definition in rule/statute and new language in act regarding whether equipment is included?</li> <li>Not much in rule in about state depository; only 7.01.10.1; still required to purchase from depository or on own?; difficult if no depository to get books</li> <li>How does state determine who is in compliance with filing adoption report if some schools never report?</li> </ul>	<p>Section 3.03.3 was amended by the addition of "in accordance with Ark. Code Ann. 6-21-403, school districts may purchase digital resources and make available any equipment needed to access the digital resources."</p> <p>Section 3.03.3 was amended by the addition of "in accordance with Ark. Code Ann. 6-21-403, school districts may purchase digital resources and make available any equipment needed to access the digital resources."</p> <p>There is no change in the law regarding state depositories. School districts may purchase from depositories or from other sources. School districts must report adoptions to ensure availability of instructional materials in depositories. The depositories are not controlled by the ADE.</p> <p>No changes were made to the rule as a result of this comment. Section 5.05 requires school district file a Report of Local Adoptions with ADE.</p>

Public Comments – Rules Governing Instructional Materials

		<ul style="list-style-type: none"> <li>What is the status on math adoption? Would like to see language in rule about extending/changing cycle.</li> </ul>	No changes were made to the rule as a result of this comment. The math adoption process was extended, but this is permissible under the contracts with publishers.
9/28/11	Phyllis Tucker-HMD Publishing	<ul style="list-style-type: none"> <li>6.03-not clear, are these materials that have gone through the process and not been recommended or are they off-list contract materials or something else?</li> <li>5.03 and 5.04-open source materials-who is vetting these materials that are being used and encouraged to use? Double standard that state recommended materials are vetted, but open source materials are not</li> <li>Schools never report adoption even though required; anything that can be done to encourage the schools to adopt?</li> <li>Would like more transparency in process between all parties (schools, ADE, publishers)</li> </ul>	<p>Comment considered: The language in 6.03 comes directly from Ark. Code Ann. § 6-21-405. It refers to any materials not on the state-approved list.</p> <p>School districts may select and adopt whatever instructional materials they want to. The purpose of the ADE process is to get the best prices for school districts and to make sure books are available in the depository.</p> <p>Schools have the choice whether to adopt instructional materials. Adoptions are reported as part of the Statement of Assurance that school districts supply to the Standards Assurance Unit of the ADE???</p>
9/28/11	Jim Anglin-Cengage Publishing	<ul style="list-style-type: none"> <li>Contract with state; then commissioner recommended that they (? Districts) adopt but not buy books; recommended to not buy books; breach of contract</li> <li>Schools are using textbooks that are at least 7 years old if not older</li> </ul>	<p>No changes were made as a result of this comment. The process is transparent and follows state law.</p> <p>No changes were made as a result of this comment. Districts always have the choice whether or not to adopt new instructional materials. Schools have the choice whether to adopt new instructional materials.</p> <p>While this rule sets forth the requirements for adoption of instructional materials, there is no requirement in law that prevents a district from using the materials it chooses regardless of how long they have been using them.</p>
9/28/11	Vicky Payne-HMH and HMD Publishing	<ul style="list-style-type: none"> <li>When will computer science bid be on state board agenda?</li> <li>Pg. 4 7.0-if publishers are being screened should state materials be screen like outside screened/how are they screened?</li> <li>4.011.2-process for approving and recommending textbooks stay the same with new rule? Add date for state to approve books?</li> </ul>	<p>This was a consent item on the agenda of the October 2011 meeting of the State Board of Education.</p> <p>No changes were made as a result of this comment. School districts may select and adopt whatever instructional materials they want to. The purpose of the ADE process is to get the best prices for school districts and to make sure books are available in the depository.</p> <p>No changes were made as a result of this comment. The process stays the same, the State Board normally approves materials in September or October.</p>

Public Comments – Rules Governing Instructional Materials

		<ul style="list-style-type: none"> <li>Why was process allowed to stop this year? Violation of rule? Law?</li> <li>5.05.1/5.00-if a school didn't buy instructional materials (reading) this year even through going through adoption are they in violation of rule; are schools allowed to not go through adoption?</li> <li>If state didn't want new books because CCSS, change in law/notice should have occurred before so the publishers would have known. Language in rule about publishers contracts with ADE, want language about communication back to publishers</li> <li>Section 3.03.3-Delete "do not" and add an "s" to have it read: "Technology –based materials includes the hand-held mobile equipment required to make use of these materials." This section is too limiting and there are many districts that would use their funding for textbooks for mobile devices and electronic texts which would save funding and provide students with preparation for next generation assessments.</li> <li>Section 5.02-Add "and/or" so it reads..."other instructional materials, and/or digital resources...."</li> <li>Section 5.05.1-Replace "a" with "any" so it reads "shall report in the annual school performance report any school...."</li> <li>Section 7.01.10-Add at the end of the passage "and at each Educational Cooperative." This would expand access for school districts.</li> <li>Section 5.01-change language to "a majority of which will be licensed personnel...." The way it is written, in a large district, would be a very large committee</li> </ul>	<p>No changes were made as a result of this comment. The ADE did not violate rules or law, the process was delayed as allowed in the contracts with publishers.</p> <p>No changes were made as a result of this comment. Schools have the choice whether to adopt new instructional materials.</p> <p>No changes were made as a result of this comment. The ADE did not violate rules or law, the process was delayed as allowed in the contracts with publishers.</p> <p>Section 3.03.3 was amended by the addition of "In accordance with Ark. Code Ann. 6-21-403, school districts may purchase digital resources and make available any equipment needed to access the digital resources."</p> <p>No changes were made as a result of this comment. This section follows the language of Ark. Code Ann. 6-21-403.</p> <p>No changes were made as a result of this comment. This section follows the language of Ark. Code Ann. 6-21-403.</p> <p>No changes were made as a result of this comment. This section follows the language of Ark. Code Ann. 6-21-406.</p> <p>No changes were made as a result of this comment. This section follows the language of Ark. Code Ann. 6-21-413.</p>
10/19/11	Tripp Walter-APSRC		
8/24/11	Ron Harder-ASBA		

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES GOVERNING LOAN AND BOND APPLICATIONS**  
**May 1, 2008**

**1.00 AUTHORITY**

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Loan and Bond Applications.
- 1.02 These rules are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. § 6-11-105.

**2.00 PURPOSE**

These rules are enacted to set forth the criteria that shall be used by the Arkansas Department of Education Loans and Bonds Committee (Committee) in reviewing and recommending loan and bond applications from school districts and revolving loan applications from Education Service Cooperatives to the State Board of Education, by the State Board of Education in reviewing loan and bond applications from school districts and revolving loan applications from Education Service Cooperatives, and by the Commissioner of the Department of Education (Commissioner) in consideration of certain loan and bond applications. Also, these rules are enacted to set forth the criteria that shall be used by the Arkansas Division of Public School Academic Facilities and Transportation and the Loans and Bonds Unit and Committee in reviewing and recommending to the Arkansas State Board of Education, High-Growth School District Loan Program loans to qualifying school districts.

**3.00 APPLICATION**

- 3.01 These rules shall apply to all loan and bond applications filed by school districts and all revolving loan applications filed by Education Service Cooperatives with the Arkansas Department of Education (Department) and Academic Facilities High-Growth School District Loan Program (HGLP) loan applications filed by school districts with the Arkansas Division of Public School Academic Facilities and Transportation (Division).
- 3.02 Loans approved as part of a court approved settlement agreement to which the Department or State Board of Education (State Board) are signatory are exempt from the general application of these regulations.

**4.00 DEFINITIONS**

- 4.01 "Average daily membership" means the total number of days of school attended plus the total number of days absent by students in ~~grades~~ kindergarten through grade twelve (K-12) during the first three (3) quarters of ~~the~~ each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth.
- 4.02 "Academic Facilities Factor" means the ratio of the total square footage of academic facilities financed with outstanding bonded indebtedness over the combined square footage of academic and non-academic facilities with outstanding bonded indebtedness.



- 4.03 “Academic Facilities High-Growth School District Loan Program” (HGLP) means a program under which the Department shall provide an interest-free loan to a high-growth school district in which the mills required to service the bonded indebtedness incurred for academic facilities exceeds the maximum expected millage for the high-growth school district.
- 4.04 “Bonded indebtedness incurred for academic facilities” will be calculated by the Division as the Academic Facilities Factor multiplied by total bonded indebtedness.
- 4.05 “High-growth school district” means a public school district in which the average daily membership (ADM) for the public school district in the present school year is at least four percent (4%) higher than the ADM for the public school district in the school year that is two (2) years prior to the present school year, excluding growth resulting from annexation or consolidation.
- 4.06 “Maximum expected millage” means, ten (10) debt service mills, representing the maximum number of debt service mills that a public school district is expected to raise to service its bonded indebtedness incurred for academic facilities.
- 4.06.1 A school district that has “raised the maximum expected millage” must have ten (10) or more debt service mills based on the most recent millage election prior to the April 15 application submission deadline (in the case of current year special elections) or prior calendar year final millage report (in the absence of current year special elections). The final millage report will include rollback information. The determination of the required academic debt service mills for a consolidated or annexed school district that does not have a unified millage rate will be calculated on a case by case basis.
- 4.06.2 “Revenue generated from the maximum expected millage” is calculated by multiplying the prior calendar year assessment data by ten (10) mills.

## 5.00 LOANS AND BONDS COMMITTEE

- 5.01 ~~The Arkansas Department of Education Loans and Bonds Committee (Committee)~~ shall consist of these ~~nine~~ eight members or designees:
- 5.01.1 Assistant Commissioner, ~~Public School Finance and~~ Division of Fiscal and Administrative Services
- 5.01.2 Associate Director, Agency Finance
- 5.01.3 Coordinator, Local Education Agency Fiscal Distress Services
- 5.01.4 Coordinator, Local Education Agency State Funding/Loans and Bonds
- 5.01.5 Program Manager, of Equity, ~~Assistance Center~~ Division of Academic Accountability
- 5.01.6 Director, Arkansas Division of Public School Academic Facilities and Transportation
- 5.01.7 ~~Coordinator, Local Fiscal Services~~ Coordinator, Financial Accountability and Reporting
- 5.01.8 ~~Coordinator, Financial Accountability~~
- 5.01.9 Senior Transportation Manager, Arkansas Public School Academic Facilities and Transportation
- 5.02 Applications considered by the Committee may be acted upon in any of the following ways:

- 5.02.1 The application may be recommended for approval to the State Board or to the Commissioner;
- 5.02.2 The application may be recommended for disapproval to the State Board or to the Commissioner;
- 5.02.3 The application may be tabled pending receipt of additional information, further study by the Department staff or Division staff, or verification of information regarding the application.
- 5.02.4 A revolving loan application may be recommended to the State Board for approval of the loan for a lesser amount than the amount requested, pursuant to Ark. Code Ann. §§ 6-20-805 and 6-20-2511.

## **6.00 EQUITY STATUS**

- 6.01 All school districts submitting loan or bond applications to fund a proposed facility project, excluding maintenance and operation facilities, transportation facilities, and other non-instructional facilities, shall submit written documentation showing:
  - 6.01.1 That the proposed facility project is necessary to meet an important educational goal of the district. Completion of the proposed project should enable the applying district to provide a better quality, desegregated education, necessary to meet the needs of its present and projected population. The district must provide a desegregation impact statement showing that the proposed improvements do not have a segregative effect. A detailed outline or explanation of the educational goal to be met shall be included;
  - 6.01.2 That the proposed facility project is necessary to comply with Department rules, and/or state and federal statutes and regulations; and
  - 6.01.3 That the Department has received a current Annual Equity Compliance Report from the school district.
- 6.02 The applying district shall have as its goal not to establish or enlarge a school, unless the enrollment in such school is reasonably projected to be within a twenty-five percent (25%) range of its district-wide percentage of majority-minority students by organizational level, as established in the Little Rock School District v. Pulaski County Special School District case, E. D. Ark. LR-C-82-866.
- 6.03 The applying district shall submit a written Assurance Impact Statement that the facility project will not, in any manner, establish, continue, or ignore segregative activities within the district.
- 6.04 Any school in any county contiguous to Pulaski County shall submit a written Assurance Impact Statement that the proposed facility project will not have a substantial negative impact on the ability of any district in Pulaski County to desegregate effectively. Upon receipt of the application, the school district shall be notified by the Department or Division that this section applies to the school district.
- 6.05 The Committee shall not recommend approval of any application from any district not submitting the documentation required in Sections 6.01 and 6.03.
- 6.06 The Committee may recommend approval of any application from a district submitting the information in Section 6.01 if the Committee agrees with the documentation.



- 6.07 The State Board or Commission shall not approve an application from any district not submitting the information required in Section 6.01.
- 6.08 The State Board or Commission may consider a school district's application not approved by the Committee under Section 6.03 after reviewing the documentation submitted by the applying district.

## **7.00 REVOLVING LOAN PROGRAM**

- 7.01 Revolving loans may be refunded or paid in full without penalty on any scheduled interest payment date. The district or education service cooperative is required to submit written notification to the Loans and Bonds Unit of the Department regarding its intent to prepay an outstanding revolving loan. The Notice of Intent to Prepay must be received by the Loans and Bonds Unit of the Department at least thirty-two (32) days prior to the scheduled payoff date. If a district or education service cooperative chooses to refund or pay off a revolving loan on a date other than an interest payment date, it will be required to pay the total interest accrued to the next scheduled payment date.
- 7.02 During the time that a high-growth loan is in repayment, the high-growth loan school district shall not issue revolving loan refunding bonds or revolving loan refunding certificates of existing revolving loan bonds or revolving loan certificates, as provided under § 6-20-815 and shall comply with § 6-20-2511(d)(3).

## **8.00 NON-VOTED REFUNDING BONDS**

- 8.01 A separate application package must be submitted for each bond issue to be paid off with a non-voted refunding issue. The application package must include, but is not limited to, (A) the application, (B) a contract between the applying school district and its fiscal agent, (C) a preliminary Debt Service Comparison Schedule as prescribed in Section 8.02, (D) a current certificate of assessment from the county clerk, and (E) a final Debt Service Comparison Schedule including the Certificate of Savings is required after the issue has been sold, as prescribed in Section 8.02.
- 8.02 Each non-voted refunding bond issue must generate minimum principal and interest savings, over the life of the refunding (new) issue, based on the existing debt schedule, of the lesser of one hundred thousand dollars (\$100,000) or five percent (5%) of total principal and interest over the life of the bond on the refunded (old) issue. This calculated savings must be reduced by agent's fees and related issuance costs. For purposes of this savings calculation, investment income earned on deposited proceeds of the refunding (new) issue shall be offset by corresponding interest charges on the refunding (new) issue. Also, principal and interest charged on the refunded (old) issue must be included in the calculation of savings until the debt is retired.
- 8.03 Non-voted refunding issues may not be combined in order to achieve required savings, as prescribed in Section 8.02. Each non-voted refunding bond must meet the minimum savings requirement independently.
- 8.04 The amount of the new bond issue shall not exceed the approved loan amount on the application. If there is a sudden drop in interest rates after the application has been approved, and more bonds must be sold to refund the outstanding

bonds, written approval must be granted by the Commissioner of the Department ~~(Commissioner)~~ for the increased amount prior to the sale of the refunding bonds. A revised preliminary Debt Service Comparison Schedule, as prescribed in Section 8.02, must be provided to the Commissioner at this time.

## **9.00 PROCEDURAL REQUIREMENTS**

- 9.01 No loan or bond application will be recommended for approval to the State Board by the Committee and no loan or bond application will be approved by the State Board or the Commissioner until the application complies with all statutory requirements.
- 9.02 All documents, excluding non-voted refunding bond applications, must be received by the Loans and Bonds Unit of the Department thirty-one (31) days before the State Board meeting at which the applications will be considered. If thirty-one (31) days before the scheduled meeting date falls on a holiday or weekend, the deadline for filing shall be extended to the next business day. Loan or bond applications for which documents are received after this date will be considered in the next application cycle.
- 9.03 All loan and bond applications shall include a specific and detailed description of each intended use of the proceeds and each respective cost estimate. Bond applications shall include a declaration (date voted or date of proposed millage election) of the millage being used to secure the bond. Applications that do not include this information will be tabled by the Committee pending receipt of the required information.
- 9.04 An approved second lien bond, non-voted refunding bond, or voted bond application package submitted to the Loans and Bonds Unit of the Department is valid for one year following the date of approval by the State Board. If the district has not issued the bonds (or series of bonds within an issue) within twelve months of the date that the State Board approved the application, an updated application is required. An updated application, provided pursuant to this section, from a school district identified or classified in fiscal distress is subject to review by the Fiscal Distress Unit of the Department.

## **10.00 SECURITY OF LOANS AND BONDS**

- 10.01 In the case of default on principal or interest payments on a revolving loan, the Department shall withhold state foundation funding due to the district in an amount sufficient to cure the default and use those funds to cure the default, as authorized under Ark. Code Ann. § 6-20-814.
- 10.02 In the case of default on principal or interest payments on a bond, depending on the circumstances, one of the following shall occur:
  - 10.02.1 If the school district board of directors has passed a resolution, as authorized under Ark. Code Ann. § 6-20-1212, the first unrestricted moneys coming to the school district from any source other than the uniform rate of tax, shall be paid into the ~~building~~ debt service fund and applied on past due principal or interest on the bonds until paid in full;
  - 10.02.2 If the school district board of directors has passed a resolution, as authorized under Ark. Code Ann. § 6-20-1212, but is still unable to cure the default under Section 10.02.1, the Commissioner shall withhold state

foundation funding due to the district, in an amount sufficient to cure the default, and use those funds to cure the default, as authorized under Ark. Code Ann. § 6-20-1204; or,

- 10.02.3 If a school district board of directors has not passed a resolution, as authorized under Ark. Code Ann. § 6-20-1212, the Commissioner, after notification as required under Ark. Code Ann. § 6-20-1204, shall continue to withhold state foundation funding as due to the district and remit to the paying agent until the payment deficiency has been cured, as authorized under Ark. Code Ann. § 6-20-1204.
- 10.03 If a default occurs simultaneously on a bond and another type of debt, the bond default shall be cured in its entirety before other debt payment defaults are cured.
- 10.04 Should the State Board and the Department be required to withhold state foundation funding to cure the default of any school district, pursuant to Ark. Code Ann. § 6-20-1204(c), then that school district shall be classified as a school district in fiscal distress, pursuant to Ark. Code Ann. § 6-20-1204(c)(3).

## **11.00 EDUCATION SERVICE COOPERATIVE REVOLVING LOAN APPLICATIONS**

Education Service Cooperatives shall submit an authorization signed by the Board President and Secretary pledging all state aid in an amount sufficient to secure the revolving loan and authorizing the Department to withhold state aid in case of default on a revolving loan.

## **12.00 ACADEMIC FACILITIES HIGH-GROWTH SCHOOL DISTRICT LOAN PROGRAM (HGLP)**

- 12.01 There is established the Academic Facilities High-Growth School District Loan Program (HGLP) under which the Department shall provide an interest-free loan for construction of new academic facilities to a high-growth school district in which the mills required to service the existing bonded indebtedness incurred for existing academic facilities exceeds the maximum expected millage for the high-growth school district.
- 12.02 A school district may be eligible for the HGLP if:
  - 12.02.1 The district participates in the Academic Facilities Partnership Program;
  - 12.02.2 The school district has raised the maximum expected millage and the revenue generated from the maximum expected millage is less than the amount required to service the bonded indebtedness incurred for academic facilities;
  - 12.02.3 The ADM of the school district in the present school year is at least four percent (4%) higher than the ADM of the school year that is two years prior to the present year; and
  - 12.02.4 Total space available in the district is less than the amount needed to accommodate the growth of students.
- 12.03 The purpose of the loan to a high-growth school district is to assist such a school district with building new academic facilities. All projects submitted through the HGLP must first have approval through the Academic Facilities Partnership Program.

- 12.04 Applications for the HGLP must be submitted to the Division between February 1 and April 15 of each year. The application process is as follows:
  - 12.04.1 In January of each year, the Department will publish a preliminary list of school districts that have voted at least ten (10) debt service mills and require at least ten (10) debt service mills to service outstanding bonded indebtedness. The required breakdown into academic and non-academic debt service mills required and voted will not be available at the time of the publication of this list.
  - 12.04.2 The Division will verify that school districts submitting applications meet the requirement of participation in the partnership program. If this requirement is met, the Division will calculate the Academic Facilities Factor.
  - 12.04.3 The Division will provide the Academic Facilities Factor to the Department within 5 business days of the receipt of the application.
  - 12.04.4 The Department will use the Academic Facilities Factor to determine that the school district qualifies based on the maximum expected millage.
  - 12.04.5 Following receipt of the ADM data for the school district from APSCN, the Department will verify that the school district qualifies based on growth.
  - 12.04.6 The Division will verify that the total space available in the high-growth district is less than the amount needed to accommodate the growth of students and will determine if the district has restructured the delivery of education to use all available space and will forward the school district loan application to the Department.
  - 12.04.7 The application will be considered at the May Committee meeting.
  - 12.04.8 The Loans and Bonds Unit will present applications to the State Board at its June meeting.
  - 12.04.9 The district will be notified in writing of the decision by the State Board.
- 12.05 The amount of the loan shall be the amount of moneys required for academic facilities less the sum of:
  - 12.05.1 The revenues generated by the maximum expected millage; and
  - 12.05.2 The state revenue received by the high-growth school district under the Academic Facilities Partnership Program.
- 12.06 The high-growth school district shall apply for the loan from the Revolving Loan Fund, subject to Ark. Code Ann. §§ 6-20-801 – 6-20-816, 6-20-2511 and these Rules.
- 12.07 When the revenue required to service the bonded indebtedness incurred for the high-growth school district's academic facilities is less than the revenue generated by maximum expected millage, the high-growth school district shall repay the loan.
- 12.08 The high-growth school district shall make annual payments to the Department in the amount of:
  - 12.08.1 The revenue generated by the high-growth school district's millage up to the amount of the revenues generated from the maximum expected millage for the year; less
  - 12.08.2 The revenue required to service the high-growth school district's bonded indebtedness for academic facilities.

- 12.08.3 The payments under Sections 12.07 and 12.08 of these Rules shall continue until the loan is paid in full.
- 12.09 During the time that the loan to the high-growth school district is in repayment, the high-growth school district:
- 12.09.1 Shall use all revenues generated below the maximum expected millage to repay the loan;
  - 12.09.2 Shall not issue revolving loan refunding bonds or revolving loan refunding certificates, as provided under Ark. Code Ann. § 6-20-815; and
  - 12.09.3 Shall not otherwise change the amount of ad valorem tax revenues from debt service mills available to repay the loan without the prior approval of the department. Bonds issuances or millage changes that would adversely affect the repayment of this loan will not be considered in the calculation of the annual payment under Section 12.08.
- 12.10 Within a reasonable time after its receipt, each application under Sections 12.02 through 12.06 of these Rules shall be examined by the Department and Division in accordance with rules established by the State Board as to the accuracy of the answers contained therein. Changes to information contained in the application may be submitted up to the date of the May ~~Loan~~ Committee meeting. Subsequent changes will not be considered. If a determination is made by the Department that the District knowingly provided false or misleading information in the application process, the Department has the discretion to void the loan approval, seek restitution, and/or revoke the superintendent's license as allowed under Ark. Code Ann. § 6-17-410.
- 12.11 In considering each application, the Division shall determine:
- 12.11.1 That the district meets the definition of a 'high-growth school district' as contained in Section 4.05 of these rules;
  - 12.11.2 That the total space available in the high-growth school district is less than the amount needed to accommodate the high growth; and
  - 12.11.3 That the high-growth school district has already restructured the delivery of education to use all available space.
- 12.12 After considering each application, the Committee may, in its discretion recommend approval of the application to the State Board for the full amount of the proposed loan, for a lesser amount than the amount requested, or recommend disapproval of the application to the State Board.
- 12.13 The Committee should notify each applicant school district by June 30 of each year as to whether the high-growth school district loan has been approved or denied.
- 12.14 The Department and Division shall promulgate forms and documents to be used by school districts in the loan application process.
- 12.15 This implementation of this program is subject to funding specifically made available for this purpose.

### **13.00 REPORTING**

- 13.01 School districts that call mandatory callable bonds or other commercial bonds must report such calls to the Loans and Bonds Unit of the Department prior to April 30 of each fiscal year. The notification must include the call date, series, face amount, and price paid for the called bonds.
- 13.02 For a school district to qualify for state financial assistance under Ark. Code Ann. § 6-20-2503, the school district must submit, to the Division, prior to the date the refunding bonds are sold at public sale, a certification that the yearly debt service savings resulting from the refinancing will be used for the new construction of capital repairs to, or renovation of academic facilities or the purchase of academic equipment.

### **14.00 TRUSTEE FEES**

- 14.01 Fees assessed by trustee banks for acting as paying agent and for providing other services necessary to manage school district bond issues shall be approved by the State Board. A fee schedule will be provided, by the Loans and Bonds Unit of the Department, upon request.
- 14.02 Fees set by the State Board will be reviewed on a regular basis by the Loans and Bonds Unit of the Department for the purpose of recommending, to the State Board, adjustments reflecting current cost of services.

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES GOVERNING THE SCHOOL WORKER DEFENSE PROGRAM AND THE**  
**SCHOOL WORKER DEFENSE PROGRAM ADVISORY BOARD**

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**1.0 PURPOSE**

1.01 The purpose of these rules is to establish the requirements and procedures concerning the School Worker Defense Program and the School Worker Defense Program Advisory Board.

**2.0 REGULATORY AUTHORITY**

2.01 These rules shall be known as the Arkansas Department of Education Rules Governing the School Worker Defense Program and the School Worker Defense Program Advisory Board.

2.02 These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-11-105, 6-17-1113, 6-17-1118, 25-15-201 et seq. and Act 993 of 2011.

**3.0 DEFINITIONS**

3.01 “Authorized Volunteers” and “Volunteers in a Registered Volunteers Program” are those who meet the definition of “volunteer” and “registered volunteer” pursuant to Ark. Code Ann. §§ 6-22-101 through 6-22-108.

3.02 “Covered person” or “Covered entity” refers to those individuals and entities listed in Section 5.01 of these rules.

3.03 “Official duties” are those duties legitimately related to the carrying out of an individual’s position listed in Section 5.01 of these rules.

**4.0 SCHOOL WORKER DEFENSE PROGRAM ADVISORY BOARD**

4.01 The School Worker Defense Program Advisory Board is composed of the following seven (7) members:

4.01.1 The Executive Director of the Arkansas Association of Educational Administrators or his or her designee;

4.01.2 The President of the Arkansas Rural Education Association or his or her designee;

4.01.3 The Executive Director of the Arkansas School Boards Association or his or her designee;

4.01.4 The Executive Director of the Arkansas Education Association or his or her designee;

4.01.5 The designee of the Attorney General;

4.01.6 The Director of the Department of Finance and Administration or his or her designee; and

4.01.7 The Commissioner of Education or his or her designee.

4.01.8 No employee of the Department of Education who is charged with administering the School Worker Defense Program shall be eligible to serve as the designee of the Commissioner.

4.02 Members of the advisory board shall biannually elect a chair, a vice chair, and a secretary from the membership of the advisory board, whose duties shall be those customarily exercised by those officers or specifically designated by the advisory board.

4.03 The advisory board shall meet within the State of Arkansas and may meet as often as it deems necessary for the purpose of carrying out its duties as listed in Ark. Code Ann. § 6-17-1118 and these rules.

4.04 A majority of the members of the advisory board shall constitute a quorum for the purpose of a meeting.

4.05 The advisory board shall have final authority to hear and adjudicate any appeal filed by a school worker for protection against liability pursuant to Ark. Code Ann. § 6-17-1113 and these rules.

4.06 In an emergency situation, the chair of the advisory board may approve payment of a claim without a meeting of the advisory board.

4.07 The Arkansas Department of Education shall provide support staff for the advisory board.

## **5.0 SCHOOL WORKER DEFENSE PROGRAM**

5.01 The School Worker Defense Program is established for the protection of:

5.01.1 Education service cooperatives;

5.01.2 Education service cooperative board members;

5.01.3 Public school districts;



5.01.4 Public charter schools;

5.01.5 Public school board members;

5.01.6 Public school treasurers and bookkeepers;

5.01.7 Public school nurses;

5.01.8 Public school secretaries;

5.01.9 Public school substitute teachers;

5.01.10 Authorized volunteers;

5.01.11 Volunteers in a registered volunteers program;

5.01.12 Public school custodians;

5.01.13 Food service workers employed by public schools;

5.01.14 Bus drivers and mechanics employed by public schools;

5.01.15 Maintenance personnel employed by public schools;

5.01.16 Each employee of the following who is required to hold a teaching certificate issued by the Department of Education:

5.01.16.1 A public school district;

5.01.16.2 The Arkansas School for Mathematics, Sciences, and the Arts;

5.01.16.3 The Arkansas School for the Deaf; and

5.01.16.4 The Arkansas School for the Blind;

5.01.17 A public charter school teacher;

5.01.18 Each teacher's aide and each student teacher:

5.01.18.1 In a public school district;

5.01.18.2 In a public charter school;

5.01.18.3 In the Arkansas School for Mathematics, Sciences, and the Arts;

5.01.18.4 In the Arkansas School for the Deaf; and

5.01.18.5 In the Arkansas School for the Blind; and

5.01.19 Each member of the dormitory staff of:

5.01.19.1 The Arkansas School for Mathematics, Sciences, and the Arts;

5.01.19.2 The Arkansas School for the Deaf; and

5.01.19.3 The Arkansas School for the Blind.

5.02 The School Worker Defense Program is authorized, subject to governmental or statutory immunity and any exclusions or rules set forth herein, to protect any of the entities and individuals listed in Section 5.01 of these rules against civil liability, attorney's fees, and costs of defense for acts or omissions of each employee, authorized volunteer or volunteer in a registered volunteers program in the performance of his or her duties as a school volunteer or his or her official duties as a school employee, including civil liability for administering corporal punishment to students, in the amount of:

5.02.1 Two hundred fifty thousand dollars (\$250,000) for incidents which occurred prior to July 1, 1999; and

5.02.2 One hundred fifty thousand dollars (\$150,000) for each incident which occurs after June 30, 1999.

5.03 The School Worker Defense Program is further authorized to provide limited financial reimbursement not to exceed five thousand dollars (\$5,000) for attorney's fees and costs for the defense of criminal charges if the covered person listed in Section 5.01 of these rules is exonerated by a court of law or if all charges are subsequently withdrawn or dismissed unless such withdrawal or dismissal is conditioned upon termination of employment or surrender of a professional license.

5.04 The School Worker Defense Program Advisory Board may authorize reimbursement under Section 5.03 of these rules in excess of five thousand dollars (\$5,000) in matters that the advisory board finds to require extraordinary attorney's fees and costs. Such authorization may be made at the sole discretion of the School Worker Defense Program Advisory Board if such authorization is sufficiently justified in writing by the covered person or entity as set forth in Section 7.01.2.4 of these rules.

- 5.05 The cost of the School Worker Defense Program shall be paid annually out of funds in the Public School Fund that are designated for that specific purpose.
- 5.06 The School Worker Defense Program shall not pay any costs associated with the administration of the School Worker Defense Program if no funds are designated in the Public School Fund for the purpose of administering the School Worker Defense Program, or if all designated funds have been depleted through the payment of claims through the School Worker Defense Program.
- 5.07 Any school districts previously covered by or moneys expended pursuant to the self-insurance program of the Arkansas Department of Education or the School Worker Defense Program shall be deemed a proper expenditure of state funds as set forth in Ark. Code Ann. § 6-17-1113(c) as that statutory subsection existed on July 1, 2011.
- 5.08 The establishment of the School Worker Defense Program, the approval of these rules and regulations, the investigation of any incident, the payment of any claim, or the defense of any covered person or entity by the School Worker Defense Program does not waive or forfeit any immunity or authorization to provide for hearing and settling claims extended to educational entities and their personnel by the laws of the State of Arkansas.

## **6.0 ADMINISTRATION OF THE SCHOOL WORKER DEFENSE PROGRAM**

- 6.01 The School Worker Defense Program shall be a part of and administered by the Arkansas Department of Education.
- 6.02 The Commissioner of Education may appoint an Arkansas Department of Education Administrator (Program Administrator), who will administer the School Worker Defense Program.
- 6.03 The Program Administrator will receive and review requests for protection and coverage through the School Worker Defense Program.
- 6.04 The Program Administrator will determine whether requests for protection, coverage, reimbursement, or payment meet the requirements of Ark. Code Ann. § 6-17-1113 and these rules.
- 6.05 Any person entitled to protection under the School Worker Defense Program may appeal the decision of the Program Administrator to the School Worker Defense Program Advisory Board.

## **7.0 PROCEDURES FOR FILING A CLAIM**

7.01 Any person entitled to protection under Section 5.01 of these rules shall submit a notice of claim to the Program Administrator.

7.01.1 The notice of claim shall be sent by certified mail, return receipt requested to:

School Worker Defense Program  
ATTN: Program Administrator  
Arkansas Department of Education  
Four Capitol Mall  
Little Rock, Arkansas 72201

7.01.2 The notice of claim shall include the following information:

7.01.2.1 The name, address, telephone number and position of the entity or individual covered under Section 5.01 of these rules;

7.01.2.2 If the claim is filed pursuant to Section 5.02 of these rules, a copy of the summons and complaint and an explanation of how the acts and omissions of the employee or volunteer in question were in the performance of his or her official duties;

7.01.2.3 If the claim is filed pursuant to Sections 5.03 or 5.04 of these rules, a copy of relevant court documents indicating the withdrawal, dismissal, or acquittal of criminal charges;

7.01.2.4 If the claim is filed pursuant to Section 5.04 of these rules, an explanation of the reasons why extraordinary attorney's fees and costs are appropriate;

7.01.2.5 A description of the nature of each insurance policy that may provide coverage for the claim. This description shall include, but not be limited to, coverage limits under each policy; and

7.01.2.6 The name, address, and telephone number of the attorney who will represent the covered entity or person in the matter, or a request for an attorney to be appointed by the School Worker Defense Program.

7.01.3 Notice of any claim must be given to the School Worker Defense Program within thirty (30) days of a covered person or entity

having knowledge of a civil or criminal action being filed or having reason to believe that a claim under the School Worker Defense Program will be made, whichever is later.

7.01.4 Once notice has been received by the covered person or entity as to the formal filing of charges or complaints, immediate notice shall be given to the School Worker Defense Program along with copies of any summons and complaints.

7.02 For requests for payment or reimbursement, the covered individual or entity shall provide an itemized invoice along with any information required by the Department of Education to substantiate the amounts listed in the invoice.

7.02.1 Invoices shall be submitted by the covered individual or entity quarterly (every three months). Invoices that are not submitted on a timely basis may not be paid by the School Worker Defense Program.

7.02.2 To be submitted on a timely basis, any request for payment of an expense or reimbursement, other than attorney's fees paid pursuant to Sections 5.03 and 5.04 herein, must be received by the Program Administrator within three (3) months of the date the expense was incurred by or known to the covered entity or person or attorney.

7.02.3 For invoices requesting the payment of attorney's fees, the School Worker Defense Program may reimburse the covered individual or entity for attorney's fees up to one hundred dollars (\$100.00) per hour. The payment of fees in excess of one hundred dollars (\$100.00) per hour is the responsibility of the covered individual or entity.

7.03 The Program Administrator shall make an initial determination of whether the request for protection, coverage, reimbursement, or payment meet the requirements of Ark. Code Ann. § 6-17-1113 and these rules.

7.04 The Program Administrator shall notify the individual or entity making the claim or request for reimbursement and/or payment of the initial determination, in writing, within ten (10) days of receipt of the notice of claim or request for reimbursement and/or payment, subject to the provision of Section 7.05 below. If the Program Administrator denies a claim, the Program Administrator shall provide in writing the reasons for the denial.

7.05 The Program Administrator may request additional information before making an initial determination. If additional information is needed for a proper determination, and if the Program Administrator gives timely notice of the request to the individual or entity making the claim, the Program Administrator may approve or disapprove the request for protection, coverage, reimbursement, or payment within ten (10) days of receipt of the additional information.

## **8.0 PROCEDURES FOR FILING AN APPEAL WITH THE SCHOOL WORKER DEFENSE PROGRAM ADVISORY BOARD**

8.01 The individual or entity filing the claim may appeal the initial determination of the Program Administrator by filing a written notice of appeal with the School Worker Defense Program Advisory Board within twenty (20) days of receipt of the initial determination.

8.02 The written notice of appeal shall be sent certified mail, return receipt requested to:

School Worker Defense Program Advisory Board  
ATTN: Program Administrator (APPEAL)  
Arkansas Department of Education  
Four Capitol Mall  
Little Rock, Arkansas 72201

8.03 The written notice of appeal shall include a detailed explanation of how the request for protection, coverage, reimbursement, or payment meets the requirements of Ark. Code Ann. § 6-17-1113 and these rules, and whether the appealing party wishes to appear in person at the meeting during which the School Worker Defense Program Advisory Board will review the appeal. If the appealing party does not wish to appear in person at the meeting during which the appeal will be heard, the School Worker Defense Program Advisory Board may determine whether to grant or deny the appeal based upon the written materials provided by the appealing party and the Program Administrator.

8.04 The School Worker Defense Program Advisory Board shall schedule a meeting to review the appeal as soon as practicable, but no later than thirty (30) days from the date of receipt of the notice of appeal by the School Worker Defense Program.

8.05 The Program Administrator shall notify the appealing party in writing of the date, time, and location of the meeting during which the School Worker Defense Program Advisory Board will review the appeal.

8.06 If the appealing party appears at the meeting during which the appeal is heard, the following procedures shall apply:

8.06.1 The Program Administrator shall provide an introduction of the matter and present the reasons supporting the Program Administrator's initial determination. The presentation of the Program Administrator shall be limited to fifteen (15) minutes.

8.06.2 The appealing party or the appealing party's representative may provide a presentation of up to fifteen (15) minutes explaining how the appealing

party's request for protection, coverage, reimbursement, or payment meets the requirements of Ark. Code Ann. § 6-17-1113 and these rules.

8.06.3 The chairperson of the School Worker Defense Program Advisory Board may, for good cause, allow the Program Administrator and/or the appealing party additional time to complete their presentations.

8.06.4 Any member of the School Worker Defense Program Advisory Board may, at any time, ask questions of the Program Administrator or appealing party.

8.07 A decision to grant or deny the appeal shall be made by a majority of the members of the School Worker Defense Program Advisory Board who are present at the meeting during which the appeal is heard.

8.08 The School Worker Defense Program Advisory Board's decision shall be in writing or stated in the record and shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

8.09 The School Worker Defense Program Advisory Board shall notify the appealing party of its decision concerning the appeal within seven (7) days of the meeting during which the appeal is considered. The notice shall include a copy of the written decision issued by the School Worker Defense Program Advisory Board.

8.10 A decision to grant or deny the appeal shall be final.

## **9.0 CONDITIONS**

9.01 Nothing in these rules should be interpreted to waive any governmental or statutory immunity available under Arkansas law.

9.02 Any covered person or entity shall cooperate fully in the defense provided by the School Worker Defense Program. However, a covered person or entity shall not voluntarily make any payment, assume any obligation, incur any expense, or enter into any settlement agreement without prior written approval from the Program Administrator. A violation of this stipulation may void any or all benefits for protection or coverage under the School Worker Defense Program.

9.03 The protection or coverage provided by the School Worker Defense Program is primary to any group protection or insurance furnished by a teacher organization.

9.04 The protection or coverage provided by the School Worker Defense Program is secondary or excess to any protection, insurance or policy purchased by a school

district, association of school districts, or provided by any self-funded risk sharing pool or insurance cooperative.

9.05 The School Worker Defense Program may settle or defend, as necessary, any suit or claim seeking compensatory damages. However, any portion of any claim or suit not pertaining to compensatory damages may not be settled without the permission of the covered person or entity involved.

9.06 The attorney representing the covered individual or entity must file, on a quarterly basis, a short summary concerning the status of the lawsuit with the Program Administrator. Failure to file a timely summary may result in withdrawal of coverage under the School Worker Defense Program.

## **10.0 EXCLUSIONS**

10.01 The protection afforded under the School Worker Defense Program does not apply to any claims for damages which are successfully defended on the affirmative defense of governmental or statutory immunity under Arkansas law. The School Worker Defense Program may pay attorney's fees and costs for the purpose of asserting a successful affirmative defense of governmental or statutory immunity.

10.02 The School Worker Defense Program shall not provide protection, coverage or payment for the following:

10.02.1 Intentional torts committed outside the scope of employment; or dishonest or criminal acts or omissions, other than corporal punishment administered in accordance with school district policies on file with the Arkansas Department of Education. Such disqualifying acts do not include intentional acts that are reasonably committed in self-defense, in defense of another, or to prevent bodily injury to self or another;

10.02.2 Contractual damages, including back wages;

10.02.3 Acts or omissions falling outside the official duties of a covered person;

10.02.4 Violation of a court order issued by a court of competent jurisdiction;

10.02.5 Punitive damages;

10.02.6 Willful violation of a penal statute or ordinance committed by or with the knowledge or consent of a covered person;



- 10.02.7        Lawsuits involving desegregation related issues filed after September 14, 1993;
- 10.02.8        Lawsuits involving voting rights issues filed after September 14, 1993;
- 10.02.9        Administrative hearings or other hearings of any type unless a formal civil complaint has been filed;
- 10.02.10       Plaintiff attorneys' fees;
- 10.02.11       The payment or reimbursement of any deductible or self-insured retention included in any protection, insurance or policy purchased by a school district, association of school districts, or provided by any self-funded risk sharing pool or insurance cooperative;
- 10.02.12       Any and all demands, claims, suits, actions, complaints, or litigation brought by or filed by a covered entity against another covered entity;
- 10.03           The School Worker Defense Program shall not provide or afford any protection or defense in any form for the operation, maintenance, or use of any motor vehicle, or for any automobile claims of any type.

**Rules and Regulations**  
**Governing the School Workers Defense Program**  
August 30, 1999

**1.00 Regulatory Authority**

- 1.01 — ~~These rules and regulations shall be known as Arkansas Department of Education Rules and Regulations Governing the Administration of the School Worker Defense Program.~~
- 1.02 — ~~These regulations are enacted pursuant to the State Board of Education's specific authority under Ark. Code Ann. §6-17-1113 (Supp. 1997), as amended by Act 540 of 1999.~~

**2.0 Purpose**

~~These rules and regulations are enacted to set forth the procedures used by the Department of Education to govern the administration of the School Worker Defense Program. The Department of Education is authorized and directed to establish a School Worker Defense Program for protection against civil liability, attorney's fees, and costs of defense for certain acts or omissions of protected persons while in the performance of his/her duties as a school district employee or volunteer.~~

**3.00 Definitions**

- 3.01 — ~~"Educational Activity" means — Acts or omissions of those protected employees/volunteers listed in Section 4.00, in connection with his or her authorized duties as a member of the faculty and/or staff of any public school district, educational cooperative, School for the Blind, School for the Deaf, or the School for Mathematics and Sciences.~~
- 3.02 — ~~"Bodily Injury" means — Physical injury to the body, or to sickness or disease contracted by the injured as a result of the injury.~~
- 3.03 — ~~"Property Damage" means — Physical damage to or destruction of property including loss of use.~~
- 3.04 — ~~"Personal Injury" means — False arrest, malicious prosecution, libel, slander, defamation, violation of right of privacy, wrongful entry or eviction, mental injury, mental anguish, shock, humiliation, unlawful detention, or false accusation.~~
- 3.05 — ~~"Protected Person" means — Any individual, group of individuals or entities identified in Section 4.00 of this document.~~
- 3.06 — ~~"Official Duties" means — Acts or omissions of any protected person (official school board member) resulting from his or her participation in a meeting or activity directed by the action of the school board and as reflected in the minutes of a legal board meeting. This does not include individual acts or omissions of a school board member outside the scope of their official duties or responsibilities.~~

~~3.07 "School Nurse" means Registered nurse or licensed practical nurse employed by a protected entity.~~

~~3.08 "Wrongful Act" means Any actual or alleged breach of duty, neglect, error, misstatement, misleading statement or omission committed solely in the performance of official duties as a school board member or school employee and occurring during the protection period. Wrongful acts shall not include bodily injury, property damage, or personal injury. Wrongful acts shall also not include failure to desegregate and/or violation of voting rights."~~

~~3.09 "Punitive Damages" means Those damages awarded in a court of law, that are imposed to punish a wrongdoer and to deter others from similar conduct.~~

#### **4.00 Protected Persons**

~~4.01 The School Worker Defense Program protection's are defined in A.C.A § 6-17-1113(a) (Supp. 1997), as amended by Act 540 of 1999.~~

~~Protected entities and persons include the following:~~

~~4.01.1 Educational service cooperatives and their board members;~~

~~4.01.2 School districts and their board members;~~

~~4.01.3 School secretaries;~~

~~4.01.4 School treasurers;~~

~~4.01.5 School bookkeepers;~~

~~4.01.6 School nurses;~~

~~4.01.7 Substitute teachers;~~

~~4.01.8 Authorized volunteers;~~

~~4.01.9 Volunteers in the registered volunteer program;~~

~~4.01.10 School custodians;~~

~~4.01.11 Food service workers employed by public schools;~~

~~4.01.12 Bus drivers;~~

~~4.01.13 School mechanics;~~

~~4.01.14 School maintenance personnel;~~

~~4.01.15 Each employee of a public school district;~~

~~4.01.16 Each employee of the Arkansas School for Mathematics and Sciences;~~

~~4.01.17 Each employee of the Arkansas School for the Deaf and Blind required to hold a certificate issued by the Department of Education;~~

~~4.01.18 Each teacher's aid and each student teacher in any public school district;~~

~~4.01.19 Each teacher's aid and each student teacher in the Arkansas School for Mathematics and Sciences;~~

~~4.01.20 Each teacher's aid and student teacher in the Arkansas School for the Deaf and Blind;~~

~~4.01.21 Each member of the dormitory staff for the Arkansas School for Mathematics and Sciences;~~

~~4.01.22 Each member of the dormitory staff for the Arkansas School for the Deaf and Blind.~~

~~4.02 — Authorized volunteers or registered volunteers to protected entities as defined in A.C.A. §§ 6-22-101 et seq. (Supp. 1997).~~

## **5.00 Protections and Limits of Protection**

### **5.01 — Civil Complaints**

~~Subject to governmental immunity and exclusions outlined in Section 11, the School Worker Defense Program will pay all sums the protected person shall become legally obligated to pay as damages because of bodily injury, property damage, or personal injury arising out of the protected persons educational activity or official duties. The program will also pay the attorneys' fees and costs in defending any protected person in any action in which governmental immunity may be applicable, but only for the purpose of pursuing that defense. The maximum the School Worker Defense Program will pay for claims under this caption is two hundred fifty thousand dollars (\$250,000) for incidents which occurred prior to July 1, 1999, and one hundred fifty thousand dollars (\$150,000) for each incident which occurred after June 30, 1999 including reasonable defense costs and expenses otherwise stated in this document.~~

### **5.02 — Wrongful Acts**

~~The School Worker Defense Program shall provide an attorney and pay reasonable attorney fees and reasonable and necessary costs of defense up to fifty thousand dollars (\$50,000) per incident for any suit alleging a wrongful act, as defined in Section 3.08. Protected persons may reject the School Worker Defense Program's defense and defend these charges at their own expense.~~

### ~~5.03—Defense of Criminal Charges Arising From Corporal Punishment~~

~~5.03.1 The School Worker Defense Program shall provide an attorney and pay reasonable attorney fees and necessary costs in the defense of all criminal charges arising out of the use of corporal punishment in any one incident administered in accordance with the discipline policies filed by the local school districts' board of education with the Department of Education. The cost for the defense under this section for reasonable attorney's fees and the necessary cost shall not exceed five thousand dollars (\$5,000).~~

~~5.03.2 The defense afforded by this Section does not apply to any incident of corporal punishment administered other than in accordance with the school policy on file with the Department of Education.~~

### ~~5.04 Defense of Criminal Charges~~

~~5.04.1 The School Worker Defense Program may reimburse the protected person for attorney fees and reasonable and necessary costs in defense of all criminal charges arising out of any one incident and arising out of the educational activities within the scope of his/her employment. The reimbursement of attorney fees and costs are contingent upon the protected person being exonerated by a court of law or all charges are permanently dismissed or withdrawn. The protected person shall provide proof of all attorney's fees, costs or expenses at the request of the School Worker Defense Program before reimbursement is made.~~

~~5.04.2 The reimbursement under this Section shall not exceed five thousand dollars (\$5,000). However, the School Worker Defense Program Advisory Board may, at its discretion, authorize reimbursement in excess of five thousand dollars (\$5,000) in matters that the Board finds to require extraordinary attorneys' fees and costs.~~

~~5.04.3 In no case shall the School Worker Defense Program be obligated to reimburse any legal fees or expenses which will benefit any insurance company, self-insurance plan or risk sharing pool.~~

### ~~5.05—Automobile Protection~~

~~The School Worker Defense Program shall not provide or afford protection or defense in any form for automobile claims.~~

## **~~6.00—Governmental Immunity~~**

~~The establishment of the School Worker Defense Program, the approval of these rules and regulations, the investigation of any incident, or the defense of any protected person by this Program does not waive or forfeit any immunity.~~

## **7.00 Conditions**

### **7.01 — Notice of Claim**

~~7.01.1 Notice of claim must be given to the School Worker Defense Program within 30 days of a protected person having knowledge or believing that a claim under this program will be made.~~

~~7.01.2 Once notice has been received by the protected person as to the formal filing of charges or complaints, immediate notice shall be given to the School Worker Defense Program along with copies of any summons and complaints.~~

### **7.02 — Duty to Cooperate**

~~Any protected person shall cooperate fully in the defense provided by this program. However, a protected person shall not voluntarily make any payment, assume any obligation, incur any expense, or enter into any settlement agreement without prior written approval from the School Worker Defense Program. Violation of this stipulation may void any or all benefits or protection provided by the School Worker Defense Program.~~

### **7.03 — Other Insurance or Protection**

~~The coverage provided by this Program for civil complaints is primary to any group protection or insurance furnished by any teacher organization. However, this program protection is excess to any protection, insurance or policy purchased by a local school district, association of school districts, or provided by any self-funded risk sharing pool, or insurance cooperative. In any claim, action, complaint, litigation or circumstance in which this Program is excess to any other protection, insurance or policy purchased by a local school district, association of school districts, or provided by any self-funded risk sharing pool, or insurance cooperative, this Program will not apply to, or be responsible for, the payment or reimbursement of any deductible or self insured retention included in the primary protection, insurance or policy.~~

## **8.00 — Limits of Liability**

~~The protection afforded by this Program shall not exceed the sum of one hundred fifty thousand dollars (\$150,000) per occurrence after July 1, 1999, regardless of the number of protected persons involved or the number of claims being made.~~

## **9.00 — Settlement**

~~This Program may settle or defend, as it deems necessary, any suit or claim seeking compensatory damages. However, any portion of any claim or suit not pertaining to compensatory damages, cannot be settled without the permission of the protected person or entity involved.~~

## **~~10.00 School Worker Defense Program Advisory Board~~**

~~10.01 The School Worker Defense Program Advisory Board shall be composed of seven members. The members are as follows:~~

~~10.01.1 The Executive Director of the Arkansas Association of Educational Administrators or his designee;~~

~~10.01.2 The President of the Arkansas Rural Education Association or his designee;~~

~~10.01.3 The Executive Director of the Arkansas School Boards Association or his designee;~~

~~10.01.4 The Executive Director of the Arkansas Education Association or his designee;~~

~~10.01.5 The designee of the Attorney General;~~

~~10.01.6 The Director of the Department of Finance and Administration or his designee; and~~

~~10.01.7 The Director of the Department of the Education or his designee.~~

~~10.02 The Department of Education shall provide support staff for the Advisory Board.~~

~~10.03 Members of the board shall biannually elect a chairman, a vice chairman and a secretary from the membership of the Board, whose duties shall be those customarily exercised by those officers or specifically designated by the Board.~~

~~10.04 The members of the Advisory Board shall meet within the State of Arkansas as often as they deem necessary for the purpose of carrying out their duties. In an emergency situation, the chairman of the Board may approve payment of a claim without the meeting of the Board.~~

~~10.05 The duties of the School Worker Defense Program Advisory Board are as follows but not limited to:~~

~~10.05.1 Authorizing reimbursement in excess of five thousand dollars in cases of the defense of criminal charges that the Board finds requires extraordinary attorney's fees and costs.~~

~~10.05.2 Hearing the appeal of a decision made by the Department by a covered person.~~

~~10.05.3 Approval of payment in an emergency situation by the Chairman without a meeting of the Board.~~

**11.00 Exclusions: The Program will not apply to/provide protection for the following:**

~~11.01 Intentional, dishonest or criminal acts or omissions, other than corporal punishment administered in accordance with school district policies on file with the State Department of Education.~~

~~11.02 Contractual damages, including back wages~~

~~11.03 Activity outside the official duties of a protected person.~~

~~11.04 Violation of a Court Order issued by a court of competent jurisdiction and addressed to the school district.~~

~~11.05 Punitive damages.~~

~~11.06 Willful violation of a penal statute or ordinance committed by or with the knowledge or consent of a protected person.~~

~~11.07 Any and all claims for damages which are subject to the affirmative defense of governmental immunity under Arkansas law.~~

~~11.08 Lawsuits involving desegregation related issues filed after September 14, 1993.~~

~~11.09 Lawsuits involving voting rights issues filed after September 14, 1993.~~

~~11.10 Hearings of any type unless a formal civil complaint or lawsuit has been filed.~~

~~11.11 The School Worker Defense Program will not provide or afford any protection or defense in any form for the operation, maintenance, or use of any motor vehicle, or for any automobile claims of any type.~~

~~11.12 Plaintiff Attorney's fees.~~

~~11.13 The payment or reimbursement of any deductible or self-insured retention included in any protection, insurance or policy purchased by a local school district, association of school districts, or provided by any self-funded risk sharing pool, or insurance cooperative.~~

~~11.14 Any and all demands, claims, suits, actions, complaints, litigation, or other circumstances brought by or filed by one protected entity against another protected entity. In this regard, protected entities means and includes any public school district, any educational service cooperative, the Arkansas School for Mathematics & Sciences, the Arkansas School for the Deaf, and the Arkansas School for the Blind.~~



**Public Comments – Rules Governing School Worker Defense Program**

<b>Date</b>	<b>Respondent</b>	<b>Comment</b>	<b>ADE Response</b>
10/21/2011	Tripp Walter, Arkansas Public School Resource Center	<ul style="list-style-type: none"> <li>Section 5.03: Where is the authority for adding the language “or surrender of a professional license?”</li> </ul>	<ul style="list-style-type: none"> <li>Comment considered. This provision was added in order to prevent the structuring of plea agreements to allow for reimbursement under the program at the same time that the effect of such plea would result in an individual being ineligible for reimbursement (i.e. the termination of employment or loss of a license).</li> </ul>
		<ul style="list-style-type: none"> <li>“Ethical standards” means the requirements set forth in Ark. Code Ann. § 6-24-101 et seq. and these rules.</li> </ul>	<ul style="list-style-type: none"> <li>Comment considered. The phrase “ethical standards” is not used in the rule and does not need to be defined.</li> </ul>
		<ul style="list-style-type: none"> <li>Section 7.05: Amend last line to read: “Provide in writing the reasons for the denial, and the process for filing an appeal pursuant to Section 8.0 of these rules.”</li> </ul>	<ul style="list-style-type: none"> <li>Comment considered. The comment appears to apply to Section 7.04 instead of 7.05. The process for filing an appeal under the program is clearly set forth under Section 8.0 of the rules. The approved rules will be publicly available on the ADE website. Nothing in the rule prohibits the Program Administrator from including a reference to the rules in the initial determination, or from including a copy of the rules with the initial determination. However, there is no need to mandate this practice.</li> </ul>

ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING REQUIRED TRAINING  
FOR SCHOOL BOARD MEMBERS  
March 13, 2006-August 2011

1.00 REGULATORY AUTHORITY

- 1.01 The State Board of Education promulgates this Rule pursuant to Ark. Code Ann. §§ 6-13-629 and 6-11-105.
- 1.02 This Rule shall be known as the Arkansas Department of Education (ADE) Rules Governing Required Training for School Board Members

2.00 PURPOSE

The purpose of this Rule is to outline the type and amount of training required for new and continuing local school board members.

3.00 DEFINITIONS

- 3.01 "Annual School Performance Report" means the report required to be published by the ADE for each school district annually under Ark. Code Ann. § 6-15-1402.
- 3.02 "Comprehensive School Improvement Plan" means the plan that each local school district must prepare annually under the ~~ADE Rule Governing Standards for Accreditation of Arkansas Public Schools and school District (ADE Standards Rule)~~, Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public School and School Districts Section 7.04.1.
- 3.03 "Publish" means to provide information to a local newspaper of general circulation and to arrange for placement of the information, including payment of all relevant fees.

4.00 TRAINING HOURS REQUIRED

- 4.01 All members of a local school district board of directors who ~~has~~ served on the board of directors for twelve (12) or more consecutive months shall obtain no less than six (6) hours of training and instruction by December 31 of each calendar year.
- 4.02 All members of a school district board of directors elected for an initial or non-continuous term shall obtain no less than nine (9) hours of training and instruction by December 31 of the calendar year following the year in which ~~they were elected~~ the member is elected.
  - 4.02.1 The training or instruction under Section 4.02 of this Rule shall be accomplished within the first fifteen (15) months of service on the board of directors.

- 4.03 Hours of training and instruction obtained in excess of the minimum requirements each year may accumulate and be carried forward through December 31 of the third calendar year following the year in which the hours were obtained.

## 5.00 TRAINING CONTENT

5.01 The training and instruction required under this Rule shall include topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the board of directors, including without limitation:

- ~~school laws;~~
- ~~school operations; and~~
- ~~the powers, duties, and responsibilities of the members of the board of directors, including, but not limited to, legal requirements, role differentiation, financial management, and improving student achievement.~~

### 5.01.1 Legal requirements, including without limitation:

5.01.1.1 The following items listed or required by the Legislative Joint Auditing Committee under Ark. Code Ann. § 6-1-101:

5.01.1.1.1 Audit management letter

5.01.1.1.2 Ethical guidelines

5.01.1.1.3 School elections

5.01.1.1.4 Management of schools

5.01.1.1.5 Revolving loan funds

5.01.1.1.6 School district finances

5.01.1.1.7 School district school bonds

5.01.1.1.8 Teachers and employees

5.01.1.1.9 Teachers' salaries

5.01.1.1.10 Deposit and investments of funds

5.01.1.1.11 Improvement contracts

5.01.1.2 Other financial laws or regulations designated by the Arkansas Department of Education;

5.01.2 Role differentiation;

5.01.3 Financial management, including without limitation how to read and interpret an audit report;

5.01.1.3 The training or instruction on how to read and interpret an audit report:

5.01.1.3.1 Shall be conducted by a person who is licensed to practice accounting by the Arkansas State Board of Public Accountancy and has prior experience conducting school district financial audit.

5.01.1.3.2 The instructor of the audit training must not be an employee of the Division of Legislative Audit unless the training is conducted for the boards of directors of multiple school districts.

5.01.1.3.3 The instructor must not be the person conducting the annual audit or other financial audit of the school district unless the training or instruction is presented in a large group setting sponsored by a statewide or regional organization that is attended by multiple school districts.

5.01.1.3.4 The audit training or instruction may be presented by electronic means, in person, or both.

5.01.4 Improving student achievement.

6.00 TRAINING PROVIDERS

- 6.01 This instruction may be provided to board members by an institution of higher learning in this state, by programs sponsored or approved by the ADE, or by an in-service training program conducted by or through the Arkansas School Boards Association
- 6.02 Any instruction directly provided to board members by either an institution of higher learning in this state, the ADE, or the Arkansas School Boards Association, which instruction meets the training content requirements of Section 5.00 of this Rule, shall not require pre-approval by the ADE.
- 6.03 At least thirty (30) days before a training program meeting the content requirements of section 5.00 of this Rule is offered to members of a local school district's board of directors, the provider shall provide a detailed description of the entire program including staff qualifications to the ADE.

- 6.04 The ADE shall promptly review the content of the program for compliance with any and all applicable statutes and department rules to determine if any or all of the program content shall be deemed to provide training and instruction credit and shall establish the time period the training and instruction provider is approved to offer the program.
- 6.05 Upon notification by the ADE of approval of the program (or a part or parts thereof) for training and instruction credit, the provider may enroll participants in the program and offer the program for training and instruction credit for the set time period.
- 6.06 The provider shall be responsible for the preparation and dissemination of proof of completion of the program (or parts thereof) to all attendees. All such proofs, or copies thereof, shall be submitted by the board member attendees to the superintendent of the district whose board they serve.

## 7.00 RECORDS OF TRAINING

- 7.01 A school district shall maintain a record of hours of training and instruction for board members, which may be in the form of an attested, cumulative annual report from the training providers and which shall be subject to verification and inspection during the school district's annual audit
- 7.02 A statement of the hours of training and instruction obtained by each board member in the preceding year shall be:
  - 7.02.1 Part of the school district's comprehensive school improvement plan and goals;
  - 7.02.2 Published in the same way that other components of the comprehensive school improvement plan and goals are required to be; and
  - 7.02.3 Made a part of the annual school performance report required under Ark. Code Ann. § 6-15-1402.

## 8.00 AUTHORIZATION TO REIMBURSE FOR RELATED EXPENSES

- 8.01 Local school district boards of directors are authorized to pay a reasonable ~~pay~~ per diem and other necessary expenses from funds belonging to the school district and to reimburse school board directors for expenses incurred in attending in-service workshops, conferences, and other courses of training and instruction required in completing the training and instruction as required under this Rule.

## 9.00 ENFORCEMENT

- 9.01 A school district shall demonstrate compliance with the requirements of this Rule in addition to complying with the provisions of Section 7.00 of this Rule by causing its superintendent to file a written statement of assurance with the ADE pursuant to Ark. Code Ann. § 6-15-202.

- 9.02 A school district which fails to comply with the provisions of Ark. Code Ann. § 6-13-629 and the procedural requirements articulated in this Rule shall be subject to being placed in probationary status pursuant to Section 24.18 of the ~~ADE Standards Rule~~ Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts.

Exhibit AARKANSAS DEPARTMENT OF EDUCATION  
REQUEST TO PRESENT A TRAINING PROGRAM TO  
SCHOOL BOARD MEMBERS

Please complete the following information and submit it to:

~~Ms. Janinne Riggs~~  
~~Arkansas Department of Education~~  
~~#4 Capitol Mall, Room 406-B~~  
~~Little Rock, AR 72201-1071~~  
Arkansas Department of Education  
Learning Services/Professional Development Unit  
Four Capitol Mall, Rm. 401-B  
Little Rock, AR 72201-1071

Pursuant to Section 6.03 of the Department's Rules Governing Required Training for School Board Members (Rule), program providers must submit a detailed description of the entire program, including staff qualification, to the Department so as to be received at least thirty (30) days prior to the date of the program. This deadline will allow for departmental review of the program to determine whether training and instruction credit pursuant to Ark. Code Ann. § 6-13-629 and this Rule may be awarded.

1.) Name and Address of Provider: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2.) Contact Person for Provider: Name: \_\_\_\_\_

Address \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail \_\_\_\_\_

3.) Title and Detailed Description of Program: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- 4.) Please indicate how the program content will apply to Section 5.00, Training Content, of the Rules Governing Required Training for School Board Members ~~One or More of the Content Areas Required by Ark. Code Ann. § 6-13-629:~~

a. ~~School Laws:~~ \_\_\_\_\_

\_\_\_\_\_

b. ~~School Operations:~~ \_\_\_\_\_

\_\_\_\_\_

c. ~~Powers, Duties and Responsibilities of the Members of the Board of Directors (including, but not limited to, legal requirements, role differentiation, financial management, and improving student management):~~ \_\_\_\_\_

\_\_\_\_\_

- 5.) Date(s) that program is to be presented: \_\_\_\_\_

- 6.) Members of provider's staff who will provide instruction at the program: with Their Qualifications:

a.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List Qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



b.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List Qualifications to Present Program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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c.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List Qualifications to Present Program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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d.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List Qualifications to Present Program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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e.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List Qualifications to Present Program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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f.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List Qualifications to Present Program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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- 7.) Please attach to this document any other information that you believe would be helpful in assisting the Department in determining whether to grant your request.
- 8.) The ADE shall promptly review the content of the program for compliance with any and all applicable statutes and department rules to determine if any or all of the program content shall be deemed to provide training and instruction credit and shall establish the time period the training and instruction provider is approved to offer the program.
- 9.) Upon notification by the ADE of approval of the program (or parts thereof) for training and instruction credit, the provider may enroll participants in the program and offer the program for training and instruction credit for the set time period.
- 10.) The provider shall be responsible for the preparation and dissemination of proof of completion of the program (or parts thereof) to all attendees. All such proofs, or copies thereof, shall be submitted by the board member attendees to the superintendent of the district whose board they serve.

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_

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FOR ADE USE ONLY

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Date Provider Information Received \_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Request to Present Program: Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

Date of decision: \_\_\_\_\_

Signature of ADE Representative: \_\_\_\_\_

# Public Comments – Rules Governing Training for School Board Members

Date	Respondent	Comment	ADE Response
08/04/2011	Alice Mahony	<p>2.00 Purpose – Should that include continuing local school board members and public charter school board members?</p> <p>4.00 Training Hours Required – 4.01 and 4.02 – should that include public charter school board of directors?</p> <p>5.01 Instruction should include topics - 5.01.3.1.1.2 Ethical guidelines – could this be a required item?</p> <p>6.00 Training Providers 6.06 board members attendees to the superintendent of the district – could this be with the board secretary?</p> <p>7.00 Records of Training – 7.01 – school board hours to be part of school districts annual audit – again can this apply to public charter schools?</p> <p>8.00 Authorization to Reimburse for Related Expenses – 8.01 – should the conferences, workshops, etc. expenses be pre-approved by the superintendent/board or a limit set on trip expenses? This might help with situations where school board members have run-up major expenses attending out-of-state, etc. conferences?</p>	<p>Ark. Code Ann. §6-13-629 regarding training for school board members, and which forms the basis for this rule, only applies to board members of "school districts"</p> <p>5.01 – Ethical guidelines IS a required item as stated in 5.0 and "shall include topics relevant to" – the listing follows and includes Ethical Guidelines. What those Ethical Guidelines are specifically are not detailed.</p> <p>6.00 – Training Providers – This is the list of Board members that have attended training during the required time period. It seems logical to turn it into the Superintendent of the district as the Board Secretary is also required to take the training.</p> <p>8.00 Authorization to Reimburse – The travel and expense reimbursements mentioned in this section are referring only to the reimbursement of expenses for obtaining the required Board Member Training under this Rule. It does not include any other meetings, conferences, or out-of-state travel.</p>
08/18/2011	Dan Farley	Rec'd a call from Richard Abernathy expressing concern about the laundry list of legal requirements on page 2 of the rule. Didn't understand that each one of those was a mandatory training issue. Concern is how would all this training be compressed into a six hour annual training	The new language in the bill, and therefore in the rule, requires that each of the topics listed be included in the training.
08/31/2011	Stanley Kozij, CPA	Concerns regarding the requirement that a CPA who provides training on how to read and interpret an audit report may not be the individual conducting the audit. Specifically, training school board members on how to read and interpret an audit report creates threats to independence that cannot be mitigated through safeguards.	Changing the requirements specifically mentioned in the above referenced comments (Section 5.01.13.1 and 5.01.1.3.3), will require the filing of a new bill and getting it passed during a legislative session. The wording in these sections of the Rules Governing Required Training for School Board Members are paraphrases of Arkansas Code Annotated § 6-13-629(2)(B)(i). Since the requirements are "State Law" they cannot be changed or deviated by Rule.
09/16/2011	Ron Harder (ASBA)	Mr. Harder has concerns that section 9.02 provides for a way for school district to get into probationary status under the Standards and Accreditation for not having the required training but does not provide a way to get out of probationary status.	Section 9.02 is not a change from the previously posted Rule. However, this section clearly states that probationary status is pursuant to Section 24.18 of the Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts. Those standards explain the probationary status, that it is for the term of one year unless deficiency is corrected and there is a request for earlier release and the consequences for more than one year of the same deficiency.

# **~~Rules and Regulations Governing Expenditure Requirements by Arkansas School Districts~~**

## **~~1.00 REGULATORY AUTHORITY~~**

~~1.01 These regulations shall be known as the Arkansas Department of Education's regulations implementing Ark. Code Ann. § 6-20-3-1-0 (Supp. 1995).~~

~~1.02 These regulations are enacted pursuant to the State Board of Education's authority under Arkansas Code Annotated § 6-20-305 (Supp. 1995).~~

## **~~2.00 PURPOSE~~**

~~2.01 The purpose of these regulations is to describe how the Arkansas Department of Education (ADE) will implement Ark. Code Ann. 6-20-3-1-0 (Supp. 1995) regarding expenditure requirements of school districts.~~

~~2.02 These regulations shall establish the general guidelines for expenditure requirements for Arkansas school districts.~~

## **~~3.00 DEFINITIONS~~**

~~3.01 ADM PARTICIPATING IN ALTERNATIVE EDUCATION—The total Program Course/Service Average Daily Membership of the first three quarters of each school year of students enrolled in Alternative Education programs divided by the number of days actually taught in that period of time.~~

~~3.02 ADM PARTICIPATING IN GIFTED AND TALENTED EDUCATION—The total Program Course/ Service Average Daily Membership of the first three quarters of each school year of students enrolled in Gifted and Talented Education programs divided by the number of days actually taught in that period of time.~~

~~3.03 ALTERNATIVE EDUCATION—An intervention program in compliance with Arkansas Code Annotated §§ 6-18-508 and 6-18-509, that seeks to eliminate traditional barriers to learning for students.~~

~~3.04 PROGRAM COURSE/SERVICE AVERAGE DAILY MEMBERSHIP—The number of periods per day a student is enrolled in a program course or receiving special services expressed as a fractional part of the total number of periods in the school day.~~

~~3.05 BASE LOCAL REVENUE PER STUDENT—The Revenue Per Student to which the state equalizes calculated by taking the sum of:~~

- ~~1. The total available state aid for State Equalization Funding per student;~~
- ~~2. Ninety eight percent (98%) of the Base Millage times the total state assessed valuation; and~~
- ~~3. Seventy five percent (75%) of Miscellaneous Funds collected in the previous year; and by dividing the sum by the total state ADM.~~

~~3.06 CLASSROOM TEACHER—An individual required to hold a teaching license issued by the ADE and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time, a guidance counselor, or a library-media specialist.~~

~~3.07 IDEA—Individuals with Disabilities Education Act (federal statute).~~

~~3.08 IEP—Individualized Education Program~~

~~3.09 SPECIAL EDUCATION SERVICES—Services provided to/for eligible students with disabilities, age 3 to 21, under the IDEA, in accordance with their individualized education programs.~~

~~3.10 VOCATIONAL AVERAGE DAILY MEMBERSHIP (VADM)—The total Program Course/Service Average Daily Membership of the first three quarters of each school year of students enrolled in Vocational Program Courses divided by the number of days actually taught in that period of time.~~

#### **4.00 CLASSROOM TEACHER SALARIES**

~~4.01 Arkansas school districts shall expend at least \$1,548.49 per ADM for classroom teacher salaries. Local school districts may not include the cost of substitute teachers, extended contracts for extra-curricular activities or supplementary pay for extra-curricular activities in meeting the expenditure requirement for student classroom teacher salaries.~~

#### **5.00 SPECIAL EDUCATION**

~~5.01 CALCULATING THE EXPENDITURE FOR SERVICES ON BEHALF OF STUDENTS WITH DISABILITIES~~

~~5.01.1 BASIC EXPENDITURE REQUIREMENT TO BENEFIT SPECIAL EDUCATION STUDENTS~~

~~5.01.1.1 The amount to be expended for services and supports that directly and indirectly benefit students evaluated as special education students in accordance with existing federal and state laws and Department of Education regulations is calculated as follows:~~

~~A. Calculate a three year average percentage not to exceed twelve and one half (12.5%), based on the three (3) immediately preceding December 1 counts of students in special education (in the district); and~~

~~B. Multiply the three year average percentage not to exceed twelve and one half (12.5%) times the average daily membership (of the district) and multiply the result times sixty four hundredths (.64) times the Base Local Revenue Per Student.~~

~~5.01.2 MINIMUM EXPENDITURE REQUIREMENT ON BEHALF OF SPECIAL EDUCATION STUDENTS~~

~~5.01.2.1 The minimum budgeted expenditure per capita on behalf of special education students must be equal to the expenditure requirement for the most recent fiscal year for which information is available, consistent with maintenance of effort requirements under the federal Individuals with Disabilities Education Act (IDEA).~~

~~5.01.2.2 For local education agencies whose calculation is greater than the most recent fiscal year for which information is available, the local education agency must budget the increased amount or five percent (5%) more than the most recent fiscal year for which information is available, whichever is the lesser amount. Any local education agency may choose to expend more than the minimum required expenditure.~~

~~5.01.2.3 For local education agencies whose calculation in 5.01.1 is less than the expenditures in most recent fiscal year for which information is available, the local education agency must budget an amount equal to the expenditures of the most recent fiscal year for which information is available through any combination of state and local funds.~~

## ~~5.02 ELIGIBLE EXPENDITURES~~

### ~~5.02.1 MEETING THE MINIMUM EXPENDITURE REQUIREMENT ON BEHALF OF STUDENTS WITH DISABILITIES~~

~~5.02.1.1 Any expense incurred by a local education agency as a result of providing special education and related services to eligible individuals with disabilities may be budgeted and counted as meeting the expenditure requirement.~~

~~5.02.1.2 Maintenance and operating costs of a district may be charged as special education expenses on a pro-rated basis consistent with the instructions for completing the consolidated state and federal application for the use of funds under the IDEA.~~

~~5.02.1.3 Costs for building and/or upgrading facilities for special education services may be charged as special education expenses on a pro-rated basis consistent with the instructions for completing the consolidated state and federal application for the use of funds under the IDEA.~~

~~5.02.1.4 A local education agency may count for purposes of meeting the minimum expenditure any expenditures for services/supports which *benefit* students with disabilities including, but not necessarily limited to, the following:~~

~~A. Broad based staff development activities which provide staff with skills and knowledge that will improve instruction for all children.~~

~~B. Instructional materials and supplies, including technology, which will enhance the learning environment and improve instruction for all children.~~

~~C. Trained instructional paraprofessionals to increase the ability of the teacher to address the diverse learning and behavioral needs of all students within the classroom or other instructional setting.~~

~~D. Specialized staff, such as school psychology specialists and licensed social workers, to increase access to specialized services that may be needed to meet the diverse learning and behavioral needs of all students within a building or district.~~

~~E. Specialized services for students with diverse learning and behavioral needs who may not be identified as eligible students under the IDEA.~~

~~F. Special Education and related services to eligible students with disabilities, ages 3 to 5 (or kindergarten), may be counted to meet the minimum expenditure requirement.~~



~~G. Pre-referral interventions for students not yet identified as eligible students with disabilities under the IDEA.~~

~~H. Services for students who are qualified under Section 504 of the Rehabilitation Act of 1973, but who are not eligible under the IDEA.~~

~~I. Services and supports for students exiting special education services who are no longer receiving services in accordance with an IEP.~~

### ~~5.03 PROVISION FOR WAIVER~~

~~5.03.1 Districts may claim an exception from the twelve and one-half percent (12.5%) based on the three-year average December 1 child counts if the district can provide documentation that (1) the district has high growth in the district including a growth in the number of students receiving special education services, or (2) the average daily membership of the district is so small that using the 12.5% cap will adversely affect the district's budget for special education services.~~

~~5.03.2 A committee will review the requests for waiver and make recommendations to the Arkansas Department of Education for action.~~

### ~~5.04 WAIVER OF STATE AND LOCAL EXPENDITURES FOR COMPLIANCE WITH FEDERAL NONSUPPLANT~~

~~5.04.1 Local education agency applications for federal funds under the IDEA must meet the nonsupplanting requirements in 34 Code of Federal Regulations 300.230.~~

~~5.04.2 Allowance is made in 34 CFR 300.230 (b) (1) and (ii) for:~~

~~A. decreases in enrollment of children with disabilities; and~~

~~B. unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities.~~

~~5.04.3 Additional allowance will be considered for high costs associated with students in residential or other high cost placements that are no longer receiving such services from the local education agency which incurred the costs the previous year.~~

~~5.04.4 To qualify for an allowance under 5.05.2 (B) a district must incur the cost within a single year rather than amortize the cost against the district's required expenditure as is currently provided within the consolidated application for the use of state and federal funds for special education.~~

### ~~6.00 VOCATIONAL EDUCATION FUNDING~~

~~6.01.1 Local school districts and secondary vocational centers shall expend from state and local revenues not less than the previous year's Vocational ADM (pursuant to regulations 6.01.3, 6.01.4, and 6.01.5) multiplied by thirty-four hundredths (.34) times the Base Local Revenue per student.~~

~~6.01.2 The amount generated by the calculation above shall be used for equipment, instructional materials, supplies, teacher travel, teacher salary, and any other costs associated with the vocational programs. Programs not meeting minimum equipment and instructional materials requirements must develop a plan for how they will meet these requirements within a three-year~~

~~period. The plan shall be on file at the school district to be checked by the Division's Technical Assistance Team during the on-site review that occurs on a three-year cycle.~~

~~6.01.3 State Board approved Vocational Programs of Study (Career Majors) shall be subject to the calculations and regulations under 6.01.1 and 6.01.2 and any other regulations that refer to Programs of Study (Career Majors).~~

~~6.01.4 Cooperative Education (Co-op Ed.) programs shall be included in the ADM and 34 calculations and requirements as set forth in 6.01.1 6.01.2 of these regulations provided the programs are connected to the Occupational Programs of Study and students have an occupational career objective.~~

~~6.01.5 Foundation courses in Career Orientation, Principles of Technology, Coordinated Compensatory Vocational Education (CCVE), Workplace Readiness, and Personal and Family Life Skills, shall not be subject to Regulations 6.01.1 6.01.2 regarding vocational expenditures.~~

## **6.02 MONITORING OF EXPENDITURES AND PROGRAM QUALITY**

~~6.02.1 School districts shall submit an Annual Financial and Expenditure Report documenting expenditures pursuant to these regulations by August 28 of each year. Reports will be monitored annually to ensure compliance with expenditure regulations.~~

~~6.02.2 The Vocational and Technical Education Division shall provide on-site reviews of each local district on a three-year cycle to insure that program quality and expenditure regulations are in compliance with Arkansas Code Annotated 6-20310(3) and implementing rules and regulations.~~

## **6.03 LENGTH OF VOCATIONAL TEACHER CONTRACTS**

~~6.03.1 Local school districts' and secondary vocational centers' governing authorities shall have the option of extending the length of vocational teachers' contracts beyond the minimum number of contract days required by the State Standards for Accreditation of Public Schools. Exception: State law requires 12 month contracts for agriculture teachers.~~

## **7.00 ALTERNATIVE EDUCATION**

~~7.01 Local school districts shall expend for alternative education from state and local revenues not less than the previous year's ADM participating in alternative education programs, up to two percent (2%) of the previous year's ADM, multiplied by fifteen hundredths (.15) times the Base Local Revenue Per Student.~~

## **8.00 GIFTED AND TALENTED**

~~8.01 Local school districts shall expend for gifted and talented programs from state and local revenues not less than the previous year's ADM participating in gifted and talented programs, up to five percent (5%) of the previous year's ADM, multiplied by fifteen hundredths (.15) times the Base Local Revenue Per Student.~~

Arkansas Department of Education Rules and Regulations  
Governing School District Filing Requirements of Personnel Policies  
January 2002

1.00—Regulatory Authority

1.01—These rules and regulations shall be known as the Arkansas Department of Education Rules and Regulations Governing School District filing Requirements of Personnel Policies

1.02—The rules and regulations are enacted pursuant to the State Board of Education's authority under ark. Code Ann. §6-11-105 and §6-20-303

2.00—Purpose

The purpose of these rules and regulations is to enact School District Filing Requirements of Personnel Policies

3.00—Definitions

3.01—A certified employee is any employee of a local public school district who is compelled by law or regulation to secure a license from the State Board of Education.

3.02—A salary schedule is a document which contains the level of training and experience, computations for extended contracts, salary supplements for additional duties or responsibilities, and fringe benefits, exclusive of FICA. The salary schedule is required to reflect the actual pay practices of the district.

3.03—A base teacher salary schedule is a teacher salary schedule of pay for no less than the number of days classroom teachers are required to be contracted for in order to comply with the minimum standards for accreditation

3.04—An extended contract is a contract which adds additional days to a certified employee's contract in which the employee's salary is increased proportionally so that the employee receives the same daily pay rate for the additional days they are contracted to work.

3.05—A salary index is a method of determining additional salary by establishing a numerical relationship between the base teacher salary schedule and additional days, duties, and responsibilities.

3.06—A regular salary supplement is the additional salary paid for each unique additional service provided by certified employees. A Targeted Educator

~~Compensation Act Supplement is a continuing salary obligation in which districts are prohibited from adding additional days or duties in return for the required salary increase.~~

~~3.07 — A fringe benefit is any service or commodity, exclusive of FICA, provided to certified employees which may or may not be in lieu of salary.~~

~~3.08 — A purchased service is insurance or utility provided to or on behalf of certified employees~~

~~3.09 — A commodity is a supply, good, material, equipment, machinery, facility, or property provided to or on behalf of certified employees.~~

~~3.10 — Personnel policies are written policies for certified personnel adopted by the school board in accordance with Ark. Code Ann. § 6-17-201 et. seq.~~

~~4.00 — Implementation of Ark. Code Ann. §§ 6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c) and 6-20-319(4)~~

~~4.01 — School districts must file their current personnel policies and salary schedules with the Department of Education no later than September 15 of each year.~~

~~4.02 — The Department of Education will withhold all funds from the Public School Fund due any school district until such time as the district has filed with the Department of Education its current personnel policies in accordance with 4.01.~~

~~4.03 — In order to continue to qualify for state aid, each school district must file with the Department of Education, within 60 days, its current personnel policies including changes made in the certified employee salary schedule.~~

# **Implementing Ark. Code Ann. ~~6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c), 6-20-319-(4)(b)~~**

## **1.00 Regulatory authority**

1.01 These regulations shall be known as the Arkansas Department of Education regulations implementing Ark. Code Ann. ~~6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c), and 6-20-319(4)(b).~~

1.02 The regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. ~~6-11-105 and 6-20-303.~~

## **2.00 Purpose**

2.01 The purpose of these regulations is to describe how the Department of Education will implement Ark. Code Ann. ~~6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c), and 6-20-319(4)(b).~~

## **3.00 Definitions**

3.01 A certified employee is defined as any employee of a local public school district who is compelled by law or regulation to secure a license from the State Board of Education.

3.02 A salary schedule is defined as an inventory document of salaries which recognizes: (1) level of training, (2) level of experience, (3) extended contract, (4) salary supplements for additional duties, additional responsibilities, and (5) fringe benefits' (exclusive of social security matching and worker's compensation insurance). In addition, the salary schedule is defined to reflect the actual pay practice of the district.

3.03 A base teacher salary schedule is defined as a teacher salary schedule of pay for no less than the number of days classroom teachers are required to be contracted for in order to comply with the minimum standards for accreditation.

3.04 An extended contract is defined as additional days added to a certified employee's contract for which the employee's pay is increased proportionally so that the employee will receive pay for each day they are contracted to work in addition to what is required to be paid according to the base teacher salary schedule.

3.05 A salary index is defined as a method of determining Additional salary by establishing a numerical relationship between the base teacher salary schedule and additional days, duties, and responsibilities.

3.06 A salary supplement is defined as the additional salary paid for each unique additional service provided by certified employees.

~~3.07 A fringe benefit is defined as any service or commodity exclusive of social security matching and worker's compensation insurance provided to certified employees which may or may not be in lieu of salary.~~

~~3.08 A purchased service is defined as insurance or utility provided to or on behalf of certified employees.~~

~~3.09 A commodity is defined as a supply, good, material, equipment, machinery, facility, or property provided to or on behalf of certified employees.~~

~~3.10 Personnel policies are defined as written policies for certified personnel adopted by the school board in accordance with Ark. Code Ann. 6-17-201 et. seq.~~

#### **~~4.00 Implementation of Ark. Code Ann. 6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c), and 6-20-319(4)(b)~~**

~~4.01 On the second working day of August, the Department of Education will notify each school district which has not, by the last working day in July, filed with the Department its current personnel policies including a salary schedule for certified employees which meets the requirements of the law and these regulations.~~

~~4.02 The Department of Education will withhold all funds from the Public School Fund due any school district until such time as the district has filed with the Department of Education its current personnel policies.~~

~~4.03 In order to continue to qualify for state aid, each school district must file with the Department of Education, within 60 days, its current personnel policies throughout the year as changes are made in personnel policies including changes made in the certified employee salary schedule.~~

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING PUBLICLY FUNDED EDUCATIONAL INSTITUTION  
AUDIT REQUIREMENTS  
November 2010**

**1.00 AUTHORITY**

- 1.01 The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-1-101; 6-11-105; ~~6-11-205~~; 6-12-112; 6-13-1020; 6-13-1608; 6-17-426; 6-20-1801 through 6-20-1804; 6-20-1806; 6-20-1905; ~~and 10-4-413; and Acts 981 and 993 of 2011.~~
- 1.02 These Rules shall be known as the Arkansas Department of Education (ADE) Rules Governing Publicly Funded Educational Institution Audit Requirements.

**2.00 PURPOSE**

- 2.01 The purpose of these Rules is to establish the requirements for the completion, filing, and review of financial audits for all publicly funded educational institutions, including but not limited to, Arkansas school districts, open- enrollment public charter schools, and education service cooperatives (auditees).

**3.00 AUDIT REQUIREMENTS**

- 3.01 The accounts of all publicly funded educational institutions shall be audited annually by the Arkansas Division of Legislative Audit (Legislative Audit) or a private independent certified public accountant (private auditor).
  - 3.01.1 A private auditor, other than Legislative Audit, must be selected by the school district board or governing body of the institution.
  - 3.01.2 If a private auditor was used for the prior year audit, or if the auditee did not exist during the prior year, the auditee may request that Legislative Audit conduct its financial audit. The written request shall be submitted to the Arkansas Legislative Auditor at least 90 days prior to end of the fiscal year to be audited.
  - 3.01.3 If the publicly funded educational institution is an open-enrollment public charter school, Legislative Audit shall prepare the required financial audit of the institution's first year of operation unless the State Board of Education approves the use of an entity other than Legislative Audit.

- 3.01.3.1 With the approval of the State Board of Education, an open-enrollment public charter school may retain the services of a licensed certified public accountant, or a licensed accountant in public practice, who is in good standing with the Arkansas State Board of Public Accountancy, to conduct the financial audit of its first year of operation in accordance with auditing standards generally accepted in the United States and Government Auditing Standards issued by the Comptroller General of the United States.
- 3.02 The financial statements shall be presented on a fund basis format, and as a minimum, the general fund and the special revenue fund presented separately and all other funds included in the audit presented in the aggregate.
- 3.03 The financial statements shall consist of the following
  - 3.03.1 A balance sheet;
  - 3.03.2 A statement of revenue, expenditures, and changes in fund balances;
  - 3.03.3 A comparison of the final adopted budget to the actual expenditures for the general fund and the special revenue funds; and
  - 3.03.4 Notes to the financial statements
- 3.04 The report shall include as supplemental information a schedule of capital assets, including:
  - 3.04.1 Land;
  - 3.04.2 Buildings; and
  - 3.04.3 Equipment.
- 3.05 The governing body of a school may require its annual financial audit to be performed and financial statements to be presented in accordance with guidelines prescribed by the Governmental Accounting Standards Board, the American Institute of Certified Public Accountants, and the United States Government Accountability Office as an alternate basis of presentation to that listed in 3.03 through 3.04 of this Rule.
- 3.06 The report must include information on internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with Governmental Auditing Standards.



#### **4.00 PROCESS AND PROCEDURES FOR AUDITS NOT CONDUCTED BY LEGISLATIVE AUDIT**

- 4.01 A private independent audit not conducted by Legislative Audit shall include at a minimum, review, comments, and findings on substantial compliance with laws governing each of the following as listed in Ark. Code Ann. § 6-1-101 :
- 4.01.1 Management letter.
  - 4.01.2 Compliance with ethical guidelines for board members, administrators, and employees.
  - 4.01.3 School elections
  - 4.01.4 Management of schools
  - 4.01.5 Revolving loan fund
  - 4.01.6 School district finances
  - 4.01.7 School district school bonds
  - 4.01.8 Certified and classified personnel policies
  - 4.01.9 Teachers' salaries
  - 4.01.10 Deposit of funds
  - 4.01.11 Investment of funds
  - 4.01.12 Improvement contracts
- 4.02 Audit reports shall be presented to the School Board or governing body of the auditees in a format as prescribed by professional accounting organizations.
- 4.03 All annual audits of auditees NOT conducted by Legislative Audit shall be completed and filed with the ADE and Legislative Audit within nine (9) months following the end of each fiscal year.
- 4.03.1 At the request of the auditee, the ADE may grant an extension of up to ninety (90) days on the deadline specified in section 4.03.
  - 4.03.2 If the auditee is subject to federal circular A-133 audit requirements, any extension must first be obtained from the appropriate federal agency.
  - 4.03.3 All contracts initiated by the auditee for audit services with private certified public accountants shall contain a provision requiring completion of the audit and filing of the audit reports by the auditor with the ADE and Legislative Audit within nine (9) months following the end of each fiscal year.
  - 4.03.4 Any ~~auditee~~ public school district or education service cooperative failing to file an audit report within the nine (9) month time period or within the time period under any extension

granted by the ADE shall automatically be considered by the ADE to be in fiscal distress.

- 4.03.4.1 Any school district or education service cooperative identified in fiscal distress status may appeal to the State Board by filing a written appeal, with the Office of the Commissioner of Education, by certified mail return receipt requested, within thirty (30) calendar days of receipt of notice of being identified in fiscal distress status from the ADE.
- 4.03.4.2 The State Board shall hear the appeal within sixty (60) calendar days of receipt of the written notice of appeal from the school district or education service cooperative.
- 4.03.4.3 The written appeal shall state, in clear terms, the reason why the school district or education service cooperative should not be classified as in fiscal distress.
- 4.03.4.4 Notwithstanding any appeal rights in this subchapter, no appeal shall stay the ADE's authority to take action to protect the fiscal integrity of any school district or education service cooperative identified as in fiscal distress.

4.03.5 Any open-enrollment public charter school failing to file an audit report within the nine (9) month time period or within the time period under any extension granted by the ADE may be referred to the State Board of Education for possible modification, revocation, or denial of renewal of its charter pursuant to Ark. Code Ann. § 6-23-105 and the Department's Rules Governing Public Charter Schools.

- 4.04 By January 31 of the calendar year following the due date of the audit, the ADE shall notify by certified mail any auditee failing to file the required audit that the entity is considered to be in fiscal distress or is subject to having its charter modified, revoked, or denied renewal.
- 4.05 The ADE shall place certified public accountants or accounting firms on an ineligible list for a determined period of time, but not more than five years from the end of the fiscal year for which the audit report was contracted to be prepared, for any of the following reasons:
  - 4.05.1 If in the opinion of the ADE or the Legislative Joint Auditing Committee, an audit report is not filed within the required time period; or within a time period under any extension granted by the ADE or Legislative Joint Audit Committee due to neglect or fault of the certified public accountant or accounting firm.

- 4.05.2 If the Arkansas State Board of Public Accountancy's Quality Review Committee reports to the ADE and the Legislative Joint Auditing Committee that an audit report shows evidence of lack of general conformity with applicable professional standards or state laws and regulations or evidence that the report is substandard or seriously questionable.
- 4.05.3 Any other compelling reason the ADE believes justifies placing the accountant or accounting firm on the ineligibility list.
- 4.06 Auditees should check the list of ineligible certified public accountants or accounting firms maintained by the ADE before entering into a contract for audit services.
- 4.07 A certified copy of the audit shall be distributed to the school district, the Department of Finance and Administration, the Department of ~~Workforce~~ Career Education, and the ADE.
- 4.08 The annual financial audit shall be filed by the auditor directly to the Arkansas Legislative Auditor within ten (10) days of issuance of the audit report to the school board.
- 4.09 If the ADE or the Legislative Joint Auditing Committee is concerned that an audit may be substandard or seriously questionable with respect to applicable professional auditing standards, the ADE or the Legislative Joint Auditing Committee may file a complaint with the Arkansas State Board of Public Accountancy.
  - 4.09.1 The Arkansas State Board of Public Accountancy shall review all audit reports and working papers filed under 4.09 and determine whether the report is in general conformity with professional standards and state laws and regulations and shall take appropriate action.
- 4.10 Each education service cooperative is subject to an annual audit by the Legislative Joint Auditing committee.
- 4.11 Licensed accountants shall not provide non-audit services to a school district, education service cooperative, or open-enrollment public charter school if the licensed accountant or his or her firm is also the auditor of the school district, education service cooperative, or open-enrollment public charter school. Non-audit services include:
  - 4.11.1 Accounting and bookkeeping services;
  - 4.11.2 Financial information systems design and implementation;
  - 4.11.3 Appraisal, valuation, and actuarial services;
  - 4.11.4 Internal audit outsourcing services;
  - 4.11.5 Management or human resources functions;
  - 4.11.6 Broker or dealer, investment advisor, or investment banking services; and

4.11.7 Legal and expert services unrelated to the audit.

## **5.00 PROCESS AND PROCEDURES FOR AUDITS CONDUCTED BY LEGISLATIVE AUDIT**

- 5.01 Legislative Audit has the authority to audit the books of any school district, open-enrollment public charter school, and education service cooperative at the request of a fiscal officer, school district, county, or state school official.
- 5.02 Audit reports shall include all findings, comments, recommendations and management letters. They shall be made available to the ADE and the Department of ~~Workforce~~ Career Education upon presentation to the Legislative Joint Auditing Committee.
- 5.03 Legislative Audit shall provide copies of every audit report performed on each school district to the county clerk of the county in which the auditee is located.
  - 5.03.1 The County Clerk is required to keep the reports for at least two (2) years.
- 5.04 Legislative Audit shall annually provide the ADE with a list of public educational entities audited by Legislative Audit and update the ADE on any changes throughout the year.

## **6.00 PRESENTATION OF AUDIT REPORTS**

- 6.01 Audit reports, along with accompanying comments and recommendations, shall be reviewed at the first regularly scheduled school board or governing body meeting following receipt of the audit report if the audit report is received by the school board prior to ten (10) days before the regularly scheduled meeting. If the audit report is received by the board or governing body within ten (10) days before a regularly scheduled meeting, the report may be reviewed at the next regularly scheduled meeting after the ten-day period.
- 6.02 The school board or governing body of the auditee shall take appropriate action relating to each audit finding and recommendation within the audit report. The minutes of the meeting shall document the review of the audit and action taken by the board or governing body.

## **7.00 REQUIREMENTS FOR DISTRICTS IN FISCAL DISTRESS**

- 7.01 If a district has been identified as being in fiscal distress by June 30 of any year, the annual audit shall be completed and filed with the ADE and the Legislative Joint Auditing Committee within six (6) months following the end of each fiscal year.
  - 7.01.1 The deadline in 7.01 for districts identified in fiscal distress may

be extended up to an additional ninety (90) days if the Legislative Joint Auditing Committee determines that circumstances warrant the extension.

## **8.00 REQUIREMENTS FOR CONSOLIDATED OR ANNEXED DISTRICTS**

- 8.01 The district that is involved in the administrative consolidation or annexation shall have an audit started within thirty (30) days of the closing of the books by the school district.

## **9.00 REQUIREMENTS FOR REPEAT AUDIT FINDINGS**

- 9.01 The Legislative Joint Auditing Committee may refer an audit report of a school district to the ADE if the report identifies a substantial issue of noncompliance with state or federal financial or other reporting requirements, and the same issue has been identified in two (2) consecutive audit reports.
- 9.02 The ADE shall submit the audit report referred in 9.01 of this section to the Professional Licensure Standards Board in forms approved by the ADE.
  - 9.02.1 The Professional Licensure Standards Board shall investigate any referral made by the committee, and provide a report on the disposition of all referral no later than July 1 of each year.

**Public Comments: Rules Governing Publicly Funded Educational Institution Audit Requirements – September - October 2011**

Date, Name, Affiliation	Section & Comment	Resolution
No comments received		

**Arkansas Department of Education**  
**Rules Governing the Arkansas Financial Accounting and Reporting System**  
**and Annual Training Requirements**

September 2007

**1.00 Regulatory Authority**

- 1.01 These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-11-128, 6-17-410, 6-20-1805, 6-20-2004, 6-20-2104, 6-20-2202, 6-20-2203, and 6-20-2207 and Act 1006 of the 86<sup>th</sup> Arkansas General Assembly.

**2.00 Purpose**

- 2.01 These rules shall be applied to all school districts, open enrollment charter schools, and education service cooperatives for the purposes of accounting and reporting revenues and expenditures and for providing required training.

**3.00 Definitions**

For purposes of these rules, the following terms shall be defined to mean:

- 3.01 ~~Annual Financial Report and Budget (AFRB) – the annual electronically submitted report of the revenues and expenditures for the prior fiscal year and the budget of revenues and expenditures of school districts, open enrollment charter schools, and education service cooperatives filed with the Department by September 15 of each school year as required by Ark. Code Ann. § 6-20-2202.~~ the annual budget of expenditures and receipts required in Ark. Const. Art. 14, § 3, and Ark. Code Ann. §§ 6-11-128, 6-13-620 and 6-20-2202.
- 3.02 Annual Financial Report (AFR) Record – AFRB, the annual report of financial information for the prior fiscal year as required by Ark. Code Ann. §6-20-2202.
- 3.03 Approved Budget (AFB) – a budget (AFB) that has received the required written notification from the Department that the budget presented was not identified as deficient as of February 15 of the current year.
- 3.04 APSCN – Arkansas Public School Computer Network
- 3.05 Arkansas Financial Accounting Handbook – the uniform chart of accounts and related codes which are established by the Department and incorporated into these rules as the “Arkansas Handbook, and used for accounting and financial reporting of all public schools, school districts, open enrollment charter schools, and education service cooperatives.

- 3.06 Athletic Expenditures – all direct and indirect expenses related to interschool athletic programs, prorated if necessary.
- 3.07 ~~Budget – the annual budget of expenditures and receipts required in Ark. Const. Art. 14 § 3, and Ark. Code Ann. §§ 6-13-620 (7) and 6-20-2202. The budget is submitted on or before September 15 as part of the AFRB.~~
- 3.08 ~~Budget Approval – required written notification from the Department that the budget presented was reviewed for compliance with the mandated requirements under Ark. Code Ann. § 6-20-2202.~~
- 3.09 ~~Budget (AFB) Review – the process of determining if the budget AFB submitted to the Department meets the mandated expenditure requirements in effect for the appropriate year and that budgeted revenue, expenditures and fund balances are reasonable and in compliance with law.~~
- 3.08 Court-Ordered Desegregation Funding – state funds received by a LEA under a federal court order or a settlement agreement in desegregation litigation.
- 3.409 Deficient – a finding by the Department auditors that budget or financial accountability reports do not meet the mandated expenditure requirements in effect for the appropriate year; that budget or financial accountability reports contain one or more material misstatements of financial information; or that budgeted revenue, expenditures and fund balances are not in compliance with law or Department rules requirements of state law or rules of the SBE.
- 3.104 Department – the Arkansas Department of Education.
- 3.11 Full-time Equivalent (FTE) – The amount of time an employee works during a school year (July 1 through June 30 of following calendar year) as a percentage of the amount of time a full-time employee in the same position would work during a school year.
- 3.12 Interschool Athletic Program – any athletic program which is organized primarily for the purpose of competing with other schools, public or private; or any athletic program which is subject to regulation by the Arkansas Activities Association.
- 3.13 Interschool Scholastic Activities – any interschool activity program that is outside the regular curriculum, excluding interschool athletic programs as defined by Ark. Code Ann. § 6-20-2002(3), which is organized primarily for the purpose of competing with other schools, public or private; or any



program or activity, excluding interschool athletic programs as defined by Ark. Code Ann. § 6-20-2002(3), which is subject to regulation by the Arkansas Activities Association.

- 3.14 Interschool Scholastic Activity Expenditures – all direct and indirect expenses related to interschool scholastic activities, prorated if necessary.
- 3.15 Local Educational Agency (LEA) – all Arkansas public school districts, open-enrollment public charter schools and education service cooperatives.
- 3.16 Material Findings – a financial condition that jeopardizes the fiscal integrity of the school district.
- 3.176 SBE – the Arkansas State Board of Education.
- 3.187 Special Needs Categories – the state funding categories of Alternative Learning Environments, English Language Learners, National School Lunch Act funding, and Professional Development.
- 3.198 State Funds – all money derived from state revenues, specifically including but not limited to, distributions from the Department of Education Public School Fund Account and uniform rate of tax ad valorem property taxes distributed to a public school or school district.
- 3.2049 Tier I & II Employees – those employees described as Tier I or Tier II employees in § 7 of this rule.
- 3.210 Tier I & Tier II Training – that training described as Tier I or Tier II training in § 7 of this rule.
- 3.224 Valid Comparisons – comparisons deemed to be relevant to the subject material in substance and scope.

#### **4.00 Annual Financial Report (AFR) ~~AFRB and Arkansas Handbook~~**

- 4.01 The AFR~~B~~ shall be electronically submitted to the Department by LEAs in the format required by the Department.
- 4.02 ~~The Department shall establish the format of the AFRB by no later than August 1 of each year and the Department shall provide written notice via Commissioner's Memo of the date the AFRB format is available for use by the public school districts, open enrollment charter schools, and education service cooperatives.~~ APSCN shall have the programs necessary to collect the AFR data available to the LEAs at least fifteen (15) calendar days before the date required to submit the AFR.

- 4.03 The AFRB shall be filed electronically with the Department by ~~September 15~~ August 31 of each year. If August 31 is on a weekend or state holiday, the AFR electronic submission shall be on the first work day for state employees following the weekend or state holiday.
- 4.03.1 For purposes of compliance with these rules, the official date of filing with the Department shall be the date and time the AFRB is recorded as received by APSCN.
- 4.03.2 ~~The budget shall have been legally approved by the local board with governing authority of a school district, open enrollment charter school or education cooperative prior to filing with the Department. If errors are discovered in the AFR by either the LEA or the Department, a corrected AFR may be resubmitted by September 15 of the same calendar year it was originally due. If September 15 is on a weekend or state holiday, the resubmission shall be on the first work day for state employees following the weekend or state holiday.~~
- 4.03.3 ~~The order or resolution of the local board approving the budget shall be signed by the president of the local board and the ex-officio financial secretary (i.e. superintendent) of each school district, open enrollment charter school, or education cooperative. A copy of the board order or resolution with the signature page approving the budget shall be received by the Department on or before September 15 of each year.~~
- 4.03.4 ~~If the AFRB and the order or resolution approving the budget are not filed with the Department on or before September 15 and as required by these rules, then all warrants or checks issued by the school district, open enrollment charter school or education cooperative after September 15 shall be declared invalid, and the ex-officio financial secretary and his or her surety shall be liable for any warrants or checks countersigned after the September 15 deadline.~~
- 4.03.5 ~~If the AFRB and the order or resolution approving the budget are not filed with the Department on or before September 15 and as required by these rules, and provided the Department has met its reporting obligation required in Section 6.00 of these rules, the Department shall suspend distribution of all state funded grants and aids for which a school district, charters school or education cooperative is eligible until the reporting requirements of these rules, are met in full compliance.~~

~~4.03.5.1 Grants and aids include all categories of state funds distributed by the Department.~~

4.04 No changes shall be made to the LEA's financial data after it has been submitted to the Department as a part of the AFR, unless the AFR is resubmitted by the deadline specified in 4.03.2 of this rule.

4.05 Each LEA shall perform a final close of its fiscal year immediately following its submission of the AFR. If a resubmission is necessary and within the timeframe allowed by 4.03.2 of this rule, APSCN shall be contacted in order to re-open the fiscal year.

4.06 The data to be reported in the AFR includes, but is not limited to:

4.06.1 The daily expenditures and receipts of the LEA;

4.06.2 Information on fund balances maintained by the LEA, including without limitation, the:

4.06.2.1 Sources of funds maintained as fund balances, to the extent practicable;

4.06.2.2 Reasons for maintaining, instead of spending, the fund balances;

4.06.2.3 Amount and identification of funds transferred between various funds during the past year;

4.06.2.4 Amount of fund balances dedicated for the construction, maintenance, or repair of academic or athletic facilities.

4.06.2.5 Information sufficient to verify whether funds allocated for educational purposes, including, but not limited to, student academic needs and the maintenance and operation of public school district facilities, are used for their intended purposes or retained by the school district in its fund balances.

## **5.00 Annual Financial Budget (AFB)**

5.01 The AFB shall be electronically submitted to the Department by LEAs in the format required by the Department.

5.02 The AFB shall be filed electronically with the Department by September 30 of each year. If September 30 is on a weekend or state holiday, the

AFB electronic submission shall be on the first work day for state employees following the weekend or state holiday.

5.02.1 For purposes of compliance with these rules, the official date of filing with the Department shall be the date and time the AFB is recorded as received by APSCN.

5.02.2 APSCN shall have the programs necessary to collect the AFB data available to the LEAs at least fifteen(15) calendar days before the date required to submit the AFB.

5.03 The AFB shall be approved by the board of directors of each LEA at a legally held meeting and shall be signed by the president of the board of directors and the ex officio financial secretary of each LEA.

5.03.1 The order or resolution of the local board approving the AFB shall be signed by the president of the local board and the superintendent or director of each LEA.

5.03.2 If the AFB and the order or resolution approving the AFB are not filed with the Department on or before September 30 and as required by these rules, then all warrants or checks issued by the LEA after September 30 shall be declared invalid and the Superintendent and his or her surety shall be liable for any warrants or checks countersigned after the September 30 deadline.

5.03.3 If the AFB and the order or resolution approving the AFB are not filed with the Department on or before September 30 and as required by these rules, the Department shall suspend distribution of all state funded grants and aids for which an LEA is eligible until the reporting requirements of these rules are met in full compliance.

## **6.00 Full-time Equivalents (FTEs) and Average Salaries**

6.01 Information regarding FTEs and Average Salaries shall be electronically submitted to the Department by LEAs in the format required by the Department.

6.02 Information regarding FTEs and Average Salaries shall be filed electronically with the Department by July 31 of each year. If July 31 is on a weekend or state holiday, the electronic submission shall be on the first work day for state employees following the weekend or state holiday.

6.02.1 For purposes of compliance with these rules, the official date of

filing with the Department shall be the date and time the electronic submission is recorded as received by APSCN.

6.02.2 APSCN shall have the programs necessary to collect the FTEs and Average Salaries data available to the LEAs at least fifteen(15) calendar days before the date required for submission to the Department.

## **7.00 Arkansas Handbook**

~~4.04~~7.01 The Department shall establish and implement a uniform chart of accounts and related codes known as the Arkansas Financial Accounting Handbook (Arkansas Handbook) which shall be the uniform chart of accounts and codes utilized in reporting revenues and expenditures.

~~4.04.17.01.1~~ The Arkansas Handbook is hereby incorporated by reference into these rules. However, the Arkansas Handbook is exempt from the rule-making process and may be amended, revised or updated as provided in these rules or law.

~~4.04.27.01.2~~ The amendments, annual revisions, and financial accounting updates to the Arkansas Handbook shall be developed with representatives from the Arkansas Association of School Business Officials, the Education Service Cooperatives, and other school district officials as designated by the Department.

~~4.04.3~~ 7.01.3 Prior to amending the Arkansas Handbook, the Department shall provide written notice via a Commissioner's Memo to the school districts, open enrollment charter schools and education cooperatives. Amendments, annual revisions, and financial accounting updates shall be effective on July 1 of the next fiscal year or 90 days from the date of the issuance of the Commissioner's Memo, whichever is later, unless:

~~4.04.3.1~~ 7.01.3.1 The Commissioner declares that there is an emergency, at which time the change shall be effective immediately upon the date specified in the Commissioner's Memo; or,

~~4.04.3.2~~ 7.01.3.2 A new program or revenue source requires new accounting codes, at which time the change shall be effective immediately upon the date specified in the Commissioner's Memo; or,

~~4.04.3.3~~ 7.01.3.3 The change affects only a few school districts and the school districts have mutually agreed to make the change. The change shall be effective immediately upon the date specified in the Commissioner's Memo.

- 4.05 7.02 The Arkansas Handbook shall be the chart of accounts and codes utilized by school districts, ~~open enrollment charter schools and education cooperatives~~ LEAs in making the record of actual revenues and expenditures and the annual budget of revenues and expenditures required by these rules.

**5.00 8.00 AFRB Department Review Requirements of LEA Financial Records**

- 5.01 ~~8.01~~ Beginning in 2008-2009 school year, by By February 15 of each year, the Financial Accountability Unit of the Department shall review the LEAs' most currently submitted AFRB, AFB, FTEs and Average Salaries to determine if the financial records are deficient. Any error related to the coding and reporting of financial information that causes a material misstatement of financial information will be cause for determining a deficiency. A material misstatement occurs whenever the submitted data has more than a ~~five percent (5%)~~ ten percent (10%) variance from the correct data or when corrective action is not taken after the Department has sent written notification to ~~an district, open enrollment charter school or education service cooperative~~ an LEA regarding specific errors discovered in the ~~AFRB~~ financial records.

8.01.1 Any error related to the coding and reporting of court-ordered desegregation funding that causes a material misstatement of financial information will be cause for determining a deficiency. A material misstatement occurs whenever the submitted data has more than a ten percent (10%) variance from the correct data or when corrective action is not taken after the Department has sent written notification to an LEA regarding specific errors discovered in the financial records.

- 5.02 ~~8.02~~ The AFRB Department review will include, but is not limited to:

- ~~5.02.1~~ 8.02.1 State Revenues;
- ~~5.02.2~~ 8.02.2 Student Special Needs Expenditures;
- ~~5.02.3~~ 8.02.3 Total Expenditures;
- ~~5.02.4~~ 8.02.4 Instructional Expenditures;
- ~~5.02.5~~ 8.02.5 Extracurricular Expenditures;
- ~~5.02.6~~ 8.02.6 Capital Expenditures;

~~5.02.7~~ 8.02.7 Debt Service Expenditures;

8.02.8 Expenditures of court-ordered desegregation funding;

~~5.02.8~~ 8.02.9 Teacher Full Time Equivalency data;

~~5.02.9~~ 8.02.10 Certified salary amounts;

~~5.02.10~~ 8.02.11 Compliance with the Minimum Teacher Salary schedule;

~~5.02.11~~ 8.02.12 Compliance with gifted and talented programs expenditure requirements in accordance with rules promulgated by the SBE  
Ark. Code Ann. § 6-20-2208(c)(6);

~~5.02.12~~ 8.02.13 Interschool Athletic Expenditures, including salaries with fringe benefits, travel, equipment, supplies and facilities maintenance;

~~5.02.13~~ 8.02.14 Interschool Scholastic Expenditures, including salaries with fringe benefits, travel, equipment, supplies and facilities maintenance;

~~5.02.14~~ 8.02.15 The district's Total Athletic Expenditures budgeted for interschool athletic programs that are to be paid from state funds;

~~5.02.15~~ 8.02.16 Interschool scholastic activity expenditures The district's Total Scholastic Expenditures budgeted for interschool scholastic programs that are to be paid from state funds;

~~5.02.16~~ 8.02.17 Expenditure of Federal funds, including school lunch reimbursement;

~~5.02.17~~ 8.02.18 Verification that fiscal year expenditures did not exceed legal revenues for the same fiscal year;

~~5.02.18~~ 8.02.19 Verification that proper financial records have been maintained in accordance with the Education Accounting and Reporting System and the Arkansas Handbook.

8.02.20 Verification that fund balances are sufficient to ensure the continuation of educational services and are within parameters set by state and federal law and Department rules.

~~5.03~~ 8.03 The Department shall notify in writing, via certified mail, the superintendent or director of the school districts, open enrollment charter

~~schools or education service cooperatives~~ LEA whose financial records are found to be deficient.

~~5.03.1~~ 8.03.1 The notification shall state the deficiency.

~~5.04~~ 8.04 The ~~school district, open enrollment charter school or education service cooperative~~ LEA will have thirty (30) days to respond to the Department's notification. The response may include, but is not limited to:

~~5.04.1~~ 8.04.1 A proposed corrective action plan;

~~5.04.2~~ 8.04.2 A training schedule to educate all pertinent personnel; and

~~5.04.3~~ 8.04.3 A procedure to prevent a repeat of the deficiency.

~~5.05~~ 8.05 The response shall not be considered a right of appeal.

~~5.06~~ 8.06 If the review determines the financial records of any ~~school district, open enrollment charter school or education service cooperative~~ LEA are deficient as defined in Section ~~5.01~~ 8.01 or otherwise not properly maintained or submitted by the ~~LEA school district, open enrollment charter school, or education service cooperative~~ or are not administered in accordance with state or federal laws, SBE rules, or the Arkansas Handbook, then state-funded grants and/or aid that the district would be eligible to receive shall be withheld until the financial issues have been resolved.

~~5.07~~ 8.07 The SBE may require the superintendent or director and board members explain and/or appear before the SBE to explain why the district is not complying with state laws or rules.

~~5.08~~ 8.08 Upon written notice of approval by the Financial Accountability Unit, the Department shall file copies of the approved budget with the ~~school district, open enrollment charter school, or education service cooperative,~~ LEA and the county treasurer.

~~5.09~~ 8.09 It is the duty of the State to monitor ~~school districts, open enrollment charter schools, or education service cooperatives~~ LEA financial records, Arkansas Comprehensive School Improvement Plan, or any other pertinent records, to ensure the following:

~~5.09.1~~ 8.09.1 District expenditures meet the minimum teacher salary schedule;



- ~~5.09.2~~ 8.09.2 District expenditures benefit students in special needs categories;
- ~~5.09.3~~ 8.09.3 District expenditures are used to improve the educational opportunity of each child;
- ~~5.09.4~~ 8.09.4 District expenditures are used to provide an equal opportunity for each child;
- ~~5.09.5~~ 8.09.5 District expenditures are used to meet the Standards of Accreditation;
- ~~5.09.6~~ 8.09.6 The District has provided the SBE and the Department with a report of the school district's total athletic expenditures paid from state funds for the previous year;
- ~~5.09.7~~ 8.09.7 The district has provided the SBE and the Department with a budget for the school district's total athletic expenditures to be paid from state funds for the upcoming year; and
- ~~5.09.8~~ 8.09.8 The district has provided the SBE and the Department with any additional information or documentation requested for the purpose of showing compliance with state laws, including but not limited to Ark. Code Ann. § 6-20-2208, federal laws and Department rules.
- ~~5.10~~ 8.10 The Department shall have the authority to review, analyze and inspect the financial records of any LEA school district, open enrollment charter school or education service cooperative in order to verify that an ~~school district, open enrollment charter school or education service cooperative~~ LEA is correctly and accurately reporting revenues and expenditures in accordance with the Arkansas Handbook.
- ~~5.11~~ 8.11 The Department shall submit a report titled "Annual Statistical Report (ASR)" to the Governor, the Senate Interim Committee on Education, and the House Interim Committee on Education by February 15 of each year concerning public school and public school district LEA revenue, expenditures, legal balances (total and unrestricted), FTEs, average salaries and any other financial information required by law.
- 8.11.1 The revenue and expenditures will reflect the prior year actual (ended June 30) and the current year budget (beginning July 1).

8.11.2 The total legal balance will be as of June 30 of the prior year and will contain the total balances of the Salary, Operating and Debt Service Funds.

8.11.3 The unrestricted legal balance will be the total legal balance less restricted funds.

8.11.4 The FTEs and average salaries will be for the prior year ended June 30.

**6.00**

**9.00 Required Reports**

~~6.01~~ 9.01 The Department shall publish by July 1 of each year, via Commissioner's Memo, a list of all required financial accountability reports, that are not a part of a cycle report submitted through APSCN, with due dates.

~~6.02~~ 9.02 The Department shall submit a written notice via certified mail on or before February 15 of each year to those school districts, open enrollment charter schools and education service cooperatives whose budget or financial reports are identified as deficient. Likewise, the Department will issue a Commissioner's Memo on or before February 15 of each year indicating which school districts, open enrollment charter schools or education service cooperatives budgets are identified as approved.

~~6.03~~ 9.03 Each county clerk is required to provide to the Department an annual Abstract of Assessment by March 15 of each year.

~~6.03.1~~ 9.03.1 The treasurer of the state shall withhold the monthly distribution of county aid from any county that fails to provide the annual Abstract of Assessment by March 15 for each school district located wholly or in part in the county.

~~6.03.2~~ 9.03.2 The Department shall establish the required format for the Abstract of Assessment, to include:

~~6.03.2.1~~ 9.03.2.1 The previous calendar year's property assessment that will be used for ad valorem tax collections in the current year.

~~6.03.2.2~~ 9.03.2.2 The millage rates, which shall be listed by the type of millage, levied against that property assessment.

~~6.03.2.3~~ 9.03.2.3 In cases that administratively consolidated school districts do not have a unified millage rate,

the county clerk shall submit the assessment data in a form specified by the Department.

~~6.03.3~~ 9.03.3 To consider a county in compliance with this filing requirement, the Department must receive all data no later than March 15 of each year.

9.04 By January 31, 2012, and by January 31 of each year thereafter, each county treasurer shall provide an annual summary report of all proceeds generated from ad valorem tax and distributed by the county to a school district for the period beginning January 1 and ending on December 31 of the preceding calendar year to the:

9.04.1 Treasurer of State;

9.04.2 Department of Education; and

9.04.3 Superintendent of the school district to which the proceeds from the uniform rate of tax are distributed by the county.

9.04.4 Failure of the county treasurer to report the annual summary required by 9.04 of this rule shall result in the withholding of all reappraisal funding provided under Ark. Code Ann. § 26-26-1907 until the county treasurer provides the annual summary report. Funds withheld are forfeited as follows:

9.04.4.1 Twenty percent (20%) of withheld reappraisal funds are forfeited every two (2) months of noncompliance; and

9.04.4.2 After ten (10) months of noncompliance, the total amount of withheld reappraisal funds are forfeited.

9.04.4.3 A county is not relieved of the requirement to reappraise property and funding for reappraisal shall be by local taxing unit sources until the county provides the required annual summary report.

9.04.4.4 The Department shall notify the Assessment Coordination Department if a county treasurer fails to comply with 9.04 of this rule and withholding of reappraisal funding is authorized by Ark. Code Ann. § 26-80-101.

9.05 By September 1 of each year, any school district that received court-ordered desegregation funding for the prior school year shall report to the Department the following:

9.05.1 The total amount of state funding received under the federal court order or settlement agreement in the prior school year;

9.05.2 A detailed statement outlining the school district's obligations under the federal court order, settlement agreement, or court-approved remedial plan, including without limitation:

9.05.2.1 Programs that the school district is required to administer;

9.05.2.2 Specific goals that the school district is required to reach;

9.05.2.3 Actions that the school district is required to take or are prohibited from taking;

9.05.2.4 Problems that the school district is required to remedy;

9.05.2.5 Overall purposes of the federal court order, settlement agreement, or court-approved remedial plan; and

9.05.2.6 Any other pertinent information as determined by the department;

9.05.3 An itemized accounting of all expenditures made during the prior school year from state funds identified under section 9.05.1 and expended to comply with the school district's obligations identified under section 9.05.2;

9.05.3.1 The accounting shall be specific and detailed and include an explanation of how each expenditure was necessary in order to comply with the school district's obligations under the federal court order, settlement agreement, or court-approved remedial plan;

9.05.3.2 It is not sufficient to provide general statements, such as stating that the funds were used in magnet schools;

9.05.3.3 As part of the explanation for each expenditure, the accounting shall identify the program, goal, action,

problem, and/or purpose listed in response to  
Section 9.05.2 to which the expenditure is related;

9.05.4 The total amount of all state funds identified in response to section  
9.05.1 and remaining in the school district's fund balances as of  
July 1; and

9.05.5 A statement that the sum total of all expenditures identified in  
response to sections 9.05.3 and 9.05.4 is equal to the sum total of  
state funding identified in response to section 9.05.1, or  
alternatively, an explanation of the discrepancy.

9.06 Unless the Department approves otherwise, any data to be reported under  
sections 9.05.1, 9.05.3, and 9.05.4 shall be submitted to the Department in  
electronic format as a Microsoft Excel file utilizing a template to be furnished by  
the Department no later than August 1.

9.06.1 Unless the Department approves otherwise, any data to be reported  
under section 9.05.2 shall be submitted to the Department in  
electronic format as a Microsoft Word or Adobe Portable  
Document Format (PDF) file.

~~6.04~~ 9.07 The Department may withhold state aid from any ~~school district,  
open enrollment charter school or education service cooperative~~ LEA that  
fails to file its budget or any other required report with the Department by  
the deadline established on the list of all required financial accountability  
reports, provided that the Department has met the deadline for providing  
information pertinent to meeting the deadlines.

## **~~7.00~~ 10.00 Required Training**

~~7.01~~ 10.01 The Department shall establish two (2) tiers of required training.

~~7.01.1~~ 10.01.1 Both tiers of required training shall apply to ~~public school  
districts, open enrollment charter schools and education service  
cooperatives~~ all LEAs.

~~7.01.2~~ 10.01.2 A minimum of two (2) persons per ~~educational entity~~  
LEA are required to attend an Initial and an Annual Tier I  
Training. The two persons shall include:

~~7.01.2.1~~ 10.01.2.1 The district superintendent or the education  
service cooperative director or the open enrollment  
charter school director; and

~~7.01.2.2~~ 10.01.2.2 A person whose job responsibilities include preparing the budget or overall accounting responsibility.

~~7.02~~ 10.02 The two (2) persons per ~~educational entity~~ LEA required to attend shall each obtain twelve (12) hours of Initial Training and instruction necessary to demonstrate basic proficiency as determined by the Department, including but not limited to:

~~7.02.1~~ 10.02.1 School laws of Arkansas;

~~7.02.2~~ 10.02.2 Laws and rules governing expenditures, fiscal accountability, and school finance;

~~7.02.3~~ 10.02.3 Ethics; and

~~7.02.4~~ 10.02.4 Financial accounting and reporting of LEAs, schools, school district, open enrollment charter schools, and education service cooperatives.

~~7.03~~ 10.03 After obtaining the Initial Training, the two (2) persons required to attend shall obtain four (4) hours of Tier I annual training and instruction in order to maintain basic proficiency in the topics described in Section ~~7.02~~ 10.02 of these rules.

~~7.03.1~~ 10.03.1 The two (2) persons per ~~educational entity~~ LEA are required to attend the training under Section ~~7.01~~ 10.01 of these rules by December 31 of each year.

~~7.03.1.1~~ 10.03.1.1 The training may be provided by a higher education institution, the Department, the Arkansas Association of School Business Officials or from another provider.

~~7.03.1.2~~ 10.03.1.2 The training sessions may be held throughout the State, via distance learning, or from an online course.

~~7.03.1.3~~ 10.03.1.3 All providers for training shall apply for and receive approval from the Department prior to providing the training.

~~7.03.1.3.1~~ 10.03.1.3.1 The provider shall submit a complete request for approval prior to the scheduled training.

- ~~7.03.1.3.2~~ 10.03.1.3.2 The Department shall establish the request form.
- ~~7.03.1.3.3~~ 10.03.1.3.3 The provider shall provide the Department with a list of persons who attended the training sessions.
- ~~7.03.1.3.4~~ 10.03.1.3.4 The Department's administrative staff will review the request.
- ~~7.03.1.3.5~~ 10.03.1.3.5 If additional information is requested, the provider will be responsible for providing an immediate response in order to gain approval in a timely manner.
- ~~7.03.1.3.6~~ 10.03.1.3.6 Department staff will be allowed to attend all training sessions in order to monitor for quality and completeness.
  - ~~7.03.1.3.6.1~~ 10.03.1.3.6.1 Department staff will not be required to pay to attend the training

~~7.03.2~~ 10.03.2 Persons failing to obtain required training by the end of the calendar year and failing to receive training by March 1 of the following calendar year without filing a request for an extension shall be sanctioned by the State.

- ~~7.03.2.1~~ 10.03.2.1 The request for an extension must be sent to the Department by certified mail, return receipt requested.
- ~~7.03.2.2~~ 10.03.2.2 The request for an extension must be received by the Department prior to March 1.
- ~~7.03.2.3~~ 10.03.2.3 The Department shall establish a form to be used in requesting an extension.
- ~~7.03.2.4~~ 10.03.2.4 The request shall include a corrective action plan for obtaining the required training in a timely manner.
  - ~~7.03.2.4.1~~ 10.03.2.4.1 For each person failing to obtain the required training by March 1, the Department shall immediately notify the superintendent or director of the employing

school district, open enrollment charter school, or education service cooperative.

~~7.03.2.4.2~~ 10.03.2.4.2 Notification will be sent by certified mail, return receipt requested.

~~7.03.2.4.3~~ 10.03.2.4.3 The Department will also notify the school board president.

~~7.03.3~~ 10.03.3 The superintendent ~~or director of the school district, director of the open enrollment charter school, or education service cooperative director~~ LEA shall notify the person who failed to receive the required training, and the person shall be unable to continue in his or her position from the date of receipt of notification ~~by the superintendent of the school district, director of the open enrollment charter school, or education service cooperative director.~~

~~7.03.3.1~~ 10.03.3.1 Notification will be by certified mail, return receipt requested.

~~7.03.3.2~~ 10.03.3.2 Any person receiving notice that he or she shall be unable to continue in his or her position solely because of his or her failure to obtain the required training may request a hearing before the SBE prior to his or her permanent dismissal.

~~7.03.4~~ 10.03.4 If the person fails to obtain all required training by December 31 following the March 1 extension deadline, this failure shall constitute one (1) citation against the school district, or the open enrollment charter school, as measured by the Standards for Accreditation of Arkansas Public Schools issued by the Department or an admonishment to the education service cooperative by the Department.

~~7.03.5~~ 10.03.5 If the person is unable to obtain the required training because of military service or illness as verified by a written sworn statement of the person's attending physician, the Department shall grant an extension permitting the person additional time to obtain the required training.

~~7.03.5.1~~ 10.03.5.1 The person shall submit the appropriate documentation of military service or illness to the Department.



- ~~7.03.5.2~~ 10.03.5.2 The documentation must be sent by certified mail, return receipt requested.
- ~~7.03.5.3~~ 10.03.5.3 The length of time of the extension will be determined on an individual basis at the discretion of the Department.
- ~~7.03.5.4~~ 10.03.5.4 The issuance of an extension shall not constitute a citation against the school district or the open enrollment charter school as measured by the Standards for Accreditation of Arkansas Public Schools issued by the Department or an admonishment to the education service cooperative by the department. Also the Department and shall not operate to remove the person from his or her job if an extension has been granted by the Department.
- ~~7.03.6~~ ~~The SBE shall modify the Standards for Accreditation of Arkansas Public Schools issued by the Department as may be required by this section.~~
- ~~7.03.7~~ 10.03.6 The Department shall maintain records of instructional hours of Tier I Training obtained by any individual covered under this section.
- ~~7.03.7.1~~ 10.03.6.1 Each district shall provide a list of the names and positions of the persons covered by these rules, to the Department by December 31 of each year. The information shall be provided in a format approved by the Department.
- ~~7.03.7.2~~ 10.03.6.2 Separate lists will be provided for persons obtaining the initial training to demonstrate basic proficiency and for those obtaining additional hours.
- ~~7.03.7.3~~ 10.03.6.3 The trainer or the institution providing the training will provide verification of instructional hours.
- ~~7.03.7.4~~ 10.03.6.4 The Department may publish a list identifying the persons required to receive training and the compliance status.

- ~~7.03.7.5~~ 10.03.6.5 Persons employed as of July 1 shall be required to obtain training by December 31 of that year.
- ~~7.03.7.6~~ 10.03.6.6 Persons employed after July 1 shall be required to obtain training by December 31 of the next year.
- ~~7.03.7.7~~ 10.03.6.7 Persons changing employment will have their training history accepted by the new employer.
- ~~7.03.8~~ 10.03.7 Any school district or open enrollment charter school that does not follow the provisions of ~~this~~ Ark. Code Ann. Title 6, Chapter 20, subchapter 22 shall be placed in fiscal distress.
- ~~7.03.9~~ 10.03.8 Any education service cooperative that does not follow the provisions of ~~this~~ Ark. Code Ann. Title 6, Chapter 20, subchapter 22 shall be sanctioned by the SBE.
- ~~7.04~~ 10.04 Tier II training shall include, but is not limited to, employees who make decisions about selecting codes or who have a limited number of codes that they can use.
- ~~7.04.1~~ 10.04.1 Tier II training shall be developed by the Department in cooperation with representatives from the Arkansas Association of School Administrators, the Arkansas Association of School Business Officials, the Arkansas Education Association, the Legislative Joint Auditing Committee and education service cooperatives.
- ~~7.04.1.1~~ 10.04.1.1 The training shall be annual and shall be four (4) hours.
- ~~7.04.1.2~~ 10.04.1.2 ~~Districts~~ LEAs shall be responsible for providing the training to these employees.
- ~~7.04.1.3~~ 10.04.1.3 ~~District~~ LEAs' trainers are required to attend Initial and annual Tier I training.
- ~~7.04.1.4~~ 10.04.1.4 Each ~~district, open enrollment charter school or education service cooperative~~ LEA shall maintain files and records indicating all employees required to obtain and who have completed Tier II training.
- ~~7.04.1.5~~ 10.04.1.5 Each district superintendent, open

enrollment charter school director or education service cooperative director shall provide the Department an assurance statement regarding the completion of Tier II training by the required individuals by the end of the fiscal year.

**8.00 11.00 Sanctions**

~~8.01~~ 11.01 Any school district ~~or open enrollment charter school~~ that does not comply with and meet the requirements of these rules, shall, after receiving notice as required by law, be identified by the Department as being in fiscal distress.

~~8.01.1~~ 11.01.1 Any ~~school district or open enrollment charter school~~ that ~~is identified in fiscal distress by the Department~~ does not comply with and meet the requirements of these rules is subject to having their charter removed or any and all sanctions permitted by law by the SBE after receiving proper notice and an opportunity for a hearing may be referred to the SBE for possible modification, revocation, or denial of renewal of its charter pursuant to Ark. Code Ann. § 6-23-105 and the Department's Rules Governing Public Charter Schools.

~~8.02~~ 11.02 Any education service cooperative that does not comply with and meet the requirements of these rules shall be sanctioned by the SBE.

~~8.03~~ 11.03 Any licensed classroom teacher or administrator of a school, school district, open enrollment charter school or education service cooperative that provides false expenditure information may have his or her license placed on probation, suspended or revoked pursuant to procedures utilized in accord with Ark. Code Ann. § 6-17-410.

~~8.04~~ 11.04 Persons failing to obtain required training by December 31 of the calendar year and who fails to cure any training deficiency by March 1 of the following year without filing a request for extension of time and after receiving proper notice shall be unable to continue in his or her position of employment effective on the date of receipt of notification from the superintendent of the school district, open enrollment charter school or education service cooperative.

~~8.05~~ 11.05 If a person fails to obtain all required training by December 31, this failure shall constitute one (1) citation against the school district, the open enrollment charter school or an admonishment to the education service cooperative.

~~8.06 Beginning in 2008-2009 school year, any school district that submits erroneous data to the Arkansas Department of Education that causes a material misstatement of any student or financial information shall receive a citation. A material misstatement is one in which the submitted data has more than a five percent variance from the correct data. If a material misstatement occurs for two consecutive years, the school district shall receive a probationary violation in the district's Standards for Accreditation report issued by the Arkansas Department of Education.~~

**Public Comments: Rules Governing the Arkansas Financial Accounting and Reporting System – September - October 2011**

Date, Name, Affiliation	Section & Comment	Resolution
Rich Nagel, Executive Director, Arkansas Education Association October 18, 2011	3.07 – AEA asks that you consider defining “reasonable” as it relates to revenues, expenses, and balances. This term seems appropriate when applied to revenue and expenditures, but it is less clear when considering balances.	Comment considered. Defining “reasonable” could be fairly complex and could result in any number of unintended consequences, because of the multiplicity of variables which may affect the reasonableness of a district budget. What is “reasonable” for one district may not be “reasonable” for another district. The Department is willing to consider possible definitions for a future revision of this rule, but because of the time-sensitive nature of other portions of the proposed revisions, the Department recommends postponing consideration of this recommended change.
Tripp Walter, Staff Attorney, Arkansas Public School Resource Center October 18, 2011	<p>3.00 – Define “ethical standards” to mean the requirements set forth in Ark. Code Ann. § 6-24-101 et seq. and these rules.</p> <p>3.15 – If an education service cooperative is an LEA, is it eligible for funding?</p> <p>4.05 – Is there a cost or charge to the LEA for the LEA?</p> <p>5.03 – Is a written signature still required on the Approved Budget (AFB)?</p>	<p>Comment considered. It is not clear from the comment why this change is recommended. The phrase “ethical standards” is not used in these rules.</p> <p>Comment considered. It is not clear from the comment what “funding” is referred to by the comment. Education service cooperatives are defined as LEA’s by Ark. Code Ann. § 6-13-1026, and are eligible to receive state, federal, local, public, and private funds. <i>See also</i> Ark. Code Ann. § 6-13-1019.</p> <p>Comment considered. No, there is not a cost or charge to the LEA.</p> <p>Comment considered Yes, the regulations require 1) the president of the local board and the <i>ex officio</i> financial secretary of the LEA to sign the original copy of the Approved Budget (AFB); and 2) the president of the local board and the superintendent or director of each LEA to sign the board’s original order or resolution.</p>

**Public Comments: Rules Governing the Arkansas Financial Accounting and Reporting System – September - October 2011**

<p>Tripp Walter, Staff Attorney, Arkansas Public School Resource Center October 18, 2011 (continued)</p>	<p>8.02.20 – What are the parameters for fund balances? Where are the parameters published?</p> <p>9.05 – Is this a new reporting requirement?</p>	<p>Comment considered. Fund balances are subject to any and all parameters established by federal or state statute or regulation, including without limitation the new fund balance limitations imposed by Act 1220 of 2011, the fund balance requirements of ADE Rules Governing the Distribution of Student Special Needs Funding, and the declining balance provisions of the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq. All ADE rules are published on ADE's website, and state laws are published on the General Assembly's website.</p> <p>Comment considered. Yes, these reporting requirements were created by Act 701 of 2011.</p>
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**Public Comments: Rules Governing Requirements for Personnel Policies & Salary Schedules – September - October 2011**

Date, Name, Affiliation	Section & Comment	Resolution
Chris Crain, Caddo Hills School District September 16, 2011	5.03 – This section requires the school board’s president’s signature to be posted on the district’s website. That is not a very secure policy for the school district’s board president. Maybe the wording of 5.03 could fall in line with the wording of Licensed Personnel Policies and Salary Schedules 4.03.	Comment considered. The rule language tracks the language of the statute, Ark. Code Ann. § 6-17-2301, which specifically requires the policies posted on the website to be signed by the board president. The Department does not have the authority to change the requirements of statute.
Tripp Walter, Staff Attorney, Arkansas Public School Resource Center October 21, 2011	3.02 – What about “Health/Medical”?	Comment considered. The categories listed in the definition are those listed in Ark. Code Ann. § 6-17-2303. Because the statute does not list “Health/Medical” as a separate category, the rule does not list it separately.
	3.05 – Does this mean cannot be hourly rate?	Comment considered. Presumably, the comment is in reference to the use of the term “salaries” instead of “wages” or some similar term. “Salary” is the term used in statute, Ark. Code Ann. § 6-17-2301, and the Department is unaware of any case law or other rule interpreting “salary” to exclude hourly employment.
	4.02.10 – Should this be “Grievance procedures”?	Comment considered. The phrasing is taken verbatim from Ark. Code Ann. § 6-17-201. The term “Grievances” clearly encompasses all related topics, including procedures for filing grievances.
	7.04 – Previous law allowed unless repealed.	Comment considered and accepted in part. The rule follows the language of Ark. Code Ann. § 6-17-807(e). Neither the statute nor the proposed rule prohibits the payment of a teacher’s daily rate for teaching summer school or performing non-licensed work, but they also do not require it. The rule language will be clarified to make this understanding explicit.

**Public Comments: Rules Governing Requirements for Personnel Policies & Salary Schedules – September - October 2011**

<p>Tripp Walter, Staff Attorney, Arkansas Public School Resource Center October 21, 2011 (continued)</p>	<p>7.04.1 – Amend first line to read, “Such services require a separate contract or agreement and the district shall not....”</p> <p>7.05 – If the teacher agrees to work in the summer after his/her contract has ended to develop curriculum, and the teacher agrees to a lesser rate why would the teacher be paid the same rate as the regular contract?</p>	<p>Comment considered. The comment does not identify a rationale for this change, nor does the Department see any reason for making this change. In employment terms, the phrase “contract” encompasses every agreement of any kind, whether oral or written, whether express or implied.</p> <p>Comment considered. The rule does not require a teacher be paid the regular contract amount for additional work performed outside the normal base contract period. However, a licensed employee may not waive payment according to the salary schedule in order to accept a lesser rate. Ark. Code Ann. § 6-17-204(d)(3). Every licensed employee must be paid in accordance with the salary schedule. Ark. Code Ann. § 6-20-2206(c)(4). A school may pay a teacher a different rate for work that is outside the normal base contract period and requires a license, but the rate must be identified on the salary schedule or supplement, and the rate must satisfy the requirements of the minimum teacher compensation schedule. Ark. Code Ann. § 6-17-2403.</p>
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**Arkansas Department of Education Rules Governing  
School District Requirements for Personnel Policies, Salary Schedules,  
Minimum Salaries, and Documents Posted to District Websites**

**1.00 REGULATORY AUTHORITY**

**1.01** These rules and regulations shall be known as the Arkansas Department of Education Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites (Rules).

**1.02** The Rules are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. § 6-11-105, § 6-11-129 § 6-17-201, § 6-17-207, § 6-17-807 § 6-17-2203, § 6-17-2301, § 6-17-2402, §6-17-2403 and Act 989 of 2011.

**2.00 PURPOSE**

The purpose of these Rules is to apprise districts of the requirements for publishing school district classified and licensed personnel policies, salary schedules, establishing minimum salaries, and other documents mandated to be posted to the district's website.

**3.00 DEFINITIONS**

**3.01 Basic Contract** means a teacher employment contract for one hundred ninety (190) days that includes ten (10) days of professional development.

**3.02 Classified Employee** means any employee who performs work for the school district under a written annual contract in a position that does not require a valid teaching license issued by the Arkansas State Board. Classified employees generally fall into one of five classifications: 1) Maintenance, operation, and custodians; 2) Transportation; 3) Food service; 4) Secretary and clerks; and 5) Aides and paraprofessionals.

**3.03 Classified Employee Minimum Salary** is the calculation of the minimum rate listed in Ark. Code Ann. §6-17-2203 that has been adjusted by the same percentage of increase as reported in the consumer price index each year. The adjusted rate is announced prior to July 1 each year in a Commissioner's memo.

**3.04 Classified Personnel Policies** are written district policies, guidelines, regulations, and procedures that pertain to the terms and conditions of a classified employee's employment with the district.

**3.05 Classified Salary Schedule** is a set of matrices that are updated and published each school year, which contains the minimum salaries for all five classifications of classified employees and includes ranges, steps, and rates of pay. The salary schedule is required to reflect the actual pay practices of the district.

- 3.06 Full Time Classified Employee** means any classified employee contracted to work twenty (20) or more hours per week.
- 3.07 Licensed Employee** is a person hired by the local school district who is compelled by law or regulation to secure a license from the State Board of Education.
- 3.08 Licensed Personnel Policies** are written district policies, guidelines, regulations, and procedures that pertain to the terms and conditions of a licensed employee's employment with the district.
- 3.09 Licensed Salary Schedule** is a set of matrices that are updated and published each school year that contains the minimum salary licensed employees earn based on number of years of experience, education degrees, computations for extended contracts, and salary supplements for additional duties or responsibilities. The salary schedule is required to reflect the actual pay practices of the district.
- 3.10 Teacher** means an individual who is required to hold a teaching license from the Department of Education and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time; a guidance counselor; or a librarian.
- 3.11 Website** is a set of interconnected webpages, including a homepage, generally located on the same server. It is prepared and maintained as a collection of information by a person, group, or organization.

#### **4.00 LICENSED PERSONNEL POLICIES AND SALARY SCHEDULES**

- 4.01** School districts shall have a set of written licensed personnel policies.
- 4.02** The licensed personnel policies shall include, but are not limited to, the following:
- 4.02.1** The licensed salary schedule;
  - 4.02.2** Benefits;
  - 4.02.3** Compensation;
  - 4.02.4** Designation of workdays;
  - 4.02.5** Holidays and non-instructional days;
  - 4.02.6** The annual calendar;
  - 4.02.7** Methods of evaluations;
  - 4.02.8** Extra duties;
  - 4.02.9** Leave;
  - 4.02.10** Grievances;
  - 4.02.11** Dismissal or nonrenewal;
  - 4.02.12** Reduction in force; and
  - 4.02.13** Assignment of teacher aides.
- 4.03** The licensed personnel policies and salary schedules must be posted to the District's website no later than September 15 each year. The district must keep a copy of the licensed salary schedule and personnel policies, signed by the president of the school board and retained in a central location.
- 4.04** The district should place an obvious hyperlink, button, or menu item on the Website homepage that links directly to the current year licensed policies and salary schedules.

- 4.05** The district is required to provide to the Arkansas Department of Education, no later than September 15 of each year, the website address where the licensed personnel policies and salary schedules are located. This information is currently collected in state reporting cycles 1-9. The website address must be entered correctly in each cycle, especially if there are changes to the website address.
- 4.06** A district failing to meet the above requirements will not receive in any year any additional state foundation funding from the Public School Fund until the licensed personnel policies and salary schedules are posted to the district's website.
- 4.07** The Arkansas Department of Education shall not accredit a district that does not have written licensed personnel policies.
- 4.08** The Arkansas Department of Education will notify any school district that has not filed its licensed personnel policies and salary schedules as required.

**5.00** **CLASSIFIED PERSONNEL POLICIES AND SALARY SCHEDULES**

- 5.01** School districts shall have a set of written personnel policies, including the salary schedule for at least all five classifications of classified employees as listed in 3.02.
- 5.02** The personnel policies shall include, but are not limited to:
- 5.02.1** Salary schedule, fringe benefits, and other compensation issues;
  - 5.02.2** Annual school calendar, including work days and holidays;
  - 5.02.3** Evaluation procedures;
  - 5.02.4** Leave;
  - 5.02.5** Grievance procedures;
  - 5.02.6** Termination, nonrenewal, or suspension
  - 5.02.7** Reduction in force; and
  - 5.02.8** Assignments.
- 5.03** School districts must post classified personnel policies and salary schedules, signed by the president of the school board, to the district's website no later than September 15 each year.
- 5.04** The district should place an obvious hyperlink, button, or menu item on the Web homepage that links directly to the current year classified policies and salary schedules.
- 5.05** The district is required to provide to the Arkansas Department of Education, no later than September 15 of each year, the website address where the classified personnel policies and salary schedules are located. This information is currently collected in state reporting cycles 1-9. The website address must be entered correctly in each cycle, especially if there are changes to the website address.
- 5.06** A district failing to meet the above requirements will not receive in any year any additional state foundation funding from the Public School Fund until the classified personnel policies and salary schedules are posted to the district's website
- 5.07** The Arkansas Department of Education shall not accredit a district that does not have written classified personnel policies.

**5.08** The Arkansas Department of Education will notify any school district that has not filed its classified personnel policies and salary schedules as required.

**6.00** **LICENSED EMPLOYEE MINIMUM SALARY**

**6.01** The district salary schedule shall provide:

**6.01.1** Annual increments for education and experience

**6.01.2** A base salary for a teacher with a BA degree listing salary increments each year for at least 15 years of experience

**6.01.3** A minimum salary for a teacher with a master's degree listing salary increments each year for at least fifteen years of experience

**6.02** Each school district shall have a salary schedule with at least the minimum levels of compensation for a basic contract as listed in Ark. Code Ann. § 6-17-2403(b)

**6.03** The teaching experience is the total years of experience as a teacher with a valid Arkansas teaching license and teaching at any of the following:

**6.03.1** A public school accredited by the Department of Education or a nationally recognized accrediting association;

**6.03.2** Private school within the state of Arkansas accredited by a nationally recognized accrediting association;

**6.03.3** An Institution of higher education within the State of Arkansas accredited by a nationally recognized higher education institution accrediting association; or

**6.03.4** A facility operated by the Division of Youth Services or any facility contracting with the division to provide care for juveniles committed to the division.

**7.00** **ADDITIONAL PAY**

**7.01** If a teacher is required to work more days than listed in their contract, then the pay under the contract shall be increased proportionately so that the teacher will receive at least a daily rate of pay for each additional day worked.

**7.02** Each school district shall establish a normal base contract period for teachers.

**7.03** If the base contract period is increased, the teacher's pay under the contract shall be increased proportionately at no less than the daily rate for each day added to the contract.

**7.04** The provisions of sections 7.01, 7.02, and 7.03 shall not apply to separate contracts for employment with a teacher to teach summer school or to perform services that do not require the teacher to hold a teaching license.

**7.04.1** Such services require a separate contract and the district shall not condition initial employment of the teacher or renewal of the teacher's regular teaching contract on entering into a separate contract.

**7.05** A district may employ a teacher in a part time contract to perform services in the teacher's area of certification after expiration of the normal base contract as long as

the teacher is agreeable and is paid in accordance with the salary schedule, on a pro rata basis for that work.

**8.00 CLASSIFIED EMPLOYEE MINIMUM SALARY**

**8.01** For the 2011-2012 school year, a full-time contracted classified employee (working 20 hours a week or more) shall receive an hourly rate of compensation of no less than \$7.74 per hour.

**8.02** The minimum hourly rate is adjusted each year by increasing the previous year's minimum amount by a percentage equal to the percentage increase of the consumer price index. The new minimum rate is announced in a Commissioner's Memo before July 1 each year.

**9.00 Data to be Accessible on Website**

**9.01** The following data and information are required to be posted to the district's website or the district's education service cooperative website, if the education service cooperative maintains the district's website:

**9.01.1** Current comprehensive financial data reports, including:

**9.01.1.1** Local and state revenue sources;

**9.01.1.2** Administrator and teacher salary and benefit expenditure data;

**9.01.1.3** School district balances, including legal balances and building fund balances;

**9.01.1.4** Minutes of regular and special meeting of the school board;

**9.01.1.5** The school district budget for the current year must be posted on the website within thirty (30) days following the state reporting cycle 1 deadline (September 30);

**9.01.1.6** A financial breakdown of monthly expenses of the school district;

**9.01.1.7** Salary schedules for all employees, including extended contract and supplementary pay amounts;

**9.01.1.8** Current contract information with all district employees except that social security numbers, telephone numbers, personal addresses, or signatures shall not be published.

**9.01.1.9** The current year annual budget; and

**9.01.1.10** The annual school district statistical report.

**9.01.2** Licensed and classified personnel policies and salary schedules

**9.02** The above information shall be the actual data for the two (2) previous school years and the projected budgeted information for the current school year.

**9.03** The district should place an obvious hyperlink, button, or menu item on the Website homepage that links directly to the Web page containing the required postings in 9.01.1 through 9.01.2.

**Arkansas Department of Education**  
**Rules Governing the Regulatory Basis of Accounting**  
**~~October 2009~~**

**1.00 Authority**

- 1.01 The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-11-105 and 6-20-401.
- 1.02 These rules shall be known as the Arkansas Department of Education Rules Governing the Regulatory Basis of Accounting.

**2.00 Purpose**

- 2.01 The purpose of these Rules is to establish a consistent basis of accounting for schools.

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

- 3.01 "Accrue" – To record revenues when earned and to record expenditures as soon as they result in liabilities, regardless of when the revenue is actually received or the payment is actually made.
- 3.02 "Assets" – Probable future economic benefits obtained or controlled by a particular entity as a result of past transactions or events. Examples include: cash, investments, receivables, prepaid items, inventory, land, building, and equipment.
- 3.03 "Deferred Revenue" – Revenue received prior to the fiscal year in which it is earned. Deferred revenue is recorded as a liability when received and as revenue in the fiscal year it is earned.
- 3.04 "Expenditures" – Charges incurred, whether paid or unpaid, which are presumed to benefit the current fiscal year.
- 3.05 "Liabilities" – Debt or other legal obligations arising out of transactions in the past which are payable but not necessarily due.
- 3.06 "Regulatory Basis of Accounting" — A basis of accounting that the reporting entity (school) uses to comply with the requirements or financial reporting provisions of a governmental regulatory agency (Arkansas Department of Education) to whose jurisdiction the entity is subject.
- 3.07 "Revenues" – Additions to assets which do not increase a liability, do not represent the recovery of an expenditure, do not represent the cancelation of certain liabilities without a corresponding increase in other liabilities or decrease in assets and do not represent contributions of fund capital in Food Service and Pupil Activity Funds.

- 3.08 “School” — any public school district, charter school, educational cooperative, or any publicly supported entity having supervision over public educational entities.
- 3.09 “Uniform Rate of Tax (URT)” – Ad Valorem property tax of twenty-five (25) mills levied on the assessed value of all taxable real, personal, and utility property in the state to be used solely for maintenance and operations for the schools per Article 14, Section 3 of the Constitution of the State of Arkansas of 1874.

#### **4.00 Financial Reporting-Regulatory Basis of Accounting**

- 4.01 The financial statements shall be presented on a fund basis format. There shall be no entity-wide statements.
- 4.02 The financial statements shall consist of: Balance Sheet – Regulatory Basis; Statement of Revenues, Expenditures and Changes in Fund Balances – Governmental Funds - Regulatory Basis; Statement of Revenues, Expenditures and Changes in Fund Balances — Budget and Actual — General and Special Revenue Funds — Regulatory Basis.
- 4.03 There shall be included a Schedule of Capital Assets, including land, buildings and equipment, as supplemental information. The Capital Assets shall be reported net of accumulated depreciation.
- 4.04 Major governmental funds shall be defined as general and special revenue. Such funds shall be presented separately in the financial statements. All other governmental funds shall be presented in the aggregate. Fiduciary fund types shall be presented in a separate column in the Balance Sheet — Regulatory Basis.
- 4.05 Revenues, except for property taxes (see below), shall be reported in the financial statements in the accounting period in which they become susceptible to accrual — that is, when they become both measurable and available to finance expenditures of the fiscal period. Expenditures shall be reported in the financial statements when the related liability is incurred. Such expenditures shall not include accruals for interest payable, compensated absences, prepaid expenses or inventories. Reported liabilities, ~~except for deferred taxes~~, shall not include the current portion of long-term debt or deferred revenues. Property taxes shall be recorded in accordance with Ark. Code Ann. § 6-20-401. Property taxes shall be accrued or deferred, as applicable, in accordance with current approved guidelines issued by the Arkansas Department of Education (ADE). Arkansas law defines revenue receipts of a school district and includes forty percent (40%) of the proceeds of local taxes which are not pledged to secure bonded indebtedness or forty percent (40%) of the revenue from the uniform rate of tax whichever is greater collected in the succeeding calendar year, commonly known as 40% pullback, within that definition. School districts must utilize the 40% pullback amount, as calculated by the ADE and reflected on the respective county’s abstract of assessments, in recording property tax revenue as follows:

- ~~• If the amount of 40% pullback collected by June 30<sup>th</sup> is less than the calculated 40% pullback amount, the difference must be accrued;—~~
- ~~• If the amount of 40% pullback collected by June 30<sup>th</sup> is more than the calculated 40% pullback amount, the excess must be recorded as deferred tax revenue.~~

- 4.06 Revenues shall be reported by major sources, and expenditures shall be reported by major function.
- 4.07 Other transactions which are not reported as revenues or expenditures shall be reported as other financing sources and uses. Transactions related to the recording of installment contracts, capital leases, and significant insurance recoveries shall be reported as other financing sources. Losses resulting from the impairment of capital assets shall not be reported in the financial statements.
- 4.08 The carrying value of sinking funds, required by the provisions of a Qualified Zone Academy Bond (QZAB), shall be reported at cost. Risk disclosures of the related investments, as addressed in Governmental Accounting Standards Board Statement No. 40, shall not be included in the Notes to Financial Statements.
- 4.09 The Notes To Financial Statements (NTFS) shall include those disclosures appropriate to the regulatory basis of accounting. The NTFS shall also include the following, if applicable: summarized reporting information, if material, pertaining to component units, related organizations, and other affiliated organizations (as defined by the Governmental Accounting Standards Board), changes in private- purpose trust funds, and required disclosures related to long-term debt.
- 4.10 There shall be no Management's Discussion and Analysis.
- 4.11 The Schedule of Expenditures of Federal Awards shall be reported on the same basis of accounting as the financial statements.
- 4.12 Those payments made by the Arkansas Department of Education (ADE) on behalf of schools, but not directly to schools, shall not be recorded as revenue and expenditures by the schools. (Example: Health Insurance; contributions paid by ADE in accordance with ~~Arkansas Code Annotated~~ Ark. Code Ann. §6-17-1117.)

## **5.00 Alternative Basis of Presentation**

- 5.01 The governing body of a school district may adopt a resolution, not less than six months before the end of the school fiscal year, requiring their financial statements be presented in accordance with the standards established by the Governmental Accounting Standards Board, the American Institute of Certified Public Accountants, and the United States Government Accountability Office.



Once this resolution is made, it shall remain in effect until the governing board rules otherwise.

- 5.02 This resolution adopting the Alternative Basis of Presentation must be submitted to the Department of Education within ten (10) days of adoption by the local school board.

**Arkansas Department of Education  
Rules Governing the Calculations of Miscellaneous Funds  
December 2009**

1.00 Authority

1.01 The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-20-2301 et seq., 6-20-2503, ~~and Acts 154 and 1469 of 2009~~ and Act 266 of 2011.

1.02 These Rules shall be known as the Arkansas Department of Education Rules Governing the Calculations of Miscellaneous Funds (Rules).

2.00 Purpose

2.01 The purpose of these Rules is to define the procedures for the calculation of ~~M~~miscellaneous ~~F~~funds ~~to be used in calculating both for S~~state ~~F~~foundation ~~F~~funding ~~aid and for B~~bonded Debt ~~A~~assistance ~~Funding.~~

3.00 Definitions

For purposes of these Rules, the following terms mean:

3.01 "Miscellaneous ~~F~~funds" as used in calculating state Foundation ~~F~~funding and ~~B~~bonded ~~D~~debt ~~A~~assistance for public school districts ~~means is~~ the average of ~~these~~ funds collected in the five (5) school years immediately preceding the previous school year, ~~consisting of funds that were received~~ by a school district from federal forest reserves, federal grazing rights, federal mineral rights, federal impact aid, federal flood control, wildlife refuge funds, severance taxes, ~~funds received by the school district in lieu~~ of taxes, and from local sales and use taxes for capital improvements dedicated to education under § 26-74-201 et seq., § 26-74-301 et seq., § 26-75-301 et seq., and the Local Government Bond Act of 1985, § 14-164-301 et seq., and multiplied by the ratio of the uniform rate of tax to the school district's total millage rate in effect as of January 1 of the fiscal year prior to the current funding year.

3.02 "School year" is the year beginning July 1 of one calendar year and ending June 30 of the next calendar year.

3.03 "State foundation funding aid" is the amount of state financial aid provided to each school district and computed as the difference between the foundation funding amount established by the General Assembly and the sum of ninety-eight percent (98%) of the uniform rate of tax multiplied

by the property assessment of the school district plus the miscellaneous funds of the school district.

4.00 Procedures for the Calculation of Miscellaneous Funds Used in the Foundation Funding Calculation

4.01 The calculation of state foundation funding aid for public school districts uses ~~M~~miscellaneous F~~unds listed in 3.021 of this these Rule Rules~~ calculated pursuant to § 6-20-2303 (11) ~~amended by Act 154 and 1469 of 2009 as follows:~~

4.02 The calculation of bonded debt assistance for public school districts uses miscellaneous funds listed in 3.01 of these Rules calculated pursuant to § 6-20-2503(4) as amended by Act 266 of 2011.

~~4.01-103~~ If a school district did not receive funds from a category of ~~M~~miscellaneous F~~unds calculated under Section listed in 3.01 of this~~ these Rules during the most recent school year used to calculate the five-year average, then previous collections from ~~the that~~ category of ~~M~~miscellaneous F~~unds shall not be included in the five-year average calculation of M~~miscellaneous F~~unds used in the calculation of state~~ F~~oundation F~~unding aid and bonded debt assistance.

~~4.0204~~ The calculation of ~~M~~miscellaneous F~~unds shall be an annual calculation.~~

5.00 Procedures for Miscellaneous Funds Used in the Bonded Debt Assistance Funding Calculation

~~5.01 The calculation of B~~bonded Debt A~~assistance Funding for public school districts uses Miscellaneous Funds listed in Section 3.01 of this Rule~~ calculated pursuant to § 6-20-2503(11) as amended by Acts 154 and 1469 of 2009 as follows:

~~5.01-1~~ If a school district did not receive funds from a category of ~~Miscellaneous Funds calculated under Section 3.01 of this Rule~~ during the most recent school year used to calculate the five-year average, then previous collections from ~~that~~ category of ~~Miscellaneous Funds shall not be included in the five-year average calculation of Miscellaneous Funds used in the calculation of~~ B~~onded Debt Assistance Funding.~~

~~5.02 The calculations of Miscellaneous Funds shall be an annual calculation.~~

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING DISTANCE LEARNING  
July 11, 2005**

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**1.00 REGULATORY AUTHORITY**

- 1.01 These rules shall be known as Arkansas Department of Education Rules Governing Distance Learning.
- 1.02 These rules are enacted pursuant to the State Board of Education's authority under Arkansas Code Annotated §§ 6-47-201, 6-47-302, and Act 2325 of 2005; Ark. Code Ann. §§ 6-16-136; 6-47-201 through 6-47-203; 6-47-301 through 6-47-305; 6-47-401 through 6-47-406; 6-47-501 through 6-47-504; 25-15-201 et seq.; and Act 1075 of 2011.

**2.00 PURPOSE**

It is the purpose of these rules to set reasonable guidelines for the statewide coordination of distance learning, planning and implementation of the Arkansas Distance Learning Development Program, and Arkansas Distance Learning Grants. ~~the Public School District and Charter School Distance Learning Program and the operation of distance learning in the public schools of Arkansas. These rules shall replace any existing rules regarding distance learning.~~ These rules do not apply to professional development activities.

**3.00 DEFINITIONS**

For the purposes of these rules:

- 3.01 "Adult Facilitator" is the person responsible for supervising and assisting the students at the receiving site. The adult facilitator must be an adult approved by the school district.
- 3.02 "Asynchronous" is a distance-learning technology where the student is not receiving live or real time instruction from a teacher and typically utilizes the Internet.
- 3.03 "Appropriately Licensed or Approved Instructor" is a teacher either licensed to teach the content of the required course in a public school in Arkansas or approved by the Commissioner of the Arkansas Department of Education to teach the content through distance learning-technology. The intent of the approval process is to provide flexibility for the approval of teachers of programs originating from outside Arkansas, exceptionally qualified individuals within the state who may not meet licensure requirements, or teachers of courses that do not have an appropriate licensure requirement.

3.03.1 For teachers requiring approval by the Commissioner of Education to teach content through distance learning technology, the following procedures shall apply:

3.03.1.1 Not later than thirty (30) days prior to the date upon which the teacher intends to begin instruction, the superintendent of the public school district or director of the open-enrollment public charter school offering distance learning shall submit to the Commissioner of Education a written request for approval that includes the following information:

3.03.1.1.1 The name of the teacher and the name of the educational entity with which the teacher is employed;

3.03.1.1.2 A list of the courses for which the teacher plans to provide instruction;

3.03.1.1.3 Copies of out-of-state licenses currently possessed by the teacher;

3.03.1.1.4 Copies of educational transcripts from each institution of higher education attended by the teacher; and

3.03.1.1.5 A resume or curriculum vitae of the teacher that lists experience in teaching and education.

3.03.1.2 Within twenty (20) days of receiving the written request, the Commissioner of Education shall, in writing, approve the request, deny the request or request additional information.

3.03.2 The decision of the Commissioner of Education concerning approval or disapproval of the request shall be final.

3.04 "Bell schedule" is the daily schedule of classes including the time each class is scheduled to begin and end.

3.05 "Commissioner" means the Commissioner of Education.

3.04 "Course Curriculum" is the course design including the instructional content, methods, and student assessments.

3.06 "Department" means the Department of Education.

3.057 "Distance Learning" is the technology and educational process used to provide instruction when the student and primary instructor are not physically present at the same time and/or place an interactive telecommunications system that utilizes information technology, audio, video, and similar technological elements, is

compatible with other distance learning networks, and is used for the purpose of enhancing instruction in Arkansas public schools.

3.068 “Distance Learning Course” is a course that is made available by using distance-learning technology.

3.09 “Infrastructure” means an interlinked system of wires, cables, fiber optics, or other wire line or wireless communications media.

3.07 “Offering Institution” is the school or organization providing the distance learning course.

3.0810 “Primary Instructor” is ~~an individual responsible for the course design, instruction, or student assessments~~ the appropriately licensed or approved educator responsible for:

3.10.1 Ensuring the course content is aligned with the appropriate Arkansas Curriculum Framework or similar course outline approved by the Department or by the Department of Career Education;

3.10.2 Providing direct instruction as necessary; and

3.10.3 Supervising the administration of student assessments.

3.0911 “Receiving Site” is a physical location where ~~the~~ one or more students is receiving distance learning.

3.12 “Sending site” is the physical location of a primary instructor providing synchronous direct instruction.

3.13 “State Board” means the State Board of Education.

3.104 “Supplemental Instruction” is instruction used to reinforce or enrich a course or to provide the student an educational opportunity outside of the normal course structure.

3.145 “Synchronous” is a distance learning-technology where the student is receiving live or real-time instruction from a teacher and typically utilizes compressed interactive video.

3.12 “Technology” is the means (usually electronic or by telecommunications) used for ~~providing the student with materials, instruction, assistance, and a way to interact with the teacher(s) and other students.~~

#### **4.00 PURPOSE AND INTENT OF DISTANCE LEARNING IN ARKANSAS**

4.01 The Arkansas General Assembly found that:

4.01.1 Arkansas public schools face a serious shortage of teachers;

4.01.2 Educational technology can help lift the burden of teacher shortages by making distance learning available across the state; and

4.01.3 Distance learning should be available to every Arkansas student who wishes to participate.

4.02 The intent of the Arkansas General Assembly is that the planning and implementation of distance learning should create opportunities for innovation in education, transform institutional behavior, and prepare students for participation in the information age economy.

4.03 The purpose of the General Assembly with regard to distance learning is:

4.03.1 To provide for the establishment, organization, and administration of a distance learning program designed to improve course offerings available to students throughout the state; and

4.03.2 Demonstrate the efficiency of using distance learning to enhance elementary and secondary education and prepare students for greater success in a postsecondary educational environment.

4.04 The purpose of the General Assembly with regard to distance learning grants is:

4.04.1 To make available distance learning in every school district in the state; and

4.04.2 Assist school districts in receiving advanced high school courses, advanced placement courses, enriched course content, or other academic courses not otherwise available in the school district.

#### **5.00 DEPARTMENT OF EDUCATION COORDINATION AND REPORTING**

5.01 The Department shall work with the Arkansas School for Mathematics, Sciences, and the Arts, the Arkansas Educational Television Commission, the educational service cooperatives, and other state agencies involved in distance learning in implementing distance learning.

5.02 The Department shall work together with the Department of Higher Education to implement distance learning throughout the state.

## **6.00 DISTANCE LEARNING COORDINATING COUNCIL**

6.01 The purpose of the Distance Learning Coordinating Council is to evaluate distance learning activities for kindergarten through grade twelve (K-12) education across the State of Arkansas and to determine whether distance learning activities are being fully utilized through a collaborative process that maximizes the utilization of the state's technical and educational resources.

6.02 The Distance Learning Coordinating Council consists of the following members:

6.02.1 One (1) member who is an employee of the Department appointed by the Commissioner;

6.02.2 One (1) member who is an employee of the Arkansas Educational Television Network appointed by the Director of the Educational Television Division of the Department of Education;

6.02.3 One (1) member who is an employee of the Arkansas School for Mathematics, Sciences and the Arts appointed by the Director of the Arkansas School for Mathematics, Sciences, and the Arts;

6.02.4 One (1) member who is an employee of the Office of Information Technology appointed by the Office of Information Technology or its successor agency;

6.02.5 One (1) member who is an employee of the Department of Information Services appointed by the Director of the Department of Information Services;

6.02.6 One (1) member who is an employee of the Arkansas Science and Technology Authority appointed by the President of the Arkansas Science and Technology Authority;

6.02.7 One (1) member who is an employee of the Department of Career Education appointed by the Director of the Department of Career Education;

6.02.8 One (1) member who is employed by the Department of Higher Education appointed by the Director of the Department of Higher Education;

6.02.9 One (1) member who is an employee of the Arkansas State Library appointed by the State Librarian;

6.02.10 One (1) member who is an employee of an education service cooperative appointed by the Governor from a list of three (3) names submitted by the State Board;



6.02.11 One (1) member who is actively engaged in distance learning activities for grades kindergarten through twelve (K-12) education appointed by the Governor from the state at large;

6.02.12 Two (2) members who are employed by telecommunications companies that are members of the Arkansas Telecommunications Association and appointed as follows:

6.02.12.1 One (1) member shall be employed by a telecommunications company with more than seventy-five thousand (75,000) access lines and shall be appointed by the Governor from a list of three (3) names submitted by the association; and

6.02.12.2 One (1) member shall be employed by a telecommunications company with less than seventy-five thousand (75,000) access lines and shall be appointed by the Governor from a list of three (3) names submitted by the association; and

6.02.13 Members added by the Commissioner to the Distance Learning Coordinating Council to represent other entities that are associated with grades kindergarten through twelve (K-12) distance learning and that came into existence after September 1, 2005.

6.03 Members shall serve three-year terms and are eligible for reappointment.

6.03.1 If a vacancy occurs in an appointed position for any reason, the vacancy shall be filled in the same manner as the original appointment.

6.03.2 The members of the Distance Learning Coordinating Council shall meet and organize immediately after their appointment and shall elect a chair, a vice chair, and a secretary-treasurer from the membership of the Distance Learning Coordinating Council.

6.03.3 The Distance Learning Coordinating Council shall meet at least quarterly.

6.03.4 Staff support shall be provided by appropriate personnel from the Department of Education, the Department of Career Education, the Department of Higher Education, the Division of Public School Academic Facilities and Transportation, the Division of Public School Accountability, and the state's public institutions of higher education with the assistance of any appropriate staff of the other agencies whose directors serve on the Distance Learning Coordinating Council.

6.03.5 Non-state employee members shall serve without compensation but may receive expense reimbursement in accordance with Ark. Code Ann. § 25-16-902.

6.04 The Distance Learning Coordinating Council shall make recommendations at least annually to the Department of Education, the Division of Public School Academic Facilities and Transportation, the Division of Public School Accountability, the House Committee on Education, and the Senate Committee on Education with regard to the following:

6.04.1 Distance learning standards and rules;

6.04.2 Online distance learning curriculum;

6.04.3 Supplemental distance learning course material;

6.04.4 Coordination of distance learning services;

6.04.5 Methods for fostering collaborative processes by which distance learning content can be shared more effectively with and delivered to public schools;

6.04.6 Strategies for reducing the occurrences of isolated distance learning activities;

6.04.7 Options for spreading distance learning costs and increasing the value of shared distance learning services; and

6.04.8 Improving utilization of distance learning resources.

## **7.00 REQUIREMENTS FOR THE ADMINISTRATION OF DISTANCE LEARNING IN ELEMENTARY AND SECONDARY SCHOOLS**

7.01 An elementary or secondary school may offer instruction through distance learning provided by any provider approved by the Department or by the Department of Career Education.

7.02 Courses offered through distance learning shall include, without limitation:

7.02.1 College preparatory courses, including, without limitation, calculus, physics, Arkansas history, foreign languages, and computer science; and

7.02.2 Technological courses, including, without limitation, advanced math and science courses, advanced computer skills courses, and advanced courses in the arts.

7.03 Any distance learning course must be approved by the Department or by the Department of Career Education before the course is offered or taught by any public school district or open-enrollment public charter school unless:

- 7.03.1 The distance learning course content is aligned with the appropriate content standards and curriculum frameworks developed and approved by the State Board of Education or Department of Career Education; or
- 7.03.2 The course is not offered for credit.
- 7.04 All distance learning courses shall have an appropriately licensed or approved primary instructor.
- 7.05 Each receiving site shall have an adult facilitator to:
- 7.05.1 Supervise any instructional activity where students meet as a group; and
- 7.05.2 Administer all student achievement assessments used to determine a student's final grade.
- 7.06 Student achievement assessments shall be designed to assess the degree to which a student masters the approved content standards and curriculum framework for the distance learning course.
- 7.06.1 Documentation of student achievement assessments shall be maintained at the receiving site for a minimum of five (5) years after the final grade for the student has been issued. Documentation shall include the assessment questions, student responses, and the grade for each student assessment and grading period.
- 7.06.2 Student achievement assessment documentation shall be available for review by the Department to ensure compliance with the approved content standards and curriculum framework.
- 7.07 Distance learning that is purely supplemental instruction shall be considered an enhancement to the teacher's regular instruction and shall not be subject to the restrictive provisions of these rules.
- 7.08 The combined number of students at the receiving and sending site(s) shall determine class size for synchronous distance learning.
- 7.09 Class size for synchronous distance learning courses shall be the same as for courses not taught by distance learning as specified in the Arkansas Standards for Accreditation. Class size requirements do not apply to asynchronous distance learning instruction.
- 7.10 Student interaction with the primary instructor or an appropriately licensed teacher(s) shall be available at a ratio of not more than 30 students per class and 150 students each day for both synchronous and asynchronous courses.

7.11 These rules provide minimum distance learning educational supervision requirements only and are not designed to replace legal or other student supervision responsibilities schools have to properly protect and supervise students.

7.12 In order to assist school districts in scheduling distance learning courses, make distance learning available to every Arkansas student, and coordinate distance learning calendars of distance learning course providers, the Department shall on an annual basis work with public school districts, open-enrollment public charter schools, and distance learning providers to determine the best possible distance learning calendar(s) to meet the distance learning scheduling needs of school districts.

7.13 Any public school district or open-enrollment public charter school offering synchronous distance learning courses shall:

7.13.1 Adopt a calendar and bell schedule that is consistent with the distance learning course provider's schedule and that permits students to optimally participate in synchronous distance learning and local courses;

7.13.2 Adopt a calendar that permits students to take both synchronous distance learning courses and local school courses;

7.13.3 Align its calendar and the calendar of any synchronous distance learning courses in such a way that students taking synchronous distance learning courses are able to participate in the courses without missing more than five (5) days; and

7.13.4 Abide by the policy adopted by the synchronous distance learning course provider for making up any missed days.

## **8.00 ARKANSAS DISTANCE LEARNING DEVELOPMENT PROGRAM**

8.01 The Arkansas Distance Learning Development Program shall be conducted by the Department and administered through the Commissioner.

8.02 The Arkansas Distance Learning Program shall have four (4) focus areas:

8.02.1 To help alleviate the increasing shortage of available qualified teachers;

8.02.2 To provide additional course-scheduling opportunities for students currently forced to choose between courses that are scheduled infrequently or concurrently;

8.02.3 To provide an opportunity for students to access an enriched curriculum and additional courses beyond those mandated by the Standards for Accreditation of Arkansas Public Schools and School Districts; and

8.02.4 To develop and make available online professional development and instructional resources for all teachers and administrators.

8.03 The funding necessary to carry out the provisions of this section may be derived from donations, grants or legislative appropriation.

8.03.1 The Commissioner may solicit and receive donations and grants for the purpose of administering the Arkansas Distance Learning Program.

8.03.2 All donations, grants, and appropriations received shall be accounted for by the Department.

8.03.3 Fund balances may be carried over from one year to the next to continue the Arkansas Distance Learning Program.

8.04 The Commissioner shall review the implementation of the Arkansas Distance Learning Program annually and make recommendations to the State Board regarding the number and amount of awards to ensure that the purpose of the Arkansas Distance Learning Program is achieved.

8.05 The Commissioner may enter into contracts or provide grants to local education agencies, education service cooperatives, or other entities for personnel, facilities, and services necessary to implement the Arkansas Distance Learning Program.

8.06 Students taking courses through the Arkansas Distance Learning Program shall be considered entitled to any public education credits and grades assigned through the Arkansas Distance Learning Program and those credits shall be accepted by all public schools in the State of Arkansas.

## **9.00 PARTICIPATION IN DISTANCE LEARNING COURSES BY HOME-SCHOOL AND PRIVATE-SCHOOL STUDENTS**

9.01 Except as provided in Section 9.02 of these rules, a public school district or open-enrollment public charter school may offer and teach distance learning courses to a student enrolled in a private school or a home school only if:

9.01.1 The student resides in the public school district where the public school or open-enrollment public charter school is located;

9.01.2 The student agrees to physically attend the public school or open-enrollment public charter school for the purposes of taking:

9.01.2.1 A distance learning course taught through the public school or open-enrollment public charter school; and

9.01.2.2 State tests and assessments required for the particular course or courses taken by the student;

9.01.3 The distance learning course is offered for credit; and

9.01.4 The distance learning course is approved by the Department, or is aligned with the appropriate content standards and curriculum frameworks developed and approved by the State Board of Education or Department of Career Education.

9.02 The Commissioner may waive the requirements of 9.01.1 and 9.01.2 on an individual basis for a student who is unable to attend due to conditions that prevent the child from physically attending a public school or an open-enrollment public charter school.

9.02.1 A parent or guardian, or a student if the student is over eighteen (18) years of age, may request such a waiver in writing to the Commissioner no later than thirty (30) days prior to the beginning of the semester in which the student intends to enroll in a distance learning course(s). The parent shall simultaneously send a copy of the request to the superintendent of the public school district or director of the open-enrollment public charter school in which the student intends to enroll in a distance learning course(s).

9.02.2 The request must clearly set forth and document the conditions that prevent the child from physically attending the public school or open-enrollment public charter school for the purposes of enrolling in a distance learning course(s).

9.03 A public school district or open-enrollment public charter school that teaches or offers a distance learning course to one (1) or more home-schooled or private school students who meet the conditions of 9.01 or 9.02 shall be entitled to an amount equal to one-sixth (1/6) of the state foundation funding amount for each course taught to a private school student or home-schooled student.

9.04 However, under no circumstances shall a public school district or open-enrollment public charter school be entitled to more than the equivalent of state foundation funding for one (1) average daily membership per student regardless of the number of distance learning courses received by a particular home-schooled or private school student.

9.05 A home-schooled student or a private school student enrolled in a distance learning course shall not be entitled to any rights, privileges, courses, activities, or services available to a public school student or open-enrollment public charter school student other than receiving appropriate credit for a completed distance learning course.



- 9.06 These rules shall not be construed to entitle a home-schooled student or private school student to participate in, enroll in, or attend any other courses, activities, or services provided by a public school district or an open-enrollment public charter school.
- 9.07 No public school district or open-enrollment public charter school shall establish or provide a virtual school or distance learning course to home-schooled or private school students except as allowed by this section and by Ark. Code Ann. § 6-47-406.
- 9.08 This section shall not be construed to require a home-schooled student or private school student to take any test or assessment not specifically required for completion of the course for which the student is enrolled.

## **10.00 DISTANCE LEARNING GRANTS**

- 10.01 The following grant standards are hereby developed to provide grants to education service cooperatives for acquiring equipment and receiving telecommunications services necessary for each school district to have distance learning availability.
- 10.02 The grants shall be used to assist school districts that do not have distance learning capabilities and to assist school districts in upgrading existing distance learning capabilities.
- 10.03 The grants shall also be used by the education service cooperatives to provide technical assistance to the school districts in implementing and maintaining distance learning as an educational tool.
- 10.04 Each school district shall have adequate connectivity to provide quality of service for distance learning.
- 10.05 Distance learning technical protocols shall be in alignment with technical standards set by the Director of the Department of Information Systems.
- 10.06 Education service cooperatives and school districts shall coordinate with the Department to seek to obtain the benefits of the Federal Communications Commission's E-Rate discount program.
- 10.07 In order to assist school districts needing to receive advanced high school courses, advanced placement courses, enriched course content, or other academic courses not otherwise available in the school district, there is hereby established grant need focus areas for education cooperatives to assist school districts in obtaining and updating distance learning capabilities. The grants shall be designed to address the following needs:

- 10.07.1      Acquiring equipment and software necessary to implement distance learning;
- 10.07.2      Upgrading existing equipment and software for more efficient operation of distance learning;
- 10.07.3      Providing adequate connectivity for distance learning;
- 10.07.4      Providing for telecommunication services for distance learning;
- 10.07.5      Providing technical support for distance learning; and
- 10.07.6      Providing professional development and sharing of information on resources available for the utilization of distance learning.
- 10.08   Grant funds will only be distributed to an education cooperatives or distance learning consortium that submits a grant proposal in which the school districts participating and/or the distance learning consortium meets the following standards:
  - 10.08.1      Address one or more of the established grant need focus areas;
  - 10.08.2      Have technical protocols in alignment with standards established by the Director of the Department of Information Systems;
  - 10.08.3      Coordinate with the Department to seek the Federal Communication Commission's E-Rate discounts; and
  - 10.08.4      Collaborate to share course content.
- 10.09   The Department shall oversee the efficient operation and use of the system pursuant to law. In order to comply with the Department's oversight responsibilities, the Department shall require submission and approval of grant proposals by the education cooperative or distance learning consortium prior to distribution of funds. The Division of Research and Technology of the Department shall design the proposal format and approve the proposals for funding.
- 10.10   The grant proposals shall include the amount of funds requested by each -focus area and an implementation plan supporting the purpose, need and standards contained in these rules. The superintendent and /or the education cooperative director of each participating school district shall approve the proposal submitted to the Department. The plan contained in the proposal shall be consistent with Arkansas Code and existing Arkansas Department of Education rules regarding distance learning. Proposals will be reviewed for approval as submitted.



## **11.00 DISTANCE LEARNING CONSORTIUMS**

School districts shall form collaborative efforts with other schools and/or education service cooperatives that share common educational needs in order to ensure that the state maximizes distance learning services by distributing shared course content.

## **12.00 EFFECT OF DISTANCE LEARNING PROGRAMS ON TEACHERS**

A teacher that is under contract in a school district in the respective field of study that is being offered by distance learning shall not be terminated by the school district because of the availability of distance learning courses.

## **13.00 OPEN-ENROLLMENT VIRTUAL CHARTER SCHOOL FUNDING RESTRICTIONS**

13.01 In accordance with Section 21 of Act 1075 of 2011, no school district shall receive state funding for the 2011-2012 school year for those students who are included in the district's average daily membership for the previous school year but who are attending any open-enrollment charter school that uses internet, long-distance, or virtual technology as the primary method of teaching.

13.02 The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012.

#### ~~4.00 — COURSE REQUIREMENTS~~

- ~~4.01 — The Department of Education must approve all distance learning courses prior to the courses being offered or taught by a public school district or charter school.~~
- ~~4.02 — All distance learning courses shall have an appropriately licensed or approved primary instructor.~~
- ~~4.03 — All distance learning courses shall have an adult facilitator to supervise any instructional activity where students meet as a group.~~
- ~~4.04 — All distance learning courses except concurrent credit courses that are used as a required course shall use a curriculum designed to comply with the Arkansas Curriculum Frameworks and Arkansas Course Content Standards.~~
- ~~4.05 — An adult facilitator must be present when student achievement assessments used to determine a student's final grade are administered in a distance learning course. The student achievement assessments shall be designed to assess the degree to which the students have mastered existing Arkansas Course Content Standards.~~
  - ~~4.05.1 — Documentation of student achievement assessments shall be maintained at the receiving site school for a minimum of five years after the final grade for the student has been issued. Documentation shall include the assessment questions, student responses, and the grade for each student assessment and grading period.~~
  - ~~4.05.2 — Student achievement assessment documentation shall be available for review by the Department of Education. In the event that the Department review indicates insufficient student achievement or inadequate curriculum alignment with the curriculum frameworks or course content standards, the course may be disapproved by the Department for use beginning the following school year.~~

#### ~~5.00 — SUPPLEMENTAL INSTRUCTION~~

~~All distance learning supplemental instruction shall be considered an enhancement to the teacher's regular instruction and shall not be subject to the restrictive provisions of these regulations.~~

#### ~~6.00 — CLASS SIZE~~

- ~~6.01 — The combined number of students at the receiving and sending site(s) shall determine class size.~~
- ~~6.02 — Class size for synchronous distance learning courses shall be the same as for courses not taught by distance learning as specified in the Arkansas Standards for~~

~~Accreditation. Class size requirements do not apply to asynchronous distance-learning instruction.~~

- ~~6.03 — Student interaction with the primary instructor or an appropriately licensed teacher(s) shall be available at a ratio of no more than 30 students per class and 150 students each day for both synchronous and asynchronous courses.~~

## ~~7.00 — ADULT SUPERVISION~~

~~These rules provide minimum distance learning educational supervision requirements only and are not designed to replace legal or other student supervision responsibilities schools have to properly protect and supervise students.~~

## ~~8.00 — PILOT PROGRAMS~~

~~In an effort to facilitate distance learning opportunities for students and teachers, the Arkansas Department of Education may approve on a pilot basis distance learning courses for a maximum of two consecutive years. Continuation of the distance learning course after the pilot phase will be dependent on the course meeting all of the regulations governing distance learning courses.~~

## ~~9.00 — ARKANSAS DISTANCE LEARNING DEVELOPMENT PROGRAM~~

~~In order to improve course offerings available to students throughout the state and to demonstrate the efficiency of using distance learning to enhance elementary and secondary education, there is hereby established the Arkansas Distance Learning Development Program.~~

- ~~9.01 — The program shall have four (4) focus areas:~~

~~9.01.1 — To help alleviate the increasing shortage of available qualified teachers;~~

~~9.01.2 — To provide additional course scheduling opportunities of students currently forced to choose between courses that are scheduled infrequently or concurrently;~~

~~9.01.3 — To provide an opportunity for students to access an enriched curriculum and additional courses beyond those mandated by the Standards for Accreditation of Arkansas Public Schools; and~~

~~9.01.4 — To develop and make available online professional development and instructional resources for all teachers and administrators.~~

- ~~9.02 — The funding necessary to carry out the provisions of this subchapter may be derived from donations, grants, or legislative appropriation.~~

~~9.02.1 The project shall receive from the Public School Fund an amount equal to one-sixth (1/6) of the previous year's foundation aid per student for each student enrolled in a course at the secondary level or each subject at the elementary level on July 15 for the current summer or October 1 for the current upcoming school year. The funds shall be transferred from the Public School Fund to the designated distance learning fund and appropriation based upon student enrollment.~~

~~9.02.2 The commissioner may solicit and receive donations and grants for the purpose of administering the program.~~

~~9.02.3 Fund balances may be carried over from one year to the next to continue the project.~~

~~9.02.4 The department may enter into contracts or provide grants to local education agencies, education service cooperatives, or other entities for personnel, facilities, and services necessary to implement this program.~~

~~9.03 Students taking courses through this program shall be considered entitled to any public education credits and grades assigned through this program and those credits and grades shall be accepted by all public schools in Arkansas.~~

~~9.04 The commissioner shall review the implementation of this program annually and make recommendations to the board to ensure that the purpose of the program is achieved.~~

~~9.05 Courses offered or taught through the Arkansas Distance Learning Development Program may be offered or taught to public school students, private school students, and home school students in the State of Arkansas. Public school students will be given priority when scheduling courses.~~

~~9.06 A home school student or a private school student enrolled in a distance learning course shall not be entitled to any rights, privileges, courses, activities, or services available to a public school student or open enrollment charter school student other than receiving appropriate credit for a completed distance learning course.~~

#### ~~10.00 PUBLIC SCHOOL DISTRICT AND CHARTER SCHOOL DISTANCE LEARNING PROGRAM.~~

~~10.01 A public school district or open enrollment charter school may offer and teach distance learning courses to students enrolled in a private school or a home school under the following conditions:~~

~~10.01.1 The student resides in the public school district where the~~

~~public school or open-enrollment charter school is located;~~

~~10.01.2 — The student agrees to physically attend the public school or open-enrollment charter school for purposes of taking a distance-learning course taught or offered through the public school or charter school; and~~

~~10.01.3 — The public school or open-enrollment charter school teaches or offers a distance-learning course that has been approved by and otherwise complies with Department of Education rules and standards governing distance learning courses; or~~

~~10.01.4 — The Commissioner of the Department of Education waives the requirements under 10.01.1 and 10.01.2 of this section on an individual basis for a student who submits sufficient documentation to the Department that they are unable to attend due to conditions that prevent the child from physically attending a public school or an open-enrollment charter school.~~

~~10.02 — A public school district or open-enrollment charter school that teaches or offers a distance-learning course to one (1) or more home school or private school students who meet the conditions 10.01 shall be entitled to an amount equal to one-sixth (1/6) of the state foundation funding amount for each private school student or home school student. The funding is based on a one-unit course and will be adjusted proportionally for courses producing less credit.~~

~~10.03 — Under no circumstances shall a public school district or open-enrollment charter school be entitled to more than the equivalent of state foundation funding for one (1.0) average daily membership per student regardless of the number of distance-learning courses received by a particular home school or private school student.~~

~~10.04 — A home school student or a private school student enrolled in a distance learning course shall not be entitled to any rights, privileges, courses, activities, or services available to a public school student or open-enrollment charter school student other than receiving appropriate credit for a completed distance learning course.~~

~~10.05 — A home school student or private school student shall not be entitled to participate in, enroll in, or attend any other courses, activities, or services provided by a public school district or an open-enrollment charter school.~~

~~10.06 — Any public school district or charter school seeking to offer or teach distance-learning courses to public school students, home school students, or private school students must first have those course offerings approved by the Department of Education Distance Learning Program.~~

~~10.07 No public school district or open enrollment charter school shall establish or provide a virtual school or distance learning course except as allowed by this section.~~

# **~~ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING DISTANCE LEARNING~~**

~~August 11, 2003~~

## **~~1.00 — REGULATORY AUTHORITY~~**

- ~~1.01 — These rules shall be known as Arkansas Department of Education Rules Governing Distance Learning.~~
- ~~1.02 — These rules are enacted pursuant to the State Board of Education's authority under Arkansas Code Annotated §§ 6-47-201, 6-47-302, and Act 1192 of 2003.~~

## **~~2.00 — PURPOSE~~**

~~It is the purpose of these rules to set reasonable guidelines for the implementation of the Arkansas Distance Learning Development Project and the operation of distance learning in the public schools of Arkansas. These regulations rules shall replace any existing regulations or guidelines regarding distance learning. These rules do not apply to professional development activities or courses meeting Arkansas Department of Education Rules and Regulations for Concurrent College and High School Credit for Students Who Have Completed the Eighth Grade.~~

## **~~3.00 — DEFINITIONS~~**

~~For the purpose of these rules:~~

- ~~3.01 — "Adult Facilitator" is the person responsible for supervising and assisting the students at the receiving site. The adult facilitator must be an adult approved by the school district.~~
- ~~3.02 — "Appropriately Licensed or Approved Instructor" is a teacher either licensed to teach the content of the required course in a public school in Arkansas or approved by the Department to teach the content through distance learning technology.~~
- ~~3.03 — "Course Curriculum" is the course design including the instructional content, methods, and student assessments. —~~
- ~~3.04 — "Distance Learning" is the technology and educational process used to provide instruction when the student and primary instructor are not physically present at the same time and/or place.~~
- ~~3.05 — "Elective Course" is a course that is not used to meet the state requirements for graduation or course offerings.~~
- ~~3.06 — "Offering Institution" is the school or organization providing the distance learning course.~~
- ~~3.07 — "Primary Instructor" is the instructor responsible for the course design, instruction, and student assessments.~~



- 3.08 — ~~"Receiving Site" is the local school site where the students are receiving distance learning.~~
- 3.09 — ~~"Required Course" is a course offered by distance learning which may be used by a student to meet one of the state mandated graduation requirements or by a school to meet one of the course offerings required by the state.~~
- 3.10 — ~~"Supplemental Instruction" is instruction used to reinforce or enrich a required course or to provide the student an educational opportunity outside of the normal course structure.~~
- 3.11 — ~~"Technology" is the method (usually electronic or by telecommunications) used for providing the student with materials, instruction, assistance, and a way to interact with the teacher(s) and other students.~~

#### 4.00 — REQUIRED COURSES

- 4.01 — ~~The Department of Education must approve all required courses originating from an offering institution located outside the State of Arkansas. The courses must be approved either individually or the Department may approve the institution to offer distance learning courses to public schools in Arkansas.~~
- 4.02 — ~~All distance learning courses originating in Arkansas that are used as a required course shall have an appropriately licensed or approved primary instructor.~~
- 4.03 — ~~All distance learning courses that are used as a required course shall have an adult facilitator to supervise any instructional activity where students meet as a group.~~
- 4.04 — ~~All distance learning courses except concurrent credit courses that are used as a required course shall use a curriculum designed to comply with the Arkansas Curriculum Frameworks and Arkansas Course Content Standards.~~
- 4.05 — ~~An adult facilitator must be present when student achievement assessments used to determine a student's final grade are administered in a distance learning required course. The student achievement assessments shall be designed to assess the degree to which the students have mastered the Arkansas Course Content Standards.~~
- 4.05.1 — ~~Documentation of student achievement assessments shall be maintained at the receiving site school for a minimum of five years after the final grade for the student has been issued. Documentation shall include the assessment questions, student responses, and the grade for each student assessment and grading period.~~



~~4.05.2—Student achievement assessment documentation shall be available for review by the Department of Education. In the event that the Department review indicates insufficient student achievement or inadequate curriculum alignment with the curriculum frameworks or course content standards, the course may be disapproved by the Department for use beginning the following school year.~~

#### ~~5.00—ELECTIVE COURSES~~

~~Distance learning elective courses shall not be subject to the restrictive provisions of these regulations. However, teachers must be licensed or approved by the Department and other related Department regulations or standards of accreditation may apply.~~

#### ~~6.00—SUPPLEMENTAL INSTRUCTION~~

~~All distance learning supplemental instruction shall be considered an enhancement to the teacher's regular instruction and shall not be subject to the restrictive provisions of these regulations.~~

#### ~~7.00—CLASS SIZE~~

~~7.01—The number of students present at the receiving site(s) shall determine class size.~~

~~7.02—Class size for synchronous distance learning courses shall be the same as for courses not taught by distance learning as specified in the Arkansas Standards for Accreditation. Class size requirements do not apply to asynchronous distance learning instruction.~~

~~7.03—Student interaction with the primary instructor or an appropriately licensed teacher(s) shall be available at a ratio of no more than 30 students per class and 150 students each day for both synchronous and asynchronous courses.~~

#### ~~8.00—ADULT SUPERVISION~~

~~These rules provide minimum distance learning educational supervision requirements only and are not designed to replace legal or other student supervision responsibilities schools have to properly protect and supervise students.~~

#### ~~9.00—PILOT PROGRAMS~~

~~In an effort to facilitate distance learning opportunities for students and teachers, the Information and Technology Section of the Department of Education may approve on a pilot basis distance learning courses for a maximum of two consecutive years. Continuation of the distance learning course after the pilot phase will be dependent on the course meeting all of the regulations governing distance learning courses.~~

## ~~10.0 — ARKANSAS DISTANCE LEARNING DEVELOPMENT PROJECT~~

~~In order to improve course offerings available to students throughout the state and demonstrate the efficiency of using distance learning to enhance elementary and secondary education there is hereby established the Arkansas Distance Learning Development Project.~~

~~10.01—The project shall have four (4) focus areas:~~

~~10.01.1 To help alleviate the increasing shortage of available qualified teachers;~~

~~10.01.2 To provide additional course scheduling opportunities of students currently forced to choose between courses that are scheduled infrequently or currently;~~

~~10.01.3 To provide an opportunity for students to access an enriched curriculum and additional courses beyond those mandated by the Standards for Accreditation of Arkansas Public Schools; and~~

~~10.01.4 To develop and make available online professional development and instructional resources for all teachers and administrators.~~

~~10.02—The funding necessary to carry out the provisions of this subchapter may be derived from donations, grants, or legislative appropriation.~~

~~10.02.1—The project shall receive from the Public School Fund an amount equal to one-sixth (1/6) of the previous year's base local revenue per student for each student enrolled in a course at the secondary level or each subject at the elementary level on July 15 for the current summer or upcoming school year. The funds shall be transferred from the Public School Fund to the designated distance learning fund and appropriation upon verification of student enrollment by the Information and Technology Section.~~

~~10.02.2 The director may solicit and receive donations and grants for the purpose of administering the program.~~

~~10.02.3 Fund balances may be carried over from one year to the next to continue the project.~~

~~10.02.4—The department may enter into contracts or provide grants to local education agencies, education service cooperatives, or other entities for personnel, facilities, and services necessary to implement this project.~~

~~10.03—Students taking courses through this project shall be considered entitled to any public education credits and grades assigned through this project and those credits and grades shall be accepted by all public schools in Arkansas.~~

~~10.04 The director shall review the implementation of this program annually and make recommendations to the board to ensure that the purpose of the program is achieved.~~

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES GOVERNING AVAILABILITY DISTANCE LEARNING**

May 24, 2004

**1.00 — REGULATORY AUTHORITY**

- 1.01 — These rules shall be known as Arkansas Department of Education Rules to Ensure the Availability of Efficient Scheduling of Courses Offered by Public Schools Through Distance Learning Technologies.
- 1.02 — These rules are enacted pursuant to the State Board of Education's authority under Arkansas Code Ann. § 6-11-105 and Act 53 of the 84<sup>th</sup> General Assembly Second Extraordinary Session.

**2.00 — PURPOSE**

- 2.01 — It is the purpose of these rules to set reasonable guidelines to make distance learning available to every Arkansas student who wishes to participate and to facilitate efficient scheduling of distance learning courses offered by public schools.

**3.00 — DEFINITIONS**

For the purpose of these rules:

- 3.01 — "Bell schedule" is the daily schedule of classes including the time each class is scheduled to begin and end.

**4.00 — DISTANCE LEARNING AND LOCAL SCHOOL BELL SCHEDULES**

- 4.01 — In order to assist school districts in scheduling distance learning courses, make distance learning available to every Arkansas student and coordinate distance learning class schedules of course providers, the Department shall:
- 4.01.1 Annually work with Arkansas school districts and distance learning course providers to determine the best possible distance learning bell schedule(s) to meet the scheduling needs of school districts;
- 4.02.1 Require school districts providing distance learning courses to adopt a bell schedule consistent with the distance learning course providers that permits students to optimally participate in distance learning and local courses. The school's bell schedule must be aligned with the distance learning provider's class schedule in such a way that it will permit students to take both distance learning classes and locally scheduled classes. Students must be able to consistently join classes on either schedule within the first five minutes or not leave the classes more than five minutes before the scheduled end of the class so that no more than five minutes of any class is missed.

## ~~5.00 DISTANCE LEARNING AND LOCAL DISTRICT CALENDARS~~

~~5.01 In order to assist school districts in scheduling distance learning courses, make distance learning available to every Arkansas student, and coordinate distance learning calendars of course providers, the Department shall:~~

~~5.01.1 Annually work with Arkansas school districts and distance learning course providers to determine the best possible distance learning calendar(s) to meet the distance learning scheduling needs of school districts;~~

~~5.02.1 Require school districts providing distance learning courses to adopt a calendar and bell schedule consistent with the distance learning course provider's course schedule that permits students to optimally participate in distance learning and local courses. The school's local calendar must be designed in a manner that will permit students to take both distance learning courses and local school courses. The local school calendar and the calendar of any distance learning course provider that the school is using to offer courses must align in such a way that students taking distance learning courses are able to participate in the courses without missing more than five days. The policy for making up any missed days will be determined by the distance learning course provider.~~

**ARKANSAS DEPARTMENT OF EDUCATION**  
**~~RULES GOVERNING GRANTS FOR DISTANCE LEARNING~~**

~~June 14, 2004~~

~~1.00 REGULATORY AUTHORITY~~

- ~~1.01 These rules shall be known as Arkansas Department of Education Rules Governing Grants for Distance Learning.~~
- ~~1.02 These rules are enacted pursuant to the State Board of Education's authority under Arkansas Code 6-11-105 and Act 34 of 2003 2<sup>nd</sup> Extraordinary Session of the 84<sup>th</sup> General Assembly.~~

~~2.00 PURPOSE~~

- ~~2.01 It is the purpose of these rules to set reasonable guidelines to make distance learning available to every school district in the state and to establish grant standards for providing funds to education cooperatives for acquiring equipment and telecommunication services necessary for each school district to have the availability of distance learning. These rules are specifically for the purpose of establishing grant standards to implement Act 34 and distribute funds that become available through Act 96 of the 84<sup>th</sup> General Assembly Second Extraordinary Session of 2003.~~

~~3.00 DEFINITIONS~~

~~For the purpose of these rules and regulations:~~

- ~~3.01 "Distance Learning Consortium" is a group of school districts or an education cooperative submitting a grant proposal to obtain funds available through Acts 34 and 96 of the Second Extraordinary Session of 2003.~~
- ~~3.02 "Education Cooperative" includes the 15 legally established Education Service Cooperatives created pursuant to Arkansas Code 6-13-1002 and one collaborative entity between the three public school districts in Pulaski County.~~
- ~~3.03 "School District" is any school district eligible to receive foundation funding under Act 59 of the 84<sup>th</sup> General Assembly Second Extraordinary Session.~~

~~4.00 GRANT NEED FOCUS AREAS~~

~~In order to assist school districts needing to receive advanced high school courses, advanced placement courses, enriched course content, or other academic courses not otherwise available in the school district, there is hereby established grant need focus areas for education cooperatives to assist school districts in obtaining and updating distance learning capabilities. The grants shall be designed to address the following needs:~~

- ~~4.01 Acquiring equipment and software necessary to implement distance learning;~~

- ~~4.02 Upgrading existing equipment and software for more efficient operation of distance learning;~~
- ~~4.03 Providing adequate connectivity for distance learning;~~
- ~~4.04 Providing for telecommunication services for distance learning;~~
- ~~4.05 Providing technical support for distance learning;~~
- ~~4.06 Providing professional development and sharing of information on resources available for the utilization of distance learning.~~

## ~~5.00 GRANT ELIGIBILITY STANDARDS~~

~~Grant funds will only be distributed to an education cooperatives or distance learning consortium that submits a grant proposal in which the school districts participating and/or the distance learning consortium meets the following standards:~~

- ~~5.01 Address one or more of the established grant need focus areas;~~
- ~~5.02 Have technical protocols in alignment with standards established by the office of the Executive Chief Information Officer;~~
- ~~5.03 Coordinate with the Department to seek the Federal Communication Commissions E-Rate discounts;~~
- ~~5.04 Collaborate to share course content.~~

## ~~6.00 DEPARTMENT OVERSIGHT~~

- ~~6.01 The Arkansas Department of Education shall oversee the efficient operation and use of the system pursuant to law. In order to comply with the Department's oversight responsibilities, the Department shall require submission and approval of grant proposals by the education cooperative or distance learning consortium prior to distribution of funds. The Information and Technology Section of the Department shall design the proposal format and approve the proposals for funding.~~

## ~~7.00 GRANT PROPOSALS~~

- ~~7.01 The grant proposals shall include the amount of funds requested by each focus area and an implementation plan supporting the purpose, need and standards contained in these rules. The superintendent and /or the education cooperative director of each participating school district shall approve the proposal submitted to the Department. The plan contained in the proposal shall be consistent with Arkansas Code and existing Arkansas Department of Education rules regarding distance learning. Proposals will be~~



~~reviewed for approval as submitted. In order to be considered for Act 96 funding, implementation proposals must be received by the Arkansas Department of Education by October 1, 2004.~~

#### ~~8.00 DISTRIBUTION OF FUNDS~~

~~The Department will budget and distribute funds appropriated in Act 96 according to the following:~~

- ~~8.01 To provide up to \$7,640,000 for school districts with a maximum of \$45,000 per district to acquire equipment and software necessary to implement distance learning in districts not having interactive video capacity and to add equipment and software to education cooperatives for distance learning content delivery;~~
- ~~8.02 To provide up to \$600,000 to upgrade and maintain existing equipment and software in districts and education cooperatives currently providing video conferencing capacity;~~
- ~~8.03 To provide up to \$1,600,000 for distance learning technical support and organizational assistance to school districts. To meet this need each of the education cooperatives will receive \$100,000 to hire and support one new distance learning technical assistance position;~~
- ~~8.04 To provide up to \$160,000 for professional development and training for participating school districts in the utilization of distance learning. Each of the education cooperatives will receive \$10,000;~~
- ~~8.05 Any funds not distributed through sections 8.01 through 8.04 will be distributed for connectivity, backbone capacity, and telecommunication services for distance learning.~~

#### ~~9.00 EFFECT ON TEACHERS~~

- ~~9.01 A teacher that is under contract in a school district in the respective fields of study that is being offered by distance learning shall not be terminated by the school district because of the availability of distance learning courses.~~



**Arkansas Department of Education**  
**Rules Governing the Distribution of**  
**Supplemental Transportation Funds**

**1.0 Regulatory Authority**

**1.01** These rules are promulgated pursuant to Ark. Code Ann. § 6-11-105 and Act 1075 of 2011.

**2.0 Purpose**

**2.01** These rules shall be applied to all public school districts for the purpose of distributing \$500,000 of Supplemental Transportation Funds during the 2011-2012 school year as authorized under Act 1075 of 2011.

**3.0 Definitions**

**3.01** Adequacy Funding Matrix – The formula used by the Arkansas General Assembly for arriving at the per-student foundation funding amount.

**3.02** Components of Adequacy Funding Matrix – The individual cost categories listed in the Adequacy Funding Matrix.

**3.03** Current Expenditures – Expenditures paid from Fund 1000 and/or Fund 2000 that occur during a single school fiscal year excluding expenditures for acquiring capital assets, such as land, existing buildings, existing infrastructure assets, equipment and debt service.

**3.04** Current Transportation Expenditures – The average of current expenditures related solely to transporting students between home and school for the 2009-2010 and 2010-2011 school years.

**3.05** Current Transportation Expenditures Per Student – Current Transportation Expenditures divided by the Three-Quarter Average Daily Membership for 2010-2011.

**3.06** Expenditures – The cash payments and/or recorded liabilities for goods and services received.

**3.07** Foundation Funding – The amount of money specified by the General Assembly for each school year to be expended by school districts for the provision of an adequate education for each student. The annual foundation funding per-student is specified in Ark. Code Ann. § 6-20-2305(2).

**3.08** Fund 1000 – The group of designated accounts used to pay the salaries of licensed personnel from foundation funding.

**3.09** Fund 2000 – The group of designated accounts used to pay expenditures, other than the salaries of licensed personnel, from foundation funding.

**3.10** Transportation Component of the Adequacy Funding Matrix – The Adequacy Funding Matrix Component described as "transportation". The dollar amount specified for this component is \$303.80 for the 2011-2012 school year.

**3.11** Transportation Component Percentage – Current Transportation Expenditures Per Student divided by the Transportation Component of the Adequacy Funding Matrix for the 2011-2012 school year (\$303.80). The result will be stated as a percentage.

**3.12** Transportation Costs in Excess of Foundation Funding – The Transportation Component of the Adequacy Funding Matrix for the 2011-2012 school year (\$303.80) multiplied by each school district's 2010-2011 Three-Quarter ADM. The result is subtracted from Current Transportation Expenditures.

#### **4.0** Distribution of Funds

**4.01** The Arkansas Department of Education (ADE) will distribute a total of \$500,000 of Supplemental Transportation Funding during the 2011-2012 school year only.

**4.01.1** Funds will be distributed to each school district that has a Transportation Component Percentage of 120% or more.

**4.01.2** Each school district eligible for funding per 4.01.1 will receive an amount equal to its Transportation Costs in Excess of Foundation Funding divided by the total Transportation Costs in Excess of Foundation Funding for all eligible school districts multiplied by \$500,000.

Application Cycle 2011

# ADE Hearing Letter

Special Training in Remedial Instruction and Vocational  
Education (STRIVE) Institute of Technology



# ARKANSAS DEPARTMENT OF EDUCATION

October 18, 2011

Dr. Tom W. Kimbrell  
*Commissioner*

State Board  
of Education

Dr. Ben Mays  
*Clinton  
Chair*

Jim Cooper  
*Melbourne  
Vice Chair*

Joe Black  
*Newport*

Brenda Gullett  
*Fayetteville*

Sam Ledbetter  
*Little Rock*

Alice Mahony  
*El Dorado*

Toyce Newton  
*Crossett*

Mireya Reith  
*Fayetteville*

Vicki Saviers  
*Little Rock*

Mr. Cecil Twillie  
Strive Incorporated  
701 W. Sharpe Avenue  
Forrest City, Arkansas 72335

Mr. Saul Lusk, Superintendent  
Lee County School District  
188 W. Chestnut Street  
Marianna, Arkansas 72360

**Re: Notice of State Board Hearing  
STRIVE Institute of Technology Public Charter School Application**

Dear Charter Applicant and Affected School District:

The State Board of Education will consider the above-referenced open-enrollment public charter school application at its regularly scheduled meeting on **Tuesday, November 15, 2011**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas**. Please attend the hearing and bring with you any personnel and documentation necessary for you to address any questions the State Board of Education may have.

The hearing will be conducted pursuant to the legal authority and jurisdiction vested in the State Board of Education by Ark. Code Ann. § 6-23-101 et seq. and the Arkansas Department of Education Rules Governing Public Charter Schools. Enclosed you will find the hearing procedures to be used by the State Board of Education.

Should either party wish to make an electronic presentation to the State Board of Education, a copy must be received in my office **no later than 2:00 p.m. on October 26, 2011**. A hard copy may be faxed to my office at (501) 682-4249, or an electronic copy may be e-mailed to [mark.white@arkansas.gov](mailto:mark.white@arkansas.gov).

Questions as to the use and setup of electronic presentations at the State Board meeting should be directed to Ms. Phyllis Stewart, State Board Liaison, at (501) 683-0205. Should you have any other questions, you may direct them to Dr. Mary Ann Duncan, Charter Schools Program Coordinator, at (501) 683-5313.

Respectfully,

Jeremy C. Lasiter  
General Counsel

Enclosure

cc (w/encl): Ms. Phyllis Stewart, State Board Office  
Dr. Mary Ann Duncan, Charter School Program Coordinator  
Mr. Tom Wilson, Superintendent, Barton-Lexa School District  
Dr. James Best, Superintendent, Brinkley School District  
Mr. Lee Vent, Superintendent Clarendon School District  
Dr. Jerry Woods, Superintendent, Forrest City School District  
Ms. Suzann McCommon, Superintendent, Helena-W. Helena School District  
Mr. Jimmy Wilkins, Superintendent, Hughes School District  
Ms. Ruth Denson, Superintendent, Marvell School District  
Mr. Carroll Purtle, Superintendent, Palestine-Wheatley School District

Four Capitol Mall  
Little Rock, AR  
72201-1019  
(501) 682-4475  
[ArkansasEd.org](http://ArkansasEd.org)

**OPEN ENROLLMENT PUBLIC CHARTER SCHOOL**  
**STATE BOARD HEARING PROCEDURES**

**Source:** Section 9.00 of the ADE Rules Governing Public Charter Schools

- 1) All persons, with the exception of attorneys, who plan to provide testimony must be sworn in by the court reporter.
- 2) The charter applicant shall have fifteen (15) minutes to present its arguments to the State Board for approval of the proposed charter school. The Chair of the State Board may grant additional time, if necessary.
- 3) The local school board and boards of districts likely to be affected by the proposed public charter school shall have a combined total of twenty (20) minutes to present arguments for disapproval of the proposed charter school. The Chair of the State Board may grant additional time, if necessary.
- 4) The charter applicant shall then have five (5) minutes to respond to the arguments of the local school board and boards of districts likely to be affected by the proposed charter school. The Chair of the State Board may grant additional time, if necessary.
- 5) The State Board shall follow the presentations with discussion of the charter application and possible questions to the public school board representatives and/or the charter school applicant.
- 6) The State Board may issue a final decision at the hearing or take the matter under advisement until a future scheduled board meeting.
- 7) The State Board may defer the vote to approve or disapprove a charter application in order to allow a charter applicant to make modifications or receive technical assistance to correct deficiencies in the application.
- 8) During the roll call vote on each charter application, if a particular board member votes against the application, it is necessary for that member to state his or her reasons for disapproval. This is necessary to comply with Ark. Code Ann. § 6-23-305. That law requires the State Board to notify the applicant in writing for reasons for disapproval.

Application Cycle 2011

# Letter (s) of Support

Special Training in Remedial Instruction and Vocational  
Education (STRIVE) Institute of Technology

**Arkansas Department of Correction**

Director's Office  
P.O. Box 8707  
Pine Bluff, Arkansas 71611-8707  
Phone: (870) 267-6200  
Fax: (870) 267-6244  
[www.arkansas.gov/doc](http://www.arkansas.gov/doc)

October 25, 2011

RECEIVED  
OCT 26 2011

Dr. Mary Ann Duncan  
C/O Arkansas Dept. of Education  
Room 3048  
Little Rock, AR 72201

CHARTER SCHOOL OFFICE

Dear Dr. Duncan:

I am sending this correspondence to you on behalf of Senator Jack Crumbly. Senator Crumbly has requested assistance from the Arkansas Department of Correction. His request is for one of our Regional Maintenance Crews at the East Arkansas Regional Unit in Brickeys, Arkansas to assist in renovation of an old school in Marianna, Arkansas.

I have agreed to let one of our crews assist in moving furniture, landscaping and doing a minimal amount of painting at the school.

If I may be of further assistance to you, please feel free to contact my office.

Sincerely,



Ray Hobbs  
Director

cc: Senator Jack Crumbly

RH/jl



# BARTON-LEXA

## School District

P.O. BOX 97

BARTON, AR 72312

**MEMBER NORTH CENTRAL K-12**

Phone: 870-572-7294 Fax: 870-572-4713

**BOARD MEMBERS**

*Travis Williams—Pres.*

*Donna Ryan—Vice Pres.*

*Rosetta Davis - Sec*

*Anthony Arnold*

*Mike Canonici*

*Lita Moore-Johnson*

*Roxie Wilson*

**Tom Wilson, Superintendent**

[twilson@blsd.grsc.k12.ar.us](mailto:twilson@blsd.grsc.k12.ar.us)

September 27, 2011

Dr. Mary Ann Duncan  
Charter School Program Coordinator  
# 4 State Capitol Mall  
Little Rock, AR 72201-1071

The Barton-Lexa School Board, in a special meeting held on Tuesday, September 27, 2011, unanimously endorsed the STRIVE Institute of Technology proposal presented by Senator Jack Crumbly. The board supports this effort to provide services for troubled youth or those needing special educational opportunities.

The Barton-Lexa School District will work collaboratively with the judicial system to see that these young people hopefully will not fall through the cracks and eventually be incarcerated. The Vocational Technical Programs included in this school could provide employment and possibly life time jobs for these youths.

Please contact my office at 1-870-572-7294 for further information or if you have questions.

Sincerely,

Tom Wilson  
Superintendent

RECEIVED  
OCT 03 2011

CHARTER SCHOOL OFFICE





# Brinkley Public Schools

Member North-Central Association

200 Tiger Drive

Brinkley, Arkansas 72021

Arthur Tucker, Ed. D.  
Superintendent

Phone: 870-734-5000

Fax: 870-734-5187

September 20, 2011

Dr. Mary Ann Duncan, Director  
Charter School Program  
Arkansas Department of Education  
#4 Capitol Mall Room 304B  
Little Rock, Arkansas, 72201

Dr. Duncan:

The Brinkley School District Board of Directors voted unanimously to support the STRIVE Institute of Technology's proposal during the September 19, 2011 Board meeting.

I look forward to working to insure that the STRIVE Program becomes a successful educational alternative for our youths.

Please feel free to contact me at the phone number or address above if you have further questions.

Respectfully,

*Arthur Tucker*

Arthur Tucker, Ed. D.  
Superintendent of Schools

RECEIVED  
SEP 23 2011

CHARTER SCHOOL OFFICE

# Clarendon School District

Superintendent's Office 870-747-3351  
Fax 870-747-5963  
P. O. Box 248, Clarendon, Arkansas 72029

Lee R. Vent, Superintendent

Board Members:

Bryan Smith, Pres.

Tina Wofford, V. Pres.

Bertha Bones, Sec.

Robert Artis

Ricky Beck

Adam Ellis

Jack Jones

Douglas Caldwell, CHS Principal

Ruby Ellis, CES Principal

Monica Gray, Fed. Prog.

September 14, 2011

Dr. Mary Ann Duncan

Charter School Program Coordinator

#4 State Capitol Mall

Little Rock, AR 72201-1071

Dear Dr. Duncan,

The Clarendon Board of Education, in a regularly held school board meeting on September 13, 2011, unanimously endorsed the efforts of Senator Jack Crumbly, et al., to help establish the S.T.R.I.V.E. Charter School in our area. This type of institution would be of great benefit to those students in need of such services.

Should you need any further information, please do not hesitate to call.

Sincerely,



Bryan Smith, President  
Clarendon Board of Educators



Bertha Bones, Secretary  
Clarendon Board of Educators

Cc: Jack Crumbly

RECEIVED  
SEP 19 2011

CHARTER SCHOOL OFFICE

# FORREST CITY PUBLIC SCHOOLS

OFFICE OF THE SUPERINTENDENT  
625 IRVING STREET FORREST CITY, AR 72335  
Member of North Central Association since 1924

## SCHOOL BOARD

Larry Jayroe, President  
Joey Astin, Vice President  
Sharon Wilson, Secretary  
Justin Johnson  
Terry Rogers  
Glenn Shepherd  
Sandra Taylor

## SUPERINTENDENT

Dr. Jerry Woods  
(870) 633-1485  
FAX (870) 633-1415

August 30, 2011

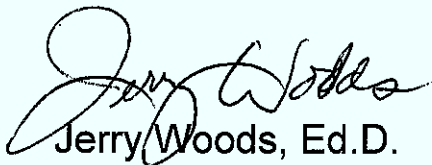
Dr. Mary Ann Brown  
Charter School Program Coordinator  
# 4 State Capitol Mall  
Little Rock , AR 72201-1071

Dear Dr. Brown:

Please accept this communication to verify I was notified and attended the meeting concerning the proposed S.T.R.I.V.E. Charter School.

Additionally, I will discuss the proposed S.T.R.I.V.E. Charter School at the September 11, 2011 school board meeting.

Sincerely,

  
Jerry Woods, Ed.D.  
Superintendent of Schools

RECEIVED  
SEP 02 2011

CHARTER SCHOOL OFFICE

**HUGHES PUBLIC SCHOOLS**

Office Of The Superintendent  
Hughes, Arkansas 72348

September 14, 2011

Dr. Mary Ann Duncan  
Director of Charter/Home School Programs  
Arkansas Department of Education  
#4 Capitol Mall, Room 304B  
Little Rock, AR 72201

Dear Dr. Duncan:

This correspondence serves as verification that the Hughes School District #27, Board of Directors met in their regular session on September 13, 2011. Superintendent Wilkins presented materials from Senator Jack Crumbly pertaining to the merit of STRIVE Institute of Technology. After hearing the merits and a brief question and answer period, we were ready to render our decision.

The Board voted unanimously in support of STRIVE. Certainly the need exists for services that this agency will provide.

Please know that we as a Board of Directors will assist this project in all that is within our scope of activities.

We commended Senator Crumbly for his efforts and service to the various communities in this area.

Sincerely,



Mrs. Irene Combs, Secretary

Mr. Rudolph Robinson, President



RECEIVED  
SEP 26 2011

CHARTER SCHOOL OFFICE

**LEE COUNTY SCHOOL DISTRICT NO 1**

188 West Chestnut Street - Marianna, AR 72360

Telephone: 870-295-7100 Fax: 870-295-7191

September 27, 2011

Dr. Mary Ann Duncan  
Charter Schools Program Coordinator  
Arkansas Department of Education  
4 Capitol Mall, Room 302-B  
Little Rock, AR 72201

Dear Dr. Duncan,

After several consultations and meetings with Senator Jack Crumbly, the Lee County School District will not oppose the application for the establishment of an Open Enrollment Charter School for the proposed Special Training In Remediation Instruction and Vocational Education (STRIVE) Institute of Technology.

Our district is in receipt of the application for the STRIVE Institute of Technology and Senator Crumbly has met with and addressed the concerns of the Lee County School Board.

Sincerely,



Saul Lusk  
Superintendent

cc Senator Jack Crumbly

Lee County School Board Members

RECEIVED  
SEP 30 2011

CHARTER SCHOOL OFFICE

Palestine-Wheatley School District No. 23

P.O. Box 790  
Palestine, Arkansas 72372

September 29, 2011

Dr. Mary Ann Duncan  
Charter School Office  
4 Capital Mall 302-B  
Little Rock, AR 72201

Dear Dr. Duncan:

On behalf of the Palestine-Wheatley School Board of Directors I would like to express our approval of Dr. Jack Crumbley's STRIVE Charter School that will be in Marianna, AR.

If I can be of further assistance in this matter, please feel free to contact me at my office.

Cordially,



Jon Estes  
Superintendent  
Palestine-Wheatley School District  
7950 Hwy 70 E  
Palestine, AR 72372  
870/581-2646

RECEIVED  
SEP 30 2011

CHARTER SCHOOL OFFICE



State of Arkansas  
Department of  
**WORKFORCE SERVICES**

[www.dws.arkansas.gov](http://www.dws.arkansas.gov)

Post Office Box 2981 • Little Rock, AR 72203-2981



October 25, 2011

RECEIVED  
OCT 27 2011

CHARTER SCHOOL OFFICE

Dr. Mary Ann Duncan  
Director of Charter School Programs  
Arkansas Department of Education  
#4 Capitol Mall, Room 304B  
Little Rock, AR 72201

Dear Dr. Duncan:

Re: Application for Charter School – Submitted by Senator Jack Crumbly

This is to confirm that the Arkansas Department of Workforce Services has committed to provide up to \$350,000 from its DWS Training Trust Fund to support workforce training efforts at the charter school that Senator Crumbly seeks to establish in Eastern Arkansas for adjudicated youth.

The Training Trust Funds will be linked to training that meets the current and projected needs of area employers.

We are pleased to be able to support this initiative. If you have questions, please contact me at (501) 682-2121.

Sincerely,

  
Artee Williams

Application Cycle 2011

# Letter of Intent

Special Training in Remedial Instruction and Vocational  
Education (STRIVE) Institute of Technology



# STRIVE INCORPORATED

P. O. BOX 2155  
FORREST CITY, AR, 72336

RECEIVED  
JUN 30 2011

CHARTER SCHOOL OFFICE

Arkansas Department of Education  
Charter School Office  
Four Capitol Mall, Room 105-C  
Little Rock, AR 72201

July 24, 2011

Attn: Staff of Charter School Office

It is the intent of the Board of Directors of Strive Incorporated to submit an application for an Open-Enrollment Charter School. Strive Incorporated is a not for profit organization with a pending application for recognition of exemption under Section 501 (c) (3) of the Internal Revenue Code.

The proposed school's name is will be S.T.R.I.V.E Institute of Technology to be located in Marianna, Arkansas.

Strive Incorporated proposes to open an open -enrollment public charter school to identify and educate a targeted population of 200 adjudicated students/youth between the ages of 14-19( grades 9-12) from Crittenden, St. Francis, Phillips, Lee and Monroe Counties of the delta region of Eastern Arkansas.

The targeted students will be schooled through graduation or attainment of a GED in preparation for gainful employment or for completion of certification in their area of study. Using the "Career Academy" model for instruction, students will be exposed to an intense career and technical skills development program, which will ultimately develop the student's marketable skills. After following and meeting all institutional exit requirements, the student will then be able to enter a Vocational Technical School, community college, or enter directly into the job market. By providing various interventions, along with an intense program of study, student failure will be greatly reduced. Additionally, students will be given a greater chance to become productive citizens.

I will be the contact person for this proposed school. My contact information is as follows:

Cecil Twillie  
Strive Incorporated  
P.O. Box 2155  
Forrest City, AR 72336  
Phone#: 870-633-5667  
Email: striveinc11@att.net

Sincerely,

*Mr. Cecil Twillie*

Mr. Cecil Twillie  
President

cc: Supt. Saul Lusk

Application Cycle 2011

# Application

Special Training in Remedial Instruction and Vocational  
Education (STRIVE) Institute of Technology

RECEIVED  
AUG 31 2011

STATE BOARD OF EDUCATION  
ARKANSAS DEPARTMENT OF EDUCATION CHARTER SCHOOL OFFICE  
APPLICATION FOR AN OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL

**A. GENERAL INFORMATION** (Please type)

Name of Proposed Charter School: Special Training in Remedial Instruction and Vocational Education (STRIVE) Institute of Technology

Grade Level(s) for the School: 9<sup>th</sup> through 12<sup>th</sup> Student Enrollment cap: 200 students

Name of Sponsoring Entity: \_\_\_\_\_

The applicant is an "eligible entity" under the following category (check one):

- ☐ a public institution of higher education;
- ☐ a private nonsectarian institution of higher education;
- ☐ a governmental entity; or
- ☒ an organization that is nonsectarian in its programs and operations, and is, or will be, exempt from taxation under Section 501(c) (3) of the Internal Revenue Code (provide evidence). (A copy of the entity's letter from the IRS reflecting tax exempt status or a copy of the entity's application for 501 (c) (3) status must be attached to the application. Articles of incorporation or letter acknowledging nonprofit status from the Secretary of State will not suffice). An eligible entity must have received formal tax exempt status under §501 (c) (3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.

Name of Contact Person: Cecil Twillie

Address (no P.O. Box please): 701 W Sharp Ave City Forrest City ZIP 72335

Daytime Phone Number: (870) 633-5667 FAX: (870) 633-6679

Email: Striveinc11@att.net

Charter Site Address: 351 Moton Street City: Marianna

Zip 72360 Date of Proposed Opening: August 2012

Chief Operating Officer  
of Proposed Charter: TBA Title School Leader

Charter Site Address: 351 Moton Street City: Marianna

The proposed charter will be located in the Lee School District.

Provide a comprehensive list of all individuals, including but not limited to entity board members and charter school board members, involved in the organization and design of the proposed school as well as the proposed application process.

Name	Position	Profession	State of Residence:
Clara Ferron	Board Member	Retired Federal Employee	AR
Cecil Twillie	Board Member	Retired Principal	AR
Robert Taylor	Board Member	Retired Mayor of Marianna	AR
Rev. Nathaniel Hull	Board Member	Minister/Mayor	AR
Annie Huff	Board Member	Director of Mid Delta Community Consortium	AR
Jack Crumbly	Founder	Retired Educator	AR

List the current K-12 student enrollment of the district where the proposed public charter school will be located.

982 (Total District Enrollment)

List the school districts from which students are expected to come (use additional sheets as necessary).

Barton School District	Brinkley School District	Clarendon School District
Forrest City School District	Helena-West Helena School District	Hughes School District
Lee School District	Marvell School District	Palestine-Wheatley School District
Lee County School District		

## **B. GENERAL DESCRIPTION**

In succinct terms describe the proposed school including grade levels offered, student populations served, educational focus, and any other essential characteristics.

The purpose of the Special Training in Remedial Instruction and Vocational Education (STRIVE) Institute of Technology (Regional High School) is to identify and educate a targeted population of adjudicated students between grades 9 – 12. These students will be schooled through graduation or attainment of a GED in preparation for gainful employment or for completion of certification in their area study. Using the "Career Academy" model for instruction, students will be exposed to an intense career and technical skills development program, which will ultimately develop the student's marketable skills.

The primary goal for the STRIVE Institute of Technology (Regional High School) would be to prevent young people ages 14 to 19 from going to prison (other residential confinement). The school would teach marketable skills to the young people. The STRIVE Institute of Technology would provide a learning facility for students who are unable to remain in the regular public high school. This educational institution would be for students who have entered the juvenile justice system, numerous times and have been ordered by the juvenile judge in the four county areas, St. Francis, Lee, Phillips and Monroe, to enroll in this school.

Along with providing a 22-credit minimum curriculum to obtain a diploma, or GED certificate, vocational educational courses would be offered. These courses are building technology, HVAC, computer technology, cosmetology and barbering, culinary arts, welding, and medical profession.

Students completing requirements for graduation, (22-credit required by the ADE or GED), will then be able to enter a vocational technical school, community college or enter directly into the job market. By providing various interventions, counseling services, along with an intense program of study, student failure will be greatly reduced. Additionally, students will be given a greater chance to become productive citizens.

Many students in the State of Arkansas come from environments that make it very difficult for them to succeed in a regular school setting. The extreme poverty of the area provides little opportunity for these students to find employment. As a result, many of these students are involved in illegal activities, including joining gangs and selling drugs in order to obtain money and status among their peers. Without an intervention program, such as the STRIVE Institute of Technology (Regional High School), these students will likely continue their criminal activities, which will lead to incarceration by the Department of Youth Services or by the Arkansas Department of Correction. The total annual State of Arkansas costs for adjudicated youth are as follow:

- Direct Services \$26,120,390.55
- Indirect Education Cost \$606,091.32
- Total Cost for Services is \$26,726,481.87

- Total Cost Per Adjudicated Youth Per Year
  - Residential Placement \$103,925.72
  - Educational for Residential Placement \$2,115.48
  - Total Cost for Residential Placement Per Student \$106,041.20

The concept of the STRIVE Institute of Technology (Regional High School) for juvenile in the four county areas would not fit the normal model for an open enrollment charter school because the Juvenile Judge will be responsible for assigning most of the students that would attend the school. Currently, there is no Regional High School for this special population of students (adjudicated juvenile).

After discussion with Dr. Kimble, it was recommended to convene all the Superintendents and the Juvenile Judge for a meeting that was held on August 17, 2011. The outcome of that meeting produced a consortium by those schools to support the STRIVE Institute of Technology (Regional High School). The superintendents of the consortium strongly supported the idea and agreed to present information to their board and submit letters of support to the Board of Education after obtaining board approval.

The school districts of the EAEC will serve in an advisory capacity and will meet semi-annually with the juvenile judge and STRIVE's Board of Directors to assess the effectiveness of the regional high school and how to make it more efficient. By forming this consortium and with participation from all schools in the four counties will greatly strengthen and enhance the chances of EAEC becoming the regional high school that will be funded.

1. Describe the results of the public hearing, which was held for the purpose of assessing support for the establishment of this open-enrollment public charter school. Provide copies of any supporting evidence received.

A number of public hearings were held during the course of the 2010 – 2011 school year beginning with the October 20, 2010 meeting date (see news article for additional information). The final public meeting was held on August 24, 2011, seven days after the East Arkansas Education Consortium (EAEC). All comments about starting the Special Training in Remedial Instruction and Vocational Education (STRIVE) Institute of Technology was positive and very supportive.

2. Provide documentation that each of the following requirements of Arkansas Code Annotated §6-23-302 were met:

See proof of publication in local newspaper and news articles in the addendum. All Superintendents were notified of public hearing (see letters in the addendum).

3. Describe the governing structure of the open-enrollment charter, including board composition, selection process, and responsibilities. Also describe the role of the administrators, faculty, parents, students, and community members in the leadership and decision-making of the school.

The STRIVE Institute of Technology is a 501 (c) (3) not for profit organization that consist of five (5) board members. Representatives are chosen to represent one of the four counties in the STRIVE Institute of Technology services area. The board is responsible for policy making and governing authority of the organization. The school administrators will carry out the day to day operation of the STRIVE Institute of Technology. The Faculty will provide instruction and counseling to the students. Parents will provide the guidance, support and ensure the involvement of their child's education. Students will attend school and bring a thirst for knowledge and follow instruction in both academics and vocational skills. Community members will volunteer, serve on various committees and provide support and provide input on how to make school more effective and efficient. One example is the creation of the East Arkansas Education Consortium (EAEC).

4. Give the mission statement for the proposed open-enrollment public charter school.

The mission of STRIVE Institute of Technology is to identify and educate a targeted population of 200 adjudicated students/youth between the ages of 14 – 19 (grades 9 – 12) from St. Francis, Phillips, Lee, and Monroe Counties of the delta region of Eastern Arkansas. These students will be schooled through



graduation or attainment of a GED in preparation for gainful employment or for completion of certification in their area of study.

After following and meeting all institutional exit requirements (22-credit requirement or GED), the student will then be able to enter a Vocational Technical School, community college, or enter directly into the market. By providing various interventions, along with an intense program of study, student failure will be greatly reduced. Additionally, students will be given a greater chance to become productive citizens.

5. Describe the educational need for the school.

The states of the lower Mississippi Valley region have a higher percentage of families, households, and individuals in poverty than any other section of the United States, according to the Mississippi Delta Commission, headed by then Governor Williams Jefferson Clinton of Arkansas and Past President of the United States of America. Despite major efforts to alleviate poverty in this region, it persists and remains a problem today. The cycle of poverty in the four Arkansas Counties where the targeted population resides has continued to be among the poorest counties in the country.

The cycle of poverty has led to numerous problems that the STRIVE Institute is designed to solve. The parents' possess limited skills for providing the necessary nurturance and guidance to their children. This leads to a group of economically disadvantaged children and youth who become prime targets for becoming illiterate, drop outs, drug and alcohol abusers, participants in violence, and street and neighborhood conflict. These individuals are the top candidates for gang activity and the juvenile justice system.

The institute provides opportunities for these young people to refocus their lives. The institute provides an opportunity to assist non-violent youth offenders who have entered the juvenile justice system.

According to the August 2010 Arkansas Sentencing and Corrections Analysis Report:

The prison population has more than doubled over the past 20 years.

The annual cost of corrections is 8 times higher (\$369 million) than 20 years ago (\$43 million).

A projected 10-year growth will have a 43% rise (more than 6,500 inmates) and this growth will cost an estimated \$1.4 billion between 2010 and 2020.

The total annual State of Arkansas costs for adjudicated youth: Direct Services \$26,120,390.55. Education Costs = \$606,091.32 which gives a total costs of \$26,726,481.87. Total costs per adjudicated youth: Residential Placement \$103,925.72. Education for Residential Placement = \$2,115.48. Total Costs = \$106,041.20.



The STRIVE Institute will assist the State of Arkansas at reducing these kinds of above mentioned costs by providing prevention services for non-residential (200) targeted youth. See attachment from the Arkansas Department of Youth Services.

6. Describe the educational program to be offered by the open-enrollment public charter school.

The Department of Workforce Education will provide training in the areas of Work Keys assessment and Key Training. Upon completion of Key Training, students will be given a certificate of career readiness that can be given to a potential employer.

Students will be bused in from various counties. All students entering STRIVE Institute of Technology will be tested using the Test of Basic Education (TABE) and other testing program to determine educational needs. The core curriculum, of language arts, mathematics, science and social studies will be taught daily, with more time being devoted to language arts and mathematics instruction. Health, physical education, and other electives linked to career focus areas will also be offered. Academic will be taught the first half of each day and remaining hours will be directed toward their choice of vocational training.

There are 22-credits, there are 16 credits, and six are considered elective credits which will be their vocational area of study. Students who are deficient in their credits will have the opportunity to use a computerized program for credit recovery to make up the grade level. However, if it is impossible to make up their require credits due to the number of credits needed and their current age, the GED program will be available. The GED program will be available on a daily basis.

7. List the specific measurable goals in reading, reading comprehension, mathematics, and mathematic reasoning based on the state mandated assessments, and any other assessment tools if used, for improving student academic achievement for each year of the public charter schools' initial five (5) year period.

It is imperative that the charter school's curriculum is aligned to state standards and the State Assessment Program because students will be entering the school at various times during the year. As students enter the program:

- Entrance level assessments, such as PACE, Teacher made test or the TABE will be conducted in the areas of literacy and mathematics, according to the age of the student,
- Academic Improvement Plans will be developed for each student and instruction, as well as remediation, will be geared to individual needs,

- Test results from the entrance assessments and state mandated assessments will be analyzed to determine each student's academic improvement while attending STRIVE Institute of Technology, and
- ACTAAP assessment data will be sent back to each student's home school for inclusion in the school's improvement process.

Individual attendance and behavior sanctions will be documented and measured for improvement in the state mandated assessment program. Academic goals for each student will be developed in an effort to demonstrate improvement by advancing from the previous level to the next level. For example:

- Below Basis to Basic
- Basic to Proficient
- Proficient to Advanced

Individual students must meet exit criteria in order to exit the program:

- Academic improvement based on entrance/exit assessments,
- Passing grades in all core subjects,
- Meet the State mandate attendance criteria, and
- Maintain proper behavior as documented using the alternative environment level system.

Data collected through analysis of information gathered from the student's initial assessments verses the students' exit assessments will be used as one mechanism to determine the students' and program success.

8. Describe the process that will be used to develop and align the curriculum with the Arkansas Curriculum Frameworks.

Students' progress must be identified quickly and interventions must be made immediately, rather than waiting until the students are administered exit assessments. Therefore, the development of formative benchmark assessments (Chunk Test) will be implemented in order to provide feedback regarding students' progress and teachers' instruction. Growth will be measured continuously and in a systematic way throughout the school year. Our plan is to ensure that standards are actually embedded in the instruction and incorporated in student assessments. Every effort will be used to assist in the aligning of the curriculum and the development of formative assessments. The students' academic progress, benchmark test scores and other assessments will be reported back to their home school districts and schools.

9. Describe the geographical area to be served by the charter, and list all school districts within the geographical area that may be affected by the open-enrollment public charter school.

The STRIVE Institute of Technology will be located in Lee County, Arkansas. Lee County is a county located in the U.S. state of Arkansas. As of 2000, the population was 12,580. The county seat is Marianna.<sup>[1]</sup> Lee County is Arkansas's 72nd county, formed alongside St. Francis and Phillips counties. According to the 2000 census, the county has a total area of 619.47 square miles (1,604.4 km<sup>2</sup>), of which 601.66 square miles (1,558.3 km<sup>2</sup>) (or 97.12%) is land and 17.80 square miles (46.1 km<sup>2</sup>) (or 2.87%) is water.

As of the census <sup>[4]</sup> of 2000, there were 12,580 people, 4,182 households, and 2,960 families residing in the county. The population density was 21 people per square mile (8/km<sup>2</sup>). There were 4,768 housing units at an average density of 8 per square mile (3/km<sup>2</sup>). The racial makeup of the county was 41.41% White, 57.24% Black or African American, 0.16% Native American, 0.27% Asian, 0.52% from other races, and 0.40% from two or more races. 2.19% of the populations were Hispanic or Latino of any race.

There were 4,182 households out of which 31.20% had children under the age of 18 living with them, 43.20% were married couples living together, 23.10% had a female householder with no husband present, and 29.20% were non-families. 27.20% of all households were made up of individuals and 13.80% had someone living alone who was 65 years of age or older. The average household size was 2.59 and the average family size was 3.14.

In the county the population was spread out with 26.00% under the age of 18, 10.20% from 18 to 24, 28.70% from 25 to 44, 21.10% from 45 to 64, and 14.00% who were 65 years of age or older. The median age was 35 years. For every 100 females there were 111.40 males. For every 100 females age 18 and over, there were 118.40 males.

The median income for a household in the county was \$20,510, and the median income for a family was \$25,846. Males had a median income of \$26,900 versus \$19,505 for females. The per capita income for the county was \$10,983. About 24.70% of families and 29.90% of the population were below the poverty line, including 38.80% of those under age 18 and 27.60% of those ages 65 or over.

Local school districts affected by the STRIVE Institute of Technology will be Lee County (Lee County School District), Monroe County (Brinkley and Clarendon School Districts), Phillips County (Barton, Lexa, Helena-West Helena and Marvell School District) and St. Francis County (Forrest City and Palestine and Wheatley School Districts).

10. Describe the plan for the school officials to provide an annual report to parents, the community, and the State Board of Education that demonstrates the progress

made by the charter school during any previous academic year in meeting its academic performance objectives. (See *ADE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts (standards rules)*, Section 7.04.2.)

The STRIVE Institute of Technology will publish a comprehensive annual report for parents, community members and the State Board of Education.

11. Describe the enrollment criteria and student admission, recruitment and selection processes for the proposed public charter school. Include a statement that a random, anonymous student selection method will be utilized in the event that more students apply for admission to the open-enrollment public charter school than can be accommodated under the terms of the charter, except as allowed for in Arkansas Code Annotated §6-23-306(14)(C). Should an applicant believe that the use of a weighted lottery is necessary, the applicant shall state how they will comply with the requirements of Arkansas Code Annotated 6-23-306 (14) (c).

Students for STRIVE will service students who are not currently being served or underserved by the school districts in the EAEC. This group of students would include but will not be limited to adjudicated juveniles, dropouts, and other school age students who are referred to the regional high school by the Juvenile Judge. If a number of parents/students seeking enrollment in the school exist, that exceeds capacity, the students will be selected using a random, anonymous lottery selection process.

12. Summarize the job descriptions of the school director and other key personnel. Specify the qualifications to be met by professional employees (administrators, teachers, counselors, etc.) of the program. List the types of administrative positions, teaching positions, and support positions and how many of each.

All core area teachers will hold a license in their field of study.

The STRIVE Institute of Technology will employ the following: Principal/Director, Counselor, Core Subject Area/Elective Teachers, Special Education Teacher, Paraprofessionals, Treasurer/Bookkeeping, Office Secretary, School Security Officer, Probation Officer, Nurse, Career and Technical Education Teacher and Media Clerk/Literacy Tutor.

#### Principal/Director

The principal will be highly qualified to serve in this capacity and whose primary responsibility will be to ensure that the school is reaching its goals and moving toward accomplishing its mission of improving the academic achievement of every student. He or She will be able to serve as in instructional leader in curriculum planning, review and implementation. He or she should also be knowledgeable in working with at-risk students and in assessing and diagnosing the needs of the students and staff and in presenting and/or providing the staff

development opportunities to address those needs. He or She will also be responsible for building administration and the safety and welfare of the students and staff members.

#### Counselor

The primary responsibilities of the school counselor will be to model the philosophy and ideals of the school and will spend 100% of their time working with students and teachers to identify resources and support services that will benefit the students and their families.

#### Core Subject Area/Elective Teachers

STRIVE Institute of Technology will seek teachers in each academic area, who are certified/highly qualified and/or seeking highly qualified status in their prospective teaching assignments. The primary responsibility of each teacher is to ensure that every student is meeting or is on target to meet the goals and mission of the school.

#### Special Education Teacher

The primary responsibility of the special education teacher is to ensure that every student is meeting or is on target to meet the goals and mission of the school as defined by the Individual Education Plan (IEP) of each identified student. An essential duty for the special education teacher will be to serve on the IEP Team and conduct the required conferences to ensure due process is achieved according to federal and state guidelines.

#### Paraprofessionals

Their responsibilities will be to provide support and supervision to the students while they are in the education setting. These employees will meet the highly qualified requirements.

#### Treasurer/Bookkeeping

The Treasurer/Bookkeeping will ensure that all of the financial operations are aligned with STRIVE's mission and corresponding regulations. The Treasurer/Bookkeeping will assist in the development of financial systems and structures to meet the school's expectations.

#### Office Secretary

The secretary will be responsible for maintaining the school office and records. He or she will also be responsible for assisting with preparing the school's reports as required by the district, state and federal agencies. The school secretary will be trained by the nurse to administer and document students' medication in the nurse's absence. The secretary will have an eleven (11) month contract.

#### School Security Officer



A security officer will be responsible for assisting in the maintaining the safety and security of the students and the staff members.

#### Nurse

He or She will administer students' medications; provide limited medical services, assists in providing health education programs and other health-related assigned duties. The nurse will train the school secretary to follow the medication administration procedures.

#### Library Media Clerk

The job of Library Media Clerk was established for the purpose/s of providing support to the instructional program with specific responsibilities for maintaining the library collections at school sites; identifying age appropriate resources for students and teachers utilizing library resources; selecting appropriate items in support of classroom instruction; and performing clerical functions related to collection, processing, circulation, maintenance, and inventory of library materials and/or textbooks.

#### Literacy Tutor

To help an adult learner develop and use reading and writing skills to meet self-identified goals.

13. Explain how the school will conduct its business office, with what personnel, and describe the process by which the governance structure of the school will adopt an annual budget.

The STRIVE Institute of Technology will be required to operate in compliance with the finance manual which includes, but is not limited to, the accounting cycle, procedures for management of cash, processing cash disbursements, processing purchases and payments, processing revenue and cash receipts, budgets and financial reporting, payroll and management of property and equipment. The manual describes the policies and procedures for handling financial transaction of the STRIVE Institute of Technology. The policies are designed to safeguard the assets of the school, facilitate compliance with applicable law, and produce timely and accurate financial information.

The Treasurer/Bookkeeper, in consultation with the Principal/Director will prepare an annual operating budget of revenues and expenses for each school. The budget and projection are reviewed and approved annually, first by the Principal/Director, then by the Finance Committee of the Board and finally by the School's Board of Trustees and modified as necessary with approval.

14. Describe the manner in which an annual audit of the financial and programmatic operations of the school will be conducted.

An independent audit firm that is knowledgeable of Charter School Regulations will audit STRIVE Institute of Technology financial statements annually. The audit committee will research and identify an independent auditor, identify job expectations during engagement period and make recommendation to the Board.

15. Provide a statement that the public charter school will participate in the Arkansas Public School Computer Network for reporting education data, as required by state statute or by State Board of Education rule.

The STRIVE Institute of Technology will report educational data through the Arkansas Public School Computer Network.

16. Describe the facilities to be used. Give the present use of the facility and the use for the past three (3) years. If the facility to be used for the school is a facility of a school district, describe the terms established by the local school board of the district stipulating the relationship between the proposed public charter school and the district pertaining to the use of the facility. Attach a copy of the agreement, signed by the president of the local school board, the chair or president of the governing body of the proposed open-enrollment public charter school, and the chief operating officer of the proposed charter. If the facility is not operated by a school district, attach a copy of the agreement, signed by the entity owning or operating the facility and the chief operating officer of the proposed charter.

Please identify the owner(s) of the proposed facility and describe their relationship, if any, with:

- (1) Members of the local board of the public school district where the proposed open-enrollment public charter school will be located,
- (2) Employees of the public school district where the proposed open-enrollment public charter school will be located,
- (3) The eligible entity sponsoring the open-enrollment public charter school, or
- (4) Employees/directors/administrators of the proposed open-enrollment public charter school.

Include a statement that the facility will comply with all requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) and all other state and federal laws. The facility will be inspected by staff of the ADE or its designee prior to any State Board of Education action on the application. If the facility does not currently meet these requirements, provide a list of items that will need to be addressed to bring the facility into compliance. Also include a statement of permissible uses for the facility from the local zoning authority, and whether there are any alcohol sales within 1000 feet of the facility.

Lee County School District will lease to STRIVE, Inc. a 46,288 sq. ft. facility. The facility has been closed for the past two years. The use of the facility for 2008-2009 was an elementary school.

Term of the Lease: 15 years renewable up to five times

Rental Amount: \$1.00 per year

17. Describe the manner in which the school will make provisions for the following student services:

A.) Guidance Program

- i. A counselor will be utilized at the STRIVE Institute of Technology to meet the needs of the at-risk student's population, organize the State assessment program, maintain student records, work with the administrator in scheduling students in the appropriate classes and provide support for students in need of services.

B.) Health Services

- i. A nurse will be used in compliance with ADE standards and regulations governing school health services. A wellness program addressing juvenile obesity and physical fitness will be an area of emphasis.

C.) Media Center

- i. During the school calendar year, the STRIVE Institute of Technology will begin the process of establishing a media center and will work towards full implementation of the media services to be in compliance with ADE standards no later than 2013 – 2014 school year.

D.) Transportation

- i. Transportation will be provided in accordance to the STRIVE Institute of Technology.

E.) Special Education

- i. The STRIVE Institute of Technology will provide services in accordance with the federal and state guidelines who qualify for services under IDEA and Section 504 as deemed necessary by each individual student's Individual Educational Plan (IEP).

F.) Alternative Education

- i. An alternative learning environment, all guidelines and regulations governed by ACT 59 will be followed except for services for which waivers have been requested.

G.) Gifted and Talented Program

- i. Every opportunity will be taken to provide an enriched curriculum for identified gifted and talented students.

Please note that under federal guidelines students with disabilities shall be provided specific services and all aspects of IDEA apply. The public charter school cannot waive the responsibility of providing services for students with disabilities.

The STRIVE Institute of Technology will adhere to all federal and state guidelines for students who qualify for services under IDEA and Section 504.

18. Describe the manner in which the school will make provisions for food services.



The STRIVE Institute of Technology will participate in the Federal Child Nutrition Program. The food service plan will serve all eligible students. The STRIVE Institute of Technology will contract with a catering service, and we will ensure that the service provider will be a Federal Child Nutrition Program approved catering service. Students will be allowed to bring their lunch. The school will abide by all regulations prohibiting the sale of carbonated beverages and other prohibited foods. For safety and efficiency during the lunch period, the school will not have microwave ovens available for students use; neither will refrigeration be available for lunches brought from home. Parents will be advised of these rules before school begins.

Please note that under federal guidelines students with disabilities shall be provided specific services and all aspects of IDEA apply. The public charter school cannot waive the responsibility of providing services for students with disabilities.

19. Describe how the parents or guardians of the enrolled students will be involved with the school and its educational programs.

The STRIVE Institute of Technology supports a collaborative partnership between the school faculty and staff, students and parents. Parent involvement is encouraged and welcome, for it is necessary for the success of the school. The STRIVE Institute of Technology will continue to seek diverse strategies to involve parents from communities.

20. List the provisions of Title 6 of the Arkansas Code Annotated (Education Code) and the State Board of Education rules, including sections of the Standards for Rules as allowed, established by the State Board that the open-enrollment public charter school seeks to be exempted from in order to meet the goals of the school. Identify the specific State Board rules requested to be waived by title and section number if applicable. Provide a brief description of the need for each waiver requested.

STRIVE may need waiver on shop area until funds for construction is obtained and construction is complete.

21. Describe the potential impact of the proposed open-enrollment public charter school on the efforts of affected public school district(s) to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

There is no potential impact of the proposed STRIVE Institute of Technology on the public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools. The districts and the STRIVE Institute of Technology will work to be in compliance with all laws and regulations.

Attachments must be included in the following order:

- Applicant's attachments (if any) supporting narrative responses
- A copy of the school's calendar and daily schedule (required)
- Facility use agreement (required)
- Proposed budget using template as provided (required)
- Proposed salary schedule for both administrative and teaching positions (required)
- Evidence of status as eligible entity (required)
- Evidence of parental and community support (applicant's attachments)
- Signed Statement of Assurances Form (required)
- Lease Agreement as provided (required)

# STRIVE Institute of Technology

## 2012 – 2013 Calendar of Events

1st Semester -- August 8, 2012 to December 19, 2012	
August 1-3	Student Registration
August 8,9, 10	Teacher In-Service (3 days - Act 1185 included)
August 13	First Day of School-Begin 1st Quarter, Begin 1st Semester
September 3	Labor Day Holiday
September 14	Mid-Nine Weeks - Progress Reports for 1st Quarter
October 12	End of 1st Quarter (44 days)
October 15	Begin 2nd Quarter
October 24	Parent-Teacher Conference (4:00 - 6:30 PM)
November 1, 2	Teacher In-Service -- AEA Conference (NO students)
November 16	Mid-Nine Weeks - Progress Reports for 2nd Quarter
November 21-23	Thanksgiving Holiday (3 days)
December 19	End of 2nd Quarter (40 days) End of 1st Semester
December 21-January 2, 2011	Christmas Vacation
2nd Semester -- January 4, 2013 to May 24, 2013	
January 4	Begin 3rd Quarter & 2nd Semester
January 21	Dr. Martin Luther King, Jr. Holiday
February 8	Mid-Nine Weeks - Progress Reports for 3rd Quarter
February 20	President's Day Holiday
March 8	End of 3rd Quarter (46 days)
March 11	Begin 4th Quarter
March 25 - March 29	SPRING BREAK
April 4	Parent-Teacher Conference (4:00 - 6:30 PM)
April 24	Mid-Nine Weeks - Progress Reports for 4th Quarter
May 17	Graduation
May (TBA- We want to align our calendar with school district calendar of the students we serve)	Last Day of School for Students End of 4th Quarter (48 days) End of 2nd Semester (94 days) <sup>13</sup>

# **STRIVE Institute of Technology**

## **Daily Schedule**

**(TENTATIVE)**

8:30 – 9:00 A.M.		BREAKFAST
9:00 – 9:15 A.M.		M.E.L.T
9:15 – 9:20 A.M.		DISMISS TO CLASS
9:20 – 10:55 A.M.		1 <sup>ST</sup> BLOCK
10:55 – 11:00 A.M.		DISMISS TO CLASS
11:00 – 12:05 P.M.		CLASS
12:05 – 12:10 P.M.		DISMISS TO CLASS
12:10 – 12:50 P.M.		1 <sup>ST</sup> LUNCH
12:10 – 12:50 P.M.		BEHAVIOR MODIFICATION
12:50 – 1:20 P.M.		2 <sup>ND</sup> LUNCH
1:20 – 1:25 P.M.		DISMISS TO CLASS
1:25 – 3:50 P.M.		2 <sup>ND</sup> BLOCK
3:50 PM		STUDENTS DISMISSED

**OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL  
FACILITIES UTILIZATION AGREEMENT AND LEASE AGREEMENT**

Lessor (Owner): Lee County School District

Lessee (Tenant): STRIVE, Inc.

Any information regarding affiliation, family ties, or other relationships between the Lessor (Owner) and Lessee (Tenant) must be disclosed with the facilities lease agreement.

Describe the present use of the facility and use for prior three (3) years:

The facility has been closed for the past two  
years. The use of the facility for 2008-2009  
was as an elementary school.

Premises: 351 Moton Street; Marianna, AR  
address

46,288 Sq. Feet  
square footage

Terms of Lease: 15 years renewable up to five times

Rental Amount: \$1.00 per year

Contingency: The terms of this agreement are contingent upon  
STRIVE Inc. (sponsoring entity)  
receiving a charter to operate an open-enrollment public  
charter school from the State Board of Education  
by August of 2012.

Statutory Language Concerning No Indebtedness: No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the state or its political subdivisions, and no indebtedness of the open-enrollment public charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions.

Lessee:

Lessor:

By Reail Twillie  
Reail Twillie

Date \_\_\_\_\_

Lee County School District No. 1

By Saul Lusk

Date 8/31/2011

**LEE COUNTY SCHOOL DISTRICT  
BOARD OF DIRECTORS**

<b>DIRECTORS</b>	<b>ZONES</b>	<b>TERM EXP.</b>
Kendon Gray 5736 Hwy. 1. N Marianna, AR. 72360	4	September 2014
Wayne Corkran 94 Lee 211 Marianna, AR. 72360	5	September 2012
Milton Hall 250 Pearl Street Marianna, AR. 72360	7	September 2013
Lafayette Smith 629 Hicky Apt. 25 Marianna, AR. 72360	3	September 2013
Elizabeth Johnson 55 Hill Street Marianna, AR. 72360	6	September 2012
Victoria Perry 3039 Lee 246 Lexa, AR. 72355	2	September 2011
David Waldrip 510 1 <sup>st</sup> Street Moro, AR. 72368	1	September 2010

**Public Charter School Application**  
**Estimated Budget Worksheet / Template**

<u>Line#</u>	<u>Revenues</u>	<u>Amount</u>	<u>Total</u>
1	State Public Charter School Aid:		
2	No. of Students ( <u>100</u> ) x \$6,023.00 State Foundation Funding		
3			626,700.00
4	No. of Students ( <u>100</u> ) x \$41.33 Professional Development		5,200.00
5	No. of Students ( <u>100</u> ) x eligible rate* NSLA Funding		154,900
6	Total State Charter School Aid		786,800.00 \$0.00
7			
8	Other Sources of Revenues:		
9	Private Donations or Gifts	0.00	
10	Federal Grants (List the amount)	600,000.00	
11	Special Grants (List the amount)		
12	Other (Specifically Describe)		
13			600,000.00
14	Total Other Sources of Revenues		\$0.00
15			
16	<b>TOTAL REVENUES</b>		<b>1,386,800.00 \$0.00</b>

<u>Line#</u>	<u>Expenditures</u>	<u>Amount</u>	<u>Total</u>
19	Administration:		
20	Salaries: (No. of Positions <u>    </u> )	68,000.00	
21	Fringe Benefits	9,960.00	
22	Purchased Services		
23	Supplies and Materials		
24	Equipment	4,500.00	
25	Other (Describe)		82,462.00 \$0.00
26			
27	Regular Classroom Instruction:		
28	Salaries: (No. of Positions <sup>9</sup> <u>    </u> )	378,000.00	
29	Fringe Benefits	55,377.00	
30	Purchased Services		
31	Supplies and Materials		
32	Equipment	250,000.00	
33	Other (Describe)		683,377.00 \$0.00

\*NSLA Funding eligibility rate: the amount of funding is based on the percentage of students eligible for free or reduced price meals. Below seventy percent (70%): \$496.00 per student; between seventy and ninety percent (70-90%): \$992.00 per student; and ninety percent and above (90%): \$1,488.00 per student.

34 (Budget Continued)

35 Special Education:

36 Salaries: (No. of Positions <sup>1</sup> )	40,000.00		
37 Fringe Benefits	5,860.00		
38 Purchased Services			
39 Supplies and Materials			
40 Equipment	2,500.00		
41 Other (Describe)		48,360.00	\$0.00

42

43 Gifted and Talented Program:

44 Salaries: (No. of Positions <sup>1</sup> )	10,000.00		
45 Fringe Benefits	1,465.00		
46 Purchased Services			
47 Supplies and Materials			
48 Equipment	10,000.00		
49 Other (Describe)		21,465.00	\$0.00

50

51 Alternative Education Program:

52 Salaries: (No. of Positions )	TBA		
53 Fringe Benefits			
54 Purchased Services	Paid from Alternative Funds		
55 Supplies and Materials			
56 Equipment			
57 Other (Describe)			\$0.00

58

59 Guidance Services:

60 Salaries: (No. of Positions <sup>2</sup> )	Provided by Mental Health Agency		
61 Fringe Benefits			
62 Purchased Services			
63 Supplies and Materials			
64 Equipment			
65 Other (Describe)			\$0.00

66

67 Health Services:

68 Salaries: (No. of Positions )	Provided by Lee County Clinic		
69 Fringe Benefits			
70 Purchased Services			
71 Supplies and Materials			
72 Equipment			
73 Other (Describe)			\$0.00



74 (Budget Continued)

75 Media Services:

76	Salaries: (No. of Positions <u>    </u> )	Waiver Para Professional		
77	Fringe Benefits			
78	Purchased Services			
79	Supplies and Materials			
80	Equipment	20,000.00		
81	Other (Describe)		20,000.00	\$0.00

82  
83 Fiscal Services:

84	Salaries: (No. of Positions <u>1</u> )	36,000.00		
85	Fringe Benefits	5,274		
86	Purchased Services			
87	Supplies and Materials			
88	Equipment	19,000.00		
89	Other (Describe)		60,274.00	\$0.00

90  
91 Maintenance and Operation:

92	Salaries: (No. of Positions <u>2</u> )	20,000.00		
93	Fringe Benefits	2,930.00		
94	Purchased Services			
95	(include utilities)			
96	Supplies and Materials			
97	Equipment	17,000.00		
98	Other (Describe)		39,930.00	\$0.00

99  
100 Pupil Transportation:

101	Salaries: (No. of Positions <u>4</u> )	35,600.00		
102	Fringe Benefits	5,274.00		
103	Purchased Services			
104	Supplies and Materials	8,058.00		
105	Equipment			
106	Other (Describe)		48,932.00	\$0.00

107  
108 Food Services:

109	Salaries: (No. of Positions <u>2</u> )	Will be paid from child network		
110	Fringe Benefits			
111	Purchased Services			
112	Supplies and Materials			
113	Equipment	200,000.00		
114	Other (Describe)		200,000.00	\$0.00

115	(Budget Continued)			
116	Data Processing:			
117	Salaries: (No. of Positions____)			
118	Fringe Benefits			
119	Purchased Services			
120	Supplies and Materials			
121	Equipment	97,000.00		
122	Other (Describe)		97,000.00	\$0.00
123				
124	Substitute Personnel:			
125	Salaries: (No. of Positions____)	TBA		
126	Fringe Benefits			\$0.00
127				
128	Facilities:			
	Lease/Purchase (contract for one total			
129	year including facility upgrades)			
130	Please list upgrades:			
131				
	Utilities (contract for one total year			
132	including facility upgrades)	70,000.00		
	Insurance (contract for one total year			
133	including facility upgrades):			
134	Property Insurance	10,000.00		
135	Content Insurance	5,000.00	85,000.00	\$0.00
136				
137	Debt Expenditures:			\$0.00
138	Other Expenditures:			
139	(Describe)			\$0.00
140				
141	<b>TOTAL EXPENDITURES</b>		<b>1,386,800.00</b>	<b>\$0.00</b>

**STRIVE INSTITUTE OF TECHNOLOGY**  
**Employee Salary Schedule**

<b>Years of Service</b>	<b>Bachelor's</b>	<b>Masters</b>	<b>Specialist</b>	<b>Annual Increment &amp; Level of Pay</b>
0	\$34,610.00	\$38,922.00	\$40,601.00	
1	\$35,110.00	\$39,422.00	\$41,101.00	500
2	\$35,610.00	\$39,922.00	\$41,601.00	
3	\$36,610.00	\$40,422.00	\$42,101.00	
4	\$36,610.00	\$40,922.00	\$42,601.00	
5	\$37,110.00	\$41,422.00	\$43,101.00	
6	\$37,610.00	\$41,922.00	\$43,601.00	
7	\$38,110.00	\$42,422.00	\$44,101.00	
8	\$38,601.00	\$42,922.00	\$44,601.00	
9	\$39,110.00	\$43,422.00	\$45,101.00	
10	\$39,601.00	\$43,922.00	\$45,601.00	
11	\$40,101.00	\$44,422.00	\$46,101.00	
12	\$40,601.00	\$44,922.00	\$46,601.00	
13	\$41,101.00	\$45,422.00	\$47,101.00	
14	\$41,601.00	\$45,922.00	\$47,601.00	
15	\$42,110.00	\$46,422.00	\$48,101.00	
16	\$42,601.00	\$46,922.00	\$48,601.00	
17	\$43,110.00	\$47,422.00	\$49,101.00	
18	\$43,601.00	\$47,922.00	\$49,601.00	
19	\$44,110.00	\$48,422.00	\$50,101.00	
20	\$44,610.00	\$48,922.00	\$50,101.00	

Evidence of status as eligible entity

The STRIVE Institute of Technology has applied for its 501 (c) (3) non-profit status.

# STRIVE INSTITUTE OF TECHNOLOGY



SUBMITTED TO:

Eastern Arkansas Education Consortium

(Consisting of School Districts: Lee County, Hughes, Forrest City,  
Palestine/Wheatley, Barton, Helena/West Helena, Marvell, Brinkley and  
Clarendon)

PRESENTED BY:

JACK B. CRUMBLY

August 17, 2011

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# Previous Findings

## Big picture

- The prison population has more than doubled over the past 20 years.
- The annual cost of corrections is 8 times higher (\$349 million) than 20 years ago (\$43 million).
- If current practices and policies continue, the prison population will rise 43%, more than 6,500 inmates, in the next 10 years.
- This growth will cost an estimated \$1.1 billion between 2010 and 2020.
- Construction costs alone will exceed \$350 million.

# Previous Findings

## Big picture

- Admissions to prison have increased more than 23% in the last decade.
- Admissions to probation have significantly decreased.
- Admissions to prison have continued to grow despite the fact that the crime rate has declined over the past 3 years.
- The increasing prison population has placed significant pressure on local jails to house state prisoners.
- The Emergency Powers Act has been invoked consistently since 1998 to relieve overcrowding.



## **PROBLEM STATEMENT AND NEEDS ASSESSMENT**

### **Special Training in Remedial Instruction and Vocational Education (STRIVE)**

The states of the lower Mississippi Valley region have a higher percentage of families, households, and individuals in poverty than any other section of the United States, according to the Mississippi Delta Commission, headed by then Governor William Jefferson Clinton of Arkansas and Past President of the United States of America. Despite major efforts to alleviate poverty in this region, it persists and remains a problem today. The cycle of poverty in the four Arkansas Counties where the targeted population resides has continued to be among the poorest counties in the country.

The cycle of poverty has led to numerous problems that the STRIVE Institute is designed to solve. The parents possess limited skills of providing the necessary nurturance and guidance to their children. This leads to a group of economically disadvantaged children and youth who become prime targets for becoming illiterate, drop outs, drug and alcohol abusers, participants in violence, and street and neighborhood conflict. These individuals are the top candidates for gang activity and the juvenile justice system.

The institute provides opportunities for these young people to refocus their lives. The institute provides an opportunity to assist non-violent youth offenders who have entered the juvenile justice system.

According to the August 2010 Arkansas Sentencing and Corrections Analysis Report:

- The prison population has more than doubled over the past 20 years.
- The annual cost of corrections is 8 times higher (\$369 million) than 20 years ago (\$43 million).
- A projected 10-year growth will have a 43% rise (more than 6,500 inmates) and this growth will cost an estimated \$1.4 billion between 2010 and 2020.

The total annual State of Arkansas costs for adjudicated youth: Direct Services \$26,120,390.55. Indirect Education Costs = \$606,091.32 which gives a total costs of \$26,726,481.87. Total costs per adjudicated youth: Residential Placement \$103,925.72. Education for Residential Placement = \$2,115.48. Total Costs = \$106,041.20.

The STRIVE Institute will assist the State of Arkansas at reducing these kinds of above mentioned costs by providing prevention services for non-residential (100) targeted youth. See attachment from the Arkansas Department of Youth Services.

# Juveniles target of new program called STRIVE

Senator proposing to locate school  
for youth in vacant Lee Co. building.

Kendall Owens  
T-H Staff Writer

back on the streets with no marketable skills, no diploma, no GED and nothing to fall back on."

Crumbly said the majority of the students in the program will be recommended by the juvenile court system and that for most, the school would serve as a last stop before incarceration, be that at a youth facility or the state prison.

Crumbly has been working with officials in the Lee County School District to facilitate the creation of the STRIVE (Special Training in Remedial Instruction and Vocational Education) Institute of Technology which would be located on the vacant Anna Strong campus in Marianna. According to Crumbly, the institute would be a non-residential campus for 100 adjudicated teens, those who have been convicted of crimes, ages 14 to 19, from the ninth through 12th grades. The student population would consist of teenagers from St. Francis, Phillips, Lee and Crittenden counties and would only serve non-violent offenders.

"We have far too many children who are falling through the cracks, and this could possibly give us an alternative to sending these children away, only for them to end up later in

"What we're basically trying to do is create an educational boot-camp. This is something for those children who are not currently getting the job done in the traditional environment, but we're not going to serve as babysitters either. This program is going to be for students with serious issues who are serious about changing their lives, and if not, we're going to send them on their way," said Crumbly.

Crumbly said there will be seven different areas taught at the school: Cosmetology and barbering, computer technology, building technology (carpentry and masonry), culinary arts, welding, HVAC and a med-pro health curriculum, which will train students for the medical field.

"Our goal is to provide training for these students which will lead to a diploma or a GED.

TIMES-HERALD - Forrest City, Ark.

## STRIVE

(Continued from Page 1)

that is productive to society instead of counterproductive.

The program will be able to serve 25 students in each grade, and Crumbly said he is hoping to form a partnership with Crowley's Ridge Technical Institute that would allow students who complete the STRIVE program to move on to CRTI to complete their certification.

"We're just trying to do what it takes to help these children. Right now we send them off and they come back, maybe with a diploma or a GED, but that's it. We're going to teach those who want it, a marketable skill. Our hope is to have an intern program which will place these students in a workplace environment and provide tax benefits to businesses that participate. For those who go through our program but can't finish their certification, it would be perfect if they were able to transition directly from the STRIVE program to Crowley's Ridge and have all of those hours spent with us there to transfer to their certificate hours," said Crumbly.

"We have to do something

because we're paying a very high cost to house our inmates. A large number of the people we're housing in the prison system today started off in our juvenile system and have been incarcerated for much of their lives. If we can change the path for a few, we've done our job," he said.

Crumbly said his goal is for the program to begin next fall with its first class. He said he is still working to secure funding for the program and said it is not the goal of the program to compete with area school districts for funding.

"I definitely don't want to compete with our local school districts for funding, and my hope is that we can be revenue-neutral. The fact is, the kids we're going after are not the ones who are getting up every morning and going to school and doing things the right way. We're talking about the kids who aren't going to school and are already in the judicial system. That's why I'm stressing that the vast majority of the students we're talking about will be sent to us by court order. We'll be that last stop before they won't be going home to mama and daddy after school," he said.

# Program would encourage at-risk youth to 'STRIVE'

MARIANNA — A special program designed to decrease the incarceration rate in Arkansas is being championed by State Sen. Jack Crumbly.

Crumbly recently addressed a public meeting in Marianna about a program called STRIVE, which stands for Special Training in Remedial Instruction and Vocational Education.

"Arkansas currently has one of the highest incarceration rates in the United States," Crumbly said. "The prison population has more than doubled over the past 20 years. The annual cost of corrections is around \$849 million, eight times higher than the \$43 million of 20 years ago. If current practices and policies continue, the prison population will rise 43 percent and will cost an estimated \$1.1 billion between 2010 and 2020. Construction costs alone will exceed \$350 million. It is a crisis that we know is coming."

STRIVE would target juveniles on their way to detention centers. It would be a regional school available to Lee, St. Francis, Phillips and Crittenden counties. It would be a technical school teaching cosmetology and barbering, computer technology, building technology (carpentry and masonry), culinary arts, welding, HVAC, medical professions, and possibly automotive technology.

The purpose of the STRIVE Institute is to keep a target population of 100 students, ages 14 to 19, in school through graduation or attainment of a GED in preparation for a vocation and/or career," Crumbly said. "Following graduation or attainment of a GED, these targeted students will be exposed to intense vocational education skills development. This exposure will equip students with a marketable skill. It will provide intense individual instruction in both

remedial and advance academic skills."

Crumbly continued, "You are going to pay for it one way or another. I would rather we pay for their counseling and skill training now. Most of our kids don't go to college. We still have to provide jobs for those kids."

Crumbly said he believed that the unoccupied Anna Strong Elementary building could be used to house both STRIVE and the Boys & Girls Club, which has also expressed interest in the building.

"We're probably the last resort for these kids," Crumbly said.

One of the audience members, Monette Baker, appeared to like the idea of STRIVE.

"This will give 18 and 19-year-old graduates who are not college bound a chance," Baker said. "We have to have something to keep them off the streets."

Lee County School Superintendent Saul Lusk asked Crumbly if there was to be an administrative staff or if the LCSD would have to provide the staff.

"STRIVE would be a completely different entity from LCSD. We would have our own certified staff," Crumbly replied.

"What's the hook?" Elizabeth Johnson asked. "Why are the other communities going to buy into this down here in Marianna?"

"Their juveniles are going to be a part of the school, too," Crumbly replied. "If they do not conform, they go back to juvenile jail. It's going to be high school not play school," Crumbly said. "Success breeds success. You'd be surprised at how much a little thing can be for a person who's never had the light of the sun on their face. Is it going to be easy? No. Can it work? Yes, I think it can."

"We are dealing with those with the most special of needs."

See STRIVE, Page 2

a program for Eastern Arkansas. We are going to need your help. It will not go anywhere with just this thought."

The school board held a special called meeting the next day and approved Crumbly's use of the Anna Strong building for STRIVE. "There are more pros than cons for me personally," Lusk said of his recommendation that put the issue to vote.

providing the building." "Will it be a year-round school?" Victoria Perry inquired.

"That depends on if we can get grants for summer school. But there will be the summer apprenticeship program," Crumbly said.

"This is not a Jack Crumbly Program," Crumbly said as he was completing his presentation. "This is a program for students. This is

will survive and I think it can work."

Other concerns about how students from each county would be counted, and concerns about duplication of programs within the districts were also expressed.

"I do not want to get into a turf war," Crumbly replied. "We are going to try to make this as revenue neutral as possible. Lee County will have priority on students for

it's going to take a master teacher to handle the situation. But again, it's \$11,000 to pay the teachers versus \$70,000 to incarcerate a juvenile/adult prisoner."

"It takes a village to raise a child. We as adults are the gate keepers of the village. Some are going to sink and some are going to swim," Crumbly said. "Children are going to mirror our Delta. We are going to struggle but we

"There will be 25 for each grade, but as far as per county, we haven't worked out the logistics of it," Crumbly answered. "When we start out we are going to go through a lot of kids. I'm just going to be truthful. It's going to take a while to find those 25 kids from each grade first who will stay."

He said, "It won't be a bare bones school. It's going to be an expensive school because

STRIVE

(Continued from Page 1)

Crumbly continued, "I'm not saying we are going to take these kids and transform them into perfect angels overnight. I won't tell you what we are about to embark on isn't hard; it is. Will it crash and burn or fly? Well, we are going to try to make it fly." Another question from the audience was in regard to how many students from each county there would be.



# Lee County School Board gives STRIVE lease an OK

## Legislation, funding still an issue on alternative high school

MARIANNA — A big step has been taken on the road to establishing a pilot program in Marianna for teens in the juvenile justice system.

A location has been secured. The biggest step remains — finding the money.

The Lee County School Board recently approved the lease of the Anna Strong Elementary School building to house a program named STRIVE, for Special Training in Remedial Instruction and Vocational Education. The program is the vision of state Sen. Jack Crumbly. Crumbly has a bill that would establish, through the Division of Youth Services, a regional high school system for juveniles in the justice system.

When contacted, Crumbly said he has not encountered any opposition to his bill.

"As far as the concept, everyone loves the concept. The only challenge has been funding," said Crumbly. "Money is just tight right now, but hope springs eternal."

Crumbly has said the primary goal for these community-based alternative schools would be to prevent young people ages 14 to 19 from going to prison. The schools would teach marketable skills to the young people.

Along with providing a 22-credit minimum curriculum to obtain a diploma, vocational education would be offered. Some of these include building, HVAC, computer technology, cosmetology and barbering, among others. Academics will not be ignored,



Crumbly

Crumbly has said. And he continues the search for dollars.

"I've made some amendments, still trying, as always, to look for funding," said Crumbly. He said the bill is currently in the Senate's State Agencies Committee.

While STRIVE will have a 15-year lease for \$1 a year, Crumbly said the pilot project will have to find the money to pay for maintenance, upkeep, teachers and some renovation.

"There will have to be some renovation done," Crumbly said. "Right now it's just an elementary school. And for some of the vocational classes, it's going to require more than just one

classroom. For instance, for carpentry there may have to be some walls taken out. A carpentry program would need a shop area with a 10-foot ceiling and a large door. We'll have to renovate it to make those skill areas comply with state regulations."

STRIVE will also have to pay for insurance.

"And one of the board members was wanting to know whether our students would have the opportunity to mingle with children from the middle school, which is right next door, and I assured him that would not happen," said Crumbly.

He said there is also a provision that would allow the school district to take the building back — with notice — in case the building is needed again.

Crumbly said different sources of funding are also being sought, even if the bill passes.

"We're always looking to foundations, grants and other types of funding, which we were going to do anyway to get it up and running," he said.

According to Crumbly, the best-case scenario would have the STRIVE school opening for business this fall.

"That's what we're hoping," he said, "but if we can't, it might be delayed until January or the beginning of the next school year. You have to have the funding in order to make it fly. But we're certainly hoping we can have it up and running, even if not at full speed, some time in this coming school year."

**ANN BEANE HUDSON**

CIRCUIT JUDGE, DIVISION 5  
FIRST JUDICIAL DISTRICT OF ARKANSAS  
POST OFFICE BOX 995  
FORREST CITY, ARKANSAS 72336-0995

(870) 633-5995  
Fax (870) 630-1203  
annbudson@gmail.com

Toni Martinez, Case Coordinator  
atty McClain, Certified Court Reporter

Chambers  
St. Francis County Courthouse  
315 South Izard Street  
Forrest City, AR 72335

*Cross • Lee • Monroe • Phillips • St. Francis • Woodruff*

February 21, 2011

The Honorable Jack B. Crumbly  
Arkansas State Senate  
88<sup>th</sup> General Assembly  
Little Rock, Arkansas

RE: Strive Institute of Technology

Dear Senator Crumbly:

I have read your report on the Strive Institute of Technology (hereinafter "Strive"), and now, having fully discussed the concept with you, I am confirming my support of this program. Of the four targeted counties for this program, three of them (St. Francis County, Lee County and Phillips County) are in the First Judicial District. I am the circuit judge for the juvenile division in each of these three counties, as well as the other three counties in the district.

I can hardly contain my excitement over the possibility of having this program in the First Judicial District. For all six counties in this district, we have only five juvenile officers to perform intake and probation duties. Although the five officers do a remarkable job, we simply do not have adequate resources to address all the problems with drug and alcohol use, gangs, violence and truancy. Almost every day in juvenile court, teens that do not have basic literacy skills are convicted of offenses. These teens are destined to fail in traditional school settings. "Strive" could be the breath of hope for these youth.

I fully support this program designed to provide services and interventions for our adjudicated juveniles, and I can only hope that it will come to fruition. We desperately need more community based resources for this district. Thank you for your efforts on behalf of our children.

Respectfully,

A handwritten signature in cursive script that reads "Ann Beane Hudson".

Ann Beane Hudson



**KATHLEEN BELL**  
CIRCUIT JUDGE  
FIRST JUDICIAL CIRCUIT  
OF ARKANSAS

P. O. BOX 177  
ELENA, ARKANSAS 72342

OFFICE: (870) 338-5522  
FAX: (870) 338-5595

February 23, 2011

Senator Jack Crumbly  
State Capitol  
500 Woodlane  
Little Rock, Arkansas 72201

Re: Senate Bill 339

Dear Mr. Crumbly:

I have had the opportunity to review Senate Bill 339. It is my opinion efforts of this type are of immense benefit to the youth of our community. If we do not seek to meet the needs of this underserved community at this point, to provide the chance for new beginnings, we will surely lose another generation of our young. I would support the passage of this bill.

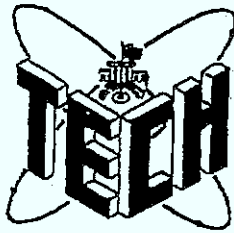
It would be my honor to assist in this effort in what ever manner you deem helpful.

I am,

Sincerely,

A handwritten signature in dark ink, appearing to read "Kathleen Bell".

Kathleen Bell,  
Circuit Judge



**Crowley's Ridge Technical Institute**

P.O. Box 926  
Forrest City, AR 72336-0926  
(870) 633-5411  
FAX (870) 633-9328  
1-800-842-2317  
Burl W. Lieblong, President

Arkansas Department of Workforce Education  
Arkansas Department of Education

February 22, 2011


Senator Jack B. Crumbly  
1823 SFC 414  
Widener, AR. 72394

Dear Senator Crumbly:

The Local Board of Crowley's Ridge Technical Institute is very willing to provide support to the Special Training in Remedial Instruction and Vocational Education (STRIVE) project that you presented to the board on November 16, 2010. Our institution will provide and dedicate training slots in our programs for the successful completers of the STRIVE training program. All training programs, including Practical Nursing and Cosmetology, will be available to the completers.

Crowley's Ridge Technical Institute is here to serve the training needs of Eastern Arkansas and look forward to working with you in this endeavor. Thank you for your continued support of our institution and the people we serve.

Sincerely,

  
Burl W. Lieblong, President

BWL/rmw



State of Arkansas *As Engrossed: S2/24/11 S3/21/11 S3/28/11 H3/30/11*

88th General Assembly

## A Bill

Regular Session, 2011

SENATE BILL 339

By: Senator Crumbly

By: Representative Williams

### For An Act To Be Entitled

AN ACT TO ESTABLISH THE REGIONAL *EDUCATIONAL CAREER*  
*ALTERNATIVE SCHOOL SYSTEM* FOR ADJUDICATED YOUTH; AND  
FOR OTHER PURPOSES.

### Subtitle

*TO ESTABLISH THE REGIONAL EDUCATIONAL*  
*CAREER ALTERNATIVE SCHOOL SYSTEM FOR*  
*ADJUDICATED YOUTH.*

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

*SECTION 1. Arkansas Code Title 6, Chapter 11, Subchapter 2 is amended*  
*to add an additional section to read as follows:*

*6-11-208. Regional Educational Career Alternative School System for*  
*Adjudicated Youth -- Multiagency task force -- Formation.*

*(a)(1) A multiagency task force, staffed and supported by the*  
*Department of Career Education, is established and shall consist of five (5)*  
*members, including:*

*(A) The Commissioner of Education or his or her designee;*

*(B) The Director of the Department of Career Education or*  
*his or her designee;*

*(C) The Director of the Department of Higher Education or*  
*his or her designee;*

*(D) The Director of the Department of Human Services or*  
*his or her designee; and*

*(E) The Director of the Department of Workforce Services*



1 or his or her designee.

2 (2) Funding for the multiagency task force shall be provided by:

3 (A) The Department of Career Education; or

4 (B) Each agency that serves on the multiagency task force,  
5 in an equal amount.

6 (3) The multiagency task force shall:

7 (A) Establish criteria and standards for a career-based  
8 curriculum to be offered in the Regional Educational Career Alternative  
9 School System for Adjudicated Youth;

10 (B) Formulate and recommend how to operate a Regional  
11 Educational Career Alternative School System for Adjudicated Youth; and

12 (C) Strive to open at least one (1) Regional Educational  
13 Career Alternative School for Adjudicated Youth in the 2013-2014 school year,  
14 upon the availability of funding.

15 (4) Beginning on October 1, 2011, the multiagency task force  
16 shall provide status reports to the Interim House Committee on Aging,  
17 Children and Youth, Legislative and Military Affairs and the Senate Interim  
18 Committee on Children and Youth one (1) time each quarter.

19 (b) The Regional Educational Career Alternative School System for  
20 Adjudicated Youth may consist of at least one (1) but not more than five (5)  
21 Regional Educational Career Alternative Schools for Adjudicated Youth.

22 (c) A Regional Educational Career Alternative School for Adjudicated  
23 Youth shall offer without limitation:

24 (1) At least the minimum twenty-two (22) credit curriculum  
25 required to obtain a diploma;

26 (2) Vocational education and certificates;

27 (3) Career education services, including the General Educational  
28 Development Test;

29 (4) Special education services; and

30 (5) Support services.

31  
32 SECTION 2. Arkansas Code § 9-27-323(e), concerning diversion  
33 agreements, is amended to add an additional subdivision to read as follows:

34 (e) Diversion agreements shall be limited to providing for:

35 (1) Nonjudicial probation under the supervision of the intake  
36 officer or probation officer for a period during which the juvenile may be

1 required to comply with specified conditions concerning his or her conduct  
2 and activities;

3 (2) Participation in a court-approved program of education,  
4 counseling, or treatment;

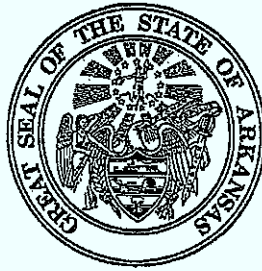
5 (3) Participation in a court-approved teen court; and

6 (4) Participation in a juvenile drug court program; and

7 (5) Enrollment in the Regional Educational Career Alternative  
8 School.

9  
10 /s/Crumbly

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13 APPROVED: 04/05/2011  
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## **SENATE BILL 339 of 2011**

*Sponsor: Senator Jack Crumbly*

### ***For An Act To Be Entitled***

***AN ACT TO ESTABLISH THE REGIONAL EDUCATIONAL CAREER  
ALTERNATIVE SCHOOL SYSTEM FOR ADJUDICATED YOUTH; AND  
FOR OTHER PURPOSES.***

### ***Subtitle***

***THE PURPOSE OF THE REGIONAL HIGH SCHOOL IS TO IDENTIFY  
AND EDUCATE A TARGETED POPULATION OF ADJUDICATED  
STUDENTS BETWEEN THE 9TH AND 12TH GRADES.***

## Overview

*The purpose of the Regional High School is to identify and educate a targeted population of adjudicated students between grades 9-12.*

*These students will be schooled through graduation or attainment of a GED in preparation for gainful employment or for completion of certification in their area of study. Using the "Career Academy" model for instruction, students will be exposed to an intense career and technical skills development program, which will ultimately develop the student's marketable skills.*

*After following and meeting all institutional exit requirements (22 - credit requirement or GED), the student will then be able to enter a vocational technical school, community college or enter directly into the job market. By providing various interventions, along with an intense program of study, student failure will be greatly reduced. Additionally, students will be given a greater chance to become productive citizens.*

The Regional High School will service targeted students from grades 9-12 (ages 14-19). It will provide intense individual instruction in both remedial and advanced academic skills. The Regional High School has the potential to counteract three of the most prominent problems affecting the education of adjudicated students in the State of Arkansas, which are as follows:

1. Poor educational attainment of low-income students
2. High dropout rate and low educational motivation of students living in poverty
3. The high number of adjudicated juveniles in the State of Arkansas

Many students in the State of Arkansas come from environments that make it very difficult for them to succeed in a regular school setting. The extreme poverty of the area provides little opportunity for students to find employment. As a result, many of these students are involved in illegal activities, including gangs and selling drugs in order to obtain money and status among their peers. Without an intervention program, such as the Regional High School, these students will likely continue their criminal activities, which will lead to incarceration by the Department of Youth Services or by the Arkansas Department of Correction. The total annual State of Arkansas costs for adjudicated youth are as follows:

- Direct Services \$26,120,390.55
- Indirect Education Cost \$606,091.32
- Total Cost for Services is \$26,726,481.87
- Total Cost Per Adjudicated Youth
  - Residential Placement \$103,925.72
  - Education for Residential Placement \$2,115.48
  - Total Cost for Residential Placement \$106,041.20

## Functions and Responsibilities Eastern Arkansas Education Consortium (hereafter referred to as EAEC)

Development and implementation of a Regional High School for adjudicated juveniles serving counties of Lee, Monroe, Phillips and St. Francis (see attached ACT 1202)

- The regional high school will services students that are not currently being served or underserved by the school districts in the EAEC. This group of students would include but limited to adjudicated juveniles, dropouts, and other school age students who are referred to the regional high school by the juvenile judges.
- The regional high school **WILL NOT** recruit students who are currently enrolled at any of the school district of the EAEC unless referred to by the juvenile judges or a special request is made by the school district to the juvenile judges for the student(s) to be considered for enrollment at the regional high school.
- The school districts of the EAEC **ARE NOT** financially obligated for the expenses associated with the regional high school.
- The EAEC by expressing support for the regional high school for adjudicated juveniles is by no means endorsing any other open enrollment charter school(s) either now or in the future.

**\*\*The school districts of the EAEC will serve in an advisory capacity and will meet semi-annually with the juvenile judges to assess the effectiveness of the regional high school and how to make it more efficient. By forming this consortium and with participation from all schools in the four counties will greatly strengthen and enhance the chances of EAEC becoming the regional high school that will be funded by the agencies listed in ACT 1202.**

## **OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL APPLICATION STATEMENT OF ASSURANCES**

The signature of the President of the 501 (c) (3) Board of Directors of the public charter school certifies that the following statements are addressed through policies adopted by the public charter school and, if approved, the governing body, administration, and staff of the open-enrollment charter shall abide by them:

1. The information submitted in this application is true to the best of my knowledge and belief and this application has been sent to the superintendent of all the districts from which we intend to draw students.
2. The proposed open-enrollment public charter school shall be open to all students, on a space available basis, and shall not discriminate in its admission policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility, except as follows: the open-enrollment public charter school may adopt admissions policies that are consistent with federal law, regulations, or guidelines applicable to charter schools. The charter may provide for the exclusion of a student who has been expelled from another public school district.
3. In accordance with federal and state laws the proposed open-enrollment public charter school hiring and retention policies of administrators, teachers, and other employees shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, or special need.
4. The proposed open-enrollment public charter school shall operate in accordance with federal laws and rules governing public schools; applicable provisions of the Arkansas Constitution; and state statutes or regulations governing public school not waived by the approved charter.
5. An open-enrollment public charter school shall not use the moneys that it receives from the state for any sectarian program or activity or as collateral for debt. However, open-enrollment public charter schools may enter into lease-purchase agreements for school buildings built by private entities with facilities bonds exempt from federal taxes under 26 USCS 142(a) as allowed by Arkansas Code Annotated § 6-20-402. No indebtedness of an open-enrollment public charter school shall ever become a debt of the state of Arkansas.
6. The proposed open-enrollment public charter school shall not impose taxes or charge students tuition or fees that would not be allowable charges in the public school districts.
7. The proposed open-enrollment public charter school shall not be religious in its operations or programmatic offerings.



8. The proposed open-enrollment public charter school shall ensure that any of its employees who qualify for membership in the Arkansas Teacher Retirement System or the State and Public School Employee Insurance Program shall be covered under those systems to the same extent a qualified employee of a school district is covered.
9. The employees and volunteers of the open-enrollment public charter school are held immune from liability to the same extent as other public school district employees and volunteers under applicable state laws.
10. The open-enrollment public charter school shall be reviewed for its potential impact on the efforts of the public school districts within the proximity of the open-enrollment public charter school to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
11. The proposed open-enrollment public charter school shall comply with all health and safety laws, rules and regulations of the federal, state, county, region, or community that may apply to the facilities and school property.
12. The proposed open-enrollment public charter school shall not use any funds it receives from the state for any sectarian program or activity or as collateral for debt.
13. The charter applicant should know that certain provisions of state law shall not be waived. The proposed open-enrollment public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code Annotated and any rule and regulation approved by the State Board of Education under this title relating to:
  - (a) Monitoring compliance with Arkansas Code Annotated § 6-23-101 et seq. as determined by the Commissioner of the Department of Education;
  - (b) Conducting criminal background checks for employees;
  - (c) High school graduation requirements as established by the State Board of Education;
  - (d) Special education programs as provided by this title;
  - (e) Public school accountability under this title; and
  - (f) Health and safety codes as established by the State Board of Education and local governmental entities.
14. The facilities of the proposed public charter school shall comply with all requirements for accessibility for individuals with disabilities in accordance with the ADA and IDEA and all other state and federal laws.
15. Should the open-enrollment public charter school voluntarily or involuntarily close, the applicant should know that any fees associated with the closing of the school

including but not limited to removal of furniture, equipment, general expenses, etc, are the sole responsibility of the sponsoring entity. No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the state or its political subdivisions, and no indebtedness of the open-enrollment public charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions. Upon dissolution of the Open Enrollment Public Charter School or upon nonrenewal or revocation of the charter, all net assets of the Open Enrollment Public Charter School, including any interest in real property, purchased with public funds shall be deemed the property of the state, unless otherwise specified in the charter of the Open Enrollment Public Charter School. If the Open Enrollment Public Charter School used state funds to purchase or finance personal property, real property or fixtures for use by the Open Enrollment Public Charter School, the State Board of Education may require that the property be sold. The state has a perfected priority security interest in the net proceeds from the sale or liquidation of the property to the extent of the public funds used in the purchase.

Cecil Twillie

Signature of President of the 501 (c) (3) Board  
of the Proposed Charter

Date: 8/31/11

Cecil Twillie

Print or type name

### LEASE AGREEMENT

This Lease Agreement ("Lease") is made and effective 29<sup>th</sup> day of March, 2011, by and between Lee County School District ("Landlord") and Strive Institute of Technology ("Tenant").

Landlord is the owner of the land and improvements located thereon and commonly known the Anna Strong elementary School in Marianna, Arkansas hereinafter referred to as the "Building" or the "Leased Premises."

Landlord makes available for lease a portion of the Anna Strong Elementary School Building designated as the "Leased Premises". Said Leased Premises being more particularly described on Attachment A that is incorporated into this lease by agreement.

Landlord desires to lease the Leased Premises to Tenant, and Tenant desires to lease the Leased Premises from Landlord for the term, at the rental and upon the covenants, conditions and provisions herein set forth.

THEREFORE, in consideration of the mutual promises herein, contained and other good and valuable consideration, it is agreed:

#### 1. Term.

A. Landlord hereby leases the Leased Premises to Tenant for use as the Strive Institute of Technology as a Division of Youth Services Regional High School System for Adjudicated Youth, a Nonprofit Corporation, and Tenant hereby leases the same from Landlord, for an "Initial Term" beginning February 1, 2011 and ending December 31, 2026. Landlord shall use its best efforts to give Tenant possession as nearly as possible at the beginning of the Lease term. If Landlord is unable to timely provide the Leased Premises, rent shall abate for the period of delay. Tenant shall make no other claim against Landlord for any such delay.

B. If Tenant is in not in breach of this lease, Tenant may renew the Lease for five extended term of 15 Years. Tenant shall exercise such renewal option, if at all; by giving written notice to Landlord not less than ninety (90) days prior to the expiration of the Initial Term. The renewal term shall be at the rental set forth below and otherwise upon the same covenants, conditions and provisions as provided in this Lease.

#### 2. Rental.

A. Tenant shall pay to Landlord during the Initial Term rental of [\$1] per year, payable in yearly installments. Each installment payment shall be due in advance on the first day of each calendar year during the lease term to Landlord at [Landlord's Designated Payment Address] or at such other place designated by written notice from Landlord or Tenant. The rental payment amount for any partial calendar months included in the lease term shall be prorated on a daily basis.

B. The rental for any renewal lease term, if created as permitted under this Lease, shall be [\$1] per year payable in installments of [\$1] per year.

### 3. Use

Tenant shall use the Leased Premises for the purpose of establishing a division of youth services regional high school system for adjudicated youth that will prevent youth from entering juvenile justice system. Notwithstanding the forgoing, Tenant shall not use the Leased Premises for the purposes of storing, manufacturing or selling any explosives, flammables or other inherently dangerous substance, chemical, thing or device.

### 4. Sublease and Assignment.

Tenant shall have the right, with Landlord's Board's consent, to assign this Lease to a corporation with which Tenant may merge or consolidate, to any subsidiary of Tenant, to any corporation under common control with Tenant, or to a purchaser of substantially all of Tenant's assets. The use of property shall essentially remain the same as tenant i.e. for public benefit. Except as set forth above, Tenant shall not sublease all or any part of the Leased Premises, or assign this Lease in whole or in part without the Landlord's Board consent, however, such consent shall not to be unreasonably withheld or delayed. Boy's and Girl's Club shall also be allowed to use premises as allowed under this agreement by tenant.

### 5. Repairs.

During the Lease term, Tenant shall make, at Tenant's expense, all necessary repairs to the Leased Premises. Repairs shall include, but not necessarily be limited to such items as routine repairs of floors, walls, ceilings, plumbing, electrical, roof, heating and air-conditioning and other parts of the Leased Premises damaged or worn through normal occupancy.

### 6. Alterations and Improvements.

Tenant, at Tenant's expense, shall have the right following Landlord's consent to remodel, redecorate, and make additions, improvements and replacements of and to all or any part of the Leased Premises from time to time as Tenant may deem desirable, provided the same are made in a workmanlike manner and utilizing good quality materials. Tenant shall have the right to place and install personal property, trade fixtures, equipment and other temporary installations in and upon the Leased Premises, and fasten the same to the premises. All personal property, equipment, machinery, trade fixtures and temporary installations, whether acquired by Tenant at the commencement of the Lease term or placed or installed on the Leased Premises by Tenant thereafter, shall remain Tenant's property free and clear of any claim by Landlord. Tenant shall have the right to remove the same at any time during the term of this Lease provided that all damage to the Leased Premises caused by such removal shall be repaired by Tenant at Tenant's expense.

#### 7. Property Taxes.

Landlord is tax exempt for property taxes, and all personal property taxes with respect to Landlord's personal property, if any, on the Leased Premises. Tenant shall be responsible for paying all personal property taxes with respect to Tenant's personal property at the Leased Premises.

#### 8. Insurance.

A. Landlord shall maintain fire and extended coverage insurance on the Building and the Leased Premises in such amounts as Landlord shall deem appropriate to cover its interest and Strive Institute of Technology will reimburse Landlord for the cost of that insurance.

B. If the Tenant seeks to insure its content in the building, the Tenant shall be responsible for procuring, at its expense, fire and extended coverage insurance on all of its personal property, including removable trade fixtures, located in the Leased Premises.

C. Tenant shall maintain, at its expense, a policy or policies of comprehensive general liability insurance with respect to its activities in the Building with an insurance company, approved by Landlord, with minimum protection of not less than \$1,000,000 combined single limit coverage of bodily injury, property damage or combination thereof. Landlord shall be listed as an additional insured on Tenant's policy or policies of comprehensive general liability insurance, and Tenant shall provide Landlord with current Certificates of Insurance evidencing Tenant's compliance with this Paragraph. Tenant shall obtain the agreement of Tenant's insurers to notify Landlord that a policy is due to expire at least (10) days prior to such expiration. Landlord shall not be required to maintain insurance against thefts within the Leased Premises or the Building.

#### 9. Utilities.

Tenant shall pay all charges for water, sewer, gas, electricity, telephone and other services and utilities used by Tenant on the Leased Premises during the term of this Lease unless otherwise expressly agreed in writing by Landlord. In the event that any utility or service provided to the Leased Premises is not separately metered, Landlord shall pay the amount due and separately invoice Tenant for Tenant's pro rata share of the charges. Tenant shall pay such amounts within fifteen (15) days of invoice. Tenant acknowledges that the Leased Premises are designed to provide standard office use electrical facilities and standard office lighting. Tenant shall not use any equipment or devices that utilizes excessive electrical energy or which may, in Landlord's reasonable opinion, overload the wiring or interfere with electrical services to other tenants.

#### 10. Signs.

Following Landlord's consent, Tenant shall have the right to place on the Leased Premises, at locations selected by Tenant, any signs which are permitted by applicable zoning ordinances and private restrictions. Landlord may refuse consent to any proposed signage that is in Landlord's opinion too large, deceptive, unattractive or otherwise inconsistent with or inappropriate to the



Leased Premises or use of any other tenant. Landlord shall assist and cooperate with Tenant in obtaining any necessary permission from governmental authorities or adjoining owners and occupants for Tenant to place or construct the foregoing signs. Tenant shall repair all damage to the Leased Premises resulting from the removal of signs installed by Tenant.

#### **11. Entry.**

Landlord shall have the right to enter upon the Leased Premises at reasonable hours to inspect the same, provided Landlord shall not thereby unreasonably interfere with Tenant's business on the Leased Premises.

#### **12. Parking.**

During the term of this Lease, Tenant shall have the non-exclusive use in common with Landlord, other tenants of the Building, their guests and invitees, of the non-reserved common automobile parking areas, driveways, and footways, subject to rules and regulations for the use thereof as prescribed from time to time by Landlord.

#### **13. Building Rules.**

Tenant will comply with the rules of the Building adopted and altered by Landlord from time to time and will cause all of its agents, employees, invitees and visitors to do so; all changes to such rules will be sent by Landlord to Tenant in writing.

#### **14. Damage and Destruction.**

**A. Landlord's Right To Terminate Lease.** This building is in excess of the space needed by the Landlord for school purposes, therefore, if the Leased Premises or any part thereof or any appurtenance thereto is so damaged by fire, casualty or structural defects that same can not be repaired using only the insurance proceeds on the building or if Landlord's board, at the time of the loss, deems it unwise to repair or replace the building, the Landlord shall have the right to terminate this lease otherwise, it the Leased Premises shall be repaired using the policy proceeds.

**B. Tenants Right To Terminate Lease.** In the event of substantial damage to the building so that the same cannot be used for Tenant's purposes, then Tenant shall also have the right within ninety (90) days following damage to elect by notice to Landlord to also terminate this Lease as of the date of such damage.

**C. Minor Damage.** If the Leased Premises should sustain minor damage, and if such damage does not render the Leased Premises unusable for Tenant's purposes, Landlord shall promptly repair such damage, with the insurance proceeds payable from the policy covering the Leased premises, but shall not, in any event, be required to use its general funds to repair the building.

**D. Repairs.** In making the repairs called for in this paragraph, Landlord shall not be liable for any delays resulting from strikes, governmental restrictions, inability to obtain necessary materials or labor or other matters which are beyond the reasonable control of Landlord. Tenant

shall be relieved from paying rent and other charges during any portion of the Lease term that the Leased Premises are inoperable or unfit for occupancy, or use, in whole or in part, for Tenant's purposes. The provisions of this paragraph extend not only to the matters aforesaid, but also to any occurrence which is beyond Tenant's reasonable control and which renders the Leased Premises, or any appurtenance thereto, inoperable or unfit for occupancy or use, in whole or in part, for Tenant's purposes. Landlord shall have the option to cancel lease if cost of repairs exceeds insurance reimbursement or resources of the Strive Institute of Technology.

#### **15. Default.**

If default shall at any time be made by Tenant in the payment of rent when due to Landlord as herein provided, and if said default shall continue for fifteen (15) days after written notice thereof shall have been given to Tenant by Landlord, or if default shall be made in any of the other covenants or conditions to be kept, observed and performed by Tenant, and such default shall continue for thirty (30) days after notice thereof in writing to Tenant by Landlord without correction thereof then having been commenced and thereafter diligently prosecuted, Landlord may declare the term of this Lease ended and terminated by giving Tenant written notice of such intention, and if possession of the Leased Premises is not surrendered, Landlord may reenter said premises. Landlord shall have, in addition to the remedy above provided, any other right or remedy available to Landlord on account of any Tenant default, either in law or equity. Landlord shall use reasonable efforts to mitigate its damages.

#### **16. Quiet Possession.**

Landlord covenants and warrants that upon performance by Tenant of its obligations hereunder, Landlord will keep and maintain Tenant in exclusive, quiet, peaceable and undisturbed and uninterrupted possession of the Leased Premises during the term of this Lease.

#### **17. Condemnation.**

If any legally, constituted authority condemns the Building or such part thereof which shall make the Leased Premises unsuitable for leasing, this Lease shall cease when the public authority takes possession, and Landlord and Tenant shall account for rental as of that date. Such termination shall be without prejudice to the rights of either party to recover compensation from the condemning authority for any loss or damage caused by the condemnation. Neither party shall have any rights in or to any award made to the other by the condemning authority.

**18. Termination.** Landlord shall have the right, upon giving six (6) months written notice to Tenant, to terminate this lease, if in the opinion of the Board of Education, Landlord needs the Leased Premises or land upon which the building is located to expand of the adjacent school facility or for other school purposes.

#### **19. Security Deposit.**

There will be no Security Deposit paid by tenant.

**20. Notice.**

Any notice required or permitted under this Lease shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested, addressed as follows:

If to Landlord to:

Saul Lusk  
Superintendent Office  
Lee County School District  
188 West Chestnut  
Marianna, AR 72360

If to Tenant to:

Strive Institute of Technology  
1823 SFC 414  
Widener, AR 72394

Landlord and Tenant shall each have the right from time to time to change the place notice is to be given under this paragraph by written notice thereof to the other party.

**21. Waiver.**

No waiver of any default of Landlord or Tenant hereunder shall be implied from any omission to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect any default other than the default specified in the express waiver and that only for the time and to the extent therein stated. One or more waivers by Landlord or Tenant shall not be construed as a waiver of a subsequent breach of the same covenant, term or condition.

**22. Headings.**

The headings used in this Lease are for convenience of the parties only and shall not be considered in interpreting the meaning of any provision of this Lease.

**23. Successors.**

The provisions of this Lease shall extend to and be binding upon Landlord and Tenant and their respective legal representatives, successors and assigns.



**24. Consent.**

Landlord shall not unreasonably withhold or delay its consent with respect to any matter for which Landlord's consent is required or desirable under this Lease.

**25. Compliance with Law.**

Tenant shall comply with all laws, orders, ordinances and other public requirements now or hereafter pertaining to Tenant's use of the Leased Premises. Landlord shall comply with all laws, orders, ordinances and other public requirements now or hereafter affecting the Leased Premises.

**26. Final Agreement.**

This Agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof. This Agreement may be modified only by a further writing that is duly executed by both parties.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

Lee County School District

Strive Institute Of Technology

By

Victorine Perry

By

Cecil Buillie

President

Attest:

Elizabeth Johnson

Secretary

Strive Institute of Technology  
Open Enrollment Charter School Public Meeting

Marianna, AR

Wednesday, August 24, 2011, - 6:00 p.m.

SIGN-IN SHEET

kg 2

NAME	ADDRESS	TELEPHONE#	EMAIL
1. Michael B. Pugs	328 N. Marion Ave Marianna	870-295-4189	mbpugs@unc.edu
2. Glenys Wade	P.O. Box 2293 FL	870-633-7868	0449@arkansas.net
3. Milton Hall	250 Pearl, Marianna, AR	295-9527	hallmilton@highland.net
4. Brenda York	20 N. Carolina	298-2106	
5. Betty Allen	410 Free Way, Ark	295-6163	
6. Frank Allen	41	11	
7. Lafayette Smith	629 Hickory Marianna	821-0855	lsmith1960@gmail.com
8. Angel Bagnery	223 Arkansas Ave	295-4246	
9. John Winters	391 Atkins St. Ark.	292-5164	
10. Elmer Smith			
11. Frederick Freeman			
12. Reginald Marshall	P.O. Box 1071, Marianna, AR	295 3208	
13. Glenys Wade	P.O. Box 2293 Marianna	295-6933	
14. John Winters	P.O. Box 61 Marianna 72360	295-5256	
15. John Winters	P.O. Box 2293 Marianna	292-5164	
16.			

Strive Institute of Technology  
Open Enrollment Charter School Public Meeting

Marianna, AR

Wednesday, August 24, 2011, - 6:00 p.m.

SIGN-IN SHEET

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NAME	ADDRESS	TELEPHONE#	EMAIL
1. Mack Cleaveland	13524 Hwy 77 W Mthottl	870-768-5369	Vicfth@vayagersdata.net
2. Paul Fursk	20 N. Camellia	870-298-2106	<del>PaulFursk@Sbcglobal.net</del>
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**PUBLIC MEETING ON STRIVE SCHOOL**

**AUGUST 24, 2011**

**6:00 P.M.**

- |                             |           |
|-----------------------------|-----------|
| 1. <i>Saul Lusk</i>         | 41. _____ |
| 2. <i>Jose Hunter</i>       | 42. _____ |
| 3. <i>Shere Thompson</i>    | 43. _____ |
| 4. <i>Elizabeth Johnson</i> | 44. _____ |
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| 40. _____                   | 80. _____ |

# WEDNESDAY COURIER-INDEX MARIANNA, ARKANSAS

August 17, 2011

Vol. 140 No. 3

Lee County's Newspaper Since 1872

## STRIVE

• Continued from Page 1

the 88th General Assembly, legislators passed a bill sponsored by Crumbly establishing regional high schools for students in the juvenile justice system. That bill allowed for the creation of the STRIVE campus, which is the pilot program for the state. When Crumbly first began discussing the school for juvenile offenders last year, he was hopeful that the campus would open in time for the current school year.

## Public meeting on Aug. 24 to focus on STRIVE academy

A public meeting will be held on Wednesday, Aug. 24, at the Lee County School District Central Office centering on the proposed Special Training in Remedial Instruction and Vocational Education Institute of Technology.

State Sen. Jack Crumbly said the meeting will allow the public the opportunity to submit comments on the school for adjudicated juveniles which is scheduled to open next year. The proposed school.

"We're in the process of completing our charter school application, and one of the facets of that is getting public comments on the proposal. The meeting next Wednesday will give anyone from the area an opportunity to submit their thoughts on the project for the record and allow us to move forward with the application process," said Crumbly.

The meeting will begin at 6 p.m. The STRIVE program is a non-residential campus for at least 100 adjudicated teens, ages 14 to 19, in the ninth through 12th grades who have been convicted of non-violent crime. The vocational portion of STRIVE will teach student marketable skills in one of several different areas which also include medical profession, computer technology, cosmetology and culinary arts/restaurants. Earlier this year, during See STRIVE on Page

Email: [cinews@sbcglobal.net](mailto:cinews@sbcglobal.net)



# COMMUNITY CALENDAR

**VOLUNTEERS SOUGHT:** The Family Center/Anna's Place Battered Women's Shelter, a non-profit organization, is looking for volunteers on the weekends. Those who are interested should contact Luella Davis, 870-338-8447.

**YOUTH DAY:** Madison Light M.B. Church will host its annual youth day program on Sunday, Aug. 21, at 3 p.m. The guest speaker will be Pastor Lewis Ford of the Salem M.B. Church.

**CORNERSTONE REVIVAL:** The Cornerstone M.B. Church will hold a revival from Monday, Aug. 22, through Wednesday, Aug. 24, at 7 p.m. nightly. The guest evangelist will be Rev. Robert Cowan, pastor of the Faith M.B. Church of East Palo Alto, Calif.

**CLOSING FOR REPAIRS:** The Boys and Girls Club of St. Francis County will closed. Monday, August 22 through Friday, August 26, for repairs. The club will resume normal afterschool hours Monday, August 29, from 3 to 7 p.m. Monday through Friday. For more information, call 633-1115 or 633-9944.

**STRIVE MEETING:** A public meeting will be held Wednesday, Aug. 24, at 6 p.m. at the Lee County School District Central Office on the STRIVE Institute of Technology. The meeting will allow residents the opportunity to issue public comments on the proposed school.

**FISH FRY:** There will be a benefit fish fry for W.L. and Nan Prentice at Twin Assembly of God Church in Palestine, on Saturday,

Aug. 27, from noon to 7 p.m. They have had large medical bills and other expenses. For more information, call 270-9019. Sponsors are Jimmy Sanders and Oral Edwards.

**APPRECIATION SERVICE:** An appreciation service honoring Evangelist Ernestine Weaver will be held Sunday, Aug. 21, at 2:20 p.m., in the Williams Temple Church of God in Christ, in Palestine.

**CHOIR DAY:** Antioch M.B. Church of Palestine will hold its annual choir day on Sunday, Aug. 21, at 2:30 p.m. The guest speaker will be Rev. Marlin Brown of Riverside M.B. Church. There will be special music by the Riverside Choir.

**129TH ANNIVERSARY:** Kynette United Methodist Church, located at the corner of Gorman and Ash streets, will host its 129th church anniversary on Sunday, Aug. 21, at 3 p.m. The theme is, "Upon This Rock I will Build My Church." The guest speaker will be Rev. Herschel Richardson of the Christ Way United Methodist Church in Jonesboro.

**BENEFIT PROGRAM:** The Arkansas First Jurisdiction of the Churches of God in Christ will host a benefit program for the Willis Temple Church of God in Christ in Madison at the St. James Temple Church of God in Christ in Marianna. The benefit will be held Sunday, Sept. 4, at 3:30 p.m. The guest speaker will be Bishop Jewel R. Withers Jr., Jurisdictional Bishop.

**ABE/GED CLASSES:** Crowley's Ridge Technical Institute is holding an ABE/GED class at Hughes High School on Mondays and Tuesdays from 4 to 7 p.m., beginning on Tuesday, Sept. 6. There is no charge for these classes, however those enrolling must be at least 18 years old. For more information, contact CRTI at 800-842-2317 or 633-5411.

**CHURCH FUNDRAISER:** Summerfield M.B. Church will sell plate meals Saturday, Aug. 20, beginning at 11 a.m. There will be a choice of a fish plate with cole slaw, spaghetti dessert, bread and a drink or a turkey leg plate with baked beans, spaghetti or cole slaw, dessert, bread and a drink. For more information or to place an order call 633-8760.

**USHER DAY:** New Light M.B. Church will hold its annual usher day program, Sunday Aug. 21, at 2:30 p.m. The special guest is Rev. Jutius Kendall and the Shady Grove Church Family.

**MEN'S DAY:** New Rising Sun Missionary Baptist Church will observe its annual men's day on Sunday, Aug. 28, at 3:30 p.m. The special guests will be Rev. James E. Mackey and Rock of Ages Missionary Baptist Church of Maumelle.

**CANCER EXPO:** The East Arkansas Enterprise Community Inc. will hold its ninth annual St. Francis County Cancer Awareness Expo on Saturday, Aug. 27, from 9 a.m. to 1 p.m., at the Forrest City Civic center.

**ABE/GED CLASSES:** Crowley's Ridge Technical Institute has

begun its fall ABE/GED classes in Forrest City. There is no charge for these classes. For more information, call CRTI at 633-5411.

**FAIR BOOTH SPACE:** Commercial booths at St. Francis County Fair are available. To rent a booth or for more information, call Janet Findley at 633-5270 or 633-6875.

**MT. MORAH:** The Mt. Moriah Church will host its homecoming service on Sunday, Aug. 21, at 2:30 p.m. Dinner will be served and Rev. Desi Sims of the St. Mark Church of Aubrey will be the special guest.

**LIFE'S STRESSES:** Forrest City Medical Center's Healthy Woman Program will host an After Hours program called "All I Can Do Is All I Can Do: Balancing Life's Stresses" on Tuesday, Aug. 23, at 5:15 p.m. The program will be for mothers of toddlers to teenagers and will be held in the hospital in-service education classroom. Registration is limited and advanced registration is required by Thursday, Aug. 18. To register or for more information, contact Janet Benson, FCMC Healthy Woman Advisor.

**WOMEN'S DAY:** El Cannon M.B. Church in Palestine will hold its annual women's day program Sunday, Aug. 28, at 3 p.m.

**LOCUST GROVE REVIVAL:** Locust Grove M.B. Church will hold a revival Wednesday, Aug. 31, through Friday, Sept. 2. Services will begin at 7 p.m. and the guest evangelist is Rev. Lathan Ester of Hampshire M.B. Church in Aubrey.

# COMMUNITY CALENDAR

**SOCIAL GATHERING:** The Forrest City High School Class of '73 will hold a social gathering Friday, Sept. 2, beginning at 7:30 p.m. in the Ferguson Room at the Forrest City Civic Center. For more information call 633-9044 during the day or 633-8347 or 630-1866 after 6 p.m.

**OAK HILL REVIVAL:** Oak Hill Church of God will hold a revival Sunday Aug. 28, through Wednesday, Aug. 31, with Rev. Gary Taylor from Euless, Texas. Services start on Sunday morning at 10 a.m. and Sunday evening services will begin at 6 p.m. Monday through Wednesday services begin at 7 p.m.

**YOUTH REVIVAL:** Poplar Grove M.B. Church will hold a youth revival through Friday, Aug. 26. Services will begin at 7 p.m. and Rev. Darnell Hill of Spirit, Truth and Holiness Church of Helena-West Helena is the guest evangelist.

**27TH ANNIVERSARY:** Grant and the New Gospel Voices will celebrate its 27th Anniversary Sunday, Aug. 28. The program will be held at the Forrest City Civic Center and will begin at 6 p.m.

**YOUTH RALLY:** Beth Salem

Baptist Church will hold its annual youth day program on Sunday, Aug. 28, at 3 p.m. The guest speaker will be the Rev. Ray Peals of Shame the Devil Ministries in Forrest City.

**BUILDING FUND:** The Mt. Sinai M.B. Church in Caldwell will hold a building fund service on Sunday, Aug. 28, at 3 p.m. Minister Mark Barnett of the Cedar Grove Church in Round Pond will be the guest speaker.

**SPAGHETTI SUPPER:** Graham Memorial Presbyterian Church will hold a spaghetti supper to benefit Solar Under the Sun, an organization that provides clean water to countries that have none, on Saturday, Sept. 10, from 5 to 7 p.m. Takeouts will be available. For more information, call the church at 633-4424.

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**SENIOR CIRCLE:** A Senior Circle Lunch 'n Learn event, Don't Let This Fall Be Your Last!, will be held on Tuesday, Aug. 23, at 8:30 a.m. at the In-Service Classroom at Forrest City Medical Center. The discussion will cover better mobility and safety in your home and will be presented by Errin McRae, UAMS-Delta AHBC. This program is free, and refreshments will be served. To register, call Tony Astin at 261-0446.

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**LIFE'S STRESSES:** Forrest City Medical Center's Healthy Woman Program will host an After Hours program called "All I Can Do Is All I Can Do: Balancing Life's Stresses" on Tuesday, Aug. 23, at 5:15 p.m. The program will be for mothers of toddlers to teenagers and will be held in the hospital in-service education classroom. Registration is limited and advanced registration is required by Thursday, Aug. 18. To register

or for more information, contact Janet Benson, FCMC Healthy Woman Advisor.

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**BEAN DAY:** Forrest Chapter #531, Order of the Eastern Star will hold its annual Bean Day, Thursday, Sept. 8, from 11 a.m. to 2 p.m. at the Masonic Lodge on North Division. The meals include white or brown beans, slaw, greens, cornbread, dessert and drinks. Tickets can be purchased from OES members or at the door on the day of the event. For more information or to schedule delivery call 630-1216.

**SECOND CHANCE:** The PLUM Foundation, in conjunction with Nineveh Ministries Church of God in Christ, is sponsoring the "Giving Children of the Delta a Second Chance" learning program for children in St. Francis and Crittenden counties. The program includes a detailed curriculum which provides mentorship in science, English, mathematics, reading, literacy and grammar for each participant. To enroll children or for more information contact 870-514-7686 or go to [www.plum4us.org](http://www.plum4us.org).

**FINALIZING PLANS:** The Forrest City High School Class of 1981 reunion planning committee is finalizing plans for its 30th class reunion. The reunion will be held Sept. 2, through 4. For more information, contact Carloyn Farr at 633-4655 or Yvette Brown at 633-7674.



TIMES-HERALD - Forrest City, Ark.

## Community Calendar

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**YOUTH DAY:** Madison Light M.B. Church will host its annual youth day program on Sunday, Aug. 21, at 3 p.m. The guest speaker will be Pastor Lewis Ford of the Salem M.B. Church.

**CORNERSTONE REVIVAL:** The Cornerstone M.B. Church will hold a revival from Monday, Aug. 22, through Wednesday, Aug. 24, at 7 p.m. nightly. The guest evangelist will be Rev. Robert Cowan, pastor of the Faith M.B. Church of East Palo Alto, Calif.

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**APPRECIATION SERVICE:** An appreciation service honoring Evangelist Ernestine Weaver will be held Sunday, Aug. 21, at 2:20 p.m., in the Williams Temple Church of God in Christ in Palestine.

**CHOIR DAY:** Antioch M.B. Church of Palestine will hold its annual choir day on Sunday, Aug. 21, at 2:30 p.m. The guest speaker will be Rev. Marland Brown of Riverside M.B. Church. There will be special music by the Riverside Choir.

**129TH ANNIVERSARY:** Kynette United Methodist Church, located at the corner of Gorman and Ash streets, will host its 129th church anniversary on Sunday, Aug. 21, at 3 p.m. The theme is, "Upon This Rock I will Build My Church." The guest speaker will be Rev. Herschel Richardson of the Christ Way United Methodist Church in Jonesboro.

**CHURCH FUNDRAISER:** Summerfield M.B. Church will sell plate meals Saturday, Aug. 20, beginning at 11 a.m. There will be a

choice of a fish plate with cole slaw, spaghetti, dessert, bread and a drink or a turkey leg plate with baked beans, spaghetti or cole slaw, dessert, bread and a drink. For more information or to place an order call 633-8760.

**USHER DAY:** New Light M. B. Church will hold its annual usher day program, Sunday Aug. 21, at 2:30 pm. The special guest is Rev. Julius Kendall and the Shady Grove Church Family.

**FAIR BOOTH SPACE:** Commercial booths at St. Francis County Fair are available. To rent a booth or for more information, call Janet Findley at 633-5270 or 633-6875.

**MT. MORIAH:** The Mt. Moriah Church will host its homecoming service on Sunday, Aug. 21, at 2:30 p.m. Dinner will be served and Rev. Desi Sims of the St. Mark Church of Aubrey will be the special guest.

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**CHURCH ANNIVERSARY:** United Christian Baptist Church, located at 203 West Franklin, will hold its 27th church anniversary on Sunday, Aug. 21, at 3 p.m. Rev. Ronald Williams and the members of the Mt. Olive Cathedral of Memphis will be the special guests.

**N.T.L.M.E. ANNIVERSARY:** The N.T.L.M.E. Spiritual Church will host its church anniversary on Sunday, Aug. 21, at 5 p.m. in the Forrest City Civic Center. The guest speaker will be Elder John Moore of Memphis.

**MINI-RELAY EVENT:** The St. Francis County Relay for Life team will host its first Bark for Life mini-relay event on Saturday, Aug. 20, at the Forrest City Sports Complex. Registration begins 8:30 a.m., with the walk beginning at 9 a.m. There are also contests and activities scheduled until the event ends at 11 a.m. Proceeds will benefit the American Cancer Society. For more information, contact Ashley Jones at 270-7931 or e-mail ashleyjones@caner.org.



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**STRIVE MEETING:** A public meeting will be held Wednesday, Aug. 24, at 6 p.m. at the Lee County School District Central Office on the STRIVE Institute of Technology. The meeting will allow residents the opportunity to issue public comments on the proposed school.

**BENEFIT PROGRAM:** The Arkansas First Jurisdiction of the Churches of God in Christ will host a benefit program for the Willis Temple Church of God in Christ in Madison at the St. James Temple Church of God in Christ in Marianna. The benefit will be held Sunday, Sept. 4, at 3:30 p.m. The guest speaker will be Bishop Jewel R. Withers Jr., Jurisdictional Bishop.

**ABE/GED CLASSES:** Crowley's Ridge Technical Institute is holding an ABE/GED class at Hughes High School on Mondays and Tuesdays from 4 to 7 p.m. beginning on Tuesday, Sept. 6. There is no charge for these class, however those enrolling must be at least 18 years old. For more information, contact CRTI at 800-842-2317 or 633-5411.

**MEN'S DAY:** New Rising Sun Missionary Baptist Church will observe its annual men's day on Sunday, Aug. 28, at 3:30 p.m. The special guests will be Rev. James E. Mackey and Rock of Ages Missionary Baptist Church of Maumelle.

**ABE/GED CLASSES:** Crowley's Ridge Technical Institute has begun its fall ABE/GED classes in Forrest City. There is no charge for these classes. For more information, call CRTI at 633-5411.

**LEE COUNTY SCHOOL DISTRICT NO. 1**

188 West Chestnut Street - Marianna, AR 72360

Telephone: 870-295-7100 Fax: 870-295-7191

August 29, 2011

To Whom It May Concern,

On August 19, 2011 at 2:30 p.m., Senator Jack Crumbly hosted a meeting at the Lee County School District Central Office building with the following persons in attendance:

Dr. Tom Kimbrell- Arkansas Commissioner of Education  
Dr. Tony Wood-Assistant Commissioner of Education  
Dr. Jerry Woods-Superintendent of Forrest Public Schools  
Saul Lusk-Superintendent of Lee County Public Schools  
Lee Vent-Superintendent of Clarendon Public Schools  
Ruth Denson-Superintendent of Marvell Public Schools  
Tom Wilson-Superintendent of Marvell Public Schools  
Dr. Arthur Tucker-Superintendent of Brinkley Public Schools  
Bill Lewellen-City Attorney for Marianna, AR  
Reginald Murdock-State Representative-District 52  
Judge Ann Hudson-Juvenile Judge  
Elizabeth Johnson-Secretary of the Lee County School Board  
Victoria Perry-President of the Lee County School Board  
Cecil Twilley-Board President of the STRIVE Regional High School

Senator Crumbly and Commissioner Kimbrell addressed concerns as expressed by various attendees of the meeting and also received input from the meeting attendees. They also informed the attendees about the intent to apply for Open Enrollment Charter School status for the STRIVE Regional High School.

The Lee County School District supports formulation the East Arkansas Consortium which will serve in an advisory capacity for the STRIVE Regional High School. The Lee County School board will meet with Senator Crumbly on September 22, 2011 at its regular meeting to officially consider a letter of support for the initial implementation of the STRIVE School.

Sincerely,



Saul Lusk  
Superintendent



# Brinkley Public Schools

Member North-Central Association  
200 Tiger Drive  
Brinkley, Arkansas 72021

Arthur Tucker, Ed. D.  
Superintendent

Phone: 870-734-5000  
Fax: 870-734-5187

August 30, 2011

The Honorable Jack Crumbly  
State Capitol  
500 Woodlane  
Little Rock, AR 72201

Senator Crumbley:

This communication is in regards to the STRIVE program, for which I attended a meeting on August 17<sup>th</sup>. This program has the potential to significantly impact the lives of many students in the eastern counties of this state. Many students in this area are truant from school and exhibit defiant behavior while in school and consequently are not taking advantage of the educational opportunities that are offered to them. Many of the problems caused by these issues cannot be corrected in the traditional educational system.

STRIVE could offer an intervention for these students that would address their needs. Providing training in vocational job opportunities will help them to become successful contributing members to society.

This program will be discussed with the Board of Directors of the Brinkley School District at the next regularly school board meeting, currently scheduled for September 19, 2011. I appreciate your interest and support the development of this program.

Respectfully,

*Arthur Tucker*

Arthur Tucker, Ed. D.  
Superintendent of Schools



**HUGHES PUBLIC SCHOOLS**

Office Of The Superintendent  
Hughes, Arkansas 72348

Telephone 870-339-2570

To: Mr. Jack Crumbly, Senator

From: Jimmy Wilkins, Superintendent  
Hughes School District, # 27



Re: STRIVE School

Date: August 29, 2011

This correspondence is to verify that I was notified of a meeting at the Marianna School District on Wednesday, August, 17, 2011.

Please be advised that I am in support of your efforts to make the above referenced school a reality. It is my understanding that the population will consist of those not being served at this point in time by schools in the designated districts. These students will be those who are not in any school setting and have been assigned by the County Judge to a slot in your school.

Additionally, I was advised that there will be no recruitment by school officials for any students presently enrolled in a school district.

Again, this correspondence indicates my support for the STRIVE School and I will present the information in the September School Board meeting for the Hughes School District's formal approval.

Please do not hesitate to inform me if further assistance is needed.

**FORREST CITY PUBLIC SCHOOLS**  
OFFICE OF THE SUPERINTENDENT  
625 IRVING STREET FORREST CITY, AR 72335  
Member of North Central Association since 1924

SCHOOL BOARD  
arry Jayroe, President  
oev Astin, Vice President  
haron Wilson, Secretary  
ustlin Johnson  
erry Rogers  
lenn Shepherd  
andra Taylor

SUPERINTENDENT  
Dr. Jerry Woods  
(870) 633-1485  
FAX (870) 633-1415

August 30, 2011

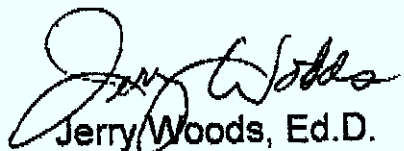
Dr. Mary Ann Brown  
Charter School Program Coordinator  
# 4 State Capitol Mall  
Little Rock , AR 72201-1071

Dear Dr. Brown:

Please accept this communication to verify I was notified and attended the meeting concerning the proposed S.T.R.I.V.E. Charter School.

Additionally, I will discuss the proposed S.T.R.I.V.E. Charter School at the September 11, 2011 school board meeting.

Sincerely,



Jerry Woods, Ed.D.  
Superintendent of Schools

An Equal Opportunity Employer



**MARVELL - ELAINE PUBLIC SCHOOLS**

P.O. BOX 1870  
MARVELL, ARKANSAS 72366  
870-829-2101

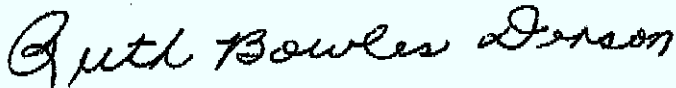
August 30, 2011

Dear Senator Jack Crumbly:

Thank you for inviting me to attend the Strive Institute of Technology Overview Meeting on August 17, 2011. Your presentation was very informative. There is a need in our area for a special school that focuses on remedial instruction and vocational education for non-violent youth offenders who have entered the juvenile justice system. I applaud your efforts to keep Eastern Arkansas juveniles out of detention centers by creating a program which could change their lives and steer them away from a life of crime, violence and drugs.

I will discuss the information that you distributed to the area superintendents with the Marvell Elaine Board of Directors at our next board meeting on September 19, 2011. I wish you well in finding foundations and grants to fund this worthy endeavor.

Sincerely,



Ruth Bowles Denson, Superintendent of Schools  
Marvell-Elaine School District

RBD:dm



# BARTON-LEXA

## School District

P.O. BOX 97

BARTON, AR 72312

**MEMBER NORTH CENTRAL K-12**

Phone: 870-572-7294 Fax: 870-572-4713

**BOARD MEMBERS**

Travis Williams—Pres.

Donna Ryan—Vice Pres.

Rosetta Davis - Sec

Anthony Arnold

Mike Canonici

Lita Moore-Johnson

Roxie Wilson

Tom Wilson, Superintendent

[twilson@bled.ersc.k12.ar.us](mailto:twilson@bled.ersc.k12.ar.us)

August 29, 2011

The Honorable Jack Crumbly  
State Capitol  
500 Woodlane  
Little Rock, AR 72201

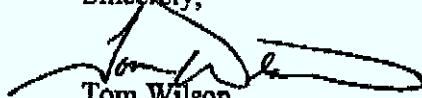
Dear Mr. Crumbly:

I attended the meeting concerning STRIVE. I definitely feel it could have a significant impact on the lives of many students in the eastern counties of Arkansas. Presently, many students in this area are truant or defiant of the education being afforded them by our constitution. Many are truant and continually miss school or drop out. Many have problems and cannot fit in our traditional school system. Many are juvenile offenders that continually have legal problems and need help.

I support the idea of a special school to deal with these young people. STRIVE could offer the intervention programs that would deal with their needs. The idea of training these young adults for vocational job opportunities to help them be successful in life is very exciting.

I plan to discuss this program with my school board on September 13<sup>th</sup> and get their support. I appreciate your interest in this endeavor and fully support your efforts.

Sincerely,



Tom Wilson  
Superintendent

**Palestine-Wheatley School District No. 23**

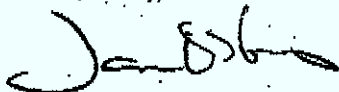
P.O. Box 790  
Palestine, Arkansas 72372

August 26, 2011

To: Dr. Duncan

This letter is to verify that I was notified of the meeting held on August 17, 2011 concerning a regional high school in East Arkansas. The meeting was held at Lee County School in Marianna, AR.

Cordially,



Jon Estes  
Superintendent  
Palestine-Wheatley School District

## Clarendon School District

Superintendent's Office 870-747-3351  
Fax 870-747-5983  
P. O. Box 248, Clarendon, Arkansas 72029

Lee R. Vent, Superintendent

Douglas Caldwell, CHS Principal  
Ruby Ellis, CES Principal  
Monica Gray, Fed. Prog.

Board Members:	Robert Artis
Bryan Smith, Pres.	Ricky Beck
Tina Wofford, V. Pres.	Adam Ellis
Bertha Bones, Sec.	Jack Jones

August 31, 2011

The Honorable Jack Crumbly  
Arkansas State Senate  
State Capitol  
500 Woodlane  
Little Rock, AR 72201

Dear Senator Crumbly:


Thanks for inviting me as the representative of the Clarendon School District to the meeting you and the Lee County School District hosted on August 17<sup>th</sup> in Marianna. As a result I now have a better grasp of Act 339 of 2011 and the many positive aspects and impact it could have on the youth in our region of the state.

As we discussed at the meeting, it is an idea whose time has come and you are to be commended for your efforts toward attempting to reach this population. I truly feel and endorse your efforts for the Strive Institute of Technology.

While many of my colleagues have been resistant to open-enrollment charter schools, this concept will place us all in a win-win situation. The youngsters in need of this service will be the ultimate beneficiaries.

I will discuss this concept with my school board on September 13 and feel they will strongly endorse your effort as well. Stay encouraged! If there is anything I may help you with in this effort, please don't hesitate to call.

Sincerely,

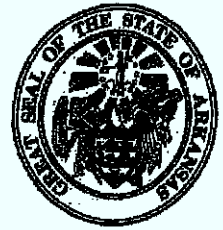


Lee R. Vent  
Superintendent



## Division of Youth Services

P.O. Box 1437, Slot S-501 · Little Rock, AR 72203-1437  
501-682-8654 · Fax: 501-682-1351 · TDD: 501-682-1355



August 26, 2011

TO: Arkansas Board of Education

RE: Strive Institute of Technology

During the past legislative session, I had the honor of working closely with Senator Jack Crumbly and others as he developed the concept of offering an educational and vocational school for youth that were either adjudicated delinquent by the court or were court involved. The initial prototype was to be in Marianna, Arkansas, and after proven success, it would be expanded to four other sites around the state. This educational facility was to provide general educational and vocational opportunities for at risk youth in that region of the state. Many of the youth this program would target would be those that had failed in the traditional school setting and needed a structured environment that would offer educational services. Regrettably, the Division of Youth Services did not have any funds to support this program.

I was recently contacted by Senator Crumbly about this program he was working on. He informed me that he had decided to go for an open enrollment alternative school and to name it Strive Institute of Technology. I was happy to hear that this plan was alive and he was moving forward to make this a reality. I believe there are a great number of youth around the state that need this type of learning environment and would be an invaluable to the success of many youth that would be given this second chance to be successful.

I am writing this letter in total support of the Strive Institute of Technology and Senator Crumbly's plan to help these youth. I believe this program will be instrumental in helping many youth have another chance in life and stop the growing school to prison pipeline.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald R. Angel".

Ronald R. Angel  
Director



State of Arkansas  
Department of  
**WORKFORCE SERVICES**

[www.dhs.arkansas.gov](http://www.dhs.arkansas.gov)

Post Office Box 2981 • Little Rock, AR 72203-2981



August 29, 2011

Senator Jack Crumbly  
1823 SFC 414  
Widener, AR 72394-9406

Dear Senator Crumbly:

This is to confirm our commitment to assist in your efforts to train adjudicated youth at the proposed STRIVE-Regional High School.

It is my understanding that the high school will provide vocational training that prepares students for employment opportunities in the following areas:

Building Technology  
 Culinary Arts  
 Cosmetology  
 Computer Technology  
 Welding  
 HVAC  
 Medical Professions

**Our Training Trust Fund can be a source of funding for these efforts.**

**We look forward to working with you.**

Sincerely,

Artee Williams



Clay ■ Craighead ■ Crittenden ■ Cross ■ Greene ■ Lawrence ■ Lee ■ Mississippi ■ Monroe ■ Phillips ■ Poinsett ■ Randolph ■ St. Francis

August 29, 2011

Senator Jack Crumbly  
1823 SFC 414  
Widener, AR 72394

Dear Senator Crumbly:

As Executive Director of Mid-South Health Systems, I fully support your efforts to develop a regional open enrollment high school for adjudicated juveniles in grades 9-12. It is my understanding this school, to be named STRIVE Institute of Technology, will be located in Marianna, Arkansas, and will serve students from Marianna and the surrounding communities.

Mid-South Health Systems has a long history of working with school districts in Eastern Arkansas to address students' behavioral health needs. We will be happy to assist STRIVE by providing behavioral health interventions, including assessment and treatment of emotional disturbance and substance use problems. We feel our good relationships with area social and medical service providers will assist us in this endeavor.

Please feel free to contact me if you have any questions or if I can be of further assistance.

Sincerely,

Bonnie White  
Executive Director

BW/ch

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Total Postage & Fees	\$	\$7.95	

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**Mr. Tommy Wilson, Superintendent**  
 Street, Apt. No.,  
 or PO Box No. **P.O. Box 97**  
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**Barton, AR 72312**  
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**Mr. Arthur Tucker, Ed.D.**  
 Street, Apt. No.,  
 or PO Box No. **200 Tiger Drive**  
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**Brinkley, AR 72021**  
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**Mr. Saul Wusk**  
 Street, Apt. No.,  
 or PO Box No. **188 West Chestnut Street**  
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**Marianna, AR 72360**  
 PS Form 3800, August 2005 See Reverse for Instructions

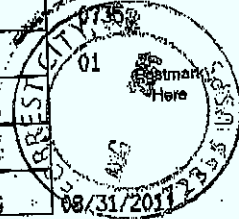


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Sent To  
 Mr. Joe Estes, Superintendent  
 Street, Apt. No., or PO Box No. P.O. Box 790  
 City, State, ZIP+4 Palestine AR 72372

PS Form 3800, August 2006

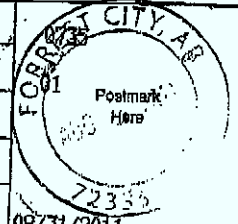
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Sent To  
 Mr. Lee Kent, Superintendent  
 Street, Apt. No., or PO Box No. P.O. Box 848  
 City, State, ZIP+4 Clarendon, AR

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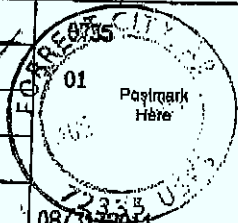
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 Mrs. Suzanne McCommen  
 Street, Apt. No., or PO Box No. 179 Helendale  
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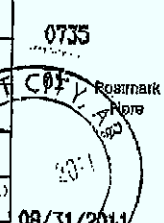
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 Mr. Jimmy Wilkins, Superintendent  
 Street, Apt. No., or PO Box No. P.O. Box 9  
 City, State, ZIP+4 Hughes AR 72348

PS Form 3800, August 2006

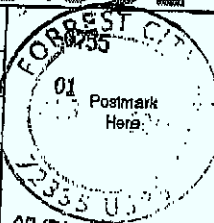
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Sent To  
 Dr. Terry Woods, Ed.D., Superintendent  
 Street, Apt. No., or PO Box No. 625 Irving Street  
 City, State, ZIP+4 Forrest City AR 72385

PS Form 3800, August 2006

See Reverse for Instructions

STRIVE INCORPORATED  
P. O. Box 2155  
Forrest City, AR 72336

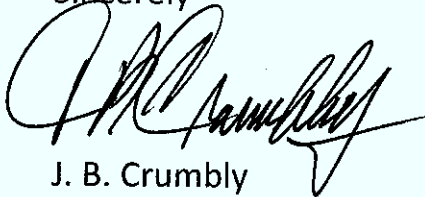
Mrs. Ruth Bowles Denson, Superintendent  
Marvell Public Schools  
P. O. Box 1870  
Marvell, AR

Dear Superintendent Denson

Enclosed is a copy of the STRIVE Institute of Technology Open enrollment Charter School application.

Thank you for your support.

Sincerely

A handwritten signature in black ink, appearing to read "J. B. Crumbly", written over the printed name.

J. B. Crumbly

STRIVE INCORPORATED  
P. O. Box 2155  
Forrest City, AR 72336

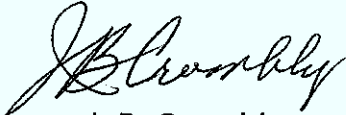
Mrs. Ruth Bowles Denson, Superintendent  
Marvell Public Schools  
P. O. Box 1870  
Marvell, AR

Dear Superintendent Denson

Enclosed is a copy of the STRIVE Institute of Technology Open enrollment Charter School application.

Thank you for your support.

Sincerely



J. B. Crumbly

STRIVE INCORPORATED  
P O Box 2155  
Forrest City, AR 72336

Dr. Jerry Woods, Ed.D, Superintendent  
Forrest City School District  
625 Irving Street  
Forrest City, AR 72335

Dear Superintendent Woods

Enclosed is a copy of the STRIVE Institute of Technology Open enrollment Charter School application.

Thank you for your support.

Sincerely

J. B. Crumbly

STRIVE INCORPORATED  
P O. Box 2155  
Forrest City, AR 72336

Ms. Suzanne McCommon  
Helena – West Helena School District  
179 Helendale  
Helena, AR 72342

Dear Ms. McCommon

Enclosed is a copy of the STRIVE Institute of Technology Open enrollment Charter School application.

Thank you for your support.

Sincerely

J. B. Crumbly

STRIVE INCORPORATED  
P O Box 2155  
Forrest City, AR 72336

Mr. Tommy Wilson, Superintendent  
Barton School District  
P. O. Box 97  
Barton, AR 72312

Dear Superintendent Wilson

Enclosed is a copy of the STRIVE Institute of Technology Open enrollment Charter School application.

Thank you for your support.

Sincerely

J. B. Crumbly

STRIVE INCORPORATED  
P O Box 2155  
Forrest City, AR 72336

Mr. Jimmy Wilkins, Superintendent  
Hughes School District  
P O Box 9  
Hughes, AR 72348

Dear Superintendent Wilkins

Enclosed is a copy of the STRIVE Institute of Technology Open enrollment Charter School application.

Thank you for your support.

Sincerely

J. B. Crumbly

STRIVE INCORPORATED  
P O Box 2155  
Forrest City, AR 72336

Mr. Lee Vent, Superintendent  
Clarendon School District  
P O Box 248  
Clarendon, AR 72029

Dear Mr. Vent

Enclosed is a copy of the STRIVE Institute of Technology Open enrollment Charter School application.

Thank you for your support.

Sincerely

J. B. Crumbly



STRIVE INCORPORATED  
P O Box 2155  
Forrest City, AR 72336

Mr. Jon Estes, Superintendent  
Palestine/Wheatley School District  
P O Box 790  
Palestine, AR 72372

Dear Superintendent Estes

Enclosed is a copy of the STRIVE Institute of Technology Open enrollment Charter School application.

Thank you for your support.

Sincerely

J. B. Crumbly

STRIVE INCORPORATED  
P O Box 2155  
Forrest City, AR 72336

Mr. Saul Lusk, Superintendent  
Lee County School District  
188 West Chestnut Street  
Marianna, AR 72360

Dear Superintendent Lusk

Enclosed is a copy of the STRIVE Institute of Technology Open enrollment Charter School application.

Thank you for your support.

Sincerely

J. B. Crumbly

STRIVE INCORPORATED  
P O Box 2155  
Forrest City, AR 72336

Mr. Arthur Tucker, Ed.D, Superintendent  
Brinkley School District  
200 Tiger Drive  
Brinkley, AR 72021

Dear Superintendent Tucker

Enclosed is a copy of the STRIVE Institute of Technology Open enrollment Charter School application.

Thank you for your support.

Sincerely

J. B. Crumbly

Application Cycle 2011

# ADE Evaluation

Special Training in Remedial Instruction and Vocational  
Education (STRIVE) Institute of Technology



# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell  
*Commissioner*

September 15, 2011

State Board  
Of Education

Cecil Twillie  
701 W Sharp Ave  
Forrest City, AR 72335

Dr. Naccaman Williams  
*Springdale  
Chair*

Dear Applicant:

Dr. Ben Mays  
*Clinton  
Vice Chair*

The Arkansas Department of Education (ADE) has completed the evaluation process of the applicants for Open Enrollment Charter Schools as per the ADE Rules Governing Charter Schools. Enclosed is a copy of that evaluation for you.

Sherry Burrow  
*Jonesboro*

Jim Cooper  
*Melbourne*

Brenda Gullett  
*Fayetteville*

Sam Ledbetter  
*Little Rock*

Alice Mahony  
*El Dorado*

Toyce Newton  
*Crossett*

Vicki Saviers  
*Little Rock*

In accordance with the Charter School rules, you are allowed to submit a written response to this evaluation. Written responses must be in the Charter School Office no later than 4:00 p.m., Thursday September 29, 2011.

Responses should be sent to the following address:

Dr. Mary Ann Duncan  
Charter School Office  
Four Capital Mall, Room 302-B  
Little Rock, AR 72201

Please feel free to contact the Charter School Office to verify receipt of your written responses at (501) 683-5313.

Thank you,

A handwritten signature in black ink that reads "Mary Ann Duncan, Ed.D.".

Mary Ann Duncan, Ed.D.  
Charter Schools, Program Director

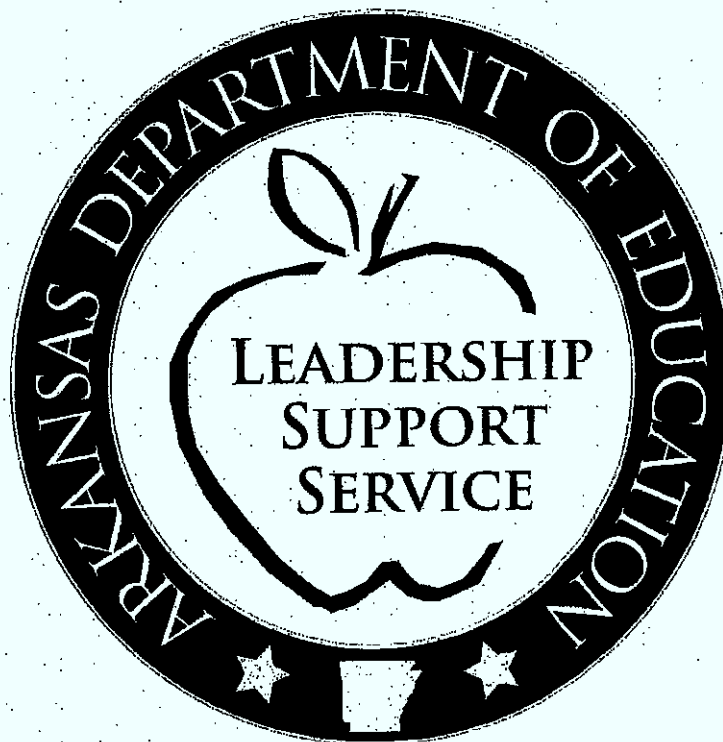
MAD/jf

Enclosure: Public Charter School Application Evaluation Report

Four Capitol Mall  
Little Rock, AR  
72201-1019  
ArkansasEd.org

**2011-2012  
Public Charter School  
Application Evaluation Report**

**S.T.R.I.V.E Institute of Technology**



**Provided by:  
Arkansas Department of Education  
Charter School Office**



# ARKANSAS DEPARTMENT OF EDUCATION

## Arkansas Department of Education

### Charter School Application Evaluation Instrument

*The following instrument will be used to evaluate applications submitted to the Arkansas Department of Education ("ADE") for the establishment of new public charter schools. This instrument is only intended to provide clarity, transparency and consistency in the charter school application review process.*

The ADE will use the following instrument only to evaluate the quality of a charter school application against the criteria stated herein. For each of the application requirements, the criteria define the characteristics and elements of a response that meet the standard for charter approval. The following definitions will guide the rating of each information requirement:

**Meets the Standard:**

The response reflects a thorough understanding of key issues and demonstrates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.

**Partially Meets the Standard:**

The response addresses most of the criteria, but response lacks meaningful detail and requires important additional information.

**Does Not Meet the Standard:**

The response lacks meaningful detail, demonstrates lack of preparation, or otherwise raises substantial concerns about the Applicant's understanding of the issue in concept and/or ability to meet the requirement in practice.

**Arkansas Department of Education**  
**Open-Enrollment Public Charter School Application**  
**Evaluation**

**EVALUATION RUBRIC**

Name of Proposed School: S.T.R.I.V.E Institute of Technology

Eligible entity status:

- ☐ Public institution of higher education  
☐ Private nonsectarian institution of higher education  
☐ Governmental entity  
☐ Nonsectarian organization exempt from taxes under Section 501(c) (3)

Status of 501(c) (3) Application Unknown

**Part 1: PRE-APPLICATION MATERIALS**

The Arkansas Department of Education requires that all Applicants submit a Letter of Intent, outlining a general description of the proposed charter school.

**Evaluation Criteria:**

A response that meets the standard will guarantee that:

- A Letter of Intent was filed with ADE on time and included all necessary information.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference
The Applicant filed a letter of intent with ADE on time and included all necessary information.	
Concerns and Additional Questions	Reference



## Part 2: REQUIRED INFORMATION

### **STANDARDS 1 and 2 OF APPLICATION: PUBLIC HEARING RESULTS**

All proposed school design teams must conduct a public hearing before applying for an open-enrollment charter school, to assess support for the school's establishment. Applicants are asked both to document the logistics of the hearing and to include a narrative of the hearing results.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A thorough description of the results of the public hearing;
- A thorough description and evidence of public support exhibited at the hearing;
- Documentation of required notices published to garner public attention to the hearing; and
- Documentation of required notices of the public hearing to superintendents and school board members in contiguous school districts.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
The application lacks evidence of meeting the required publication prior to the public meeting.	Pg. 1, Attachments
Lacks a thorough description of the results of the public hearing.	Pg. 1

### **STANDARD 3 OF APPLICATION: GOVERNING STRUCTURE**

The Governing Structure section should explain how the school will be governed. It should present a clear picture of the school's governance processes and composition, what responsibilities various groups and people will have and how those groups will relate to one another.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- Documentation of proper legal structure of the governing board;
- A clear description of the governing board's roles and responsibilities;
- Adequate policies and procedures for board operation, including board composition and member selection;
- A clear, sensible delineation of roles and responsibilities in relation to governance and school management; and
- A reasonable plan for involving parents, staff, students and community in the decision-making of the school.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
No proper legal structure described for the Board.	Pg. 1
No reasonable plan for involving parents, staff, students and community in the decision- making of the school.	Pg. 1

### **STANDARD 4 OF APPLICATION: MISSION STATEMENT**

The Mission Statement should be meaningful and indicate what the school intends to do, for whom and to what degree.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A mission statement that is manageable and measurable.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
The Applicant should explain how or whether it intends to comply with the requirements of Standard 9.03.4 of the Standards for Accreditation, requiring that 38 units, plus appropriate AP and advanced foreign language courses, be both offered and taught.	Pg. 1-2
The Application states that the school is for "adjudicated students/youth". While the charter Applicant may target adjudicated youth in its recruitment efforts, "open enrollment public charter schools" in Arkansas are, by their very nature, open to any grade-eligible student residing in Arkansas. Pursuant to Ark. Code Ann. § 6-23-306(6)(A), an open-enrollment public charter school shall "[p]rohibit discrimination in admissions policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility. . ." In addition, federal law requires that every eligible student be given an equal opportunity to attend a charter school.	
The Applicant states that the school will serve a target population of 200 adjudicated youth. Given the issues facing ALE students, please outline any phase-in plan for student enrollment that may be utilized.	Pg. 1-2
Describe the specific curriculum, skills, and social and emotional provisions that will be in place to provide students with "a greater chance to become productive citizens".	Pg. 1-2

### **STANDARD 5 OF APPLICATION: EDUCATIONAL NEED**

The Educational Need section should indicate how the school intends to offer a viable educational option for students in Arkansas. Along with the mission statement, this section outlines the basic rationale for the new school.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A description of educational need that presents a clear option for students, and
- Valid and reliable data that substantiates the educational need for the school.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
The Applicant needs to provide relevant educational data to substantiate the educational need for the school.	Pg. 2-3

### **STANDARD 6 OF APPLICATION: EDUCATIONAL PROGRAM**

The Educational Program section should describe the educational foundation of the school and the teaching and learning strategies that will be employed.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A clear description of the proposed educational program, including but not limited to the foundational educational philosophy and curricular and instructional strategies to be employed
- A specific rationale for how the charter school will enhance or expand the educational options currently available to the school's target student population; and
- A clear organization of the school in terms of both length of school day and year that meets minimum state requirements.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Pg. 3 of the application states: "There are 22 credits, there are 16 credits, and six are considered elective credits which will be their vocational area of study. "Clarify how this structure aligns with the required 38 units of credit.	Pg. 3
Describe the specific curriculum structure that will be used to promote students and allow them to earn credits.	Pg. 3
In an ALE program, computer instruction can only be delivered for up to 49% of the curriculum. Describe the additional instructional activities and expectations for successful student achievement.	Pg. 3

## **STANDARD 7 OF APPLICATION: ACADEMIC ACHIEVEMENT GOALS**

The Academic Achievement Goals section should define the performance expectations for students and the school as whole.

### **Evaluation Criteria:**

A response that meets the standard will present:

- Specific goals in:
  - Reading;
  - Reading Comprehension;
  - Mathematics; and
  - Mathematic Reasoning;
- Goals that clear, measurable and data-driven;
- Goals on improving student achievement; and
- Valid and reliable assessment tools for measuring each of the defined goals.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Application lacks clearly defined goals as related to reading, reading comprehension, mathematics, and mathematics reasoning.	Pg. 3-4
Provide additional clarification concerning how the "next level" progression is necessary for a measurable goal and objective.	Pg. 3-4

## **STANDARD 8 OF APPLICATION: CURRICULUM DEVELOPMENT AND ALIGNMENT**

The Curriculum Development and Alignment section should define the process by which the design team developed (or chose) the curricular program of the school, and illustrate alignment with Arkansas Curriculum Frameworks and Common Core Standards.

### **Evaluation Criteria:**

A response that meets the standard of a curricular development and alignment program will present:

- Evidence that the curriculum aligns with, or a sound and rationale plan and timeline for aligning the curriculum with, the Arkansas Department of Education's content standards, benchmarks and performance standards.
- Evidence that the Applicant is prepared to transition its curriculum as necessary to satisfy the requirements and timeframe of the Common Core Standards.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
The Applicant has not provided evidence that the curriculum aligns with, or a sound rationale plan and timeline for aligning curriculum with the ADE content standards, benchmarks and performance standards.	Pg. 4

## **STANDARD 9 OF APPLICATION: GEOGRAPHICAL SERVICE AREA**

The Geographical Service Area section must outline the impact of a new school opening within the current public education system.

### **Evaluation Criteria:**

A response that meets the standard will present:

- The specific geographical area served by the charter school; and
- Information on the school districts within the geographical area that may be affected (including data on the expected number of students to transfer to the charter school).

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
The application provides no specific information on the school districts within the geographical area that may be affected.	Pg. 4-5



## **STANDARD 10 OF APPLICATION: ANNUAL PROGRESS REPORTS**

The Annual Progress Reports section should define how the academic progress of individual students and the school as a whole will be measured, analyzed and reported.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A clear and conceptually sound plan for documenting and reporting student performance data;
- A timeline for data compilation and completion of an annual report to parents, the community and the State Board of Education that outlines the school's progress; and
- A plan for dissemination of the annual report to appropriate stakeholders.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
The Applicant does not present a sound plan for documenting and reporting student achievement data.	Pg. 5-6

## **STANDARD 11 OF APPLICATION: ENROLLMENT CRITERIA AND PROCEDURES**

The Enrollment Criteria and Procedures section should describe how the school will attract and enroll its student body, including any criteria for admission and enrollment. Applicants must also provide assurances for a random lottery selection process.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A student recruitment plan that will provide equal opportunity for all parents and students to learn about and apply to the school;
- An enrollment and admissions process that is open, fair and in accordance with applicable law; and
- A process for, and a guarantee of, a random, anonymous lottery process should there be more student applications than can be accommodated under the terms of the charter.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
The Applicant needs to clarify the enrollment and admissions process for this open enrollment school that is inclusive of adjudicated juvenile dropouts and other school age students who are referred.	Pg. 6
Random anonymous lottery is not inclusive of the process.	Pg. 6

## **STANDARD 12 OF APPLICATION: STAFFING PLAN**

The Staffing Plan section should describe the job duties of the school director and other key personnel. This section should also describe the professional standards that all employees will be held to.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A job description for the school director and other key personnel, including but not limited to an operations director, board members, teachers, etc.;
- An outline of the professional qualifications required for administrators, teachers, counselors, etc; and
- A staffing plan that clearly outlines both the types and numbers of positions to be filled at the school and salary scales for such positions.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Applicant does not provide an inclusive list of number of staff.	Pg. 6-8

### **STANDARD 13 OF APPLICATION: BUSINESS AND BUDGETING PLAN**

The Business & Budgeting Plan section should describe how the charter school will organize its business office and manage its fiscal responsibilities.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- An appropriate plan for how the school will manage procurement activities;
- A description of the personnel required to carry out business duties, including the requisite qualifications of any proposed personnel;
- A realistic timeline and process by which the governance structure will review and adopt an annual budget; and
- A balanced two-year budget estimate that accurately reflects the revenue currently available to the school and expenditures for program implementation, and does not rely on one-time grants or other funds that are not presently guaranteed.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
Application contains a copy of the proposed certified salary schedule.	Pg. 21
<b>Concerns and Additional Questions</b>	<b>Reference</b>
The Applicant does not submit a timeline or process for reviewing and adopting an annual budget.	Pg. 8
The Applicant did not submit a classified salary schedule.	
The Applicant does not include requisite qualifications for the personnel as required in Standard 13.	
The Business Manager must meet the qualifications set forth in the ADE Rules Governing Minimum Qualifications for General Business Managers of Public School Districts, unless those Rules and Ark. Code Ann. §6-15-2302 are waived by the State Board.	
Applicant did not include procurement plan as required by Standard 13.	Pg. 8
The Applicant did not include a balanced two year budget estimate as required.	Pg. 17

The Applicant has included revenue in the budget that may not be guaranteed. Please clarify. (Line 10 of budget worksheet) This would cause ending balance to be \$600,000 less.	Pg. 17
Applicant should clarify NSLA calculation.	Pg. 17
Applicant should clarify amount used for Professional Development calculation.	Pg. 17
Applicant should clarify fringe benefit calculation. It appears that 15% is used. This seems low.	Pg. 17
Applicant should clarify \$250,000 equipment line item budgeted (line 32)	Pg. 17
Alternative funds are listed as TBA. Applicant should clarify and include completed budget.	Pg. 17
Budget shows a waiver for Para Professional in the Media Services area. No waiver appears to have been requested.	Pg. 17
Applicant did not provide a list of staff positions but budgeted for positions in various areas. It cannot be determined if budget is accurate to any staffing plan.	Pg. 17-20
Applicant budgeted two positions in food service to be paid from "child network". Applicant should clarify responsibility of personnel as well as the equipment requirement on line 113.	Pg. 19
Applicant did not provide amount for substitutes in budget. (TBA)	Pg. 20
Applicant did not submit enough information to determine if budget is accurate or has a balance of revenue over expenditures at the end of the year.	

### **STANDARD 14 OF APPLICATION: FINANCIAL AND PROGRAMMATIC AUDIT PLAN**

The Financial and Programmatic Audit Plan section should provide the procedure and timeline by which an annual audit should be conducted. This section should also include an outline for the information that will need to be reported to ADE and the community.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A sound plan for annually auditing school's financial and programmatic operations.

If the Application names an accountant other than the Division of Legislative Audit to perform the first-year audit, the named accountant meets the requirements of Act 993 of 2011 and is not listed on any ineligibility list maintained by ADE or the Division of Legislative Audit

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Applicant did not submit name of the auditor to be used.	Pg. 9

### **STANDARD 15 OF APPLICATION: ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK ASSURANCES**

The Arkansas Public School Computer Network (APSCN) Assurances section should provide documentation of the Applicant's understanding of and participation in the required state educational data reporting system.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- Assurance that the charter school will participate in APSCN and will comply with all state statutory requirements regarding the APSCN educational data reporting system.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Applicant must clarify that they will participate in APSCN and will comply with all state statutory requirements regarding education and financial data.	Pg. 9

## **STANDARD 16 OF APPLICATION: FACILITIES**

The Facilities section should provide an understanding of the school's anticipated facilities needs and how the school plans to meet those needs.

### **Evaluation Criteria:**

A response that meets the standard will present:

- An informed understanding of the facility needs of the school over the term of its charter.
- A realistic plan for securing a facility that is appropriate and adequate for the school's program and targeted population.
- Evidence that the school understands the costs of securing and improving a facility and has access to the necessary resources to fund the facility plan.
- A sound plan for continued operation, maintenance and repair of the facility.

For schools that will be using district-owned facilities, a response that meets the standard will present:

- Documentation that the school district and school are in agreement over the use of the facility and its equipment.

For schools that will NOT be using district-owned facilities, a response that meets the standard will present:

- Documentation that the property owner and school are in agreement over the use of the facility and its equipment;
- A statement of the facilities' compliance with applicable codes; and
- A detailed outline of any relationships between the property owner and:
  - members of the local board of the public school district where the charter school will be located;
  - the employees of the public school district where the charter school will be located;
  - the sponsor of the charter school; and
  - employees, directors and/or administrators of the charter school.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Any facilities used by the Applicant will have to be inspected by the Division of Public School Academic Facilities and Transportation prior to any State Board of Education action on the application. All facilities must meet the requirements of the Americans with Disabilities Act and the Individuals with Disabilities Education Act. The site must also be selected and reviewed before State Board action to ensure both	

<p>adequacy for the proposed facilities as well as compliance with health, safety, building and zoning laws.</p> <p>A final review of all Lease Agreements for Charter School facilities will be performed by the ADE before Board action on the Application is taken. Any modifications to the Lease Agreement submitted with the application must be submitted to ADE for prior approval, pursuant to Ark. Code Ann. § 6-23-401(a)(5).</p>	
<b>Facilities Review Report</b>	

***STANDARD 17 OF APPLICATION: CONFLICTS OF INTEREST***

The Conflicts of Interest section should identify any potential conflicts of interest among the individuals involved with the proposed charter school and detail how conflicts will be addressed.

**Evaluation Criteria:**

A response that meets the standard will present full disclosure of any potential conflicts of interest and detail how conflicts will be addressed.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
There is no Standard 17: Conflicts of Interest in this application.	



## **STANDARD 18 OF APPLICATION: STUDENT SERVICES**

The Student Services section should describe how the school will address services for its student body.

### **Evaluation Criteria:**

A response that meets the standard will present, unless a waiver is being sought:

- A guidance program that will serve all students;
- A health services program that will serve all students;
- A plan for a media center for use by all students;
- A transportation plan that will serve all eligible students;
- A food service plan that will serve all eligible students;
- Sound plans for educating special education students that reflect the full range of programs and services required to provide such students with a high quality education;
- An alternative education plan for eligible students, including those determined to be at-risk, or those that are bilingual or have limited English proficiency; and
- Plans for a gifted and talented program for eligible students.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Media Center: The media center lacks a solid plan, no waiver has been requested to waive a media services.	Pg. 10
Transportation: The transportation plan is not inclusive of providing services for all students.	Pg. 10
Gifted and Talented: The application lacks a sound plan for providing a gifted and talented program for all students.	Pg. 10
Special Ed: Application lacks a sound plan that reflects the full range of programs and services required to provide students with a high quality education.	Pg. 10
ALE: As Act 59 is now obsolete, the Applicant needs to refer to Act 1118 regarding reference to alternative education.	

### **STANDARD 19 OF APPLICATION: FOOD SERVICES**

This section should describe how the school will address food services for its student body.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A food service plan that will serve all eligible students.
- A management plan that reflects a clear understanding of federal law and requirements if the proposed charter school intends to participate in the National School Lunch program.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Clarify times for breakfast, lunch and after school snack.	Pg. 11
The ADE Child Nutrition Unit does not approve catering services.	Pg. 11
Must follow federal procurement regulations for procuring a catering service to provide meal service.	Pg. 11
Food service plan must include description of areas used for cooking, serving and consumption of student meals.	Pg. 11

## **STANDARD 20 OF APPLICATION: PARENTAL INVOLVEMENT**

The Parental Involvement section should describe how parents or guardians of enrolled students will make a positive impact on the school and its educational program.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A plan for involving parents and guardians in the school's education programs; and
- A proposal that involves the parents of students, employees and the broader community in carrying out the terms of the charter.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
The Applicant does not provide a sound plan for involving parents and guardians in the schools educational program as well as a lack of community involvement.	Pg. 11

## **STANDARD 21 OF APPLICATION: WAIVERS**

The Waivers section should describe any waiver from local or state law which the charter is seeking.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A justification of each and every waiver request; and
- A justification of how the waiver requests relate to the school's educational program.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Legal Comments</b>	<b>Reference</b>
<p>1. The Applicant did not submit documentation of its tax-exempt status. The Applicant must submit either a signed &amp; dated IRS Form 1023 (application for 501(c)(3) status), or an IRS Tax-Exempt Determination Letter.</p> <p>2. No waiver regarding "shop areas" may be granted by the State Board of Education, as this is governed by the State Board of Career Education.</p>	
<b>Concerns and Additional Questions</b>	<b>Reference</b>

## **STANDARD 22 OF APPLICATION: DESEGREGATION ASSURANCES**

The Desegregation Assurances section should describe the Applicant's understanding of applicable statutory and regulatory obligations to create and maintain a unitary system of desegregated public schools.

### **Evaluation Criteria:**

A response that meets the standard will present:

- Assurance that the charter school will comply with all applicable federal and state statutory and regulatory requirements regarding the creation and maintenance of desegregated public schools; and
- An outline of the potential impact of the proposed charter school on those desegregation efforts already in place in affected public school districts.

<b>Legal Comments</b>	<b>Reference</b>
Applicant responded within the context of this standard. A complete desegregation analysis will be presented to the State Board of Education.	
<b>Concerns and Additional Questions</b>	<b>Reference</b>

### **ADDITIONAL COMMENTS:**

Application Cycle 2011

# Response to Evaluation

Special Training in Remedial Instruction and Vocational  
Education (STRIVE) Institute of Technology

# STRIVE Institute of Technology

## Response to ADE Evaluation

## **STANDARDS 1 AND 2 OF APPLICATION: PUBLIC HEARING RESULTS**

A call was made to Dr. Duncan after checking with legal division of the Arkansas Department of Education. I was informed that one meeting would be sufficient in the district where the school would be located (Marianna, Lee County).

The meeting was held and Commissioner Kimble and Juvenile Judge Hudson were present on August 17, 2011 at 2:30 p.m. in the board room at the Central Office of the Lee County School District. The Consortium was formed at that meeting. All Superintendents present like the concept and supported the idea of a regional high school.

Since, there was not three weeks left before the application was due, notification appeared in the Times Herald Daily Newspaper, community clips every working day beginning August 17 through August 24, 2011. Additionally, the Courier Index is published weekly for Marianna and Lee County. This noticed appeared on the first page of the Courier Index on August 17, 2011, see enclosure.

This was as much notice as could be given according to the timeframe. The public meeting was held on August 24, 2011 at 6:00 p.m. at the Lee County School District with 17 people in attendance.

Seventeen person attended the meeting where the STRIVE School's operation, purpose and potential students enrollment criteria were presented. A question and answer period was provided. There were over a dozen responses that were all positive for the need of the Regional High School to serve those groups of students who are not being served by the school districts in the consortium. This group of students included but was not limited to the adjudicated juveniles, dropouts, students who are expelled and other school aged students who are referred to the Regional High School by the Juvenile Judge.

Patrons were very positive about the potential vocational high school students, summer work experience program and the opportunity for students to receive expunged and sealed records upon graduation.

**RECEIVED**  
SEP 29 2011

**CHARTER SCHOOL OFFICE**



## **STANDARD 3 OF APPLICATION: GOVERNING STRUCTURE**

The STRIVE Board of Directors:

- Five members selected for their interest in the concept of the Regional High School;
- Belief in teaching of marketable skills to a specific population who are adjudicated, at risk or currently not being served (falling through the cracks) or underserved by the public school;
- Each member was selected from each county;
- Availability to participate in the implementation of the process of STRIVE;
- Expertise in education, law, community organizing, outreach or strategic planning;
- Personal experience in education and working with "at risk" students and
- A deep commitment to improving the lives of adjudicated juveniles in the nine schools in the consortium.

Parent(s) Involvement:

The STRIVE School recognizes the importance of the relationship between the school, students and parents. Home visits will be made by the school staff. A parent education program will be an integral component of the school improvement process. Parent Empowerment will be used to assist students in anger management/conflict resolution skills. The STRIVE Institute of Technology will also use the following communication strategies:

- Parent/Staff/Student Conference
- Open Door Policy
- Parent Involvement Committee
- Family Accountability Committee

## **STANDARD 4 OF APPLICATION: MISSION STATEMENT**

The mission of the STRIVE Institute of Technology is to provide an educational setting that is committed to equipping all students with the skills and knowledge to realize their aspirations, to think critically and independently, to learn continuously and to face the future as productive, contributing citizens. The ultimate goal of the STRIVE Institute of Technology is to provide opportunities to meet students' educational and behavioral needs, guiding them to adjust their behavior and habits in such a manner that they will become successful citizens.

This mission is accomplished by providing a diverse, innovative, and challenging curriculum in a secure environment which will enable students to master essential academic skills and social competencies with a staff dedicated to excellence and empowered with the trust and support of the community.

STRIVE Institute of Technology will identify and educate a targeted population of 100 adjudicated students/youth between the ages of 14 – 19 (grades 9 – 12) from St.

Francis, Phillips, Lee, and Monroe Counties of the delta region of Eastern Arkansas. The school will provide with an education that is committed to equipping all students with the skills and knowledge to accomplish their goals, to become independent and productive, contributing citizens through graduation or attainment of a GED in preparation for gainful employment or for completion of certification in their area of study.

The STRIVE Institute of Technology will offer 38-credit as required by the Arkansas Department of Education. Students will graduate from the school after completing the 22 credits required for graduation which includes six (6) hours of vocational courses. The student will then be able to enter a Vocational Technical School, Community College, or enter directly into the market. By providing various interventions, along with an intense program of study, student failure will be greatly reduced. Additionally, students will be given a greater chance to become productive citizens. Students may be assigned by the Juvenile Judge as a last alternative before placing them in juvenile detention facilities and/or other treatment facilities. Students may also be assigned by special request from the school officials.

School official and/or parents/guardians may request that students be placed in the program as a matter of choice. In those cases, a placement committee will review the student's academic and behavior records and assign the student to the school if they have exhibited academic, behavior or family problems.

If a number of parents/students seeking enrollment in the school exist, that exceeds capacity, the students will be selected using a random, anonymous lottery selection process.

#### Curriculum:

The core curriculum of language arts, mathematics, science and social studies will be taught daily. A computerized program will be used to address the needs of students with Reading/Language Arts deficiencies.

When a student enters the STRIVE Institute he/she will go through a thorough assessment process. This process will include a thorough explanation of academics and discipline folder/materials. A range of additional support services will be provided, on-site, that will be developed to provide a safety net for each student and enhance the development of people and social skills, build negative resistance to peer pressure and develop proper decision making and conflict resolution skills.

### **STANDARD 5 OF APPLICATION: EDUCATIONAL NEED**

Many time juvenile, especially adjudicated juveniles fall through the cracks and have a tenacity to perform poorly or drop out of school. While statistics do not adequately reflect the percentage of juvenile crime that occurs during the school hours, the consensus of law enforcement officers is a large percentage of daytime crime is committed by juvenile offenders whether truant or suspended/expelled from school. To

help with the problem, the STRIVE Institute of Technology with the assistance of the Juvenile Judge and the support of School Districts of EAEC consisting of nine (9) school districts. The school districts are located in Lee, Monroe, Phillips, and St. Francis Counties in Eastern Arkansas established a consortium to work with the STRIVE Institute of Technology to work with the Juvenile Judge to assign students to the STRIVE School as a last alternative before placing the juvenile offender in juvenile detention center.

In order to achieve the greatest impact on reducing juvenile crime incurring accountability for juvenile offender. The STRIVE Institute of Technology will educate a target population of 100 adjudicated students in grades 9 – 12. The students attending the STRIVE will be schooled through graduation or attainment of a GED in preparation for gainful employment or for completion of certification vocational area of study's. Students will be exposed to instruction/intervention in four major areas:

- Basic and Advanced Academic Skills
- Vocational Skill Attainment
- Drug and Alcohol use and addiction
- Violence/Conflict Resolution skills

These skills will greatly increase students' chances to become productive tax paying citizens. This program also builds role models, encourages concern for others and encourages students to STRIVE academic excellence and attain a marketable vocational skill.

The STRIVE Institute will assist the State of Arkansas at reducing these kinds of above mentioned costs by providing prevention services for non-residential (100) targeted youth. See attachment from the Arkansas Department of Youth Services

## **STANDARD 6 OF APPLICATION: EDUCATIONAL PROGRAM**

The STRIVE Institute of Technology will offer the 38 credits that are required by the Arkansas Department of Education 9.03.4. Students must obtain 22 credits to graduate with 10 in core subjects and 6 in vocational credits. The core curriculum, of language arts, mathematics, science and social studies will be taught daily, with more time being devoted to language arts and mathematics instruction. Health, physical education, and other electives linked to career focus areas will also be offered. The language arts classes will utilize the Read 180 Reading Program that will address needs of the students who have literacy deficiencies. When possible, the teachers will have common planning and preparation periods. This time will be used for work with outside consultants and collaboration for aligning curriculum and developing instructional strategies based on student needs.

When a student enters STRIVE Institute of Technology, he/she will go through a thorough assessment process. This process will include a thorough examination of the academic and discipline folders/materials, the administration of the Test of Basic Education (TABE) for senior high students, and other test/inventories (PACE, READ 180) deemed necessary to diagnosis and address the student's individual needs.

Students may receive supplemental instruction and remediation through the use of the following:

**PACE Learning System** – The Individually Prescribed Instructional Systems (IPIS) will provide written and/or computerized instruction in mathematics, reading, and language arts for 6<sup>th</sup> through 8<sup>th</sup> grades and will also provide remediation for the students who are working below grade level.

**PLATO** – A computerized program that is designed to enable students to earn specific Carnegie units/credits needed for credit recovery and/or graduation. The program is also designed for students who need accelerated materials in earning higher level mathematics and science credits.

**General Education Diploma (GED)** – This program will be used to prepare students who are beyond the age of reasonably earning enough credits to graduate. Adult Basic Education (ABE) materials will be used for students functioning below 9<sup>th</sup> grade. Pre-GED materials will be used for students who are working at the 9<sup>th</sup> grade level or above.

## **STANDARD 7 OF APPLICATION: ACADEMIC ACHIEVEMENT GOALS**

The STRIVE School will set AYP goals for Reading, Reading Comprehensive, Mathematics, and Mathematics Reasoning after collecting last state performance data on individual students after their enrollment. The goals will clearly reflect 100% of students in NCLB defined subgroup will perform at the proficient or Advanced Levels on Criterion referenced assessments by the 2013 – 2014 school year.

## **STANDARD 8 OF APPLICATION: CURRICULUM DEVELOPMENT AND ALIGNMENT**

Teachers will align the curriculum based on the Arkansas Curriculum Framework and the State Mandated Testing Program with the assistance of outside consultants who have proven experience in this area.

Teachers will meet to discuss the meaning of each of the ADE Frameworks and identify concepts, skills and principles associated with them.

Using the Frameworks, along with data from the most recent student assessments, teachers will identify the concepts, units, skills and principles that must be taught to address the frameworks.

The Arkansas Comprehensive Curriculum (ACC) will be utilized at the STRIVE Academy to ensure the academic program is closely aligned with state learning standards, as defined by Grade – Level Expectations (GLEs). The GLEs are aligned with the mission to promote high levels of academic achievement.

Teachers will also use curriculum maps to see where they should be and where they student has or has not made progress. Teachers will be looking at students' list data, so they can adjust the amount of time needed to teach the different concepts based upon students' test results. Since students will be entering at different times during the school year, the PLATO computer system will be used to deliver some of the instruction with teachers being mindful that only (70%) of the instruction can be delivered using this mechanism. Thirty percent (30%) of instruction must be delivered by teachers.

## **STANDARD 9 OF APPLICATION: GEOGRAPHICAL SERVICE AREA**

### *Phillips County*

As of the census of 2000, there were 26,445 people, 9,711 households, and 6,768 families residing in the county. The population density was 38 people per square mile (15/km<sup>2</sup>). There were 10,859 housing units at an average density of 16 per square mile (6/km<sup>2</sup>). The racial makeup of the county was 59.04% Black or African American, 39.25% White, 0.43% from other races, 0.32% Asian, 0.17% Native American, 0.01% Pacific Islander, and 0.78% from two or more races. 1.44% of the population were Hispanic or Latino of any race.

There were 9,711 households out of which 34.20% had children under the age of 18 living with them, 40.30% were married couples living together, 25.10% had a female householder with no husband present, and 30.30% were non-families. 27.60% of all households were made up of individuals and 13.00% had someone living alone who was 65 years of age or older. The average household size was 2.69 and the average family size was 3.29.

In the county the population was spread out with 32.20% under the age of 18, 9.40% from 18 to 24, 23.20% from 25 to 44, 21.20% from 45 to 64, and 13.90% who were 65 years of age or older. The median age was 33 years. For every 100 females there were 84.70 males. For every 100 females age 18 and over, there were 77.70 males.

The median income for a household in the county was \$22,231, and the median income for a family was \$26,570. Males had a median income of \$24,675 versus \$17,520 for



females. The per capita income for the county was \$12,288. About 28.70% of families and 32.70% of the population were below the poverty line, including 45.50% of those under age 18 and 26.20% of those age 65 or over.

The Helena-West Helena statistical area had the largest drop in population, at -20.89%, of any statistical area in the country for the period 2000-2009.

#### *St. Francis County*

As of the census of 2000, there were 29,329 people, 10,043 households, and 7,230 families residing in the county. The population density was 18/km<sup>2</sup> (46/mi<sup>2</sup>). There were 11,242 housing units at an average density of 7/km<sup>2</sup> (18/mi<sup>2</sup>). The racial makeup of the county was 48.36% White, 49.01% Black or African American, 0.25% Native American, 0.56% Asian, 0.02% Pacific Islander, 0.40% from other races, and 1.40% from two or more races. 4.88% of the population were Hispanic or Latino of any race.

There were 10,043 households out of which 35.30% had children under the age of 18 living with them, 46.90% were married couples living together, 20.80% had a female householder with no husband present, and 28.00% were non-families. 25.10% of all households were made up of individuals and 10.80% had someone living alone who was 65 years of age or older. The average household size was 2.65 and the average family size was 3.17.

In the county the population was spread out with 27.90% under the age of 18, 9.90% from 18 to 24, 29.10% from 25 to 44, 21.20% from 45 to 64, and 11.90% who were 65 years of age or older. The median age was 34 years. For every 100 females there were 105.60 males. For every 100 females age 18 and over, there were 105.40 males.

The median income for a household in the county was \$26,146, and the median income for a family was \$30,324. Males had a median income of \$28,389 versus \$20,578 for females. The per capita income for the county was \$12,483. About 23.10% of families and 27.50% of the population were below the poverty line, including 38.70% of those under age 18 and 23.10% of those age 65 or over.

#### *Monroe County*

As of the census of 2000, there were 10,254 people, 4,105 households, and 2,733 families residing in the county. The population density was 17 people per square mile (7/km<sup>2</sup>). There were 5,067 housing units at an average density of 8 per square mile (3/km<sup>2</sup>). The racial makeup of the county was 59.37% White, 38.79% Black or African American, 0.26% Native American, 0.13% Asian, 0.04% Pacific Islander, 0.26% from other races, and 1.14% from two or more races. 1.29% of the population were Hispanic or Latino of any race.

There were 4,105 households out of which 29.30% had children under the age of 18 living with them, 46.10% were married couples living together, 16.70% had a female

householder with no husband present, and 33.40% were non-families. 30.10% of all households were made up of individuals and 15.10% had someone living alone who was 65 years of age or older. The average household size was 2.47 and the average family size was 3.07.

In the county the population was spread out with 27.90% under the age of 18, 7.60% from 18 to 24, 23.70% from 25 to 44, 23.40% from 45 to 64, and 17.30% who were 65 years of age or older. The median age was 38 years. For every 100 females there were 88.50 males. For every 100 females age 18 and over, there were 83.30 males.

The median income for a household in the county was \$22,632, and the median income for a family was \$28,915. Males had a median income of \$25,299 versus \$17,117 for females. The per capita income for the county was \$13,096. About 21.00% of families and 27.50% of the population were below the poverty line, including 37.40% of those under age 18 and 22.40% of those age 65 or over.

#### School Districts

1. Lee County
2. Brinkley
3. Clarendon
4. Barton, Lexa
5. Helena – West Helena
6. Marvell
7. Forrest City
8. Palestine – Wheatley
9. Hughes

#### **STANDARD 10 OF APPLICATION: ANNUAL PROGRESS REPORTS**

Student Achievement Data. STRIVE Institute of Technology will follow the ADE Rules Governing standards for accreditation of charter schools (section 7.04.3). The STRIVE Academy shall review each curriculum area annually to ensure alignment with standards. The Board of Trustees will review the results of all school – wide assessments. These reviews will enable the Board to carefully monitor managements progress toward the agreed upon student achievement goals. The Board will work closely with the Principal and Administrator to facilitate these formal reviews and stay up-to-date on state assessment results as they become available.

The STRIVE Institute of Technology will establish a school-wide professional culture that is self-critical, self-reflective, and performance driven through the use of our comprehensive data and accountability system. We will report performance data to all

stakeholders transparently and at regular intervals, inviting complete accountability to accomplish our mission.

#### **STANDARD 11 OF APPLICATION: ENROLLMENT CRITERIA AND PROCEDURES**

In the addition to the Juvenile Judge's recommendation of students to the school, parents/guardians may request that students be placed in the program as a matter of choice. In those instances, a committee will review the students' academic, behavioral, personal or family, or emotional problems as outlined in (ACT 1118). The STRIVE Institute of Technology Principal and Counselor and a placement team from the students' home district, other specialists deemed necessary and the parents/guardians will serve on the placement team.

At the conclusion of the STRIVE Institute of Technology's application period, following the admission of students' recommended by the juvenile judge and the above placement addition, if there are spaces available, and the number of applicants exceeds the spaces available, we will conduct a lottery to fill slots. In the second year of operation and thereafter, the STRIVE Institute of Technology will modify the enrollment procedures in order to give preference to students previously enrolled in the school.

#### **STANDARD 12 OF APPLICATION: STAFFING PLAN**

Principal/Director	11 Months	\$82,000.00
2 Counselors		Provided by Mental Health
1 Secretary	11 Months	
9 Teachers	11 Months	
(9 Core Subject Area/Elective Teacher)		
1 Special Education Teacher		
Media Specialist		Requested Waiver
1 Paraprofessional		
1 Treasurer/Bookkeeper		\$36,000.00
1 Gifted and Talented		
1 Alternative Education (to be arranged and paid from alternative sources)		
1 Nurse (Health Services)		Provided by Lee County Cooperative Clinic



2 Maintenance & Operations

4 Transportation

2 Food/Nutrition

Substitute Personnel

To be arranged

2 School Security Officers

### **STANDARD 13 OF APPLICATION: BUSINESS AND BUDGETING PLAN**

Beginning April 30<sup>th</sup> of each year the Treasurer/Bookkeeper in consultation with the Principal/Director will prepare an annual operating budget of revenue and expenses for each school.

By June 30<sup>th</sup>, the budget and projections are then presented and reviewed by the Finance Committee and sent for any modification or changes that need to be made.

By August 30<sup>th</sup>, the budget is then presented to the board for their review and approval. After approval, the budget will be submitted to the Department of Education on or before September 30<sup>th</sup> of each year.

The Business Manager will meet the qualifications set forth in the ADE Rules Governing Minimum Qualification for General Business Managers of Public School Districts, unless those Rules and Ark. Code Ann §6-15-2302 are waived by the State Board.

SPECIAL TRAINING IN REDEMIDAL INSTRUCTION AND VOCATIONAL  
EDUCATION (STRIVE) INSTITUTE OF TECHNOLOGY

**Classified Salary Schedule**

**Instructional Aides/Media Specialist**

1	\$ 20,000.00
2	\$ 20,140.00
3	\$ 20,280.00
4	\$ 20,420.00
5	\$ 20,560.00
6	\$ 20,700.00
7	\$ 20,840.00
8	\$ 20,980.00
9	\$ 21,120.00
10	\$ 21,260.00
11	\$ 21,400.00
12	\$ 21,540.00
13	\$ 21,680.00
14	\$ 21,820.00
15	\$ 21,960.00
16	\$ 22,100.00
17	\$ 22,240.00
18	\$ 22,380.00
19	\$ 22,520.00
20	\$ 22,660.00

**Administrative Staff**

1	\$ 36,000.00
2	\$ 36,200.00
3	\$ 36,400.00
4	\$ 36,600.00
5	\$ 36,800.00
6	\$ 37,000.00
7	\$ 37,200.00
8	\$ 37,400.00
9	\$ 37,600.00
10	\$ 37,800.00
11	\$ 38,000.00
12	\$ 38,200.00
13	\$ 38,400.00
14	\$ 38,600.00
15	\$ 38,800.00
16	\$ 39,000.00
17	\$ 39,200.00
18	\$ 39,400.00
19	\$ 39,600.00
20	\$ 39,800.00

Bus Driver       \$   8,900.00

Maintenance     \$ 10,000.00

**Public Charter School Application**  
**Estimated Budget Worksheet, Year One (2011-2012)**

<u>Line#</u>	<u>Revenues</u>	<u>Amount</u>	<u>Total</u>
1	State Public Charter School Aid:		
2	No. of Students (100) x \$6,144.00 State Foundation Funding		
3			614,400.00
4	No. of Students (100) x \$51.00 Professional Development		4,133.00
5	No. of Students (100) x eligible rate* NSLA Funding		151,800.00
6	Total State Charter School Aid	1518	770,333.00 \$0.00
7			
8	Other Sources of Revenues:		
9	Private Donations or Gifts		
10	Federal Grants (List the amount)		
11	Special Grants (List the amount)		
12	Other (Specifically Describe)		
13			
14	Total Other Sources of Revenues		\$0.00
15			
16	<b>TOTAL REVENUES</b>		770,333.00 \$0.00
17			
	<u>Expenditures</u>	<u>Amount</u>	<u>Total</u>
19	Administration:		
20	Salaries: (No. of Positions <sup>1</sup> )	68,000.00	
21	Fringe Benefits	15166.00	
22	Purchased Services		
23	Supplies and Materials		
24	Equipment		
25	Other (Describe)		83,166.00 \$0.00
26			
27	Regular Classroom Instruction:		
28	Salaries: (No. of Positions <sup>9</sup> )	378,000.00	
29	Fringe Benefits	85,833.00	
30	Purchased Services		
31	Supplies and Materials		
32	Equipment		
33	Other (Describe)		468,833.00 \$0.00

\*NSLA Funding eligibility rate: the amount of funding is based on the percentage of students eligible for free or reduced price meals. Below seventy percent (70%): \$506.00 per student; between seventy and ninety percent (70-90%): \$1,012.00 per student; and ninety percent and above (90%): \$1,518.00 per student.

34	(Budget Continued)		
35	Special Education:		
36	Salaries: (No. of Positions <sup>1</sup> )	40,000.00	
37	Fringe Benefits	8,920.00	
38	Purchased Services		
39	Supplies and Materials		
40	Equipment		
41	Other (Describe)		48,920.00 \$0.00
42			
43	Gifted and Talented Program:		
44	Salaries: (No. of Positions <sup>1</sup> )	10,000.00	
45	Fringe Benefits	2,535.00	
46	Purchased Services		
47	Supplies and Materials		
48	Equipment		
49	Other (Describe)		12,535.00 \$0.00
50			
51	Alternative Education Program:		
52	Salaries: (No. of Positions )		
53	Fringe Benefits		
54	Purchased Services		
55	Supplies and Materials		
56	Equipment		
57	Other (Describe)		\$0.00
58			
59	Guidance Services:		
60	Salaries: (No. of Positions <sup>2</sup> )	Provided by Mental Health Agency	
61	Fringe Benefits		
62	Purchased Services		
63	Supplies and Materials		
64	Equipment		
65	Other (Describe)		\$0.00
66			
67	Health Services:		
68	Salaries: (No. of Positions )	Provided by Lee County Cooperative Clinic	
69	Fringe Benefits		
70	Purchased Services		
71	Supplies and Materials		
72	Equipment		
73	Other (Describe)		\$0.00

74 (Budget Continued)

75 Media Services:

76	Salaries: (No. of Positions <u>    </u> )	Need Waiver	
77	Fringe Benefits		
78	Purchased Services		
79	Supplies and Materials		
80	Equipment		
81	Other (Describe)		\$0.00

82

83 Fiscal Services:

84	Salaries: (No. of Positions <sup>1</sup> <u>    </u> )	36,000.00	
85	Fringe Benefits	8,238.00	
86	Purchased Services		
87	Supplies and Materials		
88	Equipment		
89	Other (Describe)	44,238.00	\$0.00

90

91 Maintenance and Operation:

92	Salaries: (No. of Positions <sup>2</sup> <u>    </u> )	20,000.00	
93	Fringe Benefits	5,070.00	
94	Purchased Services		
95	(include utilities)		
96	Supplies and Materials		
97	Equipment		
98	Other (Describe)	25,070.00	\$0.00

99

100 Pupil Transportation:

101	Salaries: (No. of Positions <sup>2</sup> <u>    </u> )	17,800.00	
102	Fringe Benefits	4,520.00	
103	Purchased Services		
104	Supplies and Materials		
105	Equipment		
106	Other (Describe)	22,320.00	\$0.00

107

108 Food Services:

109	Salaries: (No. of Positions <sup>2</sup> <u>    </u> )	17,800.00	
110	Fringe Benefits	4,520.00	
111	Purchased Services		
112	Supplies and Materials		
113	Equipment		
114	Other (Describe)	22,320.00	\$0.00

115	(Budget Continued)			
116	Data Processing:			
117	Salaries: (No. of Positions <u>    </u> )			
118	Fringe Benefits			
119	Purchased Services			
120	Supplies and Materials			
121	Equipment			
122	Other (Describe)			\$0.00
123				
124	Substitute Personnel:			
125	Salaries: (No. of Positions <u>2</u> )	10,000.00		
126	Fringe Benefits	2,535.00	12,535.00	\$0.00
127				
128	Facilities:			
	Lease/Purchase (contract for one total			
129	year including facility upgrades)			
130	Please list upgrades:			
131				
	Utilities (contract for one total year			
132	including facility upgrades)	20,397.00		
	Insurance (contract for one total year			
133	including facility upgrades):			
134	Property Insurance	10,000.00		
135	Content Insurance	5,000.00	35,397.00	\$0.00
136				
137	Debt Expenditures:			\$0.00
138	Other Expenditures:			
139	(Describe)			\$0.00
140				
141	<b>TOTAL EXPENDITURES</b>		<b>\$770,333.00</b>	<b>\$0.00</b>

**Public Charter School Application**  
**Estimated Budget Worksheet, Year Two (2012-2013)**

<u>Line#</u>	<u>Revenues</u>	<u>Amount</u>	<u>Total</u>
1	State Public Charter School Aid:		
2	No. of Students ( <u>100</u> ) x \$6,267.00 State Foundation Funding		
3		626,700.00	
4	No. of Students ( <u>100</u> ) x \$52.00 Professional Development	5,200.00	
5	No. of Students ( <u>100</u> ) x eligible rate* NSLA Funding	154,900.00	
6	Total State Charter School Aid 1549 90% Free and Reduced	786,800.00	\$0.00
7			
8	Other Sources of Revenues:		
9	Private Donations or Gifts		
10	Federal Grants (List the amount)		
11	Special Grants (List the amount)		
12	Other (Specifically Describe)		
13			
14	Total Other Sources of Revenues		\$0.00
15			
16	<b>TOTAL REVENUES</b>		<b>\$0.00</b>

<u>Line#</u>	<u>Expenditures</u>	<u>Amount</u>	<u>Total</u>
19	Administration:		
20	Salaries: (No. of Positions <u>1</u> )	68,000.00	
21	Fringe Benefits	15,166.00	
22	Purchased Services		
23	Supplies and Materials		
24	Equipment		
25	Other (Describe)		83,166.00 \$0.00
26			
27	Regular Classroom Instruction:		
28	Salaries: (No. of Positions <u>9</u> )	378,000.00	
29	Fringe Benefits	85,833.00	
30	Purchased Services		
31	Supplies and Materials		
32	Equipment		
33	Other (Describe)		463,833.00 \$0.00

\*NSLA Funding eligibility rate: the amount of funding is based on the percentage of students eligible for free or reduced price meals. Below seventy percent (70%): \$517.00 per student; between seventy and ninety percent (70-90%): \$1,033.00 per student; and ninety percent and above (90%): \$1,549.00 per student.

34 (Budget Continued)

35 Special Education:

36	Salaries: (No. of Positions <sup>1</sup> )	40,000.00	
37	Fringe Benefits	8,920.00	
38	Purchased Services		
39	Supplies and Materials		
40	Equipment		
41	Other (Describe)		48,920.00 \$0.00

42

43 Gifted and Talented Program:

44	Salaries: (No. of Positions <sup>1</sup> )	10,000.00	
45	Fringe Benefits	2,535.00	
46	Purchased Services		
47	Supplies and Materials		
48	Equipment		
49	Other (Describe)		12,535.00 \$0.00

50

51 Alternative Education Program:

52	Salaries: (No. of Positions )		
53	Fringe Benefits		
54	Purchased Services		
55	Supplies and Materials		
56	Equipment		
57	Other (Describe)		\$0.00

58

59 Guidance Services:

60	Salaries: (No. of Positions <sup>2</sup> )	Provided by Mental Health Agency	
61	Fringe Benefits		
62	Purchased Services		
63	Supplies and Materials		
64	Equipment		
65	Other (Describe)		\$0.00

66

67 Health Services:

68	Salaries: (No. of Positions )	Provided by Lee County Clinic	
69	Fringe Benefits		
70	Purchased Services		
71	Supplies and Materials		
72	Equipment		
73	Other (Describe)		\$0.00



74 (Budget Continued)

75 Media Services:

76	Salaries: (No. of Positions <u>    </u> )	Need Waiver	
77	Fringe Benefits		
78	Purchased Services		
79	Supplies and Materials		
80	Equipment		
81	Other (Describe)		\$0.00

82

83 Fiscal Services:

84	Salaries: (No. of Positions <u>1</u> )	36,000.00	
85	Fringe Benefits	8,238.00	
86	Purchased Services		
87	Supplies and Materials		
88	Equipment		
89	Other (Describe)	44,238.00	\$0.00

90

91 Maintenance and Operation:

92	Salaries: (No. of Positions <u>2</u> )	20,000.00	
93	Fringe Benefits	5,070.00	
94	Purchased Services		
95	(include utilities)		
96	Supplies and Materials		
97	Equipment		
98	Other (Describe)	25,070.00	\$0.00

99

100 Pupil Transportation:

101	Salaries: (No. of Positions <u>2</u> )	17,800.00	
102	Fringe Benefits	4,519.00	
103	Purchased Services		
104	Supplies and Materials		
105	Equipment		
106	Other (Describe)	22,319.00	\$0.00

107

108 Food Services:

109	Salaries: (No. of Positions <u>2</u> )	17,800.00	
110	Fringe Benefits	4,519.00	
111	Purchased Services		
112	Supplies and Materials		
113	Equipment		
114	Other (Describe)	22,319.00	\$0.00

115	(Budget Continued)			
116	Data Processing:			
117	Salaries: (No. of Positions <u>    </u> )			
118	Fringe Benefits			
119	Purchased Services			
120	Supplies and Materials			
121	Equipment			
122	Other (Describe)			\$0.00
123				
124	Substitute Personnel:			
125	Salaries: (No. of Positions <u>2</u> )	10,000.00		
126	Fringe Benefits	2,535.00	12,535.00	\$0.00
127				
128	Facilities:			
	Lease/Purchase (contract for one total			
129	year including facility upgrades)			
130	Please list upgrades:			
131				
	Utilities (contract for one total year			
132	including facility upgrades)	36,864.00		
	Insurance (contract for one total year			
133	including facility upgrades):			
134	Property Insurance	10,000.00		
135	Content Insurance	5,000.00	51,864.00	\$0.00
136				
137	Debt Expenditures:			\$0.00
138	Other Expenditures:			
139	(Describe)			\$0.00
140				
141	<b>TOTAL EXPENDITURES</b>		<b>\$786,800.00</b>	<b>\$0.00</b>

**STANDARD 14 OF APPLICATION: FINANCIAL AND PROGRAMMATIC AUDIT PLAN**

Ebony Mills, Certified Public Accountant

**STANDARD 15 OF APPLICATION: ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK ASSURANCES**

The STRIVE Institute of Technology will participate in the Arkansas Public School Computer Network for reporting educational data, as required by the State Statute or by State Board of Education rule, staff to be employed will be or will become fully certified in all aspects of data entry, record keeping and reporting requirements of the system. Staff will have ongoing training in order to stay fully competent in APSCN.

**STANDARD 16 OF APPLICATION: FACILITIES**

Meets the Standard

## **STANDARD 17 OF APPLICATION: CONFLICTS OF INTEREST**

### **SPECIAL TRAINING IN REDEMIDAL INSTRUCTION AND VOCATIONAL EDUCATION (STRIVE) INSTITUTE OF TECHNOLOGY**

#### **Conflict of Interest Policy Statement**

All trustees, officers, agents, and employees of this organization shall disclose all real or apparent conflict of interest that they discover or that have been brought to their attention in connection with this organization's activities.

A "conflict of interest" occurs where a person is responsible for promoting the interest of the organization at the same time he or she is involved in a competing personal interest (financial, business or personal).

"Disclosure" shall mean providing properly, to the appropriate person, a written description of the facts comprising the real or apparent conflict of interest. An annual disclosure statement shall be circulated to trustees, officers, and certain identified agents and employees to assist them in considering such disclosures, but disclosure is appropriate and required whenever conflicts of interest may occur. The written notices of disclosures shall be filed with Principal/Director or such other person designated by the Principal/Director to receive such notifications. At the meeting of the top governing body, all disclosures of real or apparent conflict of interest shall be noted for the record in the minutes.

An individual trustee, officer, agent, or employee who believes that he or she or an immediate member of his or her immediate family might have a real or apparent conflict of interest, in addition to filing a notice of disclosure, must abstain from:

1. Participating in discussions or deliberations with respect to the subject of the conflict (other than to present factual information or to answer questions),
2. Using his or her personal influence to affect deliberations,
3. Making motions,
4. Voting,
5. Executing agreements, or
6. Taking similar actions on behalf of the organizations where the conflict of interest might pertain by law, agreement, or otherwise.

At the discretion of the top governing body or a committee thereof, a person with a real or apparent conflict of interest may be excused from all or any portion of discussion or deliberations with respect to the subject of the conflict.

A member of the top governing body or a committee thereof, who, having disclosed a conflict of interest, nevertheless shall be counted in determining the existence of a quorum at any meeting in which the subject of the conflict is discussed. The minutes of the meeting shall reflect the individual's disclosure, the vote thereon, and the individual's abstention from participation and voting.

The Principal/Director shall ensure that all trustees, officers, agents, employees, and independent contractors of the organization are made aware of the organization's policy with respect to conflicts of interest.

## **STANDARD 18 OF APPLICATION: STUDENT SERVICES**

### **Media Center**

The purpose of the media center will be to teach students to identify and access media content. The Literacy Center will contain 1000 books which will consist of various reading levels based on the reading levels of students upon entry in the STRIVE Institute of Technology. Students will have access to computers.

### **Gifted and Talented**

#### **A one-half (.5) position**

The STRIVE Institute of Technology will partner with the Lee County School District Gifted and Talented Coordinator who will oversee the delivery of services if needed.

### **Transportation**

All students who live within the school districts of the EAEC which consist of nine schools (Lee, Brinkley, Clarendon, Barton/Lexa, Helena/West Helena, Marvell, Forrest City, Palestine-Wheatley and Hughes) located in four Eastern Arkansas counties, Lee, Monroe, St. Francis and Phillips, will be provided by STRIVE Institute of Technology.

### **Special Education**

Special Education Institute will administer a student's needs survey where parents will include:

1. Their child's previous special education services. The parent/guardian should prevent an existing IEP or;
2. Identify area where the students may need individual help.

STRIVE's special educator will work to obtain records from previously attended schools to ascertain whether students have an existing IEP or have ever received special education services. STRIVE will hold a formal training for all teachers and staff at the beginning of each school year to review specific tips and guidelines for the determination of student eligibility for special educational services. Grade level meetings will be dedicated to identifying students struggling in one or more subjects, with particular attention to reading and math.

### **ALE**

The STRIVE Institute of Technology will follow guidelines under ACT 1118 except for services which have been waived as requested.

## **STANDARD 19 OF APPLICATION: FOOD SERVICES**

Times:	Breakfast	7:30a.m. – 8:00 a.m.
	Lunch	11:00a.m. – 12:30p.m.
	After School Snack	3:15p.m. – 3:45p.m.

Staff ration for food preparation will meet meal/student ratio, all meals will be prepared on site.

Food vendors will be secured and all federal procuring guidelines will be followed.

The preparation area is 1162 sq. ft. The cafeteria dining area is 4722 sq. ft, which exceed the space required for student and staff.

## **STANDARD 20 OF APPLICATION: PARENTAL INVOLVEMENT**

The STRIVE Institute of Technology recognizes the importance of the relationship between the school, student and parent home visits will be made by school staff. At the beginning of the year for each of the student's classes, parents will receive course description and syllabus that outline academics objective as well as teachers' school contact information. Parents will be required to pick up report cards in person four times per year at the end of each quarter.

### **Open Door Policy**

STIRVE will have an open-door policy. After checking in at the office, parents can visit the school to see their children's classes in action at any time. In addition, parents of students who are struggling will be especially invited to set in on their child's classes and assist school staff with developing positive and pro-active strategies that involve both the school and the home in improving student performance.

### **Family Accountability Contract**

When admitted to the school, parents and students are asked to sign a Family Accountability Contract and commit to important mutual responsibility. Parents pledge to be involved in their children's educational experience in a variety of ways.

## **STANDARD 21 OF APPLICATION: WAIVERS**

Standards Waiver Request for Support Services, Media Services

16.02 A room has been identified to establish a media center in the school. However, a waiver is requested from the requirement of a standard media center, 16.02.3 Media Specialist and 16.02.4 – 8 books per student rather than 3000 books to allow time for purchasing appropriate materials in the initial two (2) years of operation.

**STANDARD 22 OF APPLICATION: DESEGREGATION**

Meet the Standards

Application Cycle 2011

# **Additional Documents Received by ADE**

**Special Training in Remedial Instruction and Vocational  
Education (STRIVE) Institute of Technology**





# ARKANSAS DEPARTMENT OF EDUCATION

## CHARTER SCHOOL OPERATIONS AND MAINTENANCE COMPLIANCE REPORT

LEA/Report # \_\_\_\_\_ School STRIVE Institute of Technology Charter School Date 10/17/2011

Address 351 Moton St. Marianna, AR Phone \_\_\_\_\_

Director Cecil Twillie E-Mail \_\_\_\_\_

School Contact (Name/Position) \_\_\_\_\_ Phone \_\_\_\_\_

Facility is: \_\_\_\_\_ Proposed X Existing \_\_\_\_\_ New Construction

### Required Inspections and Staff Training

1. Maintenance Procedures Manual

2. Training Manual

3. Fire Extinguishers Serviced Annually

4. Fire Extinguishers Inspected Monthly

5. Fire and Safety Inspection Performed Semi-Annually by Fire Marshall

6. Fire Alarm System tested/inspected annually

7. Fire Drills Performed Monthly

8. Natural Gas Distribution System Inspected Annually

9. RPZ Valves Inspected Annually

10. Asbestos Surveillance up to Date

11. MSDS Sheets up to Date and Accessible

12. Hot Water Boiler/Heater

### Action Items (Follow-Up Required)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

**Specific Building Information**1. Building Name and LEA # Anna Strong ES 2. Grade Configuration 9-123. Facility Built Date (including additions): 1957 4. Walk-thru of facility conducted: YES

## 5. Items Checked:

☒ HVAC System☒ Roofs☒ Exit Lights☒ Plumbing/ ADA Compliance☒ Hot Water Boilers & Heaters☒ Electrical System☒ Doors/Windows☐ Interior / Exterior Lighting☒ Emergency Lighting☒ Floor Coverings☐ Grounds Maintenance☒ Fire Extinguishers☒ Kitchen Equipment☒ Fire Alarm☐ Playground Equip.☐ Stairwells☒ Fire Sprinkler Systems☐ Athletic Field Maintenance☐ Elevators & Wheelchair Lifts☒ Kitchen Hood Vent Suppression System☒ Interior / Exterior Finishes☒ Masonry & Concrete Building Exteriors☒ Sidewalks, Driveways, Parking Areas, & Pave☐ Marked Parking Lots, ADA Compliance, Fire Lanes, Bus / Car Unloading Areas☐ Food Service6. Building Comments: Former Anna Strong Elementary School which has been abandoned by the  
Lee County School District.

## 7. Custodial (include equipment and storage):

☐ Storage Closets☐ Restrooms☐ Hallways/Classrooms/Offices☐ Gymnasiums/Locker Rooms

Custodial Comments: \_\_\_\_\_

Summary of the General Condition of the Facility: The building is full of stored items to be removed. All  
building systems will need to be brought into compliance in accordance with the attached report  
from the State Fire Marshal's office.

Action Items (Follow-up required):

1. Obtain Certificate of Occpancy from the State Fire Marshal prior to the commencement of classes.
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

(Add additional pages, if necessary)

All observations are external. No performance tests were conducted. Any observations noted were reported to District personnel.

D.P.S.A.F.T. Representative: Charles Carter Position: Operations & Maintenance Mgr.

School Representative: Cecil Twillie Position: Superintendent

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Distribution: Charter School Office    DPSAFT Project File





**Mike Beebe**  
Governor

## State of Arkansas

# ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 [www.asp.arkansas.gov](http://www.asp.arkansas.gov)

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



**JR Howard**  
Director

### ARKANSAS STATE POLICE COMMISSION

John Allison  
Chairman  
*Conway*

Steve G. Smith  
Vice-Chairman  
*Little Rock*

Jane Christenson  
Secretary  
*Harrison*

Daniel "Woody" Putrell  
*Nashville*

Wallace Fowler  
*Jonathona*

Frank Guinn, Jr.  
*Paragould*

Dr. Lewis Shepherd  
*Arkadelphia*

October 19, 2011

Mr. Terry Granderson, Assistant Director  
Public School Academic Facilities & Transportation  
501 Woodlane, Suite 600  
Little Rock, AR 72201

Dear Terry:

On Monday, October 17, 2011, the State Fire Marshal's Office, in cooperation with the Public School Academic Facilities and Transportation Division conducted a survey of the vacant Anna Strong Elementary School building in Marianna. The intent of the survey was to note fire and building code concerns that must be addressed should the building be used as an educational occupancy in the future. Below are the concerns I noted during the visit.

The building is currently equipped with a manual fire alarm system but it is not known whether the system is functional. Prior to building occupancy the fire alarm system would have to be fully operational.

The building appeared to have adequate means of egress but the exit doors were chained shut during our visit. All panic hardware on exit doors should be inspected and fully operational prior to building occupancy.

The commercial cooking fire suppression system in the cafeteria will need to be inspected and fully functional prior to use.

Existing emergency and exit lights will need to be fully operational prior to building occupancy.

Fire extinguishers will need to be inspected and serviced by a company licensed by the Arkansas Fire Protection Licensing Board prior to building occupancy.

A few rooms contained wood paneling. Paneling does not meet the flame spread requirements found in the Arkansas Fire Prevention Code and will need to be removed prior to building occupancy.

There was some discussion about a program that would provide meals and a dining area for the public. An area such as this would be classified as an Assembly Occupancy and would be considered a change of occupancy from the current Educational Occupancy. This could involve the need for fire rated separation between the Assembly and Educational areas and would require a fire sprinkler system if the occupant load for the Assembly Occupancy exceeded 100 people. The desire for a single entrance into the dining area was expressed during our meeting. It is important to note that the occupant load for this area would be limited to 49 people with a single exit. Automatic fire suppression would also be required for the cooking equipment in this area.

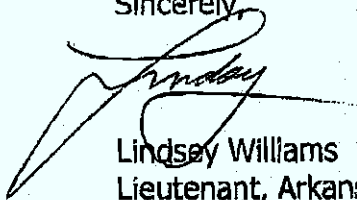
All plans for work on the building (especially plans changing an occupancy classification) should be prepared by a licensed architect and submitted to the State Fire Marshal's Office for review.

As long as this building remains an Educational Occupancy it can be treated as an existing building and will be subject to the fire and building code requirements that were in place at the time of original construction. Any new work done on the building will need to comply with the 2007 Arkansas Fire Prevention Code.

During our meeting and survey construction of a new building or two behind the existing building was mentioned as a possibility. Any new construction will need to meet the requirements of the 2007 Arkansas Fire Prevention Code or the edition in place at the time of construction.

I appreciate the assistance you and Charles provided during our inspection of the building. The information provided by Senator Crumbly regarding the proposed use of the building was also helpful. Please feel free to share this letter with Senator Crumbly and disseminate it further as you see fit. Don't hesitate to call me if you have any questions.

Sincerely,



Lindsey Williams  
Lieutenant, Arkansas State Police  
State Fire Marshal

**Special Training in Remedial Instruction and Vocational Education  
(STRIVE) Institute of Technology**

October 26, 2011

**RECEIVED**  
OCT 26 2011

Dr. Mary Ann Duncan  
Program Director  
Charter School Office  
Four Capital Mall, Room 302-B  
Little Rock, AR 72201


CHARTER SCHOOL OFFICE

Dear Dr. Duncan:

Please find enclosed, a response to the Public Charter School Application Evaluation Report, per your request on October 26, 2011.

If you have any questions or need additional information, please do not hesitate to contact Cecil Twillic (870.633.5667) or me at 870.270.7650.

Sincerely,



Senator Jack Crumbly

**S.T.R.I.V.E.  
Additional Information Submission Request**

**1) Please provide documentation of the application for the entity 501 c(3).**

**Please attached document from the Internal Revenue Service (IRS).**





Department of the Treasury  
Internal Revenue Service

P.O. BOX 2508

CINCINNATI OH 45201

In reply refer to: 9999999999  
Sep. 27, 2011 LTR 3367C S0  
45-2496540 000000 00

00020595

BODC: TE

STRIVE INCORPORATED  
PO BOX 813  
FORREST CITY AR 72335



031975

Employer Identification Number: 45-2496540  
Tax Form: 1023  
Document Locator Number: 17053-251-39102-1  
For assistance, call: 1-877-829-5500

Dear Applicant,

We received your application for exemption from Federal income tax and your user fee payment.

During the initial review process, applications for exemption are separated into three groups:

1. Those that can be processed immediately based on information submitted,
2. Those that need minor additional information to be resolved, and
3. Those that require additional development.

If your application falls in the first group or second group, you will receive your determination letter stating that you are exempt from Federal income tax or a request for information via phone, fax, or letter. If your application falls within the third group, you will be contacted when your application has been assigned to an Exempt Organizations specialist for technical review. You can expect to be contacted within approximately 90 days from the date of this notice.

IRS does not issue "tax exempt numbers" or "tax exempt certificates" for state or local sales or income taxes. If you need exemption from these taxes, contact your state or local tax offices.

General information about the application process and tax-exemption can be found by visiting our website, [www.irs.gov/eo](http://www.irs.gov/eo). If you are unable to locate the information needed, you may call our toll free number shown above Monday through Friday. When communicating with us, please refer to the employer identification number and document locator number shown above.

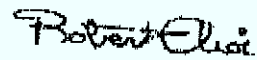
Sign up for Exempt Organizations' EO Update, a regular e-mail newsletter that highlights new information posted on the Charities pages of [irs.gov](http://irs.gov). To subscribe, go to [www.irs.gov/eo](http://www.irs.gov/eo) and click on "EO Newsletter."

999999999  
Sep. 27, 2011 LTR 3367C SO  
45-2496540 000000 00  
00020596

STRIVE INCORPORATED  
PO BOX 813  
FORREST CITY AR 72335

For other general information, tax forms, and publications, visit  
[www.irs.gov](http://www.irs.gov)

Sincerely yours,

  
Robert Choi, Director  
EO Rulings & Agreement

2) Please provide the process for board selection. Include the length of term and staggered scheduled for placement.

**From Article III – Board of Directors**

**Section 3.02 Number of Directors.** The number of Directors constituting the initial Board of Directors is 5, shall be not less than three nor more than 7. The number of Directors may be increased or decreased from time to time by amendment to the Bylaws. No decrease shall shorten the term of any incumbent Director nor shall the number of Directors be decreased at any time to less than three.

**Section 3.03. Election and Term of Directors.**

- a) The first Board of Directors of the Strive Incorporated shall consist of those persons in the Article of Incorporation. Such persons shall hold office until the first annual election of Directors.
- b) Election of Board members shall occur at each annual meeting of the Board of Directors. The term of directors shall be staggered. Initial Board members shall serve three-year terms. Thereafter, Board members shall serve staggered years of one, two, and three year terms with approximately half of the Directors elected at each annual meeting. Each director shall hold office until the annual meeting when his/her term expires and until his/her successor has been elected and qualified. Directors may be reappointed without term limits.

**Section 3.04. Qualifications.** A majority of Directors must reside in the geographical area served.

**Section 3.05. Vacancies.** Vacancies shall be filled by majority vote of the remaining members of the Board of Directors for the unexpired term. A director elected to fill a vacancy shall be elected for the unexpired of his/her predecessor in office and shall serve until his/her successor is elected and qualified.

**Section 3.06. Removal of Directors.** A director may be removed by a majority vote of the Board of Directors, at any regularly scheduled or special meeting of the Board of Directors, whenever in its judgment the best interests of the Corporation would be served thereby.

**Section 3.07. Resignation.** Except as otherwise required by law, a director may resign from the Board at any time by giving notice in writing to the Board. Such resignation shall take effect at the time specified therein, and unless otherwise specified therein, no acceptance of such resignation shall be necessary to make it effective.

3) Please provide any additional information regarding the transportation of students to and from the school.

The STRIVE Institute of Technology will provide limited transportation in the following counties: Lee, Monroe, Phillips and St. Francis and will pick up students in designated areas throughout the counties mentioned. Strive Institute of Technology will operate three to four buses depending on student's enrollment within the various counties.

4) Please provide detailed information regarding the enrollment process for all students in the open-enrollment public charter school.

STRIVE Institute of Technology will not discriminate on the basis of race, color, national origin, creed, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or in a foreign language, or academic achievement in admitting students nor will STRIVE Institute of Technology set admissions criteria that are intended to discriminate or that have the effect of discriminating on any of these bases.

Student applications will be accepted as soon as the charter is approved. The deadline for submitting an application will be published in multiple venue with reasonable public notice of at least 30 days before the deadline (official dates will be established post-charter approval). The methods of "reasonable public notice" for all enrollment deadlines and dates will include:

1. E-mail and postal mail notifications to local non-profits advertising the school and its enrollment process;
2. Postings in various locations across the city;
3. Well-publicized informational meetings for students and families to learn about the school and its enrollment process, and Advertisements in the city's major commercial and community newspapers.

5) Please provide detailed information regarding the offering of 38 units including the partnerships with school districts, distance learning or other educational institutions.

The STRIVE Institute of Technology will enter into a partnership with Lee County School District and the Distance Learning Center of the Arkansas Department of Education (see attachments).

**LEE COUNTY SCHOOL DISTRICT NO. 1**

188 West Chestnut Street

Marianna, AR 72360

Telephone: 870-295-7100 Fax: 870-295-7191

October 21, 2011

Senator Jack Crumbly  
Senate District 16  
1823 St. Francis 414  
Forrest City, AR 72235

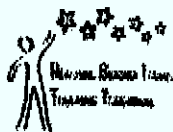
Dear Senator Crumbly,

The Lee County School District will cooperate with the Strive Institute of Technology in its effort to offer the 38 required units of credit as outlined in the Standards of Accreditation by the Arkansas Department of Education. We will make staff members available during their planning periods if needed and if the STRIVE Institute of Technology will reimburse the district for those teachers who will be willing to work with STRIVE students during their planning periods.

Sincerely,



Saul Lusk  
Superintendent

**Arkansas Department of Education Distance Learning Center**601 Carnahan Drive • Maumelle, AR 72113 • 501-803-5400 • <http://dlc.k12.ar.us>

October 26, 2011

Senator Jack Crumbly  
1823 SFC 414  
Widener, AR 72394

Senator Crumbly:

It was a pleasure speaking with you this morning and discussing the availability of receiving the required 38 units of content for your proposed open-enrollment charter school. By utilizing the charter school teachers and the course offerings of the five distance-learning providers of the Arkansas Distance Learning Consortium, your charter school should be able to provide all of the required secondary courses that schools must offer to their students.

If you will require detailed information on what content is available to schools through the Consortium, please contact Mrs. Cathi Swan, State Coordinator of K-12 Distance Learning. Her telephone number is 501.339.8056 and her email address is [cathi.swan@archford.org](mailto:cathi.swan@archford.org).

Sincerely,

J. M. Lar  
Program Coordinator

6) Please give additional information as to whom or what firm will be providing the audit for the school.

A request has been made to the Bureau of Legislative Audit. See enclosed letter. After 1<sup>st</sup> year, we will use Meyer & Ward P.A., P.O. Box 1045, 723 S. Falls Blvd, Wynne, AR 72396, 870-238-7971.

**Subject:** Audit of Open Enrollment Charter School  
**From:** Roger Norman (Roger.Norman@arklegaudit.gov)  
**To:** jerumbly2004@yahoo.com;  
**Cc:** Larry.Hunter@arklegaudit.gov;  
**Date:** Wednesday, October 26, 2011 10:55 AM

Senator Crumbly,

This email documents our conversation this morning about the possibility of having the Division of Legislative Audit conduct the audit for a new open enrollment charter school.

After our discussion, I visited with Larry Hunter, the Deputy Legislative Auditor over education.

He reminded me that a law was amended in the 2011 session (Act 993) that requires the Division to audit the first year's operations of any new open enrollment charter school unless they receive permission from the Department of Education to obtain the services of a private CPA.

Please let me know if you need additional information.

Roger Norman

**Roger A. Norman, JD, CPA, CFE**

Legislative Auditor - State of Arkansas

Division of Legislative Audit

Room 172 State Capitol Bldg.

Little Rock, AR 72201-4099

501.683.8600

501.683.8605 (fax)

roger.norman@arklegaudit.gov



Stricken language would be deleted from and underlined language would be added to present law.  
Act 993 of the Regular Session

1 State of Arkansas *As Engrassed: S3/22/11 S3/24/11 S3/28/11 S3/28/11*

2 88th General Assembly

## A Bill

3 Regular Session, 2011

SENATE BILL 436

4  
5 By: Senator G. Baker

### For An Act To Be Entitled

6  
7  
8 AN ACT TO REQUIRE A PUBLIC CHARTER SCHOOL TO SUBMIT  
9 PERIODIC REPORTS; TO AMEND VARIOUS PROVISIONS OF  
10 ARKANSAS LAW CONCERNING PUBLIC CHARTER SCHOOLS; TO  
11 PROTECT PUBLIC CHARTER SCHOOLS FROM CERTAIN  
12 LIABILITIES; TO DECLARE AN EMERGENCY; AND FOR OTHER  
13 PURPOSES.

### Subtitle

14  
15  
16 TO AMEND VARIOUS PROVISIONS OF ARKANSAS  
17 LAW CONCERNING PUBLIC CHARTER SCHOOLS; TO  
18 PROTECT PUBLIC CHARTER SCHOOLS FROM  
19 CERTAIN LIABILITIES; AND TO DECLARE AN  
20 EMERGENCY.

21  
22  
23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25  
26 SECTION 1. Arkansas Code § 6-17-1113(a), concerning the School Worker  
27 Defense Program, is amended to read as follows:

28 (a)(1) The Department of Education ~~is authorized and directed to~~ shall  
29 establish a School Worker Defense Program for the protection under  
30 subdivision (a)(2) of this section of:

31 (1)(A) Education service cooperatives;

32 (2)(B) Education service cooperative board members;

33 (3)(C) School districts;

34 (D) Public charter schools;

35 (4)(E) School board members;

36 (5)(F) School treasurers and bookkeepers;



7) Please submit a revised budget utilizing \$6,267 in foundation funding per student for year one of school operation. Also include any other additional costs such as any additional bus drivers needed, renovation of the proposed facility, and any other expenditure. Include additional documentation of other funding sources if available.

Please see attached budget.

**Public Charter School Application  
Estimated Budget Worksheet, Year One (2012-2013)**

<u>Line#</u>	<u>Revenues</u>	<u>Amount</u>	<u>Total</u>
1	State Public Charter School Aid:		
2	No. of Students (200) x \$6,267.00 State Foundation Funding		
3			1,253,400.00
4	No. of Students (200) x \$51.00 Professional Development		10,200.00
5	No. of Students (200) x eligible rate* NSLA Funding		303,600.00
6	Total State Charter School Aid	1518	1,917,200.00 \$0.00
7			
8	Other Sources of Revenues:		
9	Private Donations or Gifts		
10	Federal Grants (List the amount)	USDA-Amt to be determined/roof repair see letter attached.	
11	Special Grants (List the amount)	AR Dept of Career Education-Amt to be determined/see letter attached equipment	
12	Other (Specifically Describe)	ADWS 350,000.00	
13			
14	Total Other Sources of Revenues		350,000.00 \$0.00
15			
16	<b>TOTAL REVENUES</b>		<b>1,917,200.00 \$0.00</b>
17			
18	<u>Expenditures</u>	<u>Amount</u>	<u>Total</u>
19	Administration:		
20	Salaries: (No. of Positions <sup>1</sup> )	68,000.00	
21	Fringe Benefits	151,666.00	
22	Purchased Services		
23	Supplies and Materials		
24	Equipment		
25	Other (Describe)		83,166.00 \$0.00
26			
27	Regular Classroom Instruction:		
28	Salaries: (No. of Positions <sup>8</sup> )	336,000.00	
29	Fringe Benefits	76,296.00	
30	Purchased Services		
31	Supplies and Materials	20,000.00	
32	Equipment	30,000.00	
33	Other (Describe)		462,296.00 \$0.00

\*NSLA Funding eligibility rate: the amount of funding is based on the percentage of students eligible for free or reduced price meals. Below seventy percent (70%): \$506.00 per student; between seventy and ninety percent (70-90%): \$1,012.00 per student; and ninety percent and above (90%): \$1,518.00 per student.

34	(Budget Continued)		
35	Special Education:		
36	Salaries: (No. of Positions <u>1</u> )	40,000.00	
37	Fringe Benefits	8,920.00	
38	Purchased Services		
39	Supplies and Materials		
40	Equipment		
41	Other (Describe)		48,920.00 \$0.00
42			
43	Gifted and Talented Program:		
44	Salaries: (No. of Positions <u>1</u> )	10,000.00	
45	Fringe Benefits	2,535.00	
46	Purchased Services		
47	Supplies and Materials		
48	Equipment		
49	Other (Describe)		12,535.00 \$0.00
50			
51	Alternative Education Program:		
52	Salaries: (No. of Positions <u>    </u> )	To be provided by Crowley's Ridge Vo Tech	
53	Fringe Benefits		
54	Purchased Services		
55	Supplies and Materials		
56	Equipment		
57	Other (Describe)		\$0.00
58			
59	Guidance Services:		
60	Salaries: (No. of Positions <u>    </u> )	Provided by Mental Health Agency	
61	Fringe Benefits		
62	Purchased Services		
63	Supplies and Materials		
64	Equipment		
65	Other (Describe)		\$0.00
66			
67	Health Services:		
68	Salaries: (No. of Positions <u>    </u> )	Provided by Lee County Clinic	
69	Fringe Benefits		
70	Purchased Services		
71	Supplies and Materials		
72	Equipment		
73	Other (Describe)		\$0.00

74	(Budget Continued)		
75	Media Services:	Waiver Requested Para <u>Pt</u>	
76	Salaries: (No. of Positions <u>1</u> )	20,000.00	
77	Fringe Benefits	5,070.00	
78	Purchased Services		
79	Supplies and Materials		
80	Equipment		
81	Other (Describe)		25,070.00 \$0.00
82			
83	Fiscal Services:		
84	Salaries: (No. of Positions <u>1</u> )	36,000.00	
85	Fringe Benefits	9,040.00	
86	Purchased Services		
87	Supplies and Materials		
88	Equipment		
89	Other (Describe)		45,040.00 \$0.00
90			
91	Maintenance and Operation:		
92	Salaries: (No. of Positions <u>2</u> )	20,000.00	
93	Fringe Benefits	5,070.00	
94	Purchased Services		
95	(include utilities)		
96	Supplies and Materials		
97	Equipment		
98	Other (Describe)		25,070.00 \$0.00
99			
100	Pupil Transportation:		
101	Salaries: (No. of Positions <u>4</u> )	35,600.00	
102	Fringe Benefits	9,040.00	
103	Purchased Services		
104	Supplies and Materials		
105	Equipment	80,000.00	
106	Other (Describe)	22,000.00	146,640.00 \$0.00
107			
108	Food Services:		
109	Salaries: (No. of Positions <u>2</u> )	17,800.00	
110	Fringe Benefits	4,520.00	
111	Purchased Services		
112	Supplies and Materials	Child Nutrition Serv. Dept of Education	
113	Equipment	60,000.00	
114	Other (Describe)		82,320.00 \$0.00

116	(Budget Continued)		
116	Data Processing:		
117	Salaries: (No. of Positions ____)		
118	Fringe Benefits		
119	Purchased Services		
120	Supplies and Materials		
121	Equipment		
122	Other (Describe)		\$0.00
123			
124	Substitute Personnel:		
125	Salaries: (No. of Positions <sup>2</sup> ____)	10,000.00	
126	Fringe Benefits	2,535.00	12,535.00 \$0.00
127			
128	Facilities:		
	Lease/Purchase (contract for one total		
129	year including facility upgrades)		
130	Please list upgrades:	Roof - USDA Amt to be Determined	
131		HVAC - AR Dept of Career Education	
	Utilities (contract for one total year		
132	including facility upgrades)	84,000.00	
	Insurance (contract for one total year		
133	including facility upgrades);		
134	Property Insurance	10,000.00	
135	Content Insurance	5,000.00	99,000.00 \$0.00
136			
137	Debt Expenditures:		\$0.00
138	Other Expenditures:		
139	(Describe)		\$0.00
140			
141	<b>TOTAL EXPENDITURES</b>		<b>\$1,042,592.00 \$0.00</b>

Note: After much discussion and deliberation with the board we have decided to raise the maximum number of students for the STRIVE Institute of Technology from 100 to 200 .

**LEE COUNTY SCHOOL DISTRICT NO. 1**

188 West Chestnut Street

Marianna, AR 72360

Telephone: 870-295-7100 Fax: 870-295-7191

October 21, 2011

Senator Jack Crumbly  
Senate District 16  
1823 St. Francis 414  
Forrest City, AR 72235

Dear Senator Crumbly,

The Lee County School District will cooperate with the Strive Institute of Technology in its effort to offer the 38 required units of credit as outlined in the Standards of Accreditation by the Arkansas Department of Education. We will make staff members available during their planning periods if needed and if the STRIVE Institute of Technology will reimburse the district for those teachers who will be willing to work with STRIVE students during their planning periods.

Sincerely,



Saul Lusk  
Superintendent

10/21/2011 14:48 15015821509

DEPT WORKFORCE ED

PAGE 01/01

## STATE OF ARKANSAS

Department  
Of Career EducationMike Beebe  
GovernorWilliam L. "Bill" Walker, Jr.  
Director

October 21, 2011

Senator Jack Crumbly  
1823 SFC 414  
Widener, AR 72394

Dear Senator Crumbly:

If the proposed Strive Charter School is approved by the State Board of Education, it would become eligible to apply for new program start-up funds from the Arkansas Department of Career Education.

You have indicated that building technology (construction trades), cosmetology, computer technology, culinary arts, welding, HVAC, and medical Professions will be offered at the proposed Strive Charter School. Currently, all of these programs are eligible for new program start-up funds. The funding process would include the following criteria, but is not limited to, programs offered, facilities, instructors, certifications (student/teacher), etc.

If you need further assistance, please contact my office at 501-682-1500.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Walker".

William L. "Bill" Walker, Jr.  
Director

12/WLW/0023

Cc: Rod Duckworth, Interim Deputy Director





October 24, 2011

Dr. Mary Ann Duncan  
Arkansas Department of Education  
4 Capital Mall, Room 304-B  
Little Rock, AR 72201

Subject: Marianna School District  
Propose Roof Project

I spoke with the Lee County School District's Architect on last month, in regards to the School's plans in making improvements to one of its abandon school facilities (STRONG ELEMENTARY STRIVE CHARTER SCHOOL). The Lee County School District's Architect is working on completing a Preliminary Architectural Feasibility Report. Once the Preliminary Architectural Feasibility Report is completed, the School plans to file an application with USDA-Rural Development, for assistance toward funding a propose roof replace project.

Someone on behalf of the Lee County School District submitted a propose scope of work, last month to Mr. Charlie Williams of the local USDA StrikeForce. Mr. Williams submitted that information to Washington for their help, in providing assistance toward obtaining funds on a larger scale.

This letter is being written to inform you of the efforts under way on the above matter.

Please advise if further information is needed.

Respectfully,

*Lynn Houston*  
Lynn Houston  
Area Director

USDA Service Center- 4401 North Washington St., Forrest City, AR 72335  
Phone: (870) 633-3055, Ext. 5 • Fax: (870) 633-8391 • Web: <http://www.rurdev.usda.gov/ar>

Committed to the Future of Rural Communities.

"USDA is an equal opportunity provider, employer and lender."  
To file a complaint of discrimination write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-8410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

10/26/2011 11:30

8702676244

DIRECTOR

PAGE 02/02

**Arkansas Department of Correction**

Director's Office  
P.O. Box 8707  
Pine Bluff, Arkansas 71611-8707  
Phone: (870) 267-6200  
Fax: (870) 267-6244  
[www.arkansas.gov/doc](http://www.arkansas.gov/doc)

October 25, 2011

Dr. Mary Ann Duncan  
C/O Arkansas Dept. of Education  
Room 3048  
Little Rock, AR 72201

Dear Dr. Duncan:

I am sending this correspondence to you on behalf of Senator Jack Crumbly. Senator Crumbly has requested assistance from the Arkansas Department of Correction. His request is for one of our Regional Maintenance Crews at the East Arkansas Regional Unit in Brickeya, Arkansas to assist in renovation of an old school in Marianna, Arkansas.

I have agreed to let one of our crews assist in moving furniture, landscaping and doing a minimal amount of painting at the school.

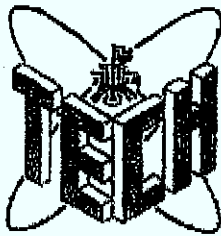
If I may be of further assistance to you, please feel free to contact my office.

Sincerely,

  
Ray Holts  
Director

cc: Senator Jack Crumbly

RH/jl

**Crowley's Ridge Technical Institute**

P.O. Box 926  
Forrest City, AR 72399-0926  
(870) 633-5411  
FAX (870) 633-0328  
1-800-642-2317  
Burt W. Lieblong, President

Arkansas Department of Workforce Education  
Arkansas Department of Education

October 24, 2011

Senator Jack Crumbly  
1823 SFC 414  
Widener, AR 72394

Dear Senator Crumbly:

Crowley's Ridge Technical Institute's Adult Education Program is pleased to present this letter of support for the Strive Project. C.R.T.I.'s Adult Education Program works very closely with Lee County in our educational endeavors to give students a second chance to complete their high school diploma.

We look forward to networking and serving as a partner agency in this effort to support the Lee County Strive Program through the C.R.T.I. Adult Education Program. At this present time, Crowley's Ridge Technical Institute's Adult Education program provides the following in Lee County:

- (1) ABE/GED instructor for Adult Education Program for both day classes (Monday through Friday from 8:00 a.m. until 3:00 p.m.) and evening classes (Monday and Tuesday from 4:00 p.m. until 7:00 p.m.).
- (2) Instructional equipment, computers, educational material, and office supplies for an ABE/GED program
- (3) Crowley's Ridge Technical Institute has a Counselor and a Financial Advisor on staff at the main campus in Forrest City to counsel and advise students

Adult Education welcomes the opportunity to provide our services to the Strive Project. If our school can be of any further assistance in this cooperative effort, please let me know.

Cordially,

*Glenda Richerson*  
Glenda Richerson  
Adult Education Director

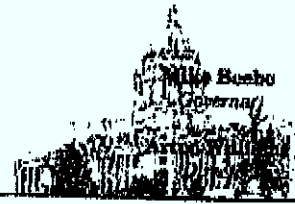
*Burt W. Lieblong*  
Burt W. Lieblong  
President



State of Arkansas  
Department of  
**WORKFORCE SERVICES**

[www.dws.arkansas.gov](http://www.dws.arkansas.gov)

Post Office Box 2981 • Little Rock, AR 72203-2981



October 25, 2011

Dr. Mary Ann Duncan  
Director of Charter School Programs  
Arkansas Department of Education  
#4 Capitol Mall, Room 304B  
Little Rock, AR 72201

Dear Dr. Duncan:

Re: Application for Charter School -- Submitted by Senator Jack Crumbly

This is to confirm that the Arkansas Department of Workforce Services has committed to provide up to \$350,000 from its DWS Training Trust Fund to support workforce training efforts at the charter school that Senator Crumbly seeks to establish in Eastern Arkansas for adjudicated youth.

The Training Trust Funds will be linked to training that meets the current and projected needs of area employers.

We are pleased to be able to support this initiative. If you have questions, please contact me at (501) 682-2121.

Sincerely,

A handwritten signature in cursive script that reads "Arlee Williams".  
Arlee Williams

### \*\*\* Waiver Requests

The following waivers are requested by STRIVE Institute of Technology in order to meet the goals of the school:

A.C.A. §6-10-106. Uniform dates for beginning and end of school year.

A.C.A. §6-11-129. Posting of information on district's website.

A.C.A. §6-13-616a. Qualifications of Directors

A.C.A. §6-15-902. Grading Scale

ADE Rules Governing Uniform Grading Scales

The school will adopt a grading scale more rigorous than providing under this rule.

ADE Rules Regulating Common Core System

ADE Rules Regulating Visual Arts and Music Instruction

Standards for Accreditation-IV. Curriculum

See curriculum as described in charter.

ADH Rules Regulating Section 16.0 of the Standards Rules

ADE Rules Regulating Section 10.05

Extra Curricular Activities

ADE Rules Regulating Section 10.06

Requirements for Participation in Extracurricular activities

ADE Rules Regarding Nutrition and Physical Activity Standard

Standards for Accreditation-XI. Support Services.

Services may be contracted through outside or community agencies.

A.C.A. §6-42-101 et seq. Gifted and Talented Education.

ADE Rules Regulating Section 16.02.2

Process for acquisition of instruction materials

A.C.A. §6-16-102. School Day Hours

We will have an extended school day to allow for more instructional time.

A.C.A. §6-15-1004. Qualified teachers in every public school classroom

A.C.A. §6-17-111. Duty-free lunch period.

A.C.A. §6-17-201. Personnel Policy Requirement.

A.C.A. §6-17-203. Personnel Policy Committees.

A.C.A. §6-17-31. Employment of Certified personnel.

A.C.A. §6-17-302. Public school principals-Qualifications and Responsibilities.

A.C.A. §6-17-309. Certification-Waiver.

A.C.A. §6-17-401. Et. Seq. Teacher's license requirements.

A.C.A. §6-17-418. Teacher certification-Arkansas History requirement.

A.C.A. §6-17-807. Additional days

A.C.A. §6-17-902. Definition of a Teacher.

A.C.A. §6-17-919. Warrants void without valid certificate and contract.

A.C.A. §6-17-920. Examination of teachers' contracts.

A.C.A. §6-17-1501. Et. Seq. Teacher Fair Dismissal Act of 1983.

A.C.A. §6-17-1702. Et. Seq. Public School Employee Fair Hearing Act.

The school reserves the right to dismiss employees timely if teachers are hindering students achievement.

A.C.A. §6-17-1302.

**ADE Rules Governing "Highly Qualified Teachers"**

**ADE Rules Governing Parental Notification of an Assignment of a Non-Certified Teacher.**

A non certified teacher may be allowed to teach a class until a teacher identified as fully qualified by school standards has been identified.

**Standards for Accreditation. Personnel**

NCLB regulatory guidance allows charter schools to hire highly qualified teachers, administrators, and support staff regardless of license status.

A.C.A. §6-17-2403. Minimum teacher compensation schedule

A.C.A. §6-18-508. Alternative learning environment.

The doors of the school will be open to all students and parents interested in the curriculum and discipline provided by STRIVE Institute of Technology.

A.C.A. §6-25-101. Et seq Public School Library Media and Technology Act.

**STRIVE Institute of Technology****Daily Schedule****(TENTATIVE)**

7:30 – 7:50 A.M.		BREAKFAST
7:55 – 8:00 A.M.		DISMISS TO CLASS
8:00 – 8:50 A.M.		1 <sup>ST</sup> PERIOD
8:55 – 9:45 A.M.		2 <sup>ND</sup> PERIOD
9:50 – 10:40 A.M.		3 <sup>RD</sup> PERIOD
10:45 – 11:35 A.M.		4 <sup>TH</sup> PERIOD
11:40 – 12:20 A.M.		LUNCH
12:25 – 1:15 P.M.		5 <sup>TH</sup> PERIOD
1:20 – 2:10 P.M.		6 <sup>TH</sup> PERIOD
2:15 – 3:10 P.M.		7 <sup>TH</sup> PERIOD
3:10 P.M.		STUDENTS DISMISSED

❖ Students will have 5 minutes between classes.



# ARKANSAS DEPARTMENT OF EDUCATION

October 26, 2011

Dr. Tom W. Kimbrell  
*Commissioner*

State Board  
of Education

Dr. Ben Mays  
*Clinton  
Chair*

Jim Cooper  
*Melbourne  
Vice Chair*

Joe Black  
*Newport*

Brenda Gullett  
*Fayetteville*

Sam Ledbetter  
*Little Rock*

Alice Mahony  
*El Dorado*

Toyce Newton  
*Crossett*

Mireya Reith  
*Fayetteville*

Vicki Saviers  
*Little Rock*

Mr. Cecil Twillie  
Strive Incorporated  
701 W. Sharpe Avenue  
Forrest City, Arkansas 72335

**Re: STRIVE Institute of Technology Public Charter School Application**

Dear Mr. Twillie:

Thank you very much for your willingness to participate in the Arkansas Department of Education (ADE) Charter Review Council interview on October 18, 2011. Enclosed for your review, you will find the following:

- ADE Internal Review Results, September 8-9, 2011
- ADE Charter Review Council Review Results, October 5, 2011

Based upon the information currently available, the Charter Review Council cannot support your open-enrollment public charter school application at this time. However, please be advised that the Charter Review Council is purely advisory in nature. Consequently, the position of the Charter Review Council is not binding upon charter applicants or the State Board. The State Board may approve or disapprove a charter application without regard to the position of the Charter Review Council.

The State Board will conduct a complete, full and independent review of your charter application to determine whether it should be approved. In that regard, should you disagree with the position of the Charter Review Council, you will be able to address that issue with the State Board during your hearing scheduled for November 14, 2011.

Thank you for your attention to this matter. Should you have any questions or require additional information, please contact Dr. Mary Ann Duncan, Charter Schools Program Coordinator, at (501) 683-5313.

Respectfully,

A handwritten signature in dark ink, appearing to read "Jeremy C. Lasiter".

Jeremy C. Lasiter  
General Counsel

Enclosures

cc (w/encs): Ms. Phyllis Stewart, State Board Office  
Dr. Mary Ann Duncan, Charter School Program Coordinator

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



**S.T.R.I.V.E Institute of Technology**  
**Marianna, Arkansas**  
**September 8 & 9 ADE Internal Review Results**

	<b>Does not meet Standard</b>	<b>Partially Meets Standard</b>	<b>Meets Standard</b>
Standard 1: Pre Application Materials			<b>X</b>
Standard 2: Public Hearing Results		<b>X</b>	
Standard 3: Governing Structure	<b>X</b>		
Standard 4: Mission Statement	<b>X</b>		
Standard 5: Educational Need		<b>X</b>	
Standard 6: Educational Program	<b>X</b>		
Standard 7: Academic Achievement Goals	<b>X</b>		
Standard 8: Curriculum Development and Alignment	<b>X</b>		
Standard 9: Geographical Area Served		<b>X</b>	
Standard 10: Annual Progress Reports	<b>X</b>		
Standard 11: Enrollment Criteria and Procedures		<b>X</b>	
Standard 12: Staffing Plan		<b>X</b>	
Standard 13: Business and Budget Plan		<b>X</b>	
Standard 14: Financial and Programmatic Audit Plan	<b>X</b>		
Standard 15: APSCN Assurances		<b>X</b>	
Standard 16: Facilities			<b>X</b>
Standard 17: Conflicts of Interest	<b>X</b>		
Standard 18: Student Services		<b>X</b>	
Standard 19 Food Services		<b>X</b>	
Standard 20: Parental Involvement	<b>X</b>		
Standard 21: Waivers			<b>X</b>
Standard 22: Desegregation Assurances			
<b>Totals:</b>	<b>9</b>	<b>9</b>	<b>3</b>

**S.T.R.I.V.E Institute of Technology**  
**Marianna, Arkansas**  
**As of October 5<sup>th</sup> Charter Review Council Meeting**

	<b>Does not meet Standard</b>	<b>Partially Meets Standard</b>	<b>Meets Standard</b>
Standard 1: Pre Application Materials			<b>X</b>
Standard 2: Public Hearing Results		<b>X</b>	
Standard 3: Governing Structure	<b>X</b>		
Standard 4: Mission Statement	<b>X</b>		
Standard 5: Educational Need		<b>X</b>	
Standard 6: Educational Program	<b>X</b>		
Standard 7: Academic Achievement Goals			<b>X</b>
Standard 8: Curriculum Development and Alignment		<b>X</b>	
Standard 9: Geographical Area Served		<b>X</b>	
Standard 10: Annual Progress Reports	<b>X</b>		
Standard 11: Enrollment Criteria and Procedures		<b>X</b>	
Standard 12: Staffing Plan		<b>X</b>	
Standard 13: Business and Budget Plan		<b>X</b>	
Standard 14: Financial and Programmatic Audit Plan	<b>X</b>		
Standard 15: APSCN Assurances			<b>X</b>
Standard 16: Facilities			<b>X</b>
Standard 17: Conflicts of Interest		<b>X</b>	
Standard 18: Student Services		<b>X</b>	
Standard 19 Food Services		<b>X</b>	
Standard 20: Parental Involvement		<b>X</b>	
Standard 21: Waivers			<b>X</b>
Standard 22: Desegregation Assurances			
<b>Totals:</b>	<b>5</b>	<b>11</b>	<b>5</b>

Application Cycle 2011

# ADE Hearing Letter

KidSmart Bilingual Education Academy



# ARKANSAS DEPARTMENT OF EDUCATION

October 18, 2011

Dr. Tom W. Kimbrell  
Commissioner

Ms. Terrilyn Pettus  
KidSmart Academy  
P.O. Box 195111  
Little Rock, Arkansas 72209

Dr. Morris Holmes, Superintendent  
Little Rock School District  
810 W. Markham  
Little Rock, Arkansas 72201

State Board  
of Education

Dr. Ben Mays  
Clinton  
Chair

**Re: Notice of State Board Hearing  
KidSmart Academy Public Charter School Application**

Jim Cooper  
Melbourne  
Vice Chair

Joe Black  
Newport

Brenda Gullett  
Fayetteville

Sam Ledbetter  
Little Rock

Alice Mahony  
El Dorado

Toyce Newton  
Crossett

Mireya Reith  
Fayetteville

Vicki Saviers  
Little Rock

Dear Charter Applicant and Affected School District:

The State Board of Education will consider the above-referenced open-enrollment public charter school application at its regularly scheduled meeting on **Monday, November 14, 2011**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas**. Please attend the hearing and bring with you any personnel and documentation necessary for you to address any questions the State Board of Education may have.

The hearing will be conducted pursuant to the legal authority and jurisdiction vested in the State Board of Education by Ark. Code Ann. § 6-23-101 et seq. and the Arkansas Department of Education Rules Governing Public Charter Schools. Enclosed you will find the hearing procedures to be used by the State Board of Education.

Should either party wish to make an electronic presentation to the State Board of Education, a copy must be received in my office **no later than 2:00 p.m. on October 26, 2011**. A hard copy may be faxed to my office at (501) 682-4249, or an electronic copy may be e-mailed to [mark.white@arkansas.gov](mailto:mark.white@arkansas.gov).

Questions as to the use and setup of electronic presentations at the State Board meeting should be directed to Ms. Phyllis Stewart, State Board Liaison, at (501) 683-0205. Should you have any other questions, you may direct them to Dr. Mary Ann Duncan, Charter Schools Program Coordinator, at (501) 683-5313.

Respectfully,

Jeremy C. Lasiter  
General Counsel

Enclosure

cc (w/encl): Ms. Phyllis Stewart, State Board Office  
[ Dr. Mary Ann Duncan, Charter School Program Coordinator ]  
Dr. Jerry Guess, Superintendent, PCSSD  
Mr. Dan Jordan, Superintendent, Benton School District  
Mr. Randy Rutherford, Superintendent, Bryant School District

Four Capitol Mall  
Little Rock, AR  
72201-1019  
(501) 682-4475  
[ArkansasEd.org](http://ArkansasEd.org)

**OPEN ENROLLMENT PUBLIC CHARTER SCHOOL**  
**STATE BOARD HEARING PROCEDURES**

**Source:** Section 9.00 of the ADE Rules Governing Public Charter Schools

- 1) All persons, with the exception of attorneys, who plan to provide testimony must be sworn in by the court reporter.
- 2) The charter applicant shall have fifteen (15) minutes to present its arguments to the State Board for approval of the proposed charter school. The Chair of the State Board may grant additional time, if necessary.
- 3) The local school board and boards of districts likely to be affected by the proposed public charter school shall have a combined total of twenty (20) minutes to present arguments for disapproval of the proposed charter school. The Chair of the State Board may grant additional time, if necessary.
- 4) The charter applicant shall then have five (5) minutes to respond to the arguments of the local school board and boards of districts likely to be affected by the proposed charter school. The Chair of the State Board may grant additional time, if necessary.
- 5) The State Board shall follow the presentations with discussion of the charter application and possible questions to the public school board representatives and/or the charter school applicant.
- 6) The State Board may issue a final decision at the hearing or take the matter under advisement until a future scheduled board meeting.
- 7) The State Board may defer the vote to approve or disapprove a charter application in order to allow a charter applicant to make modifications or receive technical assistance to correct deficiencies in the application.
- 8) During the roll call vote on each charter application, if a particular board member votes against the application, it is necessary for that member to state his or her reasons for disapproval. This is necessary to comply with Ark. Code Ann. § 6-23-305. That law requires the State Board to notify the applicant in writing for reasons for disapproval.

Application Cycle 2011

# Appeal Letter

KidSmart Bilingual Education Academy

**KidSmart Bilingual Education Academy**  
3516 Baseline Road  
Little Rock, AR 72209

**Arkansas State Department of Education**  
**Charter School Office**  
**Dr. Mary Anne Duncan**  
**Four Capitol Mall, Room 302-B**  
**Little Rock, AR 72201**

**Dr. Duncan;**

We have been advised that the Little Rock School District has rejected our Charter School application which proposes to place an open enrollment charter school within the boundaries of the district. This letter is to inform you that we intend to appeal this decision and at this time, we are requesting a meeting before the State Board of Education pursuant to *Rules Applicable to Open Enrollment Charter Schools, Section 6.01.8.1.*

**Respectfully submitted;**



**Tiffany Pettus**  
**KidSmart Bilingual Education Academy**

cc: Dr. Morris Holmes, Superintendent  
Little Rock School District

**RECEIVED**  
OCT 18 2011

**CHARTER SCHOOL OFFICE**

Application Cycle 2011

# Letter(s) of Opposition

KidSmart Bilingual Education Academy





# LITTLE ROCK SCHOOL DISTRICT

OFFICE OF THE SUPERINTENDENT

RECEIVED  
SEP 30 2011

September 29, 2011

CHARTER SCHOOL OFFICE

Dr. Tom Kimbrell, Commissioner  
Arkansas Department of Education  
#4 Capitol Mall  
Little Rock, AR 72201

Re: KidSmart Open-Enrollment Charter Application

Dear Dr. Kimbrell:

On September 22, 2011 the LRSD Board of Directors voted unanimously not to approve the KidSmart application for the following reasons:

**Enrollment** - The application at p.5 says the school will open in July, 2012 "with 200 students enrolled in grades Kindergarten through third grade." There is a different statement on p.11: "We will open as a Charter serving Kindergarten through third grade, adding an additional grade each year until we are able to enroll fifth grade students. The *enrollment cap is 200 students.*" But on p. 40, there is a completely contradictory statement about enrollment: "*At full enrollment, the school will reach 600 students over a nine year period.*" There is a significant discrepancy between an "enrollment cap" of 200 students and "full enrollment" of 600 students.

**Facility** - Whether the proposed enrollment is 200 or 600, the proposed facility is inadequate. The facility (3516 Baseline Road) only has space for 150 students (p.34) in five classrooms.

**Special Education** - The application at p.33 shows that KidSmart intends to have only one special education teacher, which is inadequate to address the many categories of children with disabilities.

**Impact** - The ADE application form requires the following: "Describe the potential impact of the proposed open-enrollment public charter school on the efforts of affected public school district(s) to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools." KidSmart's response is: "*At a glance*, the impact appears to be small." KidSmart has not complied with the ADE application requirement or with Ark Code Ann 6-23-106(a): "The applicants for a public charter school...*shall carefully review the potential impact* of an application for a public charter school on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to *create and maintain* a unitary system of desegregated public schools."

**Governance** – The application (pp. 6-9) does not identify the members of the Board of Directors or describe a process for selecting them.

**Guidance** - There will be no guidance program at the proposed school.

**Transportation** - The only transportation will be provided by two leased vans (p.35) so families without transportation will have limited opportunities to attend the school.

**Quality Educators** - The principal will not be required to be an experienced principal, the curriculum director will not be required to have experience in that field, and the teachers will not be required to have teaching experience or to be licensed (pp. 29-31 and 37-38). The school seeks a waiver to avoid the minimum teacher compensation schedule set out in Arkansas law (p. 38).

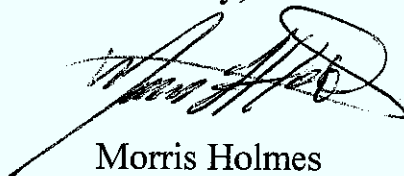
**Educational Need** – This section of the application (pp. 10-11) is clearly in error. The nearby schools perform significantly better than the figures given in the application.

**Budget** - After UCPC was closed in the middle of its first school year for financial reasons disrupting the education of all of its students, LRSD is concerned that KidSmart has only a \$13,422 cushion in a \$1,827,752 budget. The budget is based on 200 students, and if only three fewer than that show up, they are in financial trouble.

**Bilingual Instruction** - Arkansas law requires that the "basic language of instruction" in all schools "shall be the English language only." Ark Code Ann 6-16-104. Another law declares English to be the official language of Arkansas but also says that it "shall not prohibit the public schools from performing their duty to provide equal educational opportunities to all children." Ark Code Ann 1-14-117. There are no cases interpreting these laws so there exists the risk that teaching math in Spanish, for example, could be found to violate the "basic language of instruction" law notwithstanding the argument that such instruction would simply help to provide "equal educational opportunities to all children."

These concerns about the educational quality and financial liability of the proposed KidSmart Bilingual Education Academy, and its potential to harm students much in the way UCPC did, should cause the State Board of Education to reject the KidSmart application just as the LRSD Board of Directors did. Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Morris Holmes', with a large, sweeping flourish extending from the end of the signature.

Morris Holmes  
Superintendent of Schools

cc: Dr. Mary Ann Duncan  
Charter Schools, Program Coordinator  
Arkansas Department of Education  
Four Capitol Mall, Room 302-B  
Little Rock, AR 72201



# **PULASKI COUNTY SPECIAL SCHOOL DISTRICT**

Office of the Superintendent

September 30, 2011

RECEIVED  
COMMISSIONER'S OFFICE

SEP 30 2011

DEPARTMENT OF EDUCATION

Dr. Tom Kimbrell  
Commissioner  
Arkansas Department of Education  
4 State Capitol Mall  
Little Rock, AR 72201-1071

Dear Dr. Kimbrell:

As regards the open enrollment charter school application of KidSmart Bilingual Academy, the administration of the Pulaski County Special School District shares many of the concerns of the Little Rock School District expressed in its letter to you of September 30, 2011.

Regards,

A handwritten signature in black ink, appearing to read "Jerry D. Guess".

Jerry D. Guess  
Superintendent of Schools

Cc: Sam Jones  
Dr. Brenda Bowles

RECEIVED  
OCT 06 2011

CHARTER SCHOOL OFFICE

RECEIVED  
ATTORNEY'S OFFICE

SEP 30 2011

DEPARTMENT OF EDUCATION  
GENERAL DIVISION

Application Cycle 2011

# Letter of Intent

KidSmart Bilingual Education Academy

RECEIVED  
MAY 31 2011

KidSmart Academy  
Box 195111  
Little Rock, AR 72209  
501.612.0864

CHARTER SCHOOL OFFICE

**LETTER OF INTENT**

**May 31, 2011**

**Dr. Mary Ann Duncan  
Arkansas Department of Education  
Public Charter School Office  
Four Capitol Mall, Room 105-C  
Little Rock, Arkansas**

**Dear Dr. Duncan,**

Please accept this as KidSmart Academy's letter of intent to apply for an Open-Enrollment Public School Charter.

KidSmart is a 501 (c) (3) non-profit organization established in October 1998. The Mission of KidSmart is to provide basic reading, writing, mathematical and Spanish immersion courses to students Pre-k-Fifth Grade. Our primary goal is to use bilingual education to establish and maintain literacy programs throughout Pulaski County to lower the percentage of illiteracy. KidSmart is striving to improve lives and strengthen communities.

The name of the proposed school is KidSmart Academy which will be located in Little Rock, Arkansas serving students grades Pre-K-3rd<sup>h</sup> with an enrollment cap of 500 students. We will recruit students from North Little Rock, Little Rock, Jacksonville, Sherwood, Benton, Bryant and Maumelle.

KidSmart will provide a quality education with focus on bilingual education,. literacy, science, mathematics and technology.

Terrilyn Pettus, Program Coordinator  
Box 195111  
Little Rock, AR 72209  
501.612.0864

Terrilyn Pettus



Application Cycle 2011

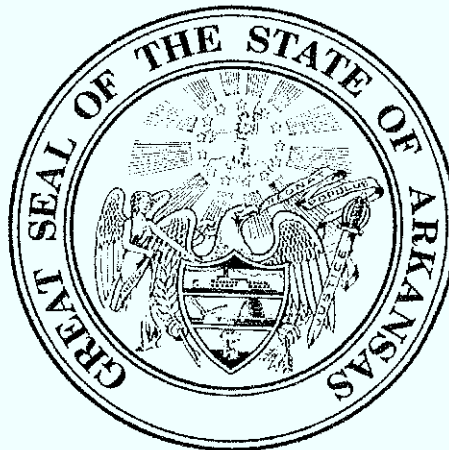
# Application

KidSmart Bilingual Education Academy



# ARKANSAS DEPARTMENT OF EDUCATION

**Open-Enrollment Public Charter  
New Application  
Deadline for Submission: August 31**



**Charter School: KidSmart Bilingual Education Academy**

**Date Submitted: August 31, 2011**

**Date Approved: April 14, 2011**

**RECEIVED**  
AUG 31 2011

**CHARTER SCHOOL OFFICE**



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**STATE BOARD OF EDUCATION  
ARKANSAS DEPARTMENT OF EDUCATION  
APPLICATION FOR AN OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL**

**A. GENERAL INFORMATION (Please type)**

Name of Proposed Charter School: KidSmart Bilingual Education Academy

Grade Level(s) for the School: K-5 Student Enrollment cap: 600 students

Name of Sponsoring Entity:

The applicant is an "eligible entity" under the following category (check one):

- ☐ a public institution of higher education;
- ☐ a private nonsectarian institution of higher education;
- ☐ a governmental entity; or
- ☒ an organization that is nonsectarian in its programs and operations, and is, or will be, exempt from taxation under Section 501(c) (3) of the Internal Revenue Code (provide evidence). (A copy of the entity's letter from the IRS reflecting tax exempt status or a copy of the entity's application for 501 (c) (3) status must be attached to the application. Articles of incorporation or letter acknowledging nonprofit status from the Secretary of State will not suffice). An eligible entity must have received formal tax exempt status under §501 (c) (3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.

Name of Contact Person: Tiffany Pettus

Address (no P.O. Box please): 3516 Baseline Road City: Little Rock, AR ZIP: 72209

Daytime Phone Number: (501) 562-0968 (501)612-0864 FAX:

E-mail: kidsmartdirector@yahoo.com

Charter Site Address: 3516 Baseline Road City: Little Rock, Arkansas ZIP: 72209

Date of Proposed Opening: July 9, 2012

Chief Operating Officer of Proposed Charter: Tiffany Pettus, Director

Address: 3516 Baseline Road City: Little Rock, Arkansas ZIP Code: 72209 Daytime

Telephone Number: (501) 612-0864 (501) 562-0968

The proposed charter will be located in the Little Rock School District

Provide a comprehensive list of all individuals, including but not limited to entity board members and charter school board members, involved in the organization and design of the proposed school as well as the proposed application process.

**Name:** Terrilyn Pettus, **Position:** President **Profession:** Educator **State of Residence:** AR

**Name:** Robert Donald, **Position:** Vice-President **Profession:** Parent,  
**State of Residence:** AR

**Name:** Adela Carillo , **Position:** Secretary **Profession:** Parent, **State of Residence:** AR

**Name:** Anithia Harris , **Position:** Board Member **Profession:** Educator, **State of Residence:**  
AR

**Name:** Collette Chism, **Position:** Board Member **Profession:** Case Specialist  
**State of Residence:** AR

**Name:** Denise Bell **Position:** Board Member **Profession:**Parent **State of Residence:** AR

*List the current K-12 student enrollment of the district where the proposed public charter school will be located.*

**25,000** (Total District Enrollment)

*List the school districts from which students are expected to come (use additional sheets as necessary).*

Little Rock School District  
Pulaski County Special School District

Benton School District  
Bryant School District

## **B. GENERAL DESCRIPTION**

*In succinct terms describe the proposed school including grade levels offered, student populations served, educational focus, and any other essential characteristics*

KidSmart Bilingual Education Academy will open on July 9, 2012, with 200 students enrolled in grades Kindergarten through third grade. KidSmart will primarily serve students within the Little Rock, Pulaski County, Benton and Bryant school districts. KidSmart Bilingual Education Academy will provide children with a positive educational and social experience in a structured, challenging, yet nurturing environment. It will be a community in which students, teachers, and parents are jointly aware of and committed to the mission and goals of the school. The No Child Left Behind (NCLB) Act of 2001 will serve as a guideline in our commitment to teach every student how to reach his or her fullest potential. As part of the NCLB Act, instruction will be research based and evaluated frequently, teacher development will be a continual process, and special emphasis will be given for the adequate yearly progress of each student. Every effort will be made to humanize and personalize each student's learning environment.

KidSmart Bilingual Education Academy believes in preparing children for life by nourishing the students' minds and bodies. KidSmart Bilingual Education Academy will be a bilingual (English- Spanish) school. Literacy and numeracy, taught in English and Spanish, will foster success in a diverse world while an emphasis on health, physical fitness, and character education will ensure a holistic approach to a rigorous curriculum. Enrollment will include Kindergarten through third grade for the 2012-2013 school year.

Resources will be designed to assist teachers in organizing their classrooms and instructional activities in order to increase achievement of Hispanic primary-grade children whose first language is not English and increase achievement among students whose first language is English. The program will offer a curriculum plan, instructional strategies and activities, student materials and assessment procedures that focus on the acquisition of:

- higher-order thinking skills to apply newly learned knowledge and understanding;
- understanding of relations between mathematics and science concepts;
- knowledge, i.e., specific items of information and understanding of relevant concepts; and
- language to gain and communicate knowledge and understanding.

Motivational strategies and materials compatible with the students' own social and cultural environment are incorporated into the instructional materials to develop and enhance positive attitudes and values toward mathematics, science and language learning.

## **D. REQUIRED INFORMATION (60 Pages Max)**

### **1. Results of The Public Hearing**

The Public Hearing was held on Monday, August 15, 2011 from 6:00 -6:30 p.m. at the Dee Brown Library, 6325 Baseline Road, Little Rock, Arkansas 72209. The meeting was presided over by Terrilyn Pettus and Tiffany Pettus. The presentation included demographics and statistics of low-performing schools in the Little Rock School District footprint and the purpose goals, curriculum goals and outreach design of KidSmart Bilingual Education Academy. The presentation was followed by a question and answer session which lasted for thirty minutes. The questions included questions about the school's bilingual curriculum, the location and transportation options. More than 90% of those in attendance signed the petition in favor of opening the KidSmart Bilingual Education Academy Charter School. No one spoke in opposition of the proposed school.

### **2. Documentation Related to Public Hearing**

Supporting evidence collected at the hearing, including a sign-up sheet is included in Attachments (required). The notice of the public hearing was published in the Arkansas Democrat Gazette on July 29, August 5 and August 8 in the Arkansas news section. *See Attachment 1A for ad copy and invoices reflecting publication dates.*

A. This notice was published in 12 point font. The ad was 2" by 4". See attachment for ad copy.

B. The last publication date was August 8, seven days before the meeting was held on Monday, August 15.

C. Letters announcing the hearing were mailed to all superintendents from districts from which KidSmart Bilingual Education Academy Charter may draw students, including all contiguous districts. (See Attachment 1B for sample letter and certified mail receipts.)

### **3. Governing Structure of the School**

KidSmart is a non-profit corporation that was established according to non-profit corporation laws. The board of directors of the KidSmart Bilingual Education Academy is dedicated to quality education and promotes dual-immersion curriculum, mathematics, and health education in school environments. The primary purpose is to organize and operate exclusively for educational purposes. The Board will provide the general governance function, which encompasses legal responsibilities, general oversight, planning and fiduciary obligations. The board members of KidSmart Bilingual Education Academy will carry out their statutory responsibilities associated with establishing and monitoring the charter school in an efficient and ethical manner and in compliance with local and all other applicable state and federal laws and regulations.

The site-based management structure at the KidSmart Bilingual Academy will be team oriented. All members' views, perspectives and opinions are equally important to the organization as a



whole. Teachers, students, parents, principal, and Board of Directors will collaborate together to create innovation, project enhancement, etc. New projects, ideas, opportunities can come from any of these avenues.

#### **Legal Status and Authority of the Board of Directors**

The authority of The KidSmart Bilingual Education Academy's Board of Directors is derived from its own charter, the laws governing public schools, and the Arkansas State Department of Education as found in Arkansas Code Annotated sections 6-23-101. It is subject to all pertinent federal statutes as well as its rules and regulations, after appropriate approvals, both locally and on a state-wide basis.

#### **Roles and Responsibilities**

The responsibilities of the Board of Directors will be to support the Academy's vision and mission statements, to act as the conduit for the state and federal funding to the Academy, to maintain the focus on the charter's vision and mission statements that support that vision. These individuals will have individual skills to make the whole body capable to manage the charter. The school will accept applications in an effort to broaden representation. The skills will be complimentary to the mission of The KidSmart Bilingual Education Academy. The skills needed for the body as a whole may be focused on an understanding of School Law, funding connections from grants, state and federal agencies, the workings of the Arkansas state fiscal policies and procedures, and a working knowledge of budget management. The composition of the Governing Board will represent a cross section of District and community stakeholders and include community, parent and business representatives to provide new and innovative ideas to improve involvement. The Board of Directors will be actively engaged in the learning on campus. They will be seen in the classrooms and conference rooms and on campus working with the students. Their expertise is going to improve the learning experiences. In short, they will not have to depend on Board of Director reports to know what is being built at the KidSmart Bilingual Education Academy, they will be actively involved.

Individually, the group will elect a president, a vice-president, and a secretary. These officers will be responsible for the typical duties of each office. The School Board members will carry out its statutory responsibilities associated with operating the charter school in an efficient and ethical manner and in compliance with local and other applicable state and federal laws. The Board of Directors shall always consist of no fewer than five (5) voting members.

#### **Highlights of duties of the governance body: Board of Directors (BOD):**

- Maintain the Academy's direction holding to the vision and missions
- Work with the principal on Professional Development opportunities, grants, vision, curriculum enhancement, Offer expertise to the Academy leadership
- Build relationships with the students of KidSmart Bilingual Education Academy
- Marketing of school to the public, industry and local, state and federal government representatives
- Prepare the budget along with the principal and business manager
- Evaluate the performance of the principal, Hold the principal accountable for the academic

success and fiscal responsibility of the school;

- Establish and maintain all policies governing the operation of the charter school,
- Ensure that the school adheres to the mission and goals outlined in the charter,
- Provide support to the school for additional fund-raising, marketing and other services as needs arise,
- Hear and render decisions on issues brought to the Board's attention,
- Participate in disputes that are brought to the Board's attention as they relate to the school's discipline policy, especially disputes arising in the areas of expulsion and long-term suspension,
- Responsibly review and act upon sub-committee recommendations brought to the Board's attention for action,
- Assist in identifying resources and attract resourceful people, and
- Advocate on behalf of the school by working to establish partnerships with community organizations, institutions of higher learning, nonprofit foundations and corporate entities that support education through noncommercial relationships.

#### **Policy Adoption:**

The Board of Directors shall maintain a written statement of policies for the information and guidance of all employees, students and member of its constituency. The statement of policies shall be subject to revision and review from time to time and approved annually as a matter of procedure by the Board of Directors of KidSmart Bilingual Education Academy's regularly scheduled meeting. Amendments to policies may be placed on the board agenda when two or more board members are in agreement. Procedure for policy approval shall be determined by the founding board.

The members of the Board will play an active role in the activities of the sub-committees listed below. We will also recruit staff, families and the community to serve on the various committees necessary to address governing issues.

- 1. Academic Policy:** Reviews curriculum to ensure compliance with the mission of the school; recommends policy changes to the Board where appropriate; and participates in the development of program development and evaluation.
- 2. Personnel:** Recommends job descriptions to the Board of Directors; reviews principal's recommendations for hiring and firing employees and makes recommendations to the Board; and provides advice on personnel matters to the Board and the principal.
- 3. Community Relations:** Seeks out active involvement of the community; acts as a liaison between Board, parents, volunteers, and community to ensure smooth operation of the school; plans social events; and oversees a strong home/school communication program.
- 4. Finance:** Drafts annual operating and capital budgets for approval by the sponsoring entity; reviews monthly actual revenues and expenditures of the operating, capital, and enterprise activities and presents the same to the Board; and provides advice on financial matters to the Board, the sponsor, and principal.
- 5. Facilities and Equipment:** Determines space and equipment needs and costs associated therewith; negotiates leases; ensures compliance with all regulations; develops plans for any necessary renovations to site; monitors ongoing compliance with regulations; and oversees maintenance of building and equipment.

### **Roles of Administrative Staff**

KidSmart's Board of Directors is an equal opportunity employer and its policy is to seek and employ the best qualified personnel without regard to race, religion, color, creed, national origin, citizenship, age, gender, marital status, or disability. The Board will seek to find strong, capable leaders to be effective in a charter school environment. KidSmart will provide an atmosphere of caring and respect for its students and staff. The fundamentals of a productive relationship between the teachers and the administration will be laid out during the hiring process by effectively communicating the goals and objectives of the school to the teachers. The Board of Directors will be responsible for making sure that both the administration and the faculty are aware of being part of the same team and the only way to become successful is if everyone does his or her job with integrity and efficiency. The Board of Directors will hire the Principal and approve all policy. The Principal will hire all other employees and oversee the operation of the school, and all other leaders will be responsible for areas as described in their individual job descriptions. The members of the Board of Directors shall be appointed and represent the general community, parents involved with their children with said school, the broader interests of the school/educational community and the bilingual education programmatic substance as it relates to the charter.

### **The Curriculum Director**

The Curriculum Director will oversee the development of educational content and materials for the Charter School. This administrator will work closely with the principal to coordinate professional and student development in addition to offering technical assistance to teachers. The Curriculum Director will assist teachers in developing individualized plans for students. The Curriculum Director will assume strategic responsibility for the quality, coherence, continuity and relevance of the curriculum area's program of learning throughout the school by ensuring that a rigorous and comprehensive program of monitoring and evaluation is maintained as part of the school's self evaluation procedures, leading to a well focused team.

The administrators will be responsible for leading the instructional staff in measuring goal process and ensuring that the reporting is done. Classroom teachers will be responsible for implementing interventions in their classrooms and throughout the school. This will be communicated through monthly staff meeting where staff can compile data that will be brought to the Board of Directors' monthly meeting. We will extend an opportunity to parents to volunteer in and out of the classroom to make the school success possible. *Refer to Section 19 for comprehensive information regarding parent involvement.*

## **4. Mission Statement**

We hold true to our motto, "Building Minds, Building Futures." We believe in preparing children for life in a safe, collaborative environment by nourishing the mind and body. We believe that Literacy and numeracy, taught in English and Spanish, will foster success in a diverse world.



## **Philosophy and Achieving This Mission**

Our vision is that KidSmart Bilingual Education Academy will:

- Assist students in performing above grade level and becoming proficient in reading and math
- Utilize strategies to assist English Language Learners in becoming proficient in Literacy and Math.
- Teach students to be compassionate towards others and their community
- Teach students to be real world problem solvers
- Teach students to Be physically healthy

We strive to act with integrity in all we do, provide leadership as a school and as individuals, regard honesty and transparency as essential in our communicating, collaborate as a team, focus on an accelerated, bilingual K-3 academic program of excellence, take courage to stand up for what we believe and strive to continuously improve as individuals and as a school. KidSmart was founded on the premise that every child can develop the characteristics and abilities to overcome economic hardship and achieve success. KidSmart actively involves teachers, parents, and the community to ensure the strong and positive development of the whole child.

## **5. Educational Need**

According to Arkansas' Report Card on the *Education Week* website<sup>1</sup>, Arkansas received a "C-" in "Chance for Success." The "Chance for Success" takes into account early childhood education, K-12 education and workforce results. Arkansas has strong educational standards in relation to Literacy and Math content, Benchmarks, and Performance Standards. However, student achievement is relatively low in the area where we propose to open KidSmart Bilingual Education Academy. As seen in figure 1.1, students do not show adequate proficiency in math and literacy.

- Grade 3 Math , Combined average of 28% of students attending schools in Figure 1.1 scored at proficiency on the Math section of the Arkansas Benchmark Exams.<sup>2</sup>
- Grade 3 Literacy, Combined average of 28% of students attending schools in Figure 1.1 scored at proficiency on the Literacy portion of the Arkansas Benchmark Exams.

These numbers indicate that the students need stronger encouragement and motivation for Literacy and Math. Educational statistics clearly depict that there is a great need for a charter school that offers rigorous, innovative programs to low achieving students.

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<sup>1</sup> Education Week Retrieved August 4, 2011 from <http://www.edweek.org/ew/index.html>

<sup>2</sup> School District Statistical Data is Compiled from the Arkansas Department of Education Website

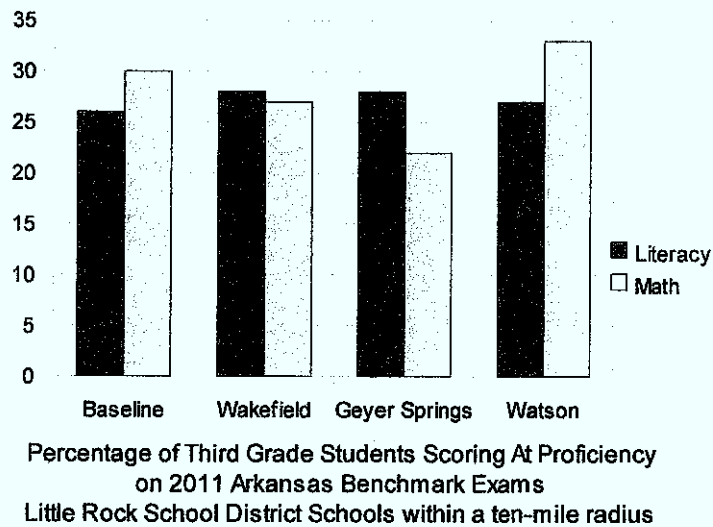


Figure 1.1

The educational needs of students in low-performing schools and the growing Hispanic population in Central Arkansas warrants new and innovative methods of education to reach English Language Learners as well as non-bilingual children. New, innovative methods are needed to close the achievement gaps and improve educational strategies on how children are taught and learn as well as innovations to raise all students' scores.

KidSmart Bilingual Education Academy will be the only charter school in the state that will have offer Dual Spanish Immersion for K through 3 grades with a focus on Health Education. KidSmart will allow room for flexibility, creativity, and fine tuning in school policies, curriculum, and management based on local needs. While keeping state standards and benchmarks as a guiding tool, KidSmart will implement additional programs to meet the individualized needs of students, parents and teachers. The small classroom and school size will help to maintain a low faculty: student ratio (1:15) to achieve targeted performance goals.

There is also serious need for encouraging healthy habits in students at our school. The school plans to implement a campus-wide Character and Health Education Program through the *Healthy Choices Curriculum* that will help our students build character, make informed decisions and the personal and professional skills needed for future leadership. Students at KidSmart will be encouraged to take responsibility for their actions, seek positive role models and develop into good citizens with high ethical and moral values. Parents will be regularly informed about the Health and Character Education Program to ensure that they will also be involved in our effort in inspiring good behavior in our future leaders.

## **6. Educational Program**

We will open as a Charter serving Kindergarten through third grade, adding an additional grade each year until we are able to enroll fifth grade students. The enrollment cap is 200 students.

## **Length of School Day and School Year**

The KidSmart Bilingual Education Academy will increase the school day to 7 hours of instruction with a 30 minute lunch. The longer school day is supported by President Obama's educational plan (Bass, J., 2009). This change is an attempt to allow deeper learning experiences.

Proposed Instructional Hours: 8:00 a.m -4:00 p.m.

Proposed Length of School Year: A Year Round School Model

The School year will begin the beginning of July.

First quarter: 10 weeks. (Two weeks off – fall break)

Second quarter: 10 weeks (Three weeks off around Christmas and New Years)

Third quarter: 10 weeks (Two weeks off – spring break)

Fourth quarter: 10 weeks (5 weeks off – summer break)

The increased daily instructional time and longer school year allows students the opportunity to explore concepts deeper, strengthening life long learning experiences. The year-round model provides less time for students to forget and provides regular breaks. KidSmart Academy envisions offering enrichment activities over the breaks. This aligns with President Obama's educational plan idea of breaking the 18th century Agramodel of 3 months off in the summer to allow the children of the family to plant and harvest. This agriculturally-based model does not fit the needs of our 21st century culture (Bass, J., 2009). Data shows that such a long time off in the summer creates a loss of knowledge and information (Cooper, Nye, Charlton, Lindsay and Greathouse, 1996). The longer times together and less time apart will increase the retention of the lessons and the cyclical building from year to year. Our calendar will still allow families with younger children in K-5 schools or older children in college to still celebrate together during large holiday seasons like Christmas and summer.

## **Overview of Curriculum and Learning Environment**

KidSmart Bilingual Education Academy will implement several unique educational programs. These programs include *Healthy Lifestyles* and the Spanish-English, Dual-Immersion program. Both programs support all children in learning skills that are applicable to their lives. The curricula include these unique programs as well as rigorous academic instruction in reading, writing, math, science, social studies, health, physical education, art, music, and technology.

KidSmart Bilingual Education Academy will offer research-based methods, parental involvement, high standards, accountability, effective instruction, and effective teachers. Good bilingual education programs recognize and build upon the knowledge and skills children bring to school. They are designed to be linguistically, culturally, and developmentally appropriate for the students and have the following characteristics:

1. High expectations for students and clear programmatic goals.
2. A curriculum that is comparable to the material covered in the English-only classroom.
3. Instruction through the native language for subject matter.
4. An English-language development component.
5. Multicultural instruction that recognizes and incorporates students' home cultures.

## 6. Administrative and instructional staff, and community support for the program.

Global interdependence and mass communication often require the ability to function in more than one language. According to the 2000 U.S. Census, more than 9.7 million children ages five to seventeen—one of every six school-age children—spoke a language other than English at home. These language-minority children are the fastest-growing segment of the U.S. school-age population. Between 1990 and 2000, the population of language-minority children increased by 55 percent, while the population of children living in homes where only English is spoken grew by only 11 percent. English-language Learners comprise about 12 percent of the school population, with the largest growth Idaho and Arkansas.<sup>3</sup>

KidSmart Bilingual Education Academy School will use literacy-focused, research-based elementary curricula, available in English and Spanish. We will incorporate, the innovative program, the dual immersion program, which will allow all students to become bilingual and bi-literate. Dual immersion is a form of education that ensures that students are bi-literate and bilingual by focusing on two languages throughout the school day. In our schedule, students will have reading classes in both languages, and rotate academic units in English and Spanish. Students will be taught to master both languages while also learning new curricular material. Material will build but not be repeated in each language. For example, second grade students might begin learning about how multiplication is a form of grouping in math one week in English, and the next week they will add to that concept by matching math problems to manipulatives, while discussing it with their groups in Spanish.

By definition, dual language programs are designed to integrate English Language Learners and English proficient students for content and literacy instruction in two languages (Lindholm-Leary, 2004). Both native English and native Spanish speakers will benefit from the dual immersion program. This program will serve the growing Hispanic population by ensuring that the Spanish-speaking children learn to read and write in their native language, while mastering the same skills in English. Similarly, the non-Spanish speaking children will learn to comprehend, speak, read, and write Spanish, which are very desirable skills in our multicultural society. The dual immersion program will not be limited to learning another language, but will also teach children about other cultures. Cultural identity is encoded in all communication<sup>4</sup>. Thus, students learn culture in all school settings. KidSmart Bilingual Education Academy's multicultural education seeks to maximize student achievement by implementing socially responsive pedagogy. Bilingual-infused education encourages the opportunity for students to connect with identity. When students' identities are affirmed in the classroom, they then feel comfortable and participate fully in literacy learning.<sup>5</sup>

### Core Elements of KidSmart Bilingual Education Program Offerings:

- We believe bilingual elements infused in instruction is the lever to increase student engagement, and thus, increase student achievement. Bilingual-infused instruction is:

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3 NYSUT News Wire - October 26, 2007

4 *Cultural Communication and Intercultural Contact*, 1990 Donal Carbaugh, University of Massachusetts

5 *Cognitive Academic Language Proficiency*, Jim Cummins, PHD.



- A better way to engage students
- A better way to teach the research-based curricula (reinforce and extend learning)
- An alternative way to assess student understanding of content and concepts Teachers use exemplars to facilitate group feedback focused on work products, not students.

Supporters of the practice conclude that bilingual education will not only help to keep non-English-speaking children from falling behind their peers in math, science, and social studies while they master English, but such programs teach English better than English-only programs. The educational design will begin for each grade level as a way to help students develop native language literacy first. As an open enrollment charter school, we will enroll English language learners as well as native English speakers.

### **More Options for Bilingual Students**

During President George W. Bush's tenure as president, he started a new initiative to promote foreign language education as "a part of a strategic goal, and that is to protect this country" (Graham, January 6, 2006). "Our diverse country needs culturally responsive programs to be competitive in global society." We believe that bilingual education will give students more choices. It leads to access to more information resources. According to a *Newsweek* report, "Being able to speak more than one language at a high level, and on a regular basis, is like constantly flexing a muscle in your brain, and it carries over into all kinds of skills beyond those of actually speaking a language." In today's world of globalization, knowing a foreign language gives opportunities to study and work abroad. It also helps in creative thinking. Bilingual persons have two or more words for each object and idea, and different meanings are sometimes attached to words by the two known languages. Therefore, a bilingual person may develop the ability to think more flexibly not only about words, but also about other things too. Once you know two languages, it becomes much easier to learn another language. A bilingual student can read books or literature that exists in both the known languages that would otherwise be unavailable. It leads to exposure to different cultures. A language is usually closely related to the culture of the speaker. To read a book or a poem or to listen to a song in the original language is a completely different experience than to read/hear the translation. Exposure to a second set of customs, traditions and history provides a different viewpoint on many questions and makes life a lot more interesting and rewarding. Knowing two languages places one in a position to think about language itself, to reflect on its functions, and to treat it as an object of thought. Bilingual children have also demonstrated superior story-telling skills, perhaps because they are less bound by words and more elastic in thinking due to the knowledge of two languages

A major longitudinal study released in 1991 by the U.S. Department of Education found that the more schools developed children's native-language skills, the higher they scored academically over the long term in English. Students also benefited from acquiring fluency and literacy in two languages" (NABE, 2004). Bilingual education serves as a tool to improve English and academic outcomes as well as learn a second language.

6 *Newsweek* August 7, 2011 "Why It's Smart to Be Bilingual"

7 *Language and Cognitive Development in Second Language Learning*, Virginia Gonzalez, Baker 1992

KidSmart will partner with local Spanish language newspapers, television and radio media to infuse bilingual activities and techniques into teaching. Collaborations with organizations like enhances the learning environment and helps our faculty learn about the resources available in the community in which they teach. Classroom teachers will use the media resources to infuse bilingual elements into classroom instruction where appropriate. KidSmart will engage students by infusing the bilingual elements into all areas of the curriculum and by building a strong school culture.

### **Encouraging Healthy Lifestyles**

Health is also a growing concern in our society. Children throughout the country are more likely than ever to be overweight or obese. Childhood obesity puts children at higher risks for type 2 diabetes, hypertension, cardiovascular disease, hyperlipidemia, and psychosocial disorders (Kauffman, 2007). Poor nutrition and lack of physical activity are factors in lower academic achievement (Action for Healthy Kids, 2004). Interventions are key to helping children and their communities understand and maintain healthy lifestyles and make healthy and informed choices about exercise and nutrition. Such lessons prepare students for healthy life choices as they enter their teen year and adult life. *The Healthy Lifestyles Curriculum* incorporates nutrition, health, and character education and is integrated throughout the curriculum. This program teaches children about the importance their actions have on themselves, their families, their neighbors and their communities. Children will participate in a character education component of the curriculum in Physical Education class to learn to be world citizens who make careful choices in all aspects of their lives, from caring for the environment by recycling, to solving peer disputes, to choosing healthy snack alternatives, to participating in community service activities. The program integrates the values of citizenship and self-control, while learning about movement and the benefits of physical activity. It is based on Rena Kornblum's book, Disarming the Playground: Violence Prevention Through Movement and Pro-Social Skills. The curriculum enforces positive social skills and prevents youth violence. This curriculum aligns to Arkansas Curriculum Frameworks Standards for Health, Safety and Physical Education, 10.3 Safety and Injury Prevention. By providing a safe environment that encourages and supports healthy choices, KidSmart Bilingual Education Academy helps students build the skills they need to have healthy lifestyles that positively impact their bodies and their communities.

**Reading and Literacy:** We will use the Calle de la Lectura curriculum, an all-new comprehensive K-6 Spanish Reading and Language Arts series.. Calle de la Lectura delivers a balance of authentic and transadapted literature, scientifically research-based instruction, multiple teaching for transfer opportunities, and a wealth of groundbreaking online experiences for high student engagement. The Calle De la Lectura curriculum is supplemented by the *My Teaching Library* and *Reading Street* online curriculum. *Reading Street* is an interactive online web experience that allows students to read books in Spanish and English, play arcade games to learn vocabulary and spelling words. *My Teaching Library* has strong core emphasis on ongoing progress-monitoring and an explicit plan for managing small groups of students. Calle De Lectura provides quality literature to give all students a base in phonics and the opportunity to read a wide variety of texts. Throughout the reading and writing units, teachers have an opportunity to engage students in unit projects that incorporate bilingual

elements in creative ways. In addition to a foundation built on reading skills through Calle De Lectura, students in all grades will have myriad opportunities to practice writing and speaking in Spanish and listening to a wide array of speakers, presenters, and other media.

**Mathematics:** Mathematics instruction will be highly structured. Teachers will emphasize mastery of concepts through practice over time in order to build a solid mathematics foundation for every child. Mathematics instruction in Kindergarten through third grade will give all students the opportunity to develop the foundation in the language and basic concepts of math. Concepts and skills will be addressed throughout all grade levels. Each grade level will build on and extend conceptual understanding so that children will approach each new challenge from a firmly established foundation. The school will use the EnVision MATH Common Core which was written specifically for the Common Core State Standards. EnVision MATH Common Core provides in-depth coverage of the Common Core State Standards. EnVision MATH Common Core provides the same strong development of conceptual understanding through daily Problem-based Interactive Learning and step-by-step Visual Learning, bar diagrams, and solid and effective intervention. We will use EnvisionMath Common Core as our core Math curriculum and Language Central for Math program as a supplement for mathematics instruction. Envision Math Common Core presents concepts in carefully sequenced increments, allowing students to be introduced to new concepts in each lesson as well as to practice and review previously introduced concepts. Envision Math Common Core is a math curriculum that is distinguished by the repetitive nature of instruction, known as spiraling. Teachers revisit topics several times, and students practice concepts throughout the year in different lessons. Therefore, teaching mathematical skills in a manner that ensures that students will learn small pieces in an order that makes sense can help ensure that students master those skills over the course of a school year. Several studies confirm the efficiency of the program itself. Envision Math has demonstrated these results on the Stanford Diagnostic, the Metropolitan Achievement Test, and the International Test of Basic Skills.<sup>8</sup> *Language Central for Math* helps English Language Learners and struggling students develop the academic vocabulary necessary to master math. Oftentimes it's the math vocabulary, not the mathematical concepts, that hinder student mastery. *Language Central for Math* is designed to directly address this issue – and to reinforce the instruction given in the math classroom.

**Science:** Science instruction at KidSmart will have a strong basis in exploration, and mastery of specific concepts. Using texts and technology-rich visual aides, students will learn both principles directly and deduce them from experimental data. They will receive a strong background in the concepts that scientists have discovered over the years, and they will work as scientists to recreate some of these discoveries.

All students will use the *Interactive Science* Curriculum designed for English Language Learners. The interactive science curriculum allows students to write, draw, graph and self-assess in “write-in” books to record observations. *Interactive Science* also encourages the use of all senses to make observations. A wealth of different types of hands-on activities are found throughout the edition featuring four levels of inquiry:

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<sup>8</sup> See Hansen, E. & Greene, K. (2000) A Recipe For Math: What's Cooking in The Classroom?

Activity Before Content, Directed, Guided and Open-Ended. Students master science concepts with the building blocks of inquiry. This innovative curriculum includes cross curricular units in music, songs about science, coloring pages ( K-2) and Readers Theater ( K-2).

*Interactive Science* utilizes interactive, visual, and differentiated learning strategies to address the needs of all learners. Hands-on activities are incorporated for all learners featuring a wide-variety of directed and open ended inquiry labs. The write-in students' edition features engaging visuals that frontload vocabulary and that relate directly to the content serving as important visual cues for English Language Learners.

**Social Studies:** KidSmart will utilize Pearson's MyWorld Social Studies curriculum. The curriculum is aligned with the Arkansas Curriculum Frameworks and engages students and assists them in making personal connections to historical figures and eras. Students will embark on a journey through time without leaving the classroom. With innovative online resources, project-based activities, and unprecedented support for all learners, all students will go beyond the printed page and actively experience the history of the world in which they live. My World Social Studies utilizes storytelling to bring Social Studies content to life. An interactive digital solution supplements the curriculum, making Social Studies personal for every student.

**Fine Arts:** Students will be presented with the opportunity to immerse themselves in the excitement of the arts. They will experience the world of music, drama and visual arts. Each student will participate in these three areas of the arts during the week, offering a unique balance of rigorous academic instruction and intensive instruction in the performing and fine arts. All will be taught by arts teachers who continue to be professional practicing artists in the community, allowing students to learn not only the technical aspects of artistic expression, but also what it is like to be a professional practicing artist. Research has shown strong correlations between arts programs and student achievement. Studies show that the integration of arts programs increases student engagement.<sup>9</sup>

#### **Non-Graded Learning Environment**

KidSmart students will learn and achieve within a non-graded learning environment. Within a non-graded environment, the achievement of any one student is unrelated to the achievement of that same goal by other students. This concept, referred to as Mastery learning (Anderson; Pavan, 1993) is a form of self-pacing in learning. In Mastery learning, students are expected to master a set of concepts and are allowed to move at their own pace until they demonstrate mastery on the on-going concept or learning unit. If certain students master the material in two days and others in two weeks, they obtain the same goal with a freedom to learn at their own rates.

The Non-Graded or Mastery Learning Approach takes into account that students are not simply fast, medium or slow processors of information; they also have varying levels of energy, assertiveness, sociability and patience. As teachers become proficient at recognizing and designing curriculum tasks that mesh with students' learning and achievement needs, they

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<sup>9</sup> Sylvester, Robert. "Art For The Brain's Sake" Educational Leadership. Volume 56, No. 3. November 1998, Page 32



(teachers) will turn their attention to students' personalities, learning styles and preferences. The Non-graded environment commits to the needs of the individual rather than the grouping. Instruction itself is learner-centered. The teacher in this model will act as a helper and facilitator, one who provides the setting, the materials and the personal counsel necessary for guiding the student as he or she becomes involved in the processes of learning.

We will monitor student progress periodically. Curriculum Director and instructors will compile mastery lists based on Core Curriculum Standards and assessments.

## **Assessments**

### **Monthly Assessments**

KidSmart will collect data on students' learning monthly and evaluate the results in the department and staff meetings that are held weekly. Each teacher and administrator will go through intense training of assessment and instructional tools. Parents will have daily online access to some of the assessment data through "Home Connect." For all other assessments; Parents who do not have access to web, Spanish and English version of the reports –depending on the need- will be sent on Wednesdays via Wednesday mails. Every quarter, teachers will invite parents to parent-teacher conferences to share the test results.

<b>Grade Level</b>	<b>Tests and Assessments</b>	<b>Starting From</b>	<b>Frequency</b>
Kindergarten	STAR Early Literacy	First Week	Monthly
	STAR Reading	Second Quarter	Monthly
	Accelerated Reader	Second Quarter	Monthly
First -Third Grades	STAR Early Literacy	First Week	Monthly
	STAR Reading	First Week	Monthly
	STAR Math	First Week	Monthly
	Accelerated Math Assignments	First Week	Monthly
	Accelerated Reader	Second Week	Monthly
Fourth and Fifth Grade	STAR Reading	First Week	Monthly
	Star Math	First Week	Monthly
	Accelerated Reader	Second Week	Monthly
	Accelerated Math Assignments	Second Week	Monthly

If students struggle in reading assignments and score low on STAR Reading tests, they will take STAR Early Literacy as needed. STAR Early Literacy, STAR Reading and STAR Math tests are

15-20 minute tests that are taken on computers. As soon as the test is over, results are available to teachers and school administrators. Many different reports can be generated online to monitor the implementation processes

KidSmart will also utilize the The Developmental Reading Assessment and its Spanish component Evaluación del Desarrollo de Lectura (EDL2) for assessment. These assessment programs provide teachers with a method for assessing and documenting primary students' development as readers over time. Its purpose is to identify students' reading level, defined as a text on which students meet specific criteria in terms of accuracy, fluency, and comprehension. Additional purposes include identifying students' independent reading strengths and weaknesses, planning for instruction, monitoring reading growth, and, for the grades 3-5, preparing students to meet classroom testing expectations and providing information to teachers, schools, and region regarding reading achievement. The assessments are conducted during one-on-one reading conferences as children read specially selected assessment texts. A set of leveled texts, which increase in difficulty, are used for the assessment. The DRA evaluates the major aspects of reading that are critical to independence as a reader. Audio components of the assessments are available in English and Spanish for students have difficulty reading.

#### **Las Links Language Assessment**

The LAS LINKS assessment programs allows teachers to accurately evaluate and report progress of English Language Learners. LAS Links uses realistic illustrations, reading passages set in context, photographs, and culturally relevant test content to engage, challenge, and encourage students throughout the learning process. We will use Las Links Espanol to test the proficiency of students whose native language is English. Test formats include multiple-choice and performance-based questions to address a wide range of language skills. Theme-based tests cover subjects such as mathematics, science and technology, reading/language arts, and social studies to better evaluate student understanding of both academic and social language. LAS Links:

- Allows educators to measure student growth year over year and between grades
- Measures both social and academic skills for a comprehensive view of language abilities
- Includes measurement of the four NCLB domains—reading, writing, speaking, listening—and comprehension skills

Las Links also has a listening component to assist students who have difficulty reading.

KidSmart will participate in all other mandated statewide assessments.

"Before" and "after" school services will be provided to facilitate working households and single parent homes at the school. The programs will deepen the educational offerings of the day school and extend the learning time for the students in an atmosphere that is both relaxed and supportive. Students will experience situations that are both structured and student driven. The school will offer the following educational settings:

- Language Clubs

- Drama and Arts Involvement
- Individualized instruction, One-on-One Tutoring
- Developmentally appropriate practices
- Parent and community education
- Technology
- Intensive English and oral language development

### **School Culture and Climate**

Students and teachers will be considered as partners in the students' educational program, where there will be mutual respect, support, excellence and achievement. We believe that addressing students' successes and setbacks are equally important for the students' growth. Because thought and expression develop out of experience, learning should nurture a sense of caring for other people and the environment. The following list shows examples of teaching methods that will be utilized by the instructional staff throughout the year to foster school culture:

**Cooperative learning** will be integral and essential to all learning experiences. Success will be measured at the group level as well as the individual level. Group work and portfolio work will be an essential part of the student achievement that will take place in the program, so it will become a natural part of instructional opportunities as well.

**Goal-setting:** Teachers will be expected to write long-term and short-term goals for student achievement needs. Educational goals will be evaluated for every activity throughout the day. Goals will be expected to be realistic, reliable, and measurable.

**Individualized instruction** will be one of the most important instructional strategies of, which will be provided to students all the time they need. It will be accommodated in group settings because of the favorable student/teacher ratio. Each student's education plan will be individualized according to his or her education, emotional, and psychological needs. By using a multi-sensory approach to learning, students will be provided opportunities to learn through auditory, visual, tactile, and kinesthetic activities. Students will be guided through the process of determining which learning style is best suited to their needs.

**Participation in Contests:** Students will be encouraged to participate in local, statewide, national and international competitions. This keeps the students engaged and excited about learning. Some of these competitions are American Mathematics Contest (AMC) International Science Olympiads, Science Fair, Science Olympiad, History Fair, Geography Bee, Spelling Bee, Quiz Bowl, and Art Exhibitions.

### **Integration of technology**

Technology will be used for (1) student learning through involvement with authentic, challenging tasks; (2) professionalization of teachers; and (3) creation of a culture that supports learning both in the classroom and beyond the school walls. Technology will be used to make learning fun. The Internet will allow students to explore resources, new horizons, and other

people. Computers will be used to individualize education for students. Students will pace themselves through drills, simulations and games. This will be used to enhance regular classroom-taught skills. Technology will also be used as a teaching tool for teachers. Technology training will be provided to teachers through staff development. Teachers will facilitate learning by addressing different learning styles through the use of multimedia instructional aids. Teachers will have access to laptops 24 hours. Parents, students and faculty will be able to benefit from technology use constantly.

Communication through computers will allow parents and faculty to exchange ideas and information instantaneously. Our school will offer an online database which keeps the school community informed of everything from grades to meetings. Parents will be assigned a username and a password to check their children's attendance, homework, grades, conduct, teacher comments and messages from school. The school will offer online drills and homework for all classes. Students will take tests, do drills, at their own pace. The feedback will be sent to the teacher and parent immediately. The school will employ an instructional technologist who will educate the administration and faculty on effective ways of integrating technology into education. This person is responsible for laying out a technology infrastructure plan for technology use across the curriculum.

### **Awards Program**

The student recognition program will be a very important aspect of school life. Students in all grades will be recognized at the end of each semester for accomplishments in attendance, academics, and responsibility. Community Partnerships with local restaurants and retail establishments will be formed to provide awards and incentives to students. The awards will be presented in each class at the end of each semester. At the end of the school year, school will also hold annual Awards Day ceremonies with recognition for year-long accomplishments. Other types of awards will be awarded for each subject due to the teachers' policies. These might be homework passes, gift cards, coupons, trophies, medals etc. However, attendance, academics and responsibility are important components for students and they will be awarded based on the following criteria:

**Attendance:** School targets to reach the maximum attendance limits. In order to promote the importance of attendance, students who attended over 93% of the semester period will be awarded. Students with 100% attendance rate will receive special awards. This award will help the school improve the level of attendance.

**Responsibility:** Students accomplished exemplary course projects in science, math, reading etc will be awarded special awards at the end of each semester. The name of the awards will be designed by the school principal's proposal to Board of Directors. The award decision approved by the board will be presented to students of each grade level.

### **Professional Development**

The professional development needed to create the innovative Dual-immersion Education environment will be vital. Professional development will be necessary to educate



all teachers in how to collaborate, develop the design, thinking, understanding, and how to implement these strategies. The curriculum, scope and sequence will be ready before teacher orientation which will be held two weeks before the first day of the school year. All teachers, administrators and staff will participate in a mandatory two-day retreat in order to get to know each other. After this two-day team forming retreat, the teachers will have two-week long orientation program. The School's mission, vision, educational philosophy and approach will be explained by the principal. Teachers will get their laptops, teacher resources, and other materials that they will need throughout the program. Teachers will meet daily with curriculum director. They will have some time to digest the given information, meet informally with each other and administrators, and prepare their rooms. After the first week, they will start to work on lessons based on expectations and strategies explained during the first week of orientation. Teachers will learn their weekly schedule, extra assignments, weekly and monthly meeting times, and calendar during this time as well. KidSmart will require a minimum of 80 professional development hours. In addition to the 80 hours of professional development, ongoing opportunities for professional development happen throughout the school year in the following ways:

- Ongoing professional development activities to enhance the knowledge base of instructional staff, thereby providing additional strategies and classroom activities that add value.
- Regional, state, and national conference and seminars attended by the administrators and staff members will provide additional resources to increase the academic services.
- Retention of qualified staff members will ensure that continuous improvement in the educational plan occurs. As experience increases so will the quality of services.
- On site professional development for both administrators and instructional staff will broaden the knowledge base and add value to the educational services.
- The utilization of technology and the internet will offer unlimited resources for instructional staff.
- Annual evaluations regarding academic progress, parent satisfaction, and teacher satisfaction will provide feedback that will strengthen the educational plan and Individualized professional development plans

## **7. Measurable Goals**

**Academic Goal 1:** All students will become competent readers, writers, speakers and listeners of English and Spanish.

**Objective 1:** 80% of KidSmart Bilingual Education Academy students will develop proficiency in critical literacy skills in their native language, as measured by the Developmental Reading Assessment (DRA2) or Evaluación del Desarrollo de Lectura (EDL2), in the areas of accuracy, fluency, and comprehension, by meeting the following end of the year benchmarks:

Grade Level	Minimum Score
Kindergarten	Level 3

First Grade	Level 18
Second Grade	Level 28
Third Grade	Level 38

**Objective 2:** 80% of KidSmart Bilingual Education Academy students will show proficiency in critical literacy skills in their native language, as measured by STAR assessments, in the areas of accuracy, fluency, and comprehension, by showing improvement on a monthly and quarterly basis.

**Objective 3:** KidSmart Bilingual Education Academy students will show proficiency in reading skills in English, as measured by the Aggregated Arkansas Benchmark Exams in literacy, by meeting or exceeding prevailing state standards.

Academic Year	Percentage of Students Proficient in Reading
2012-2013	63.00%
2014	72.00%
2015	81.00%
2016	91.00%
2017	100.00%
After 2017	100.00%

**Objective 4:** KidSmart Bilingual Education Academy students will show proficiency in writing skills in English, as measured by the Aggregated Arkansas Benchmark Exam, meeting or exceeding prevailing state standards.

Academic Year	Percentage of Students Proficient in Writing
2012-2013	63.00%
2014	72.00%
2015	81.00%
2016	91.00%
2017	100.00%

After 2017	100.00%
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**Objective 5:** 75% of KidSmart Bilingual Education Academy students will develop proficiency in language skills in a second language, as measured by LAS LINKS or LAS LINKS español, in the areas of listening, reading, writing, and speaking, by meeting the following end of the year benchmarks:

Years in the Dual Immersion Program	Language Level
1	Beginning
2	Early Intermediate
3	Intermediate
4	Proficient
5 or more	Or More Above Proficient

**Objective 6:** 80% of KidSmart Bilingual Education Academy students will show proficiency in critical reading skills, as measured by Curriculum-Based Measurement, by performing with reading grades of 75% or better.

Academic Goal 2: Students will become proficient in mathematics.

**Objective 1:** KidSmart Bilingual Education Academy students will show proficiency in critical mathematics skills, as measured by the Aggregated Arkansas Benchmark Exam Assessment, by meeting or exceeding prevailing state standards.

Academic Year	Percentage of Student Proficient in Math
2012-2013	56.00%
2014	67.00%
2015	78.00%
2016	89.00%
2017	100.00%
After 2017	100.00%

**Objective 3:** 80% of KidSmart Bilingual Education Academy School students will show proficiency in critical mathematics skills, as measured by Curriculum-based testing

Academic Goal 3: Students will become Proficient in science.

**Objective 1:** KidSmart Bilingual Education Academy School students will show proficiency in critical science skills, as measured by the Aggregated Arkansas Benchmark Exam Assessment, by meeting or exceeding prevailing state standards.

Academic year	Percent of students proficient in science
2014	68.00%
2015	78.00%
2016	89.00%
2017	100.00%
After 2017	100.00%

Academic Goal 4: Students will become proficient in social studies and multicultural understanding.

**Objective 1:** 95% of KidSmart Bilingual Education Charter School students will demonstrate multi-cultural awareness, as measured by portfolio assessment of multi-cultural activities.

**Objective 2:** 95% of KidSmart Bilingual Education Academy students will participate in Aggregated Arkansas Benchmark Exam and other testing (NCLB requires 95% participation by 2014).

Academic Goal 5: KidSmart Bilingual Education Academy will show a narrowing of the achievement gap.

**Objective 1:** Aggregated Arkansas Benchmark Exams test scores for KidSmart Bilingual Education Academy School students will show an increase in the passing rate, according to the following annual passing rates.

Academic year	Percent of students proficient in reading	Percent of students proficient in writing	Percent of students proficient in science	Percent of students proficient in mathematics
2012-2013	63.00%	63.00%	56.00%	56.00%
2014	72.00%	72.00%	67.00%	67.00%
2015	81.00%	81.00%	78.00%	78.00%
2016	91.00%	91.00%	89.00%	89.00%



2017	100.00%	100.00%	100.00%	100.00%

**Objective 2:** Disaggregated test scores by sub-group for KidSmart Bilingual Education Academy School students will show an increase in the passing rate, as measured by the Aggregated Arkansas Benchmark Exam Assessment, according to the following annual passing rates for all sub-groups (racial/ethnic groups, students with disabilities, etc.)

Academic year	Percent of students proficient in reading	Percent of students proficient in writing	Percent of students proficient in mathematics	Percent of students proficient in science
2012-2013	63.00%	63.00%	56.00%	56.00%
2014	72.00%	72.00%	67.00%	67.00%
2015	81.00%	81.00%	78.00%	78.00%
2016	91.00%	91.00%	89.00%	89.00%
2017	100.00%	100.00%	100.00%	100.00%

Academic Goal 7: Students will be prepared to make healthy lifestyle choices.

**Objective 1:** 80% of KidSmart Bilingual Education Academy School students will be able to choose a balanced meal plan when presented with lunch choices.

**Objective 2:** 95% of KidSmart Bilingual Education Academy School students will participate in daily physical activity, as measured by physical education participation at school.

**Objective 3:** 80% of KidSmart Bilingual Education Academy students will be able to make choices based on how their choices affect themselves, their families, and their communities, and their world, based on curriculum-based assessments in the healthy lifestyles curriculum.

#### B. Measurable non-academic goals and objectives

Non-academic Goal 1: Students will be highly engaged in their learning, as reflected by their attendance.

**Objective 1:** Overall student attendance will meet or exceed 90%, as measured by daily attendance averages.

Non-academic Goal 2: Parents will participate in planning and implementing programs at KidSmart Bilingual Education Academy.

**Objective 1:** 90% of KidSmart Bilingual Education Academy parents will volunteer eight hours

annually in school activities and functions, as measured by parent volunteer logs.

**Objective 2:** 90% of KidSmart Bilingual Education Academy parents will rate the school as “open to parent involvement”, as measured by the parent end-of-the-year survey.

Non-academic Goal 3: The governance structure at KidSmart Bilingual Education Academy will enable a rigorous, holistic, dual-immersion curriculum while ensuring a balanced budget.

**Objective 1:** The budget at KidSmart Bilingual Education Academy will be balanced and meet the needs of the school programming, as aligned to the school mission, 100% of the time, as measured by the annual budget review.

**Objective 2:** 90% of KidSmart Bilingual Education Academy teachers will rate the curriculum as appropriate to the school mission, curriculum mapping goals and end of the teacher -surveys.

Non-academic Goal 4: The staff at KidSmart Bilingual Education Academy will use effective pedagogy and guided interventions to ensure that the students are active learners.

**Objective 1:** 100% of KidSmart Bilingual Education Academy instructional staff will participate in professional development in the area of effective teaching strategies.

**Objective 2:** 100% of KidSmart Bilingual Education Academy instructional staff will participate in professional development in the area of effective special education strategies and behavioral interventions.

**Objective 3:** 100% of KidSmart Bilingual Education Academy instructional staff will participate in professional development in the area of English Language Learners and dual immersion instruction.

**Objective 4:** 95% of KidSmart Bilingual Education Academy teachers will score satisfactory, as measured by the Annual Employee Evaluation Form.

## **8. Curriculum Alignment Process**

KidSmart's curriculum will be aligned with national standards and to the Arkansas Curriculum Frameworks. A sample of the school's Kindergarten curriculum map demonstrating alignment of the mastery objectives with the Arkansas and Common Core Frameworks is provided in Attachment 1C. The curriculum plan will include scope, resources, assessment tools, technology applications, strategies and methods by which the subject matter will be delivered aligning with the content standards, benchmarks and performance standards of the State of Arkansas. We will require curriculum for each content area and grade level that is consistent with the state's Content Standards. All textbooks selected will be aligned to the state curriculum frameworks. Students will demonstrate knowledge of the standards and learning expectations throughout the frameworks daily in each lesson.

The alignment process links grade level mastery objectives to state standards so that as students master specific course objectives, they are mastering state standards. The steps in the alignment process are as follows:

- The KidSmart administration reviews the Arkansas Frameworks, Common Core Curriculum and develops the initial objectives merging the Dual-immersion components. The administration will collaborate to ensure that curriculum reflects

both the content and cognitive demand of the standards.

- Teachers and administrators will communicate to prioritize those standards shown by test scores to be in greatest need
- The instructional program, including day-to-day instruction in every classroom; professional development for the academic staff; the purchase of classroom materials and equipment will be guided towards state and national content standards.

Ongoing professional development and coaching by the Curriculum Director will be used to support teachers in the implementation of the frameworks and education program.

## **9. Geographical Area Served**

KidSmart Bilingual Education Academy is located in Southwest Little Rock, Southwest Little Rock is bordered by Baseline Road, Geyer Springs Road and expands to South University. As an open enrollment charter school we expect most students to come from The Little Rock School District and Pulaski County Special School District. A main highway, Interstate 30, crosses through Southwest Little Rock. As a result, we could potentially draw students from the contiguous school districts, Benton School District and Bryant School District.

## **10. Plan For Annual Report**

KidSmart Bilingual Education Academy will ensure that its program is fully accountable to stakeholders in a variety of ways. However, the primary method of gathering academic data will be through multiple measures that include testing, surveys, and rubrics that apply to specific assignments. The principal is required to submit a Budget Status Report (or Board Report) every month. The Board will review these reports in its regular meetings. The principal and/or the business manager will provide any further explanation or clarification sought by the board members. These monthly reports will enable the board to closely monitor the financial status of each school. In addition, periodic internal audits will be conducted by the financial sub-committee to identify any financial corrections that may be required.

The principal will use data from all of these assessments to prepare an annual report to be released to all parents and interested community members. The report will include test data from the school and will compare each year's efforts and progress to the school's earlier marks. It will also include information on the school's Dual-Immersion program, *Healthy Choices* Curriculum and our work with our partners as well as report on all other key parts of the school, from Board performance to fund raising to teacher and student successes in individual classrooms.

## **11. Enrollment Criteria and Selection Process**

In accordance with federal laws, no student will be denied admission based on race, ethnicity, national origin, gender, disability, aptitude, or athletic ability. The school shall be open to any child who is eligible under the laws of the State of Arkansas for admission to a public school, and the school shall ensure compliance with all applicable anti-discrimination laws governing public schools, including Title VI of the Civil Rights Act and the laws of the State of Arkansas. New students will be admitted each year without regard to prior measures of achievement or

aptitude, athletic ability, disability, handicapped condition, ethnicity, race, creed, gender, national origin, religion, or ancestry.

In the event that more students apply to the school than can be accommodated under the terms of the charter, KidSmart will use a random anonymous student selection method. This method will be a lottery conducted by one or more of the Directors. The names of all students who have submitted applications with parent/guardian signatures shall be written on identical pieces of paper, one name per piece of paper, and shall each be folded in an identical manner. Names for each grade level shall be placed in separate containers. Beginning with the highest grade level, names will be drawn one at a time. If a child's name is drawn, and that child has younger siblings in the lottery, the names of the younger sibling shall be immediately be placed on the enrollment list provided there is space available in the appropriate grade level. This process shall be open for all applicants and community members to witness. As allowed by law, we will also hold no more than ten percent of available seats each year for children of the founders as defined in the Arkansas Department of Education Rules and Regulations Governing Charter Schools.

In year two and thereafter, first preference will be given to returning students, who will automatically be assigned a space within the school. The next preference will be given to siblings of students already enrolled in the school. For definition purposes, "siblings" are two or more children that are related either by 1) birth, by means of the same father or mother, or 2) by legal adoption. Step-siblings will be considered siblings as well.

## **12. Job Description of School Director and Other Key Personnel**

### **The Role of The Principal**

The principal/school's chief operating officers must have understanding and knowledge in the following areas: Organizational Leadership and Culture, Academic Leadership, Operations Management and Community Development. While not requiring administrative certifications (see waivers), the Board of Directors will seek a leader who compliments the vision of KidSmart Bilingual Education Academy. The following points are characteristics of a principal who will be sought after: being a relentless achiever, demonstrating potential for leadership, being self aware, having respect for others, possessing the ability to prioritize, remaining flexible and inspiring others. Principal candidate should be able to operate as chief operating subordinates to the board and consults with the management company in orchestrating program and service delivery to students through teaching and auxiliary staff.

The school principal will be responsible for daily school activities. Within this line of authority, teachers, aids, coordinators, nurse etc. report to principal. Payroll and benefit coordinators report to the business manager. The principal gathers relevant data and evaluates all of his or her personnel. The principal also prepares monthly board reports to be submitted to the Board. There will be a site-based decision committee that reports to the principal. These committees will include teachers, administrators, and other staff.

## **Minimum Qualifications of Principal**

### **Experience, Knowledge & Skills:**

- Official staff evaluation reporting to outside sources
- Experience working in an educational environment
- Strong Management and Organizational Skills
- Collaboration on curriculum and program vision and planning
- Board of Director reporting of mission(s) data analysis and accomplishments
- Turning best practices into high quality, goal-driven results
- Data managements tools, organizational tools, computer skills (Word, Excel, Access, PowerPoint and Outlook)

## **Curriculum Director**

The main focus of the curriculum director is to coordinate the scope and sequence of the curriculum offerings, the selection of instructional materials, textbooks, and supplementary materials, the quality of instruction, and the determination of the assessments to be used in measuring student academic progress.

### **Essential Qualities for the Curriculum Director**

The curriculum director is responsible for professional staff development. They will plan, schedule, and present training to teachers and specialists aligned with district plans, goals, and objectives. The director will be involved in selecting and implementing technology and/or technological advancements to be implemented in the teaching process so that students become proficient using cutting edge technologies for critical thinking and problem solving.

We will seek Curriculum Directors who will make the commitment to lead with determination, integrity and purpose, embodying these essential qualities:

- Informs and facilitates the design and implementation of coherent, integrated professional development based on assessed student and teacher needs.
- Assists teachers in analyzing state and classroom assessment data to inform instruction
- Provides demonstration lessons in curriculum and teaching techniques for classroom teachers
- Facilitates communication about research based instruction practices between teachers and among grade levels
- Demonstrates current instructional technology in the classroom and for data analysis.

## **Minimum Qualifications of Curriculum Directors**

### **Education: Teaching Experience, Knowledge & Skills:**

- Turning best practices into high quality, goal-driven results
- Data managements tools, organizational tools, computer skills (Word, Excel, Access, Power Point and Outlook)



- Development of team curriculum tools. i.e. Power Standards, mapping tools, etc,
- Develop Team vision, goals, supply needs, reports, management of files of tools and charts.

### **Teachers (Classroom, Special Education and Special Subjects)**

KidSmart teachers will work to create and enhance a culture of achievement and respect where high expectations and results are the norm. While the school will not require certification on all teachers (see waivers below), it is the intent of the school to employ teachers with exceptional qualities in training, leadership, experience and teaching ability. All teachers are responsible for demonstrating significant and measurable academic gains, each year, with the students they teach. All teachers' actions must always be aligned with our mission, vision, core values and education program.

#### **Essential Functions for Teachers**

Teachers have an important role in setting up an educational foundation. Teachers will provide a variety of materials and instructional techniques to students to keep their young minds observing and learning while also providing the basic rules and guidelines for behavioral and health practices. We will seek teachers who will make the commitment to teach with determination, integrity and purpose, embodying these essential qualities:

- Work performance in school will demonstrate a sense of urgency and the relentless pursuit of high academic student achievement and excellence.
- Reflective, self-awareness and adaptable to communication and work styles of others
- Proactive, Critical thinker and problem solver who takes ownership of student progress

#### **Minimal Qualifications of a Teacher**

##### **Experience, Knowledge & Skills,**

- Teaching experience within an educational setting preferred

### **Business Manager**

This person is responsible for oversight of the day-to-day operations of the school. The person will gather and input various student and staff data into the Arkansas Public School Computer Network (APSCN). In addition, this person is responsible for testing, analyzing and reporting on the food system, overseeing contracted services and other matters related to the day to day operations of the school. This person must be a creative thinker who is able to problem-solve, multi-task and implement systems. Experience in an academic organization is highly desirable.

#### **Essential Functions**

- Implement the KidSmart Procedures Manual by effectively administering all policies and

procedural processes as these relate to the business operations of the school.

- Implement the KidSmart Employee Handbook by effectively administering and providing oversight for all policies and procedural processes.
- Input key school data into student information system, as well as any other Arkansas state required student, staff and financial information system including attendance, lunch programs, and other data as required by school reporting requirements; continuously update and verify accuracy of data. Capture and organize key school data for the creation and completion of all district, state and network reports, as requested.

**Minimum Qualifications:** Education: Bachelor's degree in an appropriate discipline or equivalent experience.

- Experience, Knowledge & Skills;
- Experience with APSCN or a similar network
- Advanced knowledge of Microsoft Office, especially Excel.
- Familiarity with web-based technologies
- Ability to use Excel and other technologies to manipulate data and data formats
- Must have a strong attention to detail
- Demonstrated experience in critical thinking and creative problem solving in a team- base collaborative work environment
- Ability to work closely with a wide range of people including students, faculty, administrators and support staff who possess a wide variety of skills.
- Ability to fulfill a variety of functions in a team environment without direct supervision.
- Excellent written, verbal and interpersonal communication skills.
- Ability to train end-users on technology systems.
- Desire to work in a mission and goal-driven organization
- Efficiency and ability to work under and meet deadlines

### **Office Manager**

KidSmart office managers offer operational and administrative support. We will seek office managers who will make the commitment to conduct their work with determination, integrity and purpose, embodying these essential qualities:

#### **Essential Functions**

- Assist principal with all aspects of student recruitment: marketing materials, answering parent questions, processing applications, lottery organization, working with parents/guardians to complete enrollment information
- Manage financial processing and record keeping for the school, including invoice processing, cash management, bank deposits, procurement, and asset inventory and weekly reporting.
- Collect and update all Human Resources data for the school, including processing new hires, submitting payroll data and changes.
- Maintain all files and records for the school as may be required to ensure accuracy and

confidentiality, as well as efficiency for information collection.

Education: Associate's Degree, Preferably in Education or Business, High School Diploma, Proven track record of successful office management.

Experience, Knowledge & Skills:

- Prior office management and clerical experience in a school environment
- Ability to operate effectively in a busy, open air environment with intermittent interruptions
- Working knowledge of student information systems
- Ability to turn best practices into high quality, goal-driven results
- Highly effective interpersonal skills to provide high quality customer service
- Experience using QuickBooks, web based payroll and HRIS systems,
- Microsoft Office Pro software, and ability to effectively use word processing, spreadsheet, presentation and database applications
- Working knowledge of standard office equipment including, but not limited to: PC, copier, fax machine, telephone, and local network and Internet searches
- Ability to complete thorough and accurate written reports/correspondence
- Excellent prioritization and organization skills; demonstrated decision-making and problem solving skills

#### **Positions Budgeted for 2012-2013**

Principal	1
Curriculum Directors	1
Specialist Teachers	1
Special Education Teacher	1
Paraprofessionals	3
Classroom Teachers	13
Nurse	0.5

### **13. Business Office**

The school will employ or contract a full-time Business Manager. The Business Manager will work with the Office Manager on the required budgeting and student information systems. The essential functions of these positions are detailed above in section 12. KidSmart provides a detailed procedure manual that details processes and internal controls for all of the school's business functions including procurement, contracting with 3<sup>rd</sup> parties, payroll and benefit management. For a list of procedures available and a sample procedure, see Attachment ID.

The required budget worksheet is included as Attachment 4. The budget for 2012-2013 will be reviewed each month by the Board as part of the school's financial report. Going forward, annual budgets will be drafted by the principal, and approved by



the Board of Directors each year at the May Board meeting.

#### **14. Annual Audit**

KidSmart will work with the State of Arkansas to arrange for an audit by the Division of Legislative Audit, in compliance with Arkansas Code Title 6, Subtitle 1, Chapter 1, Subchapter 1 (101).

The KidSmart model also includes a programmatic audit. KidSmart will provide a yearly update on school progress, as an additional viewpoint on school development. This evaluation provides feedback to the school, board, parents and the community on the effective implementation of the school design and collects evidence on whether the school is meeting its goals.

#### **15. Reporting Education Data**

KidSmart will participate in the Arkansas Public School Computer Network for reporting education data, as required. The school will hire or contract out the position of full-time Business Manager to work with this data network.

#### **16. Facilities**

KidSmart will be located at 3516 Baseline Road. The site is currently used as a childcare center.

- The location is easily accessible to the communities to be served.
- The current site has the capacity to accommodate 150 students. We estimate the size of the school to be 3200 square feet. The site includes daycare space, office, a kitchen licensed by the Arkansas Department of Health, six bathrooms equipped with stalls for special needs students, designated staff bathrooms, five classrooms and playground area.
- As a facility currently licensed for childcare, the facility meets required codes for use as a public charter school including ADA requirements, Health Inspection, Fire Inspection, Boiler Inspection. The facility is currently zoned for school/childcare facility by the City of Little Rock Zoning Commission. (Attachment.1E) There are not any alcohol sales or alcohol-related stores within 1000 feet of the facility. The facility is owned and managed by Mark Carter. Please see section 13 for additional information. Mark Carter is not related to Board of Directors, teachers, employers or the chief executive officer in any way. No Board member or employee of the school has any financial interest in the lease.

#### **17. Student Services**

##### **A. Guidance Program**

*We request a waiver of this requirement. Please refer to Section 21 below.*

##### **B. Health Services**

The school will hire a half-time nurse and will comply with all state laws regarding staffing in

this area. The nurse will manage all distribution of medication, train staff as needed to keep students safe (allergies) and manage student medical information in full compliance with all relevant privacy statutes, and advise the principal in the creation of necessary medical policies. The nurse will also coordinate with local agencies, hospitals, physicians and organizations to ensure that children have access to the best possible care. Based on the individual student's needs, KidSmart will provide access to services which will include but not be limited to

- School-wide vision and hearing screening
- Provision of individual and class-wide counseling services as determined by the Instructors
- Provision of related services such as occupational therapy, physical therapy, and speech therapy as specified in student IEPs.
- Provision of full handicap accessibility in accordance with all Federal and State requirements, etc.

### **C. Media Center**

KidSmart Bilingual Education Academy has formed a partnership with Central Arkansas Library System and Dee Brown Library to provide comprehensive media services to students. In addition, each classroom will contain a library of leveled books that align with the curriculum and the state curriculum frameworks.

### **D. Transportation**

The school will lease two vans for transportation which will be used for transportation to and from the campus and field trips. We will, at all times comply with any requirements for transportation written into student IEPs.

### **E. Special Education**

KidSmart will adhere to all Arkansas and federal requirements regarding Child Find to meet the State's requirements. This will ensure that all potentially disabled children, including those attending private and parochial schools, highly mobile children with disabilities, such as migrant and homeless children, who may be in need of special education and related services will be identified, located and evaluated. Children attending KidSmart who are suspected of being a child with a disability will be evaluated for special education services if needed by the special . Special Education Teacher.

While the school is unable to create a complete strategy for serving our students until they are enrolled and IEPs are collected, we will develop a preliminary plan for meeting the needs of students with disabilities. KidSmart will hire a Special Education Teacher to provide an array of Special Education Services so that children with a wide variety of learning disabilities and different education plans can be placed in a program that works for them.

KidSmart will have in effect policies and procedures to ensure that all children with disabilities enrolled, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated in compliance with IDEA, Section 504 of the Rehabilitation Act of 1973, and Title II of the ADA of 1990 as applicable to LEAs.

KidSmart will ensure that a free appropriate public education (FAPE) is provided to all

individuals with disabilities, ages 3-21(although the school may not serve all students in this range, as a local education agency, it will carry out its responsibilities to locate such students as described in 34 C.F.R. §300.125 and direct them to relevant agencies) .

To the maximum extent allowed by each student's individualized education plan (IEP) and all applicable federal laws, including the Individuals with Disabilities Act (IDEA), KidSmart will educate students with disabilities in the least restrictive environment, with their non-disabled peers. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment will occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. To the maximum extent appropriate, students with disabilities will also be expected to participate in, extracurricular and ancillary programs and activities with all other students. Students with disabilities will receive all notices concerning school-sponsored programs, activities and services. To this end, we will use many of the techniques of school-based problem solving. We believe that we can address many learning issues by building in supports for students such as daily reports on student work completion or behavior, homework contracts, and collaboration between instructional staff. Such work will help to align our service delivery by making classroom teachers active participants in determining and providing services to their students, and by allowing teachers to address more individual needs within the context of classroom activities and teaching practices. For the more intensive services such as long-term physical therapy, KidSmart will look to work with third-party contractors to meet the needs listed in IEPs.

#### **F. Alternative Education**

KidSmart will make every effort of educate all students who choose our school. We will make the necessary accommodations for students who need support beyond that provided by the general curriculum program. We will seek to meet individual needs with individual plans as needed. This may include modifications such as providing students with an aide, making space available for small groups and offering additional assistance.

#### **G. Gifted and Talented Program**

We request a waiver from this requirement. Please see section 20 below.

### **18. Food Services**

The proposed facility houses a full-service, eat-in kitchen, approved by Arkansas State Department of Health. Breakfast, Lunch and snack will be prepared on site. Students will have Milk, fruits, vegetables and meat entrees. We will also provide vegetarian options and supplemental meals for students with dietary restrictions.

### **19. Parental Involvement**

Parental involvement will be recognized as a crucial factor in our schools' success. The KidSmart Bilingual Education Academy will be most appropriate for parental involvement due to its educational program, small size, and individual attention. All communications will be sent to

parents in Spanish and English. Each classroom teacher will mentor a number of students, monitor their progress in each subject matter, and contact their parents regularly. This will be a unique way of increasing parental awareness and involvement with school activities and their children's education. In order to establish more organized parental involvement and help parents enhance their children's learning at home, KidSmart will also initiate a Parent Participation Program which will be composed of a series of parent seminars.

*Seminars for Parents* will be organized to assist parents in understanding, living with, and educating their children. Through parent seminars, parents will be educated on:

- Increasing understanding of parents to become a more supportive, encouraging and effective parent,
- Increasing awareness to specific factors affecting their school experience; How to monitor academic progress, attitude, and social adjustment, and provide opportunities for teachers to outline for parents appropriate learning strategies to be implemented at home to reinforce classroom learning.
- How to spare time each evening to monitor nightly homework and to provide assistance and encouragement to their child as needed, and as directed by the classroom teacher.
- Encouragement, support, and strategies to be implemented at home to enhance their child's prospects for academic progress.
- Setting high expectations and motivation strategies.

At KidSmart Bilingual Education Academy we believe that involving more parents more often and more productively requires changing the major emphasis from general policies to specific skills, and changing the major target from the general population of students or school staff to the individual child at home as specified above.

In addition to the aforementioned opportunities for families to be involved with the school, parents will have the opportunity to be involved with the board, volunteer in the school and organize school events.

## **20. Exemptions From Provisions of Title 6**

In order to implement the school program fully and effectively, we wish to make full use of our autonomy as a proposed charter school. We will be best able to serve the children and families with the following waivers:

We request a waiver from Title 6, Subtitle 2, Chapter 17, Subchapter 4 (401), or 6-17-401. Teacher's license requirements. This part of the law requires all teachers to be licensed in order to teach and to be paid.

*(a) Except as permitted under § 6-17-309 and § 6-17-2601 et seq., no teacher shall be employed in any public school of the state who is not licensed to teach in the State of Arkansas by a license issued by the State Board of Education.*

*(b) Any person who shall teach in a public school in this state shall only be entitled to*

*receive any compensation from the school funds for such services if the person has:*

*(1) A valid license issued by the state board; or*

*(2) Other documentation from the Office of Professional Licensure of the Department of Education authorizing employment as a teacher under the conditions set forth by the Department of Education in the documentation.*

KidSmart requests this waiver because we seek to provide an innovative program. Finding teachers who are passionate about their teaching and fields of expertise who have deep knowledge of how to teach core subjects, and who are excited to do so in a new school is always a challenge. We ask to be allowed to recruit the best teachers, whether they have obtained their experience in a private school or have taken some non-traditional path to the classroom. All of our teachers will need to meet specific hiring standards. However, within those requirements, we want our principal to be able to have the autonomy to hire the best possible teachers, even if some of those candidates' qualifications do not include an Arkansas license.

We request a waiver from Title 6, Subtitle 2, Chapter 17, Subchapter 9 (919)(a)(I)(A), or 6-17-919(a)(I)(A). Warrants void without valid certificate and contract.

Arkansas requires a teacher to be certified and under contract in order for his or her pay warrant to be valid.

*(a) All warrants issued in payment of teachers' salaries are void unless: (I) (A) The teacher is licensed in the State of Arkansas ; or*

*(B) The public school district employing the teacher has other documentation from the Office of Professional Licensure of the Department of Education authorizing employment of the teacher under the conditions set forth by the department in the documentation;*

*(2) The teacher has been employed by a valid written contract; and*

*(3) Copies of such contract are on file in the office of the county treasurer or the school district treasurer if the school district has its own treasurer.*

Since we have requested a waiver from the requirement that teachers be licensed, we also request a waiver from this requirement so we are able to legally pay our faculty.

We request a waiver from Title 6, Subtitle 2, Chapter 17, Subchapter 24 (2403)(a) or 6-17-24.03(a). Minimum teacher compensation schedule. We request a waiver from the specific salary minimum and salary schedule set by the State of Arkansas. We propose to use a salary schedule that is intended to be competitive in the marketplace and fair to all employees. See Attachment 7 for salary schedule. Using this schedule will ensure that the school is able to pay teachers fairly and also balance its budget. Since, as a charter school, we bear the additional cost of rent and maintenance for a facility, we must be quite conservative in our budgeting.



We request a waiver from the following rules governing standards for accreditation:

*7.02.2 Each school district shall provide and publish, in a newspaper with general circulation in the district before November 15 of each school year, a report to the public detailing progress. ••*

We intend to provide a great deal of information to our parents and community. However, a report published by November 15 of our first year would only have data based on roughly eight weeks of school. Given the demands of the start-up period and this lack of data, we request permission to publish an annual report in summer 2013 and then publish the required reports referred to in 7.02.2 beginning in our second year of operation.

*7.03.1 Each school board, prior to November 15 of each year, shall hold a public meeting, at a time and place convenient for a majority of the school patrons and employees, to review and discuss its annual report detailing progress toward accomplishing its district's program objectives, accreditation standards, and proposals to correct deficiencies.*

We request a waiver from this rule because we have requested a waiver from the report to which it refers. Again, we will not have enough data by this time to draw any conclusions. We propose instead to hold a "School Town Hall" meeting at roughly the same time. At this meeting, the principal will share anecdotal reports on the school's progress towards implementing the program as detailed in the charter. We propose to begin holding the specific meeting described in 7.03.1 in our second year.

**5.15.03.1 All administrative" teaching, and other personnel shall hold a current, valid Arkansas license as required by law.**

We have already requested a waiver from the law which requires teachers to be licensed in Arkansas. We need the flexibility to find the best possible teachers, regardless of the specifics of their licensure status. Our board will have the autonomy to find the ideal principal, and that principal must be able to assemble a top-notch staff without only recruiting from the pool of candidates who are licensed in Arkansas. Spanish Interpreters and Translators, experienced private school teachers, and teachers who are drawn from out of state to our schools' distinctive mission and pedagogy compliment in-state hires, and this mix is part of what helps us offer an excellent program. We ask that we be allowed to hire qualified, talented and dedicated educators even if they are not licensed.

**16.02.3 Each school with fewer than three hundred (300) students enrolled shall employ at least a half-time, licensed library media specialist.**

We request a waiver from this rule because we will purchase grade level appropriate books for each classroom and we have established a partnership with Dee Brown Library located at 6325 Baseline Road to provide media services.

**18.01 Each school district shall develop procedures to identify gifted and talented students in accordance with guidelines established by the Department.**

Our educational program design is supportive of this population in several ways. We will gather data and write a simple learning contract that addresses areas of need with specific goals and strategies. Students may receive tutoring or extra coaching, or regular assignments may be enriched to better challenge and engage students. Gifted students may be asked to produce more complex pieces of writing or to present work in a more challenging or individualized way. The classroom teacher will be assigned to track each student's progress and report to parents/guardians frequently. Because the learning contract can call for goals to be established in all subject areas, students who are advanced in one or two areas will not be held back in those subjects because of weaknesses in other areas. Conversely, we will not allow students to focus on their strengths and ignore areas where skill deficits exist. However, we do not have the capacity to hire a specific gifted-and-talented teacher, and we do not plan to develop a full program for these students, given our small size. Thus, we request a waiver from the requirement to follow specific guidelines in providing appropriate levels of challenge to gifted and talented children.

**12.02 Grading**

*Grades assigned to students for performance in a course shall reflect only the extent to which a student has achieved the expressed academic objectives of the course. Grades that are aligned with other educational objectives such as the student learning expectations contained in the curriculum framework may also be given.*

We are requesting a waiver from this requirement in order to educate students within a Non-graded learning environment. We believe waiving these grade-oriented regulations lessens pressure on teachers and students and allows the timetable for the academic progress of each unique child to be flexible.

**21. Potential Impact on Surrounding Districts**

KidSmart Bilingual Education Academy is a proposed public, open -enrollment charter school created to bring excellent educational opportunities to all children. We will adhere to all applicable federal laws and all civil rights laws. We are an open-enrollment school that may draw students from anywhere in the state. At full enrollment, the school will reach 600 students over a nine year period. KidSmart expects to enroll students from Little Rock, Pulaski County Bryant ,Benton, private schools and home schools. At a glance, the impact appears to be small.

## Attachments Supporting Narrative Responses

Attachment 1A	Public Hearing Ad Documentation
Attachment 1B	Letters Notifying Superintendents of Potentially Impacted Districts
Attachment 1C	Sample Common Core Curriculum Frameworks Map
Attachment 1D	Required Documentation of Applications Mailed to Potentially Impacted
Districts	
Attachment 1E	City of Little Rock Zoning Certification
Attachment 1F	Sample Business Procedure Manual
Attachment 1G	Bibliography



## **Attachment 1A Public Hearing Ad Documentation**

Below is a copy of the ad that ran in the Arkansas Democrat Gazette on July 29, August 5 and August 8, 2011.

### **OPEN ENROLLMENT CHARTER SCHOOL**

Now actively recruiting a diverse student population for KidSmart Academy, an open enrollment charter school serving students in grades Kindergarten through Third within the Little Rock, North Little Rock and Pulaski County School Districts. There will be a public interest meeting Monday, August 15, 2011 at 6:00 p.m., Dee Brown Library, 6325 Baseline Road, Little Rock, Arkansas 72209. For more information, please contact T. Pettus at (501) 612-0864

The next page shows the invoice and run dates and the section of the paper the ad ran in.

# Arkansas Democrat Gazette

Arkansas' *Largest* Newspaper

ARKANSAS DEMOCRAT-GAZETTE, INC.  
BUSINESS OFFICE - RETAIL DISPLAY  
P.O. Box 2221  
LITTLE ROCK, AR 72203

ADVERTISING DEPT: Retail

KIDSMART ACADEMY  
P.O. BOX 195111  
LITTLE ROCK, AR 72219

ACCOUNT NUMBER: 1686450

Publ Ad #	Date	Description	Size	UM	Unit Rate	Amount
AD 1517141	07/29/11		8.00	in	62.140	497.12
AD 1517141	07/29/11				15.000-	74.57-
AD 1518606	08/05/11		8.00	in	62.140	497.12
AD 1518606	08/05/11				15.000-	74.57-
AD 1519118	08/08/11		8.00	in	62.140	497.12
AD 1519118	08/08/11				15.000-	74.57-

TOTAL PRE BILL CHARGES: 1,267.65

Payment	08/05/11	Ck-# 2	422.55-
Payment	08/08/11	Ck-# 2	422.55-
Credit Memo	08/11/11	FROM C5231840	422.55-

PRE BILL TOTAL: 0.00

## **Attachment 1B**

### **Letter Notifying Superintendents of Potentially Impacted Districts**

This is a sample of the letter that was sent to the superintendents of all school districts from which KidSmart Bilingual Education Academy could draw students including Little Rock School District, Pulaski County Special School District, Benton School District and Bryant School District.

### **KidSmart Academy**

August 4, 2011

Dr. Morris Holmes, Superintendent  
Little Rock School District  
LRSD Administration Building:  
810 W. Markham St.  
Little Rock, AR 72201


**RECEIVED**  
AUG 04 2011  
SUPERINTENDENT'S OFFICE

Dear Dr. Holmes;

This letter is to inform you that KidSmart Academy will be holding a public hearing to discuss our plans to submit an application to the State Board of Education to open a public charter school in Little Rock, Arkansas.

The hearing will take place on Monday, August 15, 2011 at 6:00 p.m. at the Dee Brown Library, 6325 Baseline Road, Little Rock, Arkansas 72209. All are welcome to join us and learn more about the proposed school.

Best Regards,

  
Terrilyn Pettus, Program Coordinator  
Box 195111  
Little Rock, AR 72209  
501.612.0864

A copy of the attachment above was hand-delivered to Little Rock School District.

Shown Below are the Certified Mail Receipts submitted as proof the notification letters were sent to Pulaski County Special School District, Benton School District and Bryant School District within seven days of the Public Hearing scheduled for August 15, 2011.

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**OFFICIAL USE**  
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Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.29	08/04/2011

Sent To: Benton Schools / Dr. Don Jordan  
 Street, Apt. No., or PO Box No.: 500 River Street  
 City, State, ZIP+4: Benton, AR 72015

PS Form 3800, August 2006 See Reverse for Instructions

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For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**  
 BRYANT AR 72022

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Certified Fee	\$2.85	27 Postmark Here
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.29	08/04/2011

Sent To: Bryant School / Dr. Randy  
 Street, Apt. No., or PO Box No.: 200 North Main Street  
 City, State, ZIP+4: Bryant, AR 72022

PS Form 3800, August 2006 See Reverse for Instructions

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**OFFICIAL USE**  
 LITTLE ROCK AR 72206

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Certified Fee	\$2.85	27 Postmark Here
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.29	08/04/2011

Sent To: PCSSD / Dr. Jerry Green  
 Street, Apt. No., or PO Box No.: 923 E. Dixon  
 City, State, ZIP+4: Little Rock, AR 72206

PS Form 3800, August 2006 See Reverse for Instructions

## Attachment 1C Common Core Curriculum Map

### Kindergarten KidSmart Bilingual Education Academy 2012-2013

Standards	Objectives	Materials/Resources	Essential Vocabulary
<b><u>CC.K.R.F.1</u></b> <i>Print concepts:</i> <b>Demonstrate understanding of the organization and basic features of print.</b> <i>*Will be taught with CC.K.R.F.1.b; CC.K.R.F.1.d</i>	*Students will demonstrate an understanding of the basic features of print.	<ul style="list-style-type: none"> <li>• name chart, magnetic letters</li> <li>• Reading Foundational Skills Reference pg. 1</li> <li>• <i>Reading Street for Kindergarten</i></li> </ul>	print
<b><u>CC.K.R.F.1.b</u></b> <i>Print Concepts:</i> <b>Recognize that spoken words are represented in written language by specific sequences of letters. (A)</b>	* Students will recognize that letters in a specific order make a word.	<ul style="list-style-type: none"> <li>• <a href="http://www.readwritethink.org/classroom-resources/lesson-plans/growing-readers-writers-with-83.html?tab=1#tabs">http://www.readwritethink.org/classroom-resources/lesson-plans/growing-readers-writers-with-83.html?tab=1#tabs</a></li> <li>• Reading Street for Kindergarten</li> <li>• <i>Calle De La Lectura</i></li> <li>• Reading Foundations: A Pacing Guide for Reading Instruction (Kindergarten, Units1-3)</li> </ul>	recognize specific
<b><u>CC.K.R.F.1.d</u></b> <i>Print Concepts:</i> <b>Recognize and name all upper- and lowercase letters of the alphabet. (O) (A)</b>	Students will recognize and name at least 13 upper and lowercase letters of the alphabet.	<ul style="list-style-type: none"> <li>• Phonetic Connections Red Folder Lessons: 1-50</li> <li>• <i>Reading Street</i> (Kindergarten, Units 1-3)</li> </ul>	recognize uppercase lowercase
Standards	Objective(s)	Materials/	Essential Vocabulary

		Resources	
<b><u>CC.K.R.F.2</u></b> <i>Phonological Awareness:</i> <b>Demonstrate understanding of spoken words, syllables, and sounds (phonemes).</b>	*Students will demonstrate an understanding of spoken words. *Students will demonstrate an understanding of syllables. *Students will demonstrate an understanding of sounds.	<ul style="list-style-type: none"> <li>• Phonetic Connections, phonics games</li> <li>• <i>Reading Street for Kindergarten</i></li> <li>• Reading Foundations: A Pacing Guide for Reading Instruction (Kindergarten, Units 1-3)</li> </ul>	demonstrate syllables phonemes
<b><u>CC.K.R.F.2.a</u></b> <i>Phonological Awareness:</i> <b>Recognize and produce rhyming words. (A)</b>	*Student will recognize and produce rhyming words.	<ul style="list-style-type: none"> <li>• <a href="http://www.readwritethink.org/classroom-resources/lesson-plans/generating-rhymes-developing-phonemic-121.html?tab=1#tabs">http://www.readwritethink.org/classroom-resources/lesson-plans/generating-rhymes-developing-phonemic-121.html?tab=1#tabs</a></li> <li>• Recognize rhyming words: Red Folder Lessons: 1-11, 13, 15, 16, 21, 24, 27, 34, 38; Purple: Units: 1-16; Produce rhyming words: 25, 26, 31, 32, 33, 36, 41, and 46; Purple: Units: 7-16</li> <li>• <i>Reading Street for Kindergarten</i></li> </ul>	recognize rhyming produce
<b><u>CC.K.R.F.3.c</u></b> <i>Phonics and Word Recognition:</i> <b>Read common high-frequency words by sight (e.g., the, of, to, you, she, my, is, are, do does). (O) (A)</b>	*Student will read high-frequency words by sight. (4 or more)	<ul style="list-style-type: none"> <li>• <i>High-Frequency Word List</i></li> <li>• Phonetic Connections Purple Units: 6-22 and 25: Days 1, 2, 3, 4, and 5: Sight Words section</li> <li>• <i>Reading Street</i></li> </ul>	high-frequency words
<b><u>CC.K.R.I.4</u></b>	*Students will ask	• read aloud texts,	text

<i>Craft and Structure:</i> <b>With prompting and support, ask and answer questions about unknown words in a text.</b>	questions about unknown words in a text. * Students will answer questions about unknown words in a text.	shared reading texts	
<b><u>CC.K.R.I.5</u></b> <i>Craft and Structure:</i> <b>Identify the front cover, back cover, and title page of a book. (A)</b>	*Students will identify the front cover of a book. *Students will identify the back cover of a book. *Students will identify the title page of a book.	• read aloud texts, shared reading texts, library books	identify title page
<b><u>CC.K.R.I.6</u></b> <i>Craft and Structure:</i> <b>Name the author and illustrator of a text and define the role of each in presenting the ideas or information in a text.</b>	*Students will name the author of a text. *Students will define the role of the author. *Students will name the illustrator of a text. *Students will define the role of the illustrator.	• read aloud texts, shared reading texts, library books	author text role illustrator
<b><u>CC.K.SL.1</u></b> <i>Comprehension and Collaboration:</i> <b>Participate in collaborative conversations with diverse partners about kindergarten topics and texts with peers and adults in small and larger groups. (O: taught in Unit 2)</b>	*Students will participate in conversations with peers and adults.	• role-play games, asking and answering questions about text, story starters	participate conversations

<b><u>CC.K.SL.1.a</u></b> <i>Comprehension and</i>	*Students will follow procedures for	• co-constructed class	procedures discussions
---	--------------------------------------	------------------------	------------------------

<i>Collaboration:</i> <b>Follow agreed-upon rules for discussions (e.g., listening to others and taking turns speaking about the topics and texts under discussion).</b>	discussions.	charts	
<b><u>CC.K.L.1.a</u></b> <i>Conventions of Standard English:</i> <b>Print many upper- and lowercase letters. (O) (A)</b>	*Students will print uppercase letters. *Students will print lowercase letters. (13 or more)	• Phonetic Connections Red Folder Lessons 1-50: Letter name Identification/	uppercase lowercase
<b><u>CC.K.L.5</u></b> <i>Vocabulary Acquisition and Use:</i> <b>With guidance and support from adults, explore word relationships and nuances in word meanings</b>	*Students will show comprehend word relationships differences in word meanings.	Phonetic Connections, word sorts, phonics game	explore relationships nuances
<b><u>CC.K.L.5.a</u></b> <i>Vocabulary Acquisition and Use:</i> <b>Sort common objects into categories (e.g., shapes, foods) to gain a sense of the concepts the categories represent.</b>	*Students will sort common objects into categories.	• <a href="http://artsedge.kennedy-center.org/content/3803/">http://artsedge.kennedy-center.org/content/3803/</a>	sort categories
<b><u>CC.K.L.5.b</u></b> <i>Vocabulary Acquisition and Use:</i> <b>Demonstrate understanding of frequently occurring verbs and adjectives by relating them to their opposites</b>	*Students will demonstrate an understanding of common verbs. *Students will relate common verbs to their opposites. *Students will	• Phonetic Connections, word study games, word tiles (using verbs, adjectives, opposites)	demonstrate verbs opposites adjectives (antonyms)



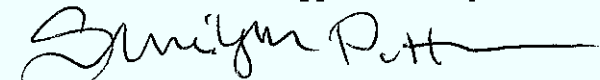
(antonyms).	demonstrate an understanding of common adjectives. *Students will relate common adjectives to their opposites. (antonyms)		
<b><u>CC.K.L.5.c</u></b> <i>Vocabulary Acquisition and Use:</i> <b>Identify real-life connections between words and their use (e.g., note places at school that are colorful).</b>	*Students will identify real-life connections between words and their use.	<ul style="list-style-type: none"> <li>• read aloud texts, shared reading texts, poems, sentence frames</li> </ul>	identify connections real-life
<b><u>CC.K.W.1</u></b> <i>Text Types and Purposes:</i> <b>Use a combination of drawing, dictating, and writing to compose opinion pieces in which they tell a reader the topic or the name of the book they are writing about and state an opinion or preference about the topic or book (e.g., My favorite book is...) (A)</b>	*Students will express opinions about a topic or a book through drawing, dictating, and writing. *Students will state opinions about a topic or a book.	The student identifies a key event in their life. Students then draw and write about the event. Their stories are shared aloud and then placed in a class book with a chapter for each child.	opinion topic dictating state

**Attachment 1D**

**KidSmart Academy**

**August 29, 2011**

This letter is to inform you that KidSmart Bilingual Education Academy is forwarding a copy of the 2011 Charter School Application to your attention as outlined in the 2011 Charter School Application.



Terrilyn Pettus, Program Coordinator

Box 195111

Little Rock, AR 72209

501.612.0864

**3516 Baseline Road Box 195111 Little Rock, AR 72209 501.612.0864 501.562.0968**  
**Building Minds, Building Futures**

Certified Mail Receipts Showing Applications mailed to Impacted Superintendents Before August 31., 2011.

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0027  
 39  
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 08/30/2011

Sent To: Bryant School  
 Street, Apt. No., or PO Box No. 200 North West Fourth  
 City, State, ZIP+4 Bryant, AR 72022

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Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$6.13</b>

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 39  
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 08/30/2011

Sent To: Dr. Morris Holmer / LRSO  
 Street, Apt. No., or PO Box No. 810 W Markham  
 City, State, ZIP+4 LR, AR 72201

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Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$6.13</b>

0027  
 39  
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 08/30/2011

Sent To: Benton School / Dr. Dan Jordan  
 Street, Apt. No., or PO Box No. 500 River Street  
 City, State, ZIP+4 Benton, AR 72015

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Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$6.13</b>

0027  
 39  
 Postmark Here  
 08/30/2011

Sent To: PCSSD / Dr. Jerry Guen  
 Street, Apt. No., or PO Box No. 925 East Dixon  
 City, State, ZIP+4 Little Rock, AR 72206

PS Form 3800, August 2006 See Reverse for Instructions



## City of Little Rock

### Department of Planning and Development

723 West Markham Street

Little Rock, Arkansas 72201-1334

Phone: (501) 371-4790 Fax: (501) 399-3435 or 371-6863

Planning  
Zoning and  
Subdivision

### **DAY CARE CENTER / DAY CARE FAMILY HOME CERTIFICATION**

PROPERTY ADDRESS: 3516 BASELINE ROAD

NAME OF DAY CARE: KIDS SMART

TYPE OF DAY CARE: CHILD CARE

This is to certify that the Zoning Classification on the above described property is: RCD Day Care is Appropriate Use

PROPERTY IS ZONED PROPERLY FOR TYPE OF DAY CARE USE: YES / NO

REZONING REQUIRED: YES / NO

CONDITIONAL USE PERMIT REQUIRED: YES / NO  
(11 or more children)

CONDITIONAL USE PERMIT OBTAINED: YES / NO

SPECIAL USE PERMIT (Nontransferable) REQUIRED: YES / NO  
(6 to 10 children)

SPECIAL USE PERMIT (Nontransferable) OBTAINED: YES / NO

SPECIAL USE PERMIT ISSUED TO: \_\_\_\_\_

A CITY PRIVILEGE LICENSE IS REQUIRED FOR CARE GIVER OF 5 OR LESS CHILDREN.

CITY PRIVILEGE LICENSE OBTAINED: YES / NO

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Section*

## **Attachment 1F**

### **Procedure Manual Contents and Sample Procedure**

#### **Table of Contents**

##### **Accounting Procedures**

Section 1	Requisitions & purchase orders
Section 2	Procurement of goods and contracted services
Section 3	Receiving and returning goods
Section 4	Invoice processing payment
Section 5	Employee reimbursements
Section 6	Check request form
Section 7	Cash collections
Section 8	Deposits
Section 9	Food program-determine eligibility
Section 10	Food program-operations
Section 11	Grants and grant reporting
Section 12	Grant reimbursements
Section 13	Inventory and depreciable fixed assets
Section 13a	Inventory Major Up fit
Section 13b	Inventory End of Year Validation
Section 13c	Textbooks inventory and distribution
Section 13d	Textbook refill orders
Section 14a	Banking board accounts
Section 14b	Banking operations account
Section 14c	Banking payroll account
Section 14d	Banking imprest account
Section 14e	Banking student activity account
Section 15	Monthly closing
Section 16	Preparation of monthly cash flow report
Section 17	Budget process
Section 18	Year end school audit
Section 19	Student Activities (2)

##### **General Office Procedures**

Section 1.	Customer service
Section 2	Office mail
Section 3	Ordering school office supplies
Section 4	Server file backup
Section 5	Key storage
Section 6	Paper file management.
Section 7	Electronic file management
Section 8	School travel
Section 9	Conference calls

## 2 Sample Business Procedure Manual for KidSmart

Section 10 Procedure revisions

### **Human Resources Procedures**

Section 1	Staff recruitment
Section 2	Offer letters
Section 3	New hire documentation
Section 4	Form I9
Section 5	Teacher permits
Section 6	Background checks
Section 7	Unfavorable background checks
Section 8	Benefits enrollment
Section 9	LOA and insurance premium
Section 10	Information changes
Section 11	Employee reviews
Section 12	Employment posters
Section 13	Payroll and timesheets
Section 14	Employee due process
Section 15	Employee termination
Section 16	Equipment off site
Section 17	Compliance with FERPA
Section 18	Compliance with FOIA
Section 19	Request for reasonable accommodations
Section 20	Substitute procedure

### **Student Procedures**

Section 1	Student enrollment
Section 2	Student attendance
Section 5	Student injury and misconduct
Section 6	Student withdrawal

## **SAMPLE PROCEDURE FOR PROCUREMENT of GOODS and CONTRACTED SERVICES**

### **1. Purchase Orders, Procurement, Contracted Services**

**Purpose:** Procedures used in obtaining best price and quality of goods to be purchased. Depending on the cost, obtaining quotes or a formal bid process may be implemented with the assistance of the Director of Finance & Procurement. A procedure for preparing and approving contracts for services is described.

**Functional Lead:** Office Manager/Business Manager

**Notes:** Procurement rules for textbooks vary by State. Purchasing of additional copies of an existing textbook does require quotes/bids. Purchasing a new textbook series must follow the procurement process below .

Capital Improvement Projects in Arkansas over \$20,000 additional requirements.

## II. Related Policies and Procedures: Purchase Requisitions and Orders

### **Procedures For Procurement Of Goods And Contracted Services**

The Office Manager will oversee procurement of goods and services as outlined below.

When the value of the purchase is estimated to be under \$5,000:

- The quantity sought must be determined.
- The quality sought must be described.
- More than one quotation should be obtained when possible to ensure best price.
- A firm price must be obtained.
- Obtain estimate of shipping prices.

The requisition process must be followed once the vendor is selected.

When the value of the purchase is estimated to be above \$5,000 the Principal and Business Manager will present the purchase to the appropriate governing committee for consideration. (See section 3, Finance Committee). The following procedures will be adhered to by the finance committee when the value of purchases are estimated to be \$5000 or above.

- The Business Manager develops a written statement of quantity, quality, delivery, terms of payment, and insurance requirements, if applicable.
- Sends the description to three (3) vendors.
- Requests a firm bid in writing agreeing to provide supply/services at the price and terms specified. The bid may be lump sum, hourly, or daily. The vendor must specify in writing any additional costs/expenses.
- Obtain three (3) written quotations and send to the Finance Committee for review. The committee will select the lowest or best price and attach quotes to requisitions.

### **For amounts exceeding \$25,000 an open bid process must be followed:**

- The request for bids must be advertized in a least one paper one time. Note: In Arkansas the notice must be in a paper having state wide circulation.
- The Principal must verify funding source prior to ordering item(s) in excess of \$25,000
- The Finance Committee must be notified of textbook costs prior to order submission

After selecting the vendor, the Office or Business Manager will proceed with issuance of purchase order.

### **Procedure for Contracted Services**

Services shall follow the same procedures described under above "Procurement" section. The Office/Business Manager will draft agreement, using consulting agreement template. The template shall include:

- Consultant's name and full address



#### 4 Sample Business Procedure Manual for KidSmart

- Consultant's project or responsibilities in full detail
- Compensation to be paid to Consultant - based on hours/project
- Expenses to be reimbursed to Consultant, if any
- Maximum amount to be paid to Consultant
- End date of Consultant's work
- Follow Purchase Order Procedure
- Have the agreement signed by the Principal and the Consultant.

**Office/Business Manager** The signed consulting agreement should be filed in a consulting file at the school. A copy of the agreement should then be sent to the staff accountant along with a Form W-9, as required by the IRS.

**4. Staff Accountant** Once the agreement is received by the accountant and all necessary paperwork is received from the consultant/contractor, invoices for services will be processed as an account payable.

**5. Principal:** Approved invoices will be submitted in the same manner as a packing slip (See Receiving Goods procedure.) The Consulting Agreement should be used where applicable. The scope of work from the consulting agreement can be used as the receiving ticket. (Note: Some are subject to procurement procedures in some states.) When issuing a Consulting Agreement make sure W-9 tax form accompanies the consulting agreement.



## **Attachment 1G**

### **Bibliography**

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<http://www.actionforhealthykids.org/resources/files/learningconnectionec.pdf>

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## **Required Attachments**

**Attachment 2 School Calendar and Daily Schedule**

**Attachment 3: Facility Use Agreement and Draft Lease Agreement**

**Attachment 4: Proposed Budget (Using Template as provided)**

**Attachment 5: Proposed Salary Schedule for Administrative and Teaching Positions**

**Attachment 6: Evidence of Status as Eligible Entity**

**Attachment 7: Evidence of Parental and Community Support**

**Attachment 8: Signed Statement of Assurances Form**

## KidSmart Bilingual Education Academy Proposed General Schedule 2012-2013 Attachment 2

Time	Monday	Tuesday	Wednesday	Thursday	Friday
6:30 a.m.-7:30 a.m.	Breakfast Before School Activities	Breakfast Before School Activities	Breakfast Before School Activities	Breakfast Before School Activities	Breakfast Before School Activities

*7:30 a.m. -8:00 a.m. Daily Review, Pledge of Allegiance, Computer Labs*

8:05 a.m. -9:00 a.m.	Reading. Language Arts Groups Spanish Immersion	Reading. Language Arts Groups Spanish Immersion	Reading. Language Arts Groups Spanish Immersion	Reading. Language Arts Groups Spanish Immersion	Reading. Language Arts Groups Spanish Immersion
9:00 a.m.-10:00a.m.	Math	Math	Math	Math	Math
10:00 a.m.-10:45 a.m.	Spelling	Grammar	Spelling	Grammar	Spelling and Reading Tests
11:00 a.m.- 11:30 a.m.	Lunch	Lunch	Lunch	Lunch	Lunch
11:30 a.m- 12:15 p.m.	<i>Healthy Choices</i>	Physical Education	<i>Healthy Choices</i>	Physical Education	<i>Healthy Choices</i>
12:00 p.m.-1:00 p.m.	Science	Social Studies	Science	Social Studies	Science
1:00 p.m.-2:00 p.m.	Music	Computers	Music	Computers	Art
2:00 p.m.-2:15 p.m.	Snack	Snack	Snack	Snack	Snack
2:15 p.m.- 3:00 p.m.	Spanish Immersion Literacy	Spanish Immersion Literacy	Spanish Immersion Literacy	Spanish Immersion Literacy	Spanish Immersion Literacy
3:00 p.m.-4:00 p.m.	Handwriting/ Journal	Read Aloud// Vocabulary	Library	Handwriting/ Journal	Read Aloud/ Creative Writing
4:00 p.m.-5:00 p.m.	After School Tutoring	Drama, Arts, Language Clubs	After School Tutoring	Drama, Arts, Language Clubs	After School Tutoring

# 2012-2013

## Kidsmart SCHOOL YEAR CALENDAR

JULY 2012						
S	M	T	W	T	F	S
	1	2	3	4	5	6
	7	8	9	10	11	12
	13	14	15	16	17	18
	19	20	21	22	23	24
	25	26	27	28	29	30
	31					

AUGUST 2012						
S	M	T	W	T	F	S
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	5	6	7	8	9	10
	11	12	13	14	15	16
	17	18	19	20	21	22
	23	24	25	26	27	28
	29	30	31			

SEPTEMBER 2012						
S	M	T	W	T	F	S
						1
	2	3	4	5	6	7
	8	9	10	11	12	13
	14	15	16	17	18	19
	20	21	22	23	24	25
	26	27	28	29	30	31

OCTOBER 2012						
S	M	T	W	T	F	S
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	7	8	9	10	11	12
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	19	20	21	22	23	24
	25	26	27	28	29	30
	31					

NOVEMBER 2012						
S	M	T	W	T	F	S
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	11	12	13	14	15	16
	17	18	19	20	21	22
	23	24	25	26	27	28
	29	30	31			

DECEMBER 2012						
S	M	T	W	T	F	S
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	2	3	4	5	6	7
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	14	15	16	17	18	19
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	26	27	28	29	30	31

JANUARY 2013						
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	17	18	19	20	21	22
	23	24	25	26	27	28
	29	30	31			

FEBRUARY 2013						
S	M	T	W	T	F	S
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	26	27	28	29	30	31

MARCH 2013						
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	20	21	22	23	24	25
	26	27	28	29	30	31

APRIL 2013						
S	M	T	W	T	F	S
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	14	15	16	17	18	19
	20	21	22	23	24	25
	26	27	28	29	30	31

MAY 2013						
S	M	T	W	T	F	S
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	2	3	4	5	6	7
	8	9	10	11	12	13
	14	15	16	17	18	19
	20	21	22	23	24	25
	26	27	28	29	30	31

JUNE 2013						
S	M	T	W	T	F	S
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	8	9	10	11	12	13
	14	15	16	17	18	19
	20	21	22	23	24	25
	26	27	28	29	30	31

**Legend**

Holidays

Professional Development

Intercession

Attachment 3

OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL  
FACILITIES UTILIZATION AGREEMENT AND LEASE AGREEMENT

Lessor (Owner): Mark Carter

Lessee (Tenant): KidSmart Educational Services

Any information regarding affiliation, family ties, or other relationships between the Lessor (Owner) and Lessee (Tenant) must be disclosed with the facilities lease agreement.

Describe the present use of the facility and use for prior three (3) years:

Childcare/Tutorial Services]

Premises: 3516 Baseline Road  
Little Rock, AR 72209

3200  
square footage

Terms of Lease: 12 months, renewable annually

Rental Amount: \$2000/month

Contingency: The terms of this agreement are contingent upon KidSmart Educational Services (sponsoring entity) receiving a charter to operate an open-enrollment public charter school from the State Board of Education by August of 2011.

Statutory Language Concerning No Indebtedness: No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the state or its political subdivisions, and no indebtedness of the open-enrollment public charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions.

Lessee: KidSmart Educational Services

Lessor: Mark Carter

By [Signature] KidSmart  
Date 8/29/2011

By [Signature]  
Date 8/29/2011

## LEASE AGREEMENT

This Agreement, made this 29<sup>th</sup> day of August, between Mark Carter, whose address is 3510 Baseline Road (the Lessor) and KidSmart Educational Services, whose address is 3516 Baseline Road, Little Rock, Arkansas 72209 (the Lessee) Witnesseth:

1. Leased Premises. For and in consideration of the rents, covenants and agreements herein entered into and agreed upon by the Lessee as obligations to the Lessor, the Lessor lets, leases and demises until Lessee, subject to the terms and conditions contained herein, the following described property situated in Pulaski County, Arkansas:

Commercial Property zoned for school, childcare,  
educational use at 3516 Baseline Road

To have and to hold the premises unto the Lessee for and during the term herein stated, subject to the covenants, terms, conditions and liens herein contained.

2. Term. This lease shall commence on January 5, 2011, and shall extend for a term of 12 months[years] [months], ending at midnight on January 5, 2012. [Note: If the lease is a periodic tenancy, rather than an estate for years, these provisions will have to be altered accordingly.]

3. Rent. Lessee agrees to pay to Lessor as rental for the full term of this lease the sum of \$2000, payable in 12 equal [monthly] installments of \$ 2000 each, to be paid in advance on the first day of February, and on the first day of each and every [month] thereafter during the term of this lease.

4. Signs. Lessee shall not erect or install any exterior signs or advertising of any kind without the written consent of Lessor having first been obtained. Lessee agrees not to utilize any form of advertising that may or shall be deemed objectionable to Lessor or to the general public, including but not limited to loudspeakers, phonograph or related electronic equipment, radios, or similar devices which will be operated in such a manner as to project sound outside of the leased premises.

5. Lessor's Repairs. Lessor shall maintain the exterior walls, doors and roof of the structure[s] upon the leased premises in a reasonable state of repair [and shall make such repairs to the surface of the parking area] as may be required to keep and maintain the same in a good and tenantable condition. If Lessee is deprived of the use of [a substantial portion] [more than 10 percent] of the leased premises during the making of any such repairs by the Lessor, the rent shall be abated or proportionately reduced according to the extent to which Lessee is deprived of such use.

6. Lessee's Repairs. Lessee shall keep the interior of the building, including interior walls and doors, wiring, plumbing, and window and door glass, in good repair, and shall maintain the heating and air conditioning equipment, all at Lessee's expense. Lessee agrees to



materials furnished. Lessee shall, at the termination, surrender or forfeiture of this lease, return the premises with the interior, including all of the above items, in as good and satisfactory condition as the same was at the beginning of the lease, normal wear and tear excepted.

7. Taxes. [Lessor] [Lessee] shall pay any and all ad valorem taxes and special improvement district taxes levied and assessed against the premises and the improvements located thereon during the term of this lease. Such taxes and assessments shall be pro-rated for any fractional calendar year.

8. Use. Lessee agrees to use the leased premises for the purpose of operating for educational purposes and for no other purpose or purposes without the written consent of Lessor and the Arkansas State Board of Education having been obtained in advance.

9. Payment of Rent and Notices. The rent payable hereunder shall be paid to Lessor at 3510 Baseline Road. Any notice provided for herein shall be given by certified mail with postage prepaid, addressed, if to Lessor, at the address to which the rent is then paid, and if to Lessee, at 3516 Baseline Road. The person and the place to which notices are to be mailed may be changed by either party by notice to the other party.

10. Assignment. Lessee shall not assign this lease or sublet the leased premises without prior written consent of the Lessor and the Arkansas State Board of Education. Any such assignment or subletting shall in no way relieve Lessee from liability for the obligation imposed by this lease. Lessee may only be released from liability by a specific written release executed by Lessor.

11. Lessee's Default. If Lessee shall be in default as to the payment of rent for a period of [thirty (30) days], or as to any other covenant herein provided for more than [thirty (30) days] after receipt of notice from Lessor specifying such default, or if any petition be filed in bankruptcy, including petitions for arrangements and reorganizations, by or against Lessee and such petition be not dismissed within [thirty (30) days] after its filing, or if a receiver or trustee be appointed for Lessee by reason of Lessee's insolvency or inability to pay its creditors, Lessor shall have the right, without limitation upon any other rights which may be given Lessor by law or by any other provision of this lease agreement, to re-enter the leased premises and relet the same as agent for Lessee upon the best terms and conditions reasonably obtainable, and Lessee shall be liable to the Lessor for the difference, if any, between the rent so obtained and the minimum rent stipulated to be paid in this lease. Lessee agrees that in such event [he, it] will vacate the leased premises without further notice, and if it becomes necessary to bring any legal action to recover possession, Lessee agrees to pay a reasonable fee for the attorney of Lessor in such action.

12. Non-Waiver. It is agreed that the failure of Lessor to invoke any of the available remedies under this lease or under law in the event of one or more breaches or defaults by Lessee under the lease shall not be construed as a waiver of such provisions and conditions and shall not prevent Lessor from invoking such remedies in the event of any future breach or default.

13. Holdover. Lessee hereby agrees that upon the termination of this lease by expiration or by earlier termination for any reason whatsoever, Lessee will peaceably deliver possession of the leased premises to Lessor. In the event Lessee shall be permitted by Lessor to hold

over after the expiration or termination of this lease, or any extension thereof, such holding over (in the absence of any written agreement to the contrary) shall be construed as a tenancy from calendar month to calendar month at a monthly rental equal to the rental for the last month paid under this lease. A month-to-month tenancy arising by Lessee's holding over under this paragraph may be terminated by written notice from either party to the other party on or before the day on which any monthly rent is due with termination not becoming effective until the day on which the next following monthly rental would have otherwise become due. In the event it should become necessary for Lessor to institute any action at law to recover possession at the time of termination, whenever and however termination may occur, Lessee agrees that it will pay all costs and expenses of such action, including reasonable attorneys' fees.

14. Casualty. If at any time the leased premises, [or the building which forms the principal component of the leased premises,] should be damaged by fire, or other major casualty not the fault of Lessee, and the cost of repairing the damage does not exceed twenty percent (20%) of the value of the improvements of the premises herein leased, [or the building which forms the principal component part of the leased premises,] then Lessor shall as soon as reasonably practicable repair the damage caused by fire or other casualty. If, however, the damage should exceed twenty percent (20%) of the value of the improvements of the premises herein leased, [or the building which forms the principal component part of the leased premises,] then Lessor shall have the option of either repairing the premises as set out above or terminating this lease as of the date of fire or other casualty by notice to Lessee within thirty (30) days after such date. If the damage should render the leased premises untenable for the use of the Lessee's business as set forth herein, the rental from the date of fire, or other major casualty not the fault of Lessee, to the date of the completion of the restoration of the premises shall be abated, such abatement being figured on a pro rata basis of the rentals, herein provided.

15. Condemnation. In the event all of the leased premises or such part thereof as renders the leased premises unsuitable for use in the activity or business of the Lessee, shall be acquired or taken by eminent domain for any public or quasipublic purpose, then the term of this lease shall cease and terminate as of the date of taking.

In the event that a partial taking does not render the leased premises unsuitable for use in the activity or business of the Lessee, this lease shall continue in full force and effect with a reduction in the rent proportionate to the amount of usefulness or necessity of the leased premises actually taken.

All damages awarded as a result of any taking, except such damages as are herein defined as Lessee's damages, shall be awarded to Lessor. Lessee shall be entitled to receive all damages which are compensation for damages to the leasehold estate and for removal of Lessee's business, fixtures, furniture and equipment. Lessee's right to damages shall be a right against the taking authority alone, and Lessee shall not be entitled to recover any damages from Lessor.

16. Insurance on Improvements. [Lessee] shall maintain, at [Lessee's] expense, fire, hazard and extended coverage insurance, [including plate glass insurance,] in the amount of the replacement value of any improvements erected upon the leased premises. A certificate of such insurance shall be delivered to [Lessor] prior to the inception of this lease. [Lessee] shall reimburse [Lessor] for the premiums paid for such insurance upon receipt of notice of the amount



due, if [Lessor] is required to pay such premiums.

17. Insurance on Lessee's Property. Lessee shall be solely responsible for maintaining insurance on [his, its] property, including but not limited to movables, trade fixtures installed by Lessee, furniture, furnishings and inventory.

18. Liability Insurance. Lessee shall, during the term of this lease, maintain public liability insurance on the leased premises and on the business operated by the Lessee or any subtenant occupying the leased premises. The limits of such public liability insurance shall not be less than \$500 per person, \$500 per accident, and \$500 for property damage. The policy representing such insurance shall name Lessor, [its successor, or his heirs] and assigns, and Lessee as insured. Such policy shall contain a clause that the insurer will not cancel or change the insurance without giving Lessor, [its successors, or his heirs] or assigns, ten (10) days' written notice, and a certificate of such insurance shall be delivered to Lessor prior to the inception of this lease.

19. Common Areas. Any parking area or other common areas which Lessor may provide shall be for the joint use of Lessor, Lessee, other tenants of Lessor, and the customers, invitees and employees of Lessor, Lessee, and other tenants of Lessor; Lessor hereby grants to Lessee the right, during the term of this lease, to use any parking area and other common areas which may be provided in common with others entitled to the use thereof. The use thereof shall be subject to such reasonable regulations or limitations as Lessor shall make or require from time to time.

20. Compliance with Laws. Lessor and Lessee agree not to violate any law, ordinance, rule or regulation of any governmental authority having jurisdiction of the leased premises and, if required solely by reason of Lessee's type of business, to make nonstructural repairs, improvements and alterations to the interior of the building on the leased premises and the common areas required by such authority.

21. Trash. All trash and refuse deposited outside the building must be placed in sufficient receptacles furnished by Lessee [approved by the Public Works Department].

22. Title and Quiet Enjoyment. Lessor covenants and warrants that it is the owner in fee simple absolute of the leased premises and may lease the premises as herein provided. Upon payment by Lessee of the rents herein provided and upon the observance and performance of all the covenants, terms and conditions upon Lessee's part to be observed and performed, Lessee shall peaceably and quietly hold and enjoy the demised premises for the term hereby demised without hindrance or interruption by Lessor or any other person or persons lawfully or equitably claiming by, through or under Lessor, subject to the terms and conditions of this lease.

23. Succession. This lease agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

24. Waste. Lessee agrees not to commit waste, nor permit waste to result or to be done to or upon the property and premises; not to conduct any business thereon or therein, nor store or permit to be stored thereon or therein any explosives, combustible substances or materials of any nature, which would increase the fire hazard or cause a premium to be charged

for insurance higher than that charged for the present use of such property; and not to operate, nor permit to be operated, nor to exist thereon or therein, any public or private nuisance.

25. Assets. Lessor and Lessee agree that pursuant to Ark. Code Ann. § 6-23-506: Upon dissolution of the open-enrollment charter school or upon non-renewal of the charter, all net assets of the open-enrollment charter school purchased with public funds shall be deemed the property of the State, unless otherwise specified in the charter of the open-enrollment charter school.

26. State Immunity. Lessor and Lessee agree that no indebtedness of any kind incurred or created by the open-enrollment charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the open-enrollment charter school shall involve or be secured by the faith, credit or taxing power of the State or its political subdivisions.

Furthermore, Lessor and Lessee agree that the Lessee shall not use the moneys received from the State pursuant to Ark. Code Ann. §§ 6-23-101, 6-23-201, 6-23-301, 6-23-401 or 6-23-501 et seq., for any sectarian programs or activity or as collateral for any debt, including any debt incurred by Lessee to Lessor pursuant to the provisions of the Lease Agreement.

27. Use of State Funds. Lessor and Lessee agree that Lessee shall not pay for any improvements, upgrades, additions or repairs to the leased facility described herein except as a reasonable part of the agreed upon rent payment described in paragraph 3 and those agreed upon Lessee repairs agreed upon in paragraph 7 of this Agreement. Furthermore, to the extent that any portion of rent payment in paragraph 3 or Lessee repairs in paragraph 7 are to be paid from State funding, the Lessor and Lessee shall provide a detailed budget and expenditure report specifying exactly that portion of rent payment or repair cost concerning any improvements, upgrades, additions or repairs to the lease facility and the amount of State funds to be used to support those components of the rent or repair cost to the Lessee.

28. State Approval. Lessor and Lessee agree that to the extent this Lessee will use any State funds from the Arkansas Public School Fund to pay the obligations of this lease agreement, the Lessee is first required to submit a copy of a detailed lease agreement (along with attached budget and expenditure report) setting forth all terms required herein along with any other relevant information required by the Arkansas State Board of Education and obtain the express approval of the Arkansas State Board of Education; otherwise this Agreement shall be considered null and void. Furthermore, neither the Lessor nor the Lessee shall change the terms or conditions of this Agreement without first obtaining the express approval of the Arkansas State Board of Education. Any such change without the express approval of the Arkansas State Board of Education shall be considered null and void to the extent State funds are used as consideration to meet the obligations contained herein.

29. Health, Safety, Facility and Zoning Codes. The Lessor and Lessee agree that the above described lease facility and the location of the facility comply with and meet all health, safety, facility and proper zoning codes of the State of Arkansas or any political subdivisions of the State. Specifically, the Lessor agrees covenants and warrants that the above described lease facility meets all state and local laws, regulations and ordinances with regard to fire, safety and

meets all state and local laws, regulations and ordinances with regard to fire, safety and health code conditions and requirements and that the facility is properly located in an appropriate zoned area sufficiently removed from any adult novelty, liquor or gaming locations of business or transaction so as to comply with state or local laws, ordinances or regulations and thus be in compliance with Ark. Code Ann. § 6-23-401.

30. Severability. Each paragraph of this lease agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.

31. Interpretation. This lease agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

32. Entire Agreement. This lease agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. This lease agreement supersedes all prior agreements, contracts and understandings of any kind between the parties relating to the subject matter thereof. This agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

33. Notice. All notices, requests, demands and other communications required by or permitted hereunder shall be in writing and shall be deemed to have been duly given when received by the party to whom directed; provided, however, that notice shall be conclusively deemed given at the time of its deposit in the United States mail when sent by certified mail, postage prepaid, to the other party at the following addresses (or at such other addresses as shall be given in writing by either party to the other):

3516 Baseline Road  
Little Rock, Arkansas  
72209

34. Release of Dower. The undersigned, wife of Lessor herein, does hereby release and relinquish unto Lessee, for the term hereof and any extension thereof, all rights of dower and homestead which she has in the leasehold estate conveyed hereby to Lessee.

IN WITNESS THEREOF, the parties hereto have hereunto set their hands and seals on this 29<sup>th</sup> day of August, 2011.

X Mary G. Conner  
Lessor

[Spouse of Lessor]

X Joe Peth Lessee  
Kid Smart  
Educational  
Services

[ACKNOWLEDGMENT]

X KidSmart Educational Services  
X [Signature]

THIS AGREEMENT made between Mark Carter (the Lessor) and KidSmart Educational Services (the Lessee), WITNESSETH:

For and in consideration of the covenants and agreements hereinafter contained, Lessor does hereby let, lease and demise unto Lessee, and Lessee does hereby lease from Lessor, the following described premises in the City of Little Rock, County of Pulaski, State of Arkansas:

3200 Square Feet of property for Educational, Childcare Space

KidSmart Proposed Budget 2012-2013

**KidSmart Bilingual Education Academy**  
**Public Charter School Application**  
**Estimated Budget Worksheet Using Template as Provided**  
**2012-2013**

<b>Line #</b>	<b>Revenues</b>	<b>Amount</b>	<b>Total</b>
1	State Public Charter School Aid		
2	No. of Students (200) x \$6,023.00		
3	State Foundation Funding		\$1,204,600.00
4	No. of Students (200) x \$42.38 Professional Development		\$8,476.00
5	No. of Students (200) x eligible rate* NSLA Funding		\$297,600.00
6	Total State Charter School Aid		\$306,076.00
7			
8	Other Sources of Revenues:		
9	Private Donations or Gifts		
10	Federal Grants (List the amount)		
11	Special Grants (List the amount)		
12	Other (Specifically Describe) <i>uniform and meal sales</i>		\$11,000.00
13			
14	Total Other Sources of Revenues		
15			
16	<b>TOTAL REVENUES</b>		<b>\$1,827,752.00</b>
17			
18	<b><u>Expenditures</u></b>	<b><u>Amount</u></b>	<b><u>Total</u></b>
19	Administration:		
20	Salaries: (No. of Positions 2.0)	\$140,000.00	School Principal
21	Fringe Benefits	\$39,200.00	Curriculum Director
22	Purchased Services		
23	Supplies and Materials	\$20,000.00	Office supplies
24	Equipment	\$10,000.00	Computers, printers
25	Other (Describe)		file cabinets
26			\$209,200.00
27	Regular Classroom Instruction:		
28	Salaries: (No. of Positions 17__)	\$550,000.00	13 Classroom teachers
29	Fringe Benefits	\$132,440.00	2 paraprofessionals
30	Purchased Services	\$94,000.00	2 specialists
			Professional Development
			Assessment/Data Services
31	Supplies and Materials	\$167,500.00	Telecommunications
			Classroom supplies
			Textbooks, field trips

KidSmart Proposed Budget 2012-2013

			copy and printing postage
32	Equipment	<u>\$160,000.00</u>	Classroom furniture, computers, server wireless network
33	Other (Describe)		
34			<div style="border: 1px solid black; padding: 2px;">\$1, 103,940.00</div>
35	Special Education:		
36	Salaries: (No. of Positions 1.0)	<u>\$40,000.00</u>	1 Special Needs Teacher
37	Fringe Benefits	<u>\$12,000.00</u>	
38	Purchased Services		
39	Supplies and Materials	<u>\$4,000.00</u>	Supplemental Materials
40	Equipment		
41	Other (Describe)		
42			<div style="border: 1px solid black; padding: 2px;">\$1,184,940.00</div>
43	Gifted and Talented Program:		
44	Salaries: (No. of Positions___)		
45	Fringe Benefits		
46	Purchased Services		
47	Supplies and Materials		
48	Equipment		
49	Other (Describe)		
50			
51	Alternative Education Program:		
52	Salaries: (No. of Positions___)		
53	Fringe Benefits		
54	Purchased Services		
55	Supplies and Materials		
56	Equipment		
57	Other (Describe)		
58			
59	Guidance Services:		
60	Salaries: (No. of Positions___)		
61	Fringe Benefits		
62	Purchased Services		
63	Supplies and Materials		
64	Equipment		
65	Other (Describe)		
66			
67	Health Services:		
68	Salaries: (No. of Positions_(0.5)	<u>\$19,000.00</u>	Part-time Nurse



KidSmart Proposed Budget 2012-2013

69	Fringe Benefits	\$5,320.00	
70	Purchased Services		
71	Supplies and Materials	\$2,400.00	Consumables
72	Equipment		
73	Other (Describe)	\$3,500.00	Refrigerator, Exam Chair locked medicine cabinet desk, chair, scale
74			\$30,220.00
75	Media Services:		
76	Salaries: (No. of Positions___)		
77	Fringe Benefits		
78	Purchased Services		
79	Supplies and Materials		
80	Equipment		
81	Other (Describe)		
82			
83	Fiscal Services:		
84	Salaries: (No. of Positions___)		
85	Fringe Benefits		Accounting, Audit Legal
86	Purchased Services	\$30,000.00	
87	Supplies and Materials		
88	Equipment		
89	Other (Describe)		
90			\$30,000.00
91	Maintenance and Operation:		
92	Salaries: (No. of Positions___)		
93	Fringe Benefits		
94	Purchased Services	\$55,000.00	Landscape, Cleaning contract, repairs waste removal
95	(include utilities)		
96	Supplies and Materials		
97	Equipment		
98	Other (Describe)		
99			\$55,000.00
100	Transportation		
101	Salaries: (No. of Positions 3.0)	\$60,000	
102	Fringe Benefits	\$8,000.00	
103	Purchased Services	\$30,000.00	Gas, maintenance tires insurance inspections
104	Supplies and Materials		
105	Equipment		
106	Other (Describe)		

KidSmart Proposed Budget 2012-2013

107			\$98,000.00
108	Food Services:	\$50,000.00	
109	Salaries: (No. of Positions_2.0_)		
110	Fringe Benefits		
111	Purchased Services	\$100,000.00	Food, Milk contracts
112	Supplies and Materials		
113	Equipment		
114	Other (Describe		
115			\$150,000.00
116	Data Processing:		
117	Salaries: (No. of Positions_1.0)	\$35,000.00	Office Manager
118	Fringe Benefits	\$1,970.15	
119	Purchased Services		
120	Supplies and Materials		
121	Equipment		
122	Other (Describe)		
123			\$36,970.15
124	Substitute Personnel:		
125	Salaries: (No. of Positions_)		\$10,000.00
126	Fringe Benefits		
127			\$10,000.00
128	Facilities:		
129	Lease/Purchase (contract for one total year including facilit		\$36,000.00
130	Please list upgrades		
131	Utilities (contract for one total year		\$30,000.00
132	including facility upgrades)		
133	Insurance (contract for one total year including facility upgr		\$7,000.00
134	Property Insurance		\$7,000.00
135	Content Insurance		
136			\$80,000.00
137	Debt Expenditures:	\$11,000.00	Uniforms Not Sold
138	Other Expenditures:		
139	(Describe)		
140			\$11,000.00
141	<b>TOTAL EXPENDITURES</b>		\$1,814,330.15
	<b>NET BALANCE</b>		\$13,421.85



KidSmart Proposed Budget 2013-2014

**KidSmart Bilingual Education Academy**  
**Public Charter School Application**  
**Estimated Budget Worksheet Using Template as Provided**  
**2013-2014**

<b>Line #</b>	<b>Revenues</b>	<b>Amount</b>	<b>Total</b>
1	State Public Charter School Aid		
2	No. of Students (200) x \$6,023.00		
	State Foundation Funding		\$1,204,600.00
3			
4	No. of Students (200) x \$42.38 Professional Development		\$8,476.00
5	No. of Students (200) x eligible rate* NSLA Funding		\$297,600.00
6	Total State Charter School Aid		\$306,076.00
7			
8	Other Sources of Revenues:		
9	Private Donations or Gifts		
10	Federal Grants (List the amount)		
11	Special Grants (List the amount)		
12	Other (Specifically Describe) <i>uniform and meal sales</i>		\$11,000.00
13			
14	Total Other Sources of Revenues		
15			
16	<b>TOTAL REVENUES</b>		<b>\$1,827,752.00</b>
17			
18	<b><u>Expenditures</u></b>	<b><u>Amount</u></b>	<b><u>Total</u></b>
19	Administration:		School Principal
20	Salaries: (No. of Positions 2.0)	\$140,000.00	Curriculum Director
21	Fringe Benefits	\$39,200.00	
22	Purchased Services		
23	Supplies and Materials	\$20,000.00	Office supplies
24	Equipment	\$10,000.00	Computers, printers
25	Other (Describe)		file cabinets
26			\$209,200.00
27	Regular Classroom Instruction:		13 Classroom teachers
28	Salaries: (No. of Positions 17__)	\$550,000.00	2 paraprofessionals
29	Fringe Benefits	\$132,440.00	2 specialists
30	Purchased Services	\$94,000.00	Professional Development
			Assessment/Data Services
			Telecommunications
31	Supplies and Materials	\$167,500.00	Classroom supplies
			Textbooks, field trips

# KidSmart Proposed Budget 2013-2014

32	Equipment	<u>\$160,000.00</u>	copy and printing postage Classroom furniture, computers, server wireless network
33	Other (Describe)		
34			<div>\$1,103,940.00</div>
35	Special Education:		
36	Salaries: (No. of Positions 1.0)	<u>\$40,000.00</u>	1 Special Needs Teacher
37	Fringe Benefits	<u>\$12,000.00</u>	
38	Purchased Services		
39	Supplies and Materials	<u>\$4,000.00</u>	Supplemental Materials
40	Equipment		
41	Other (Describe)		
42			<div>\$1,184,940.00</div>
43	Gifted and Talented Program:		
44	Salaries: (No. of Positions___)		
45	Fringe Benefits		
46	Purchased Services		
47	Supplies and Materials		
48	Equipment		
49	Other (Describe)		
50			
51	Alternative Education Program:		
52	Salaries: (No. of Positions___)		
53	Fringe Benefits		
54	Purchased Services		
55	Supplies and Materials		
56	Equipment		
57	Other (Describe)		
58			
59	Guidance Services:		
60	Salaries: (No. of Positions___)		
61	Fringe Benefits		
62	Purchased Services		
63	Supplies and Materials		
64	Equipment		
65	Other (Describe)		
66			
67	Health Services:		
68	Salaries: (No. of Positions_(0.5)	<u>\$19,000.00</u>	Part-time Nurse

KidSmart Proposed Budget 2013-2014

69	Fringe Benefits	\$5,320.00	
70	Purchased Services		
71	Supplies and Materials	\$2,400.00	Consumables
72	Equipment		
73	Other (Describe)	\$3,500.00	Refrigerator, Exam Chair locked medicine cabinet desk, chair, scale
74			\$30,220.00
75	Media Services:		
76	Salaries: (No. of Positions___)		
77	Fringe Benefits		
78	Purchased Services		
79	Supplies and Materials		
80	Equipment		
81	Other (Describe)		
82			
83	Fiscal Services:		
84	Salaries: (No. of Positions___)		
85	Fringe Benefits		Accounting, Audit
86	Purchased Services	\$30,000.00	Legal
87	Supplies and Materials		
88	Equipment		
89	Other (Describe)		
90			\$30,000.00
91	Maintenance and Operation:		
92	Salaries: (No. of Positions___)		
93	Fringe Benefits		
94	Purchased Services	\$55,000.00	Landscape, Cleaning
95	(include utilities)		contract, repairs
96	Supplies and Materials		waste removal
97	Equipment		
98	Other (Describe)		
99			\$55,000.00
100	Transportation		
101	Salaries: (No. of Positions 3.0)	\$60,000	
102	Fringe Benefits	\$8,000.00	
103	Purchased Services	\$30,000.00	Gas, maintenance
104	Supplies and Materials		tires
105	Equipment		insurance
106	Other (Describe)		inspections

KidSmart Proposed Budget 2013-2014

107			\$98,000.00
108	Food Services:	\$50,000.00	
109	Salaries: (No. of Positions_2.0_)		
110	Fringe Benefits		
111	Purchased Services	\$100,000.00	Food, Milk contracts
112	Supplies and Materials		
113	Equipment		
114	Other (Describe		
115			\$150,000.00
116	Data Processing:		
117	Salaries: (No. of Positions_1.0)	\$35,000.00	Office Manager
118	Fringe Benefits	\$1,970.15	
119	Purchased Services		
120	Supplies and Materials		
121	Equipment		
122	Other (Describe)		
123			\$36,970.15
124	Substitute Personnel:		
125	Salaries: (No. of Positions_)		\$10,000.00
126	Fringe Benefits		
127			\$10,000.00
128	Facilities:		
129	Lease/Purchase (contract for one total year including facilit		\$36,000.00
130	Please list upgrades		
131	Utilities (contract for one total year		\$30,000.00
132	including facility upgrades)		
133	Insurance (contract for one total year including facility upgr		\$7,000.00
134	Property Insurance		\$7,000.00
135	Content Insurance		
136			\$80,000.00
137	Debt Expenditures:	\$11,000.00	Uniforms Not Sold
138	Other Expenditures:		
139	(Describe)		
140			\$11,000.00
141	<b>TOTAL EXPENDITURES</b>		\$1,814,330.15
	<b>NET BALANCE</b>		\$13,421.85

**KidSmart Bilingual Education Academy Proposed Salary Schedule 2012**  
**Attachment 5**

Position	Years of Teaching	High School Diploma	Associate's Degree	Bachelor of Arts	Master's Degree	PHD
Principals	0-3	\$25,000	\$35,000	\$75,000-\$80,000	Add \$2,000	Add \$2000
	4- 8 years	\$35,000.00	\$40,000.00	\$80-90,000	Add \$2,000	Add \$2000
	9 years +	\$40,000.00	\$45,000.00	\$90-100,000	Add \$2,000	Add \$2000

Position	Years of Teaching	Bachelor of Arts	Master's Degree	PHD
Curriculum Director	0-3	\$30,000-\$35,000	Add \$2,000	Add \$2000
	4- 8 years	\$36,000-\$42,000	Add \$2,000	Add \$2000
	9 years +	\$43,000-\$53,000	Add \$2,000	Add \$2000

Position	Years of Teaching	Bachelor of Arts	Master's Degree	PHD
Teachers	0-3	\$30-\$32,000	Add \$2,000	Add \$2000
	4- 8 years	\$32-36,000	Add \$2,000	Add \$2000
	9 years +	\$36-\$38,000	Add \$2,000	Add \$2000

**Paraprofessionals**

Position	Years of Experience	High School Diploma	Bachelor of Arts
Paraprofessionals	0-3	\$18,000-\$20,000	\$20,000-\$22,000
	4- 8 years	\$20,000-\$22,000	\$22,000-\$24,000
	9 years +	\$22,000-\$24,000	\$24,000-\$26,000

**Support Staff**

Position	High School Diploma	Associate's Degree	Bachelor of Arts
Cafeteria Manager	\$11/hour	\$13/hour	\$15/hour
Cafeteria Assistant	\$9/hour	\$10/Hour	\$12/Hour
Director of Maintenance	\$12/Hour	\$16/Hour	\$18/Hour

Transportation	\$12/Hour	\$16/Hour	\$18/Hour
Custodian	\$10/Hour	\$12/Hour	\$14/Hour



## **Arkansas Secretary of State Charlie Daniels**

State Capitol Building ♦ Little Rock, Arkansas 72201-1094 ♦ 501.682.3409

---

I, Charlie Daniels, Secretary of State of the State of Arkansas, and as such, keeper of the records of domestic and foreign corporations, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of

**All Corporate records on file for**

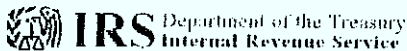
**KID SMART EDUCATIONAL SERVICES/TUTORING  
CENTER**

In Testimony Whereof, I have hereunto set my hand and affixed my official Seal. Done at my office in the City of Little Rock, this 19th day of March 2009.

A handwritten signature in cursive script that reads "Charlie Daniels".

---

Charlie Daniels



Department of the Treasury  
Internal Revenue Service

P.O. Box 2508  
Cincinnati OH 45201

In reply refer to: 0248421964  
July 25, 2011 LTR 4168C E0  
71-0845308 000000 00

00018427

BODC: SB

KIDSMART EDUCATIONAL SERVICES  
KIDSMART EDUCATIONAL SERVICES  
PO BOX 191042  
LITTLE ROCK AR 72219-1042



651145

Employer Identification Number: 71-0845308  
Person to Contact: MS. MITCHELL  
Toll Free Telephone Number: 1-877-829-5500

Dear TAXPAYER:

This is in response to your July 14, 2011, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in APRIL 2011.

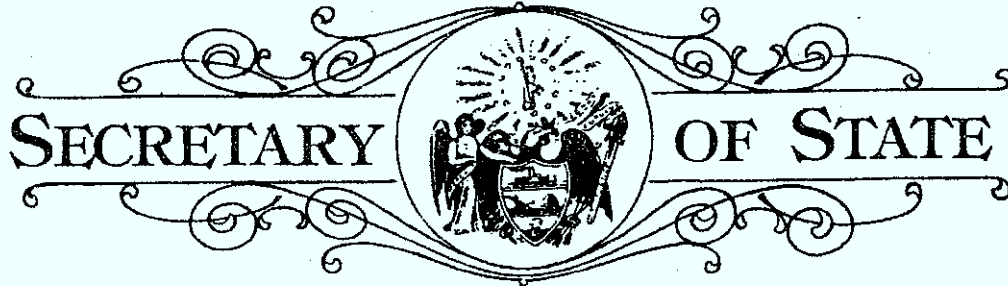
Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(ii).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website [www.irs.gov/eo](http://www.irs.gov/eo) for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.



# STATE OF ARKANSAS



*Sharon Priest*  
SECRETARY OF STATE

## CERTIFICATE OF INCORPORATION OF DOMESTIC NON-PROFIT CORPORATION

*To All to Whom These Presents Shall Come, Greetings:*

*I, Sharon Priest, Secretary of State of Arkansas, do hereby  
certify that*

### **KID SMART EDUCATIONAL SERVICES/TUTORING CENTER**

*has filed in the office of the Secretary of State, a duly certified copy of  
its Articles of Association in compliance with the provisions of the law,  
with their petition for incorporation under the name or style of*

### **KID SMART EDUCATIONAL SERVICES/TUTORING CENTER**

*they are therefore hereby declared a body politic and corporate, by the  
name and style aforesaid, with all the powers, privileges and  
immunities granted in the law thereunto appertaining.*



*In Testimony Whereof, I have hereunto  
set my hand and affixed my official Seal.  
Done at my office in the City of Little Rock,  
this 26th day of March 2001.*

*Sharon Priest*

KidSmart Bilingual Education Academy  
Interest Meeting August 15, 2011 Dee Brown Library  
6325 Baseline Road Little Rock, Arkansas 72209

La Academia de Educacion Bilingue de KidSmart  
Tertulia de Interes El Quince De Agosto, 2011  
La Biblioteca De Dee Brown  
6325 Baseline Road Little Rock, Arkansas 72209

Name/Nombre	Address/Direccion	Phone Number/Numero	Child's Name/Nombre De Nino	Child's Age
Angelica Antonio	2313 Russeubogo L.R. Ar. 72208	501 318 419 83	Alexandra and Shelkinah Massey	3 and 6 yrs.
Mariel Valencia	7 Cypress 400 P Vilonia AR	501 358 8200	Edwin and Mason Valencia	2 and 1 years
Iyona Green	29 Falcon <sup>72173</sup> LR AR 72210	501 261 4911	Ja'Lynn Westley	2 1/2 years
Sandra Summers	<del>6850 S. 1st</del> P.O. Box 195442 CR AR	501 398 9213	Jaden <sup>3 1/2 yr</sup> Bristow Thompson <sup>2 yr</sup> Kivante	
Adriane Sebastian	3600 Springer Blvd. L.R. AR 72206	501.231.3619	Faith Siggers Destiny Siggers	6 yrs. old
Nona Scappin	5401 <del>Victor</del> LA L.R. Ar 72209	501-2403329	Brianne Scappin	3 yr old
Monica Lindsey			Kradia Lindsey	5 yrs old
Denise Bell	10513 W. Main St. L.R. AR.			
Aretha Sullivan			Curtis Smith	6 yrs. old

KidSmart Bilingual Education Academy  
Interest Meeting August 15, 2011 Dee Brown Library  
6325 Baseline Road Little Rock, Arkansas 72209

La Academia de Educacion Bilingue de KidSmart  
Tertulia de Interes El Quince De Agosto, 2011  
La Biblioteca De Dee Brown  
6325 Baseline Road Little Rock, Arkansas 72209

Name/Nombre	Address/Direccion	Phone Number/Numero	Child's Name/Nombre De Nino	Child's Age
Carmen Baynes	5906 Southwind Rd	(501) 241-9270	Carmen Baynes Cayden Baynes Caylee Baynes	6 3 10 months
Shannon Page	3224 Marshalls	479-861-9738	Shaniya Scroggins Dareh Khan Holladay	6 1
Tiffany Mems	6900 Cantrell rd. # P108	398-9174	Taylor mitner	3
Mary Judge				
Refina Gonzalez				Shirley Ana 2-4
Al Velasco	8400 Community Care			3 children 14, 5, 6
Stefanie Robinson				
Carla Cuillo				
Sandra Sanchez				
Crystal Lewis				

Julius Morris Signs.

# THE PUBLIC LIBRARY

LITTLE ROCK • JACKSONVILLE • PULASKI AND PERRY COUNTIES • MAUMELLE • SHERWOOD

Dee Brown Library  
6325 Baseline Road  
Little Rock, AR 72209

KidSmart  
3516 Baseline Road  
Little Rock, AR 72209

15 August 2011

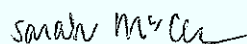
Dear Ms. Pettus,

Thank you for your inquiry regarding the KidSmart Charter School using the Dee Brown Public Library as their school library. Once your school is formed, the Dee Brown Library welcomes and invites your students to make weekly visits as needed and to use all of the library resources we have available. While the Dee Brown Library will not be responsible for creating any kind of library curriculum for your students, we will provide your students with access to all of our resources, including books, reference materials, databases, and internet access.

In order to obtain a library card, each student should visit the library with a parent or guardian who has a photo ID. The students can apply for a card that day, and the card will be mailed to their home address; patrons usually receive their cards in approximately one week. If a parent is unable to visit the library with their child, the child may apply for a card in the presence of a school teacher who can verify the identity and address of the child. The card will still be mailed to the child's home address. The day students apply for their cards their checkout is limited to one item. After the card is received in the mail, the student may checkout unlimited materials.

We look forward to working with you and your students in the future.

Sincerely,



Sarah K. McClure  
Librarian  
Dee Brown Library

## **OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL APPLICATION STATEMENT OF ASSURANCES**

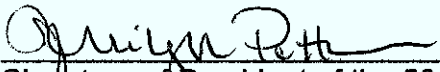
The signature of the President of the 501 (c) (3) Board of Directors of the public charter school certifies that the following statements are addressed through policies adopted by the public charter school and, if approved, the governing body, administration, and staff of the open-enrollment charter shall abide by them:

1. The information submitted in this application is true to the best of my knowledge and belief and this application has been sent to the superintendent of all the districts from which we intend to draw students.
2. The proposed open-enrollment public charter school shall be open to all students, on a space available basis, and shall not discriminate in its admission policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility, except as follows: the open-enrollment public charter school may adopt admissions policies that are consistent with federal law, regulations, or guidelines applicable to charter schools. The charter may provide for the exclusion of a student who has been expelled from another public school district.
3. In accordance with federal and state laws the proposed open-enrollment public charter school hiring and retention policies of administrators, teachers, and other employees shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, or special need.
4. The proposed open-enrollment public charter school shall operate in accordance with federal laws and rules governing public schools; applicable provisions of the Arkansas Constitution; and state statutes or regulations governing public school not waived by the approved charter.
5. An open-enrollment public charter school shall not use the moneys that it receives from the state for any sectarian program or activity or as collateral for debt. However, open-enrollment public charter schools may enter into lease-purchase agreements for school buildings built by private entities with facilities bonds exempt from federal taxes under 26 USCS 142(a) as allowed by Arkansas Code Annotated § 6-20-402. No indebtedness of an open-enrollment public charter school shall ever become a debt of the state of Arkansas.
6. The proposed open-enrollment public charter school shall not impose taxes or charge students tuition or fees that would not be allowable charges in the public school districts.
7. The proposed open-enrollment public charter school shall not be religious in its operations or programmatic offerings.



8. The proposed open-enrollment public charter school shall ensure that any of its employees who qualify for membership in the Arkansas Teacher Retirement System or the State and Public School Employee Insurance Program shall be covered under those systems to the same extent a qualified employee of a school district is covered.
9. The employees and volunteers of the open-enrollment public charter school are held immune from liability to the same extent as other public school district employees and volunteers under applicable state laws.
10. The open-enrollment public charter school shall be reviewed for its potential impact on the efforts of the public school districts within the proximity of the open-enrollment public charter school to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
11. The proposed open-enrollment public charter school shall comply with all health and safety laws, rules and regulations of the federal, state, county, region, or community that may apply to the facilities and school property.
12. The proposed open-enrollment public charter school shall not use any funds it receives from the state for any sectarian program or activity or as collateral for debt.
13. The charter applicant should know that certain provisions of state law shall not be waived. The proposed open-enrollment public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code Annotated and any rule and regulation approved by the State Board of Education under this title relating to:
  - (a) Monitoring compliance with Arkansas Code Annotated § 6-23-101 et seq. as determined by the Commissioner of the Department of Education;
  - (b) Conducting criminal background checks for employees;
  - (c) High school graduation requirements as established by the State Board of Education;
  - (d) Special education programs as provided by this title;
  - (e) Public school accountability under this title; and
  - (f) Health and safety codes as established by the State Board of Education and local governmental entities.
14. The facilities of the proposed public charter school shall comply with all requirements for accessibility for individuals with disabilities in accordance with the ADA and IDEA and all other state and federal laws.
15. Should the open-enrollment public charter school voluntarily or involuntary close, the applicant should know that any fees associated with the closing of the school

including but not limited to removal of furniture, equipment, general expenses, etc, are the sole responsibility of the sponsoring entity. No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the state or its political subdivisions, and no indebtedness of the open-enrollment public charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions. Upon dissolution of the Open Enrollment Public Charter School or upon nonrenewal or revocation of the charter, all net assets of the Open Enrollment Public Charter School, including any interest in real property, purchased with public funds shall be deemed the property of the state, unless otherwise specified in the charter of the Open Enrollment Public Charter School. If the Open Enrollment Public Charter School used state funds to purchase or finance personal property, real property or fixtures for use by the Open Enrollment Public Charter School, the State Board of Education may require that the property be sold. The state has a perfected priority security interest in the net proceeds from the sale or liquidation of the property to the extent of the public funds used in the purchase.

  
\_\_\_\_\_  
Signature of President of the 501 (c) (3) Board  
of the Proposed Charter

Date: 8/29/2011

Terri Lynn Pettus  
\_\_\_\_\_  
Print or type name

Application Cycle 2011

# ADE Evaluation

KidSmart Bilingual Education Academy





# ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell  
*Commissioner*

September 15, 2011

State Board  
Of Education

Tiffany Pettus  
3516 Baseline Road  
Little Rock, AR 72209

Dr. Naccaman Williams  
*Springdale  
Chair*

Dear Applicant:

Dr. Ben Mays  
*Clinton  
Vice Chair*

The Arkansas Department of Education (ADE) has completed the evaluation process of the applicants for Open Enrollment Charter Schools as per the ADE Rules Governing Charter Schools. Enclosed is a copy of that evaluation for you.

Sherry Burrow  
*Jonesboro*

Jim Cooper  
*Melbourne*

In accordance with the Charter School rules, you are allowed to submit a written response to this evaluation. Written responses must be in the Charter School Office no later than 4:00 p.m., Thursday September 29, 2011.

Brenda Gullett  
*Fayetteville*

Sam Ledbetter  
*Little Rock*

Alice Mahony  
*El Dorado*

Toyce Newton  
*Crossett*

Vicki Saviers  
*Little Rock*

Responses should be sent to the following address:

Dr. Mary Ann Duncan  
Charter School Office  
Four Capital Mall, Room 302-B  
Little Rock, AR 72201

Please feel free to contact the Charter School Office to verify receipt of your written responses at (501) 683-5313.

Thank you,

A handwritten signature in black ink that reads "Mary Ann Duncan, Ed.D.".

Mary Ann Duncan, Ed.D.  
Charter Schools, Program Director

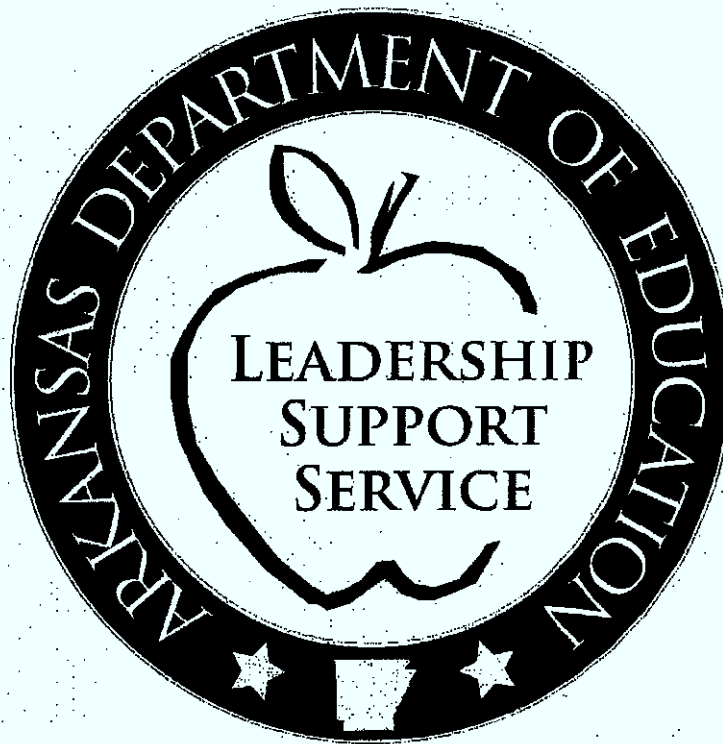
MAD/jf

Enclosure: Public Charter School Application Evaluation Report

Four Capitol Mall  
Little Rock, AR  
72201-1018  
ArkansasEd.org

**2011-2012**  
**Public Charter School**  
**Application Evaluation Report**

**KidSmart Bilingual Education Academy**



**Provided by:**  
**Arkansas Department of Education**  
**Charter School Office**



## ARKANSAS DEPARTMENT OF EDUCATION

### Arkansas Department of Education

#### Charter School Application Evaluation Instrument

*The following instrument will be used to evaluate applications submitted to the Arkansas Department of Education ("ADE") for the establishment of new public charter schools. This instrument is only intended to provide clarity, transparency and consistency in the charter school application review process.*

The ADE will use the following instrument only to evaluate the quality of a charter school application against the criteria stated herein. For each of the application requirements, the criteria define the characteristics and elements of a response that meet the standard for charter approval. The following definitions will guide the rating of each information requirement:

**Meets the Standard:**

The response reflects a thorough understanding of key issues and demonstrates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.

**Partially Meets the Standard:**

The response addresses most of the criteria, but response lacks meaningful detail and requires important additional information.

**Does Not Meet the Standard:**

The response lacks meaningful detail, demonstrates lack of preparation, or otherwise raises substantial concerns about the Applicant's understanding of the issue in concept and/or ability to meet the requirement in practice.

## Arkansas Department of Education

### Open-Enrollment Public Charter School Application Evaluation

#### EVALUATION RUBRIC

Name of Proposed School: KidSmart Bilingual Academy

Eligible entity status:

- ☐ Public institution of higher education  
☐ Private nonsectarian institution of higher education  
☐ Governmental entity  
☒ Nonsectarian organization exempt from taxes under Section 501(c) (3)

Status of 501(c) (3) Application Approved

#### Part 1: PRE-APPLICATION MATERIALS

The Arkansas Department of Education requires that all Applicants submit a Letter of Intent, outlining a general description of the proposed charter school.

##### Evaluation Criteria:

A response that meets the standard will guarantee that:

- A Letter of Intent was filed with ADE on time and included all necessary information.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference
Applicant filed a letter of intent with ADE on time and included all necessary information.	
Concerns and Additional Questions	Reference

## Part 2: REQUIRED INFORMATION

### ***STANDARDS 1 and 2 OF APPLICATION: PUBLIC HEARING RESULTS***

All proposed school design teams must conduct a public hearing before applying for an open-enrollment charter school, to assess support for the school's establishment. Applicants are asked both to document the logistics of the hearing and to include a narrative of the hearing results.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A thorough description of the results of the public hearing;
- A thorough description and evidence of public support exhibited at the hearing;
- Documentation of required notices published to garner public attention to the hearing; and
- Documentation of required notices of the public hearing to superintendents and school board members in contiguous school districts.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Please provide a thorough description of the public hearing results.	Pg. 6

### ***STANDARD 3 OF APPLICATION: GOVERNING STRUCTURE***

The Governing Structure section should explain how the school will be governed. It should present a clear picture of the school's governance processes and composition, what responsibilities various groups and people will have and how those groups will relate to one another.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- Documentation of proper legal structure of the governing board;
- A clear description of the governing board's roles and responsibilities;
- Adequate policies and procedures for board operation, including board composition and member selection;
- A clear, sensible delineation of roles and responsibilities in relation to governance and school management; and
- A reasonable plan for involving parents, staff, students and community in the decision-making of the school.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
Please provide additional information regarding how Board members are selected and the length of Board Member terms.	Pg. 6-9
Please clarify the governing Boards roles and responsibilities.	Pg. 6-9

### **STANDARD 4 OF APPLICATION: MISSION STATEMENT**

The Mission Statement should be meaningful and indicate what the school intends to do, for whom and to what degree.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A mission statement that is manageable and measurable.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
The mission statement appears to be more reflective of a motto rather than a manageable and measureable mission statement.	Pg. 9-10

### **STANDARD 5 OF APPLICATION: EDUCATIONAL NEED**

The Educational Need section should indicate how the school intends to offer a viable educational option for students in Arkansas. Along with the mission statement, this section outlines the basic rationale for the new school.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A description of educational need that presents a clear option for students, and
- Valid and reliable data that substantiates the educational need for the school.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
Additional specific data is necessary that substantiates the educational need for the school.	Pg. 10-11



## **STANDARD 6 OF APPLICATION: EDUCATIONAL PROGRAM**

The Educational Program section should describe the educational foundation of the school and the teaching and learning strategies that will be employed.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A clear description of the proposed educational program, including but not limited to the foundational educational philosophy and curricular and instructional strategies to be employed
- A specific rationale for how the charter school will enhance or expand the educational options currently available to the school's target student population; and
- A clear organization of the school in terms of both length of school day and year that meets minimum state requirements.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Clarification is needed regarding the non-graded learning environment and how that relates to assessments listed in the Educational Program Standard.	Pg. 11-22
The Applicant proposed to utilize a "non-graded learning environment". The Applicant should explain how it will implement this concept yet also comply with Ark. Code Ann. § 6-15-903 ("Report cards").	Pg. 17
Describe the specific process for academic placement in the non-graded dual language program as outlined in the application.	Pg. 11-22
Please provide specific instructional strategies to be utilized in the delivery of the curriculum that supports differentiated instruction for all students.	Pg. 11-22

## **STANDARD 7 OF APPLICATION: ACADEMIC ACHIEVEMENT GOALS**

The Academic Achievement Goals section should define the performance expectations for students and the school as whole.

### **Evaluation Criteria:**

A response that meets the standard will present:

- Specific goals in:
  - Reading;
  - Reading Comprehension;
  - Mathematics; and
  - Mathematic Reasoning;
- Goals that clear, measurable and data-driven;
- Goals on improving student achievement; and
- Valid and reliable assessment tools for measuring each of the defined goals.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
It appears that the objective components for the goals listed in the application are based on incorrect interpretation of NCLB requirements.	Pg. 22-27
NCLB requirements state that ALL (100%) students will be performing at proficient or above by the 2014 school year	Pg. 22-27

## **STANDARD 8 OF APPLICATION: CURRICULUM DEVELOPMENT AND ALIGNMENT**

The Curriculum Development and Alignment section should define the process by which the design team developed (or chose) the curricular program of the school, and illustrate alignment with Arkansas Curriculum Frameworks and Common Core Standards.

### **Evaluation Criteria:**

A response that meets the standard of a curricular development and alignment program will present:

- Evidence that the curriculum aligns with, or a sound and rationale plan and timeline for aligning the curriculum with, the Arkansas Department of Education's content standards, benchmarks and performance standards.
- Evidence that the Applicant is prepared to transition its curriculum as necessary to satisfy the requirements and timeframe of the Common Core Standards.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
Application meets evaluation criteria.	Pg. 27-28
<b>Concerns and Additional Questions</b>	<b>Reference</b>
The curriculum alignment examples given in attachment 1C do not match the curriculum alignment narrative as stated in Standard 8 on page 27. "KidSmart curriculum will be aligned with national standards and to the Arkansas Curriculum Frameworks. A sample of the schools kindergarten curriculum map demonstrating alignment of the mastery objectives with the Arkansas and Common Core Frameworks is provided in attachment 1 C." Please clarify.	Pg. 27-28, Attachment 1C
In attachment 1C there are gaps in the listed Common Core Standards and the objectives to be met. Please clarify how the entire scope of the Arkansas Curriculum Frameworks and Common Core State Standards will be taught.	Pg. 27-28

## **STANDARD 9 OF APPLICATION: GEOGRAPHICAL SERVICE AREA**

The Geographical Service Area section must outline the impact of a new school opening within the current public education system.

### **Evaluation Criteria:**

A response that meets the standard will present:

- The specific geographical area served by the charter school; and
- Information on the school districts within the geographical area that may be affected (including data on the expected number of students to transfer to the charter school).

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
Application does not state the expected number of transfer students.	Pg. 28

## **STANDARD 10 OF APPLICATION: ANNUAL PROGRESS REPORTS**

The Annual Progress Reports section should define how the academic progress of individual students and the school as a whole will be measured, analyzed and reported.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A clear and conceptually sound plan for documenting and reporting student performance data;
- A timeline for data compilation and completion of an annual report to parents, the community and the State Board of Education that outlines the school's progress; and
- A plan for dissemination of the annual report to appropriate stakeholders.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
Please provide a clear explanation of how the charter school will prepare and disseminate annual progress reports to appropriate stakeholders.	Pg. 28

## **STANDARD 11 OF APPLICATION: ENROLLMENT CRITERIA AND PROCEDURES**

The Enrollment Criteria and Procedures section should describe how the school will attract and enroll its student body, including any criteria for admission and enrollment. Applicants must also provide assurances for a random lottery selection process.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A student recruitment plan that will provide equal opportunity for all parents and students to learn about and apply to the school;
- An enrollment and admissions process that is open, fair and in accordance with applicable law; and
- A process for, and a guarantee of, a random, anonymous lottery process should there be more student applications than can be accommodated under the terms of the charter.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
Application meets evaluation criteria.	Pg. 28-29
<b>Concerns and Additional Questions</b>	<b>Reference</b>

## **STANDARD 12 OF APPLICATION: STAFFING PLAN**

The Staffing Plan section should describe the job duties of the school director and other key personnel. This section should also describe the professional standards that all employees will be held to.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A job description for the school director and other key personnel, including but not limited to an operations director, board members, teachers, etc.;
- An outline of the professional qualifications required for administrators, teachers, counselors, etc; and
- A staffing plan that clearly outlines both the types and numbers of positions to be filled at the school and salary scales for such positions.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Though the application sites a bilingual instruction emphasis, there is no mention of teacher qualifications related to bilingual ability.	Pg. 29-33
Given the current shortage of bilingual instructors, provide additional details on the staffing plan regarding the recruitment and sustainability of qualified staff.	Pg. 29-33
Though the Applicant has requested a waiver of teacher certification, a waiver cannot be given regarding the mandate that each teacher meet the requirements for highly qualified as outlined by NCLB.	Pg. 29-33
For the positions budgeted, as outlined on page 33, there is no mention of the business manager.	Pg. 33
It should be noted that the person who holds the position of Business Manager must meet the qualifications set forth in ADE Rules Governing Minimum Qualifications for General Business Managers.	Pg. 31-32
As the Applicant has not requested waiver of the statutes and rules requiring licensure of principals, the school director/principal must be properly licensed. The statutes and rules requiring licensure are Ark. Code Ann. § 6-13-109	

("School superintendent") & §6-17-302 ("Public school principals – Qualifications and responsibilities"), and Standards 15.01 & 15.02 of the Standards for Accreditation.	
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### **STANDARD 13 OF APPLICATION: BUSINESS AND BUDGETING PLAN**

The Business & Budgeting Plan section should describe how the charter school will organize its business office and manage its fiscal responsibilities.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- An appropriate plan for how the school will manage procurement activities;
- A description of the personnel required to carry out business duties, including the requisite qualifications of any proposed personnel;
- A realistic timeline and process by which the governance structure will review and adopt an annual budget; and
- A balanced two-year budget estimate that accurately reflects the revenue currently available to the school and expenditures for program implementation, and does not rely on one-time grants or other funds that are not presently guaranteed.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Budget will be developed and approved by the Board prior to implementation.	Pg. 34
Board will approve budget in the May board meeting.	Pg. 34
Concerns and Additional Questions	Reference
<p>Applicant did not submit a salary schedule.</p> <p>The Applicant did not include a plan according to rule for how the school will manage procurement. Applicant should clarify.</p> <p>Applicant did not calculate Student Foundation Funding (SFF) revenue with the correct per student amount. Applicant used \$6,023.</p> <p>The Applicant has included revenue from uniform and meal sales in the budget that may not be guaranteed. Applicant should provide clarification.</p> <p>The Business Manager must meet the qualifications set forth in the ADE Rules Governing Minimum Qualifications for General Business Managers of Public School Districts, unless those Rules and Ark. Code Ann. 6-15-2302 are waived by the</p>	Appendix

State Board.	Appendix
Applicant should clarify calculations for Purchased Services & supplies and materials (line 30 & 31).	
Fringe benefit % is not consistent. Ranges are from 5.6% to 30%. Applicant should clarify	Appendix
Applicant did not list staff positions in the areas of transportation, food service, of data processing. Applicant budgeted for positions in this area. Applicant should clarify.	Appendix
Applicant did not budget fringe benefits in the area of food service.	Appendix
Applicant submitted budget with negative balance. Formula errors on budget work sheet.	Appendix
Applicant submitted identical budget for the 2012-13 and 2013-14 school years.	

### **STANDARD 14 OF APPLICATION: FINANCIAL AND PROGRAMMATIC AUDIT PLAN**

The Financial and Programmatic Audit Plan section should provide the procedure and timeline by which an annual audit should be conducted. This section should also include an outline for the information that will need to be reported to ADE and the community.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A sound plan for annually auditing school's financial and programmatic operations. If the Application names an accountant other than the Division of Legislative Audit to perform the first-year audit, the named accountant meets the requirements of Act 993 of 2011 and is not listed on any ineligibility list maintained by ADE or the Division of Legislative Audit

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference
Annual audit will be conducted by Division of Legislative Audit.	Pg. 34
Concerns and Additional Questions	Reference

### **STANDARD 15 OF APPLICATION: ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK ASSURANCES**

The Arkansas Public School Computer Network (APSCN) Assurances section should provide documentation of the Applicant's understanding of and participation in the required state educational data reporting system.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- Assurance that the charter school will participate in APSCN and will comply with all state statutory requirements regarding the APSCN educational data reporting system.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Applicant must clarify that they will comply with all state statutory requirements regarding education and financial data.	Pg. 34

### **STANDARD 16 OF APPLICATION: FACILITIES**

The Facilities section should provide an understanding of the school's anticipated facilities needs and how the school plans to meet those needs.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- An informed understanding of the facility needs of the school over the term of its charter.
- A realistic plan for securing a facility that is appropriate and adequate for the school's program and targeted population.
- Evidence that the school understands the costs of securing and improving a facility and has access to the necessary resources to fund the facility plan.
- A sound plan for continued operation, maintenance and repair of the facility.

For schools that will be using district-owned facilities, a response that meets the standard will present:

- Documentation that the school district and school are in agreement over the use of the facility and its equipment.

For schools that will NOT be using district-owned facilities, a response that meets the standard will present:

- Documentation that the property owner and school are in agreement over the use of the facility and its equipment;
- A statement of the facilities' compliance with applicable codes; and
- A detailed outline of any relationships between the property owner and:

- members of the local board of the public school district where the charter school will be located;
- the employees of the public school district where the charter school will be located;
- the sponsor of the charter school; and
- employees, directors and/or administrators of the charter school.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
<p>The Applicant requested an enrollment cap of 200 students, but the Applicant stated the proposed facility will only accommodate 150 students. Because the proposed facility holds only five classrooms (according to the Applicant), its actual capacity is only 75 students, because of the 15:1 class-size ratio proposed by the Applicant. The Applicant should explain how it plans to accommodate the number of students it proposes to accept.</p> <p>Any facilities used by the Applicant will have to be inspected by the Division of Public School Academic Facilities and Transportation prior to any State Board of Education action on the application. All facilities must meet the requirements of the Americans with Disabilities Act and the Individuals with Disabilities Education Act. The site must also be selected and reviewed before State Board action to ensure both adequacy for the proposed facilities as well as compliance with health, safety, building and zoning laws.</p> <p>A final review of all Lease Agreements for Charter School facilities will be performed by the ADE before Board action on the Application is taken. Any modifications to the Lease Agreement submitted with the application must be submitted to ADE for prior approval, pursuant to Ark. Code Ann. § 6-23-401(a)(5).</p>	<p>Pg. 34</p>
Facilities Review Report	

**STANDARD 17 OF APPLICATION: CONFLICTS OF INTEREST**

The Conflicts of Interest section should identify any potential conflicts of interest among the individuals involved with the proposed charter school and detail how conflicts will be addressed.

**Evaluation Criteria:**

A response that meets the standard will present full disclosure of any potential conflicts of interest and detail how conflicts will be addressed.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
There is no Standard 17: Conflicts of Interest in this application.	

## **STANDARD 18 OF APPLICATION: STUDENT SERVICES**

The Student Services section should describe how the school will address services for its student body.

### **Evaluation Criteria:**

A response that meets the standard will present, unless a waiver is being sought:

- A guidance program that will serve all students;
- A health services program that will serve all students;
- A plan for a media center for use by all students;
- A transportation plan that will serve all eligible students;
- A food service plan that will serve all eligible students;
- Sound plans for educating special education students that reflect the full range of programs and services required to provide such students with a high quality education;
- An alternative education plan for eligible students, including those determined to be at-risk, or those that are bilingual or have limited English proficiency; and
- Plans for a gifted and talented program for eligible students.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Transportation: It is unclear as to if this transportation plan will serve all eligible services. Please clarify how two vans will serve 200 students in the first year and 600 in subsequent years, plus those students with disabilities.	Pg. 35
Special Education: Applicant needs to state that they will fully comply all federal special education rules and regulations and IDEA.	Pg. 35-36
ALE: Further information the Alternative Education program.	Pg. 36
The Applicant should indicate whether or not it intends to offer an Alternative Education Environment (ALE) as required by law, or if the Applicant seeks waiver of the applicable statutes and rules – Ark. Code Ann. § 6-48-101 et seq. and Section 4.00 of ADE Rules Governing Student Special Needs Funding.	

### **STANDARD 19 OF APPLICATION: FOOD SERVICES**

This section should describe how the school will address food services for its student body.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A food service plan that will serve all eligible students.
- A management plan that reflects a clear understanding of federal law and requirements if the proposed charter school intends to participate in the National School Lunch program.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Further clarification is needed regarding the food service plan under USDA National School Lunch Program for planning and serving eligible meals to participating students.	Pg. 36

### **STANDARD 20 OF APPLICATION: PARENTAL INVOLVEMENT**

The Parental Involvement section should describe how parents or guardians of enrolled students will make a positive impact on the school and its educational program.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A plan for involving parents and guardians in the school's education programs; and
- A proposal that involves the parents of students, employees and the broader community in carrying out the terms of the charter.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Please describe in detail how the community will be involved.	Pg. 36-37



## STANDARD 21 OF APPLICATION: WAIVERS

The Waivers section should describe any waiver from local or state law which the charter is seeking.

### Evaluation Criteria:

A response that meets the standard will present:

- A justification of each and every waiver request; and
- A justification of how the waiver requests relate to the school's educational program.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Legal Comments	Reference
<p>1. The application describes the proposed school as a "bilingual (English-Spanish) school" that will teach core subjects in both English and Spanish (p. 5). However, the application does not request waiver of Ark. Code Ann. § 6-16-104, which requires the "basic language of instruction" in all public schools to be "the English language only." The school as described cannot lawfully operate without a waiver of § 6-16-104.</p> <p>2. Requested waivers:</p> <p>a. Ark. Code Ann. §§ 6-17-401 ("Teacher license requirement") &amp; 6-17-919 ("Warrants void without valid certificate and contract"); Standard 15.03.1 of the Standards for Accreditation:</p> <ul style="list-style-type: none"><li>• Though the Applicant stated an intent to waive licensure rules, the Applicant failed to request waiver of Ark. Code Ann. §§ 6-15-1004 ("Qualified teachers in every public school classroom"), 6-17-309 ("Certification to teach grade or subject matter – Exceptions – Waiver"), or 6-17-902 ("Arkansas Teachers' Salary Law – Definition"). The Applicant also failed to request waiver of ADE Rules Governing Waivers for Substitute Teachers, ADE Rules Governing Parental Notification of an Assignment of a Non-Licensed Teacher, and the remaining provisions of Section 15.03 of the Standards for Accreditation. If no</li></ul>	

waiver is sought of these statutes and rules, the Applicant's teachers may be required to be licensed.

- Even if Applicant is granted a waiver from the licensure requirements, the Applicant will still be required by federal law to hire only Highly Qualified teachers in core academic subject areas (English Language Arts, Reading, Mathematics, Science, Foreign Languages, Social Studies, Music, and Art). Any teacher who teaches a core academic subject area must meet the requirements of the ADE Rules Governing Highly Qualified Teachers, except for the licensure requirement.
- The ADE Rules Governing the Arkansas Comprehensive Testing Assessment and Accountability Program, Sections 5.02.4 and 5.03.2, requires that standardized assessments be administered according to procedures established by the ADE. The ADE's procedures require that certified teachers administer the standardized assessments. Violations of such procedures are subject to sanctions by the State Board pursuant to Ark. Code Ann. § 6-15-438.
- All teachers and school personnel must submit to the criminal background and central registry checks.

3. Waivers not requested:

- a. Though the Applicant requested waiver of Standard 18.01 of the Standards for Accreditation regarding Gifted & Talented Education, the Applicant did not request waiver of Standards 18.02 and 18.03 regarding the provision of educational opportunities for gifted students, nor did the Applicant request waiver of Ark. Code Ann. §§ 6-42-101 et seq. ("Gifted and Talented Children – General Provisions") and 6-20-2208(c)(6) ("Monitoring of

<p>expenditures”) or ADE Rules Governing Gifted and Talented Program Approval Standards. Without these waivers, the school will be required to meet expenditure requirements for gifted and talented programs, and will be required to operate a gifted and talented program in compliance with law.</p> <p>b. The Applicant stated in Standard 17(a) an intent to request waiver of the requirement of providing guidance and counseling services. However, the Applicant failed to list any relevant waiver requests in Standard 20. The relevant statutes and rules are Ark. Code Ann. § 6-18-1001 et seq. (“Public School Student Services Act”), Standard for Accreditation 16.01, and ADE Rules Governing Public School Student Services</p>	
Concerns and Additional Questions	Reference

## **STANDARD 22 OF APPLICATION: DESEGREGATION ASSURANCES**

The Desegregation Assurances section should describe the Applicant's understanding of applicable statutory and regulatory obligations to create and maintain a unitary system of desegregated public schools.

### **Evaluation Criteria:**

A response that meets the standard will present:

- Assurance that the charter school will comply with all applicable federal and state statutory and regulatory requirements regarding the creation and maintenance of desegregated public schools; and
- An outline of the potential impact of the proposed charter school on those desegregation efforts already in place in affected public school districts.

<b>Legal Comments</b>	<b>Reference</b>
Applicant responded within the context of this standard. A complete desegregation analysis will be presented to the State Board of Education.	
<b>Concerns and Additional Questions</b>	<b>Reference</b>

### **ADDITIONAL COMMENTS:**

Application Cycle 2011

# Response to Evaluation

KidSmart Bilingual Education Academy

**KIDSMART  
BILINGUAL EDUCATION  
ACADEMY**

**OPEN ENROLLMENT  
CHARTER SCHOOL  
EVALUATION RESPONSES**

**SEPTEMBER 29, 2011**

**RECEIVED**  
SEP 29 2011

**CHARTER SCHOOL OFFICE**

## Part 2: REQUIRED INFORMATION

### ***STANDARDS 1 and 2 OF APPLICATION: PUBLIC HEARING RESULTS***

All proposed school design teams must conduct a public hearing before applying for an open-enrollment charter school, to assess support for the school's establishment. Applicants are asked both to document the logistics of the hearing and to include a narrative of the hearing results.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A thorough description of the results of the public hearing;
- A thorough description and evidence of public support exhibited at the hearing;
- Documentation of required notices published to garner public attention to the hearing; and
- Documentation of required notices of the public hearing to superintendents and school board members in contiguous school districts.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Please provide a thorough description of the public hearing results.	Pg. 6

## **Standards 1 and 2 of Application: Public Hearing Results**

The Public Hearing was held on Monday, August 15, 2011 from 6:00-6:30 p.m. at the Dee Brown Library, 6325 Baseline Road, Little Rock, Arkansas 72209. The meeting was presided over by Terrilyn Pettus and Tiffany Pettus. The presentation included hand outs which defined charter schools, outlined demographics and statistics of low-performing schools in the Little Rock School District footprint and described the purpose, curriculum goals and unique outreach design of KidSmart Bilingual Education Academy. The presenters also discussed the "Healthy Choice" Curriculum, year-round school model and the Bilingual Education components. The presentation was followed by a question and answer session. The questions included questions about the school's bilingual curriculum, the location and transportation options, and tuition. Parents in attendance were advised that the proposed school would not charge tuition in the event that the organization is granted a charter. The attendees who requested more information signed the support sheet. There were eleven parents in attendance as indicated on the bottom portion of the support sheet. Parents listing contact information were advised of the meeting beforehand but were unable to attend. They advised they would like to be contacted in the future to receive additional information concerning the proposed school in the event that a charter is granted.



### **STANDARD 3 OF APPLICATION: GOVERNING STRUCTURE**

The Governing Structure section should explain how the school will be governed. It should present a clear picture of the school's governance processes and composition, what responsibilities various groups and people will have and how those groups will relate to one another.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- Documentation of proper legal structure of the governing board;
- A clear description of the governing board's roles and responsibilities;
- Adequate policies and procedures for board operation, including board composition and member selection;
- A clear, sensible delineation of roles and responsibilities in relation to governance and school management; and
- A reasonable plan for involving parents, staff, students and community in the decision-making of the school.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Please provide additional information regarding how Board members are selected and the length of Board Member terms.	Pg. 6-9
Please clarify the governing Boards roles and responsibilities.	Pg. 6-9

### **Standard 3 of Application: Governing Structure**

The Board of Directors (Board) are made up of a well-balanced group of individuals drawn primarily from the local community. A board composition that is diverse and provides a range of professional expertise and experiences will offer capacity for overseeing the organizational, financial, pedagogical, legal, etc. areas necessary to develop a successful charter school. Existing Board members were selected from interested individuals who have already made a commitment to volunteering their time within the organization. The length of board member terms will be three years.

#### **Clarification of Board of Directors Roles and Responsibilities**

The Board will concern itself first and foremost with pupil achievement, what it can do to support and enhance that achievement, and how it can help build a sense of connectedness and community for each student and stakeholder. The Board will involve teachers, parents, and students in the governance, operations, and planning procedures of KidSmart Bilingual Education Academy. Every effort will be made to create an environment in which students can experience a sense of community and involvement that addresses their needs and interests while upholding the charter school mission.

The Board of Directors for KidSmart Bilingual Education Academy has the following general powers and duties, which must be carried out in accordance with the charter:

- Ensure adherence to the school's charter and policies
- Hire, supervise, and evaluate the principal and staff.
- The Board will meet with the principal regularly and often in order to monitor progress in achieving school's policies and goals.
- Management of the business, property, and affairs of the non-profit corporation;
- Approval of a qualified principal to administer and operate the school;
- Supervision and oversight of the principal in performance of his/her respective duties and obligations;
- Establishment of overall policies
- Approval of the annual budget of anticipated income and expenditures, and preparation of the annual financial audit report;
- Filing of an annual progress report which will document progress towards achieving the goals outlined in the charter;
- Maintenance of written records of attendance and minutes of its meetings.

The Board of Directors has the following governance power and duties which require that the Board perform the following functions:

- **Strategic Oversight:** Through the charter application, the Board adopts and upholds the mission and vision for the school.
- **Financial Oversight:** The Board ensures that the school remains a financially viable entity by overseeing the school's financial condition. The ultimate responsibility for the financial viability of the organization rests with the board, which reviews and approves the annual budget, reviews periodic financial reports, and approves major expenditures, leases and loans. Many board members contribute financially to the non-profit and

- actively participate in fund development activities.
- **Personnel:** The Board approves all employment compensation at the school, including benefits, through approval of the annual budget.
  - **Contracts:** The Board approves all major contracts.
  - **Consultant Support:** Directors use their individual skills, knowledge, expertise and/or community relationships to support the school.
  - **Community Relationships:** The Directors act as advocates and representatives of the school in creating and maintaining relationships with the community and other stakeholders.
  - **Board members provide public support** by attending special events and advocating on behalf of the organization in the community.
  - **Board Succession Planning:** Every board member will be responsible for evaluating its composition to ensure a well-rounded set of competencies exists. When term limits approach, board members will develop lists of potential new members and assess their qualifications and competencies. The board also participates in orientation of new board members and periodic evaluations of all board members.

### **STANDARD 4 OF APPLICATION: MISSION STATEMENT**

The Mission Statement should be meaningful and indicate what the school intends to do, for whom and to what degree.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A mission statement that is manageable and measurable.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
The mission statement appears to be more reflective of a motto rather than a manageable and measureable mission statement.	Pg. 9-10

## **Standard 4 of Application: MISSION STATEMENT**

We hold true to our motto, "Building Minds, Building Futures." We believe in preparing children for life in a safe, collaborative environment by nourishing the mind and body. We believe that Literacy and numeracy, taught in English and Spanish, will foster success in a diverse world.

### **Philosophy and Achieving This Mission**

Our vision is that KidSmart Bilingual Education Academy will:

- Transition 100% of students enrolled in our charter school into secondary school performing at proficiency or above proficiency in reading and math.
- Make efforts to ensure that all limited English proficient students will become proficient in English and reach high academic standards, at a minimum attaining proficiency or better in reading/language arts and mathematics
- Incorporate research-based teaching strategies to ensure that all students enrolled in the charter school will be reading proficiently by the third grade
- Assist all students in performing above grade level and becoming proficient in reading and math
- Institute methodologies and curriculum that will raise student scores
- Teach students to be compassionate towards others and their community and become active, productive citizens and real world problem solvers
- Teach students to be physically healthy

KidSmart Bilingual Education Academy will provide the foundational skills to enhance each student's ability to access and succeed in secondary school, institutions of higher education and beyond. Students who are behind in Core subject areas will find the opportunity and support to complete elementary school in a supportive, collaborative environment. The learning process will be personal and will occur one-on-one, in small groups, and independently. Students will have access to a motivating, integrated core academic program that is mastery-based rather than seat-time dependent that will provide incentive for students to build their skill sets, reach their potential, and achieve their goals. Additionally, students will demonstrate mission accomplishment as KidSmart will use numerous information and data to frequently evaluate the accomplishment of its mission.

Examples of specific goals that demonstrate student achievement aligned with our mission will include:

- Individual student learning gains in literacy and numeracy, that minimally meets and generally exceeds what is expected, using nationally recognized and normed assessments
- Student demonstrations of Spanish and English language literacy skills

We strive to provide leadership as a school, collaborate as a team, focus on a bilingual K-5

program of excellence and to continuously improve as a school. KidSmart was founded on the premise that every child can develop the characteristics and abilities to overcome economic hardship and achieve success. In achieving our mission to ensure the strong and positive development of students linguistically, we will actively involve teachers, parents, and the community.

### **STANDARD 5 OF APPLICATION: EDUCATIONAL NEED**

The Educational Need section should indicate how the school intends to offer a viable educational option for students in Arkansas. Along with the mission statement, this section outlines the basic rationale for the new school.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A description of educational need that presents a clear option for students, and
- Valid and reliable data that substantiates the educational need for the school.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
Additional specific data is necessary that substantiates the educational need for the school.	Pg. 10-11



## **STANDARD 5 OF APPLICATION: EDUCATIONAL NEED**

### **The Shift towards Classrooms of English Language Learners**

Spanish is the language chosen in the charter because it is the most viable language with matching curriculum available for educators. Also, there is a large, existing, available population in the Bryant, Benton and Little Rock area who speak the language and can support the school goals. Bilingual education encompasses any of a number of approaches that use to varying degrees the language of the child and English in the teaching of academic content and literacy skills. As the increasing population of school-age children is becoming more culturally and linguistically diverse, the necessity of teaching these students to compete academically is more important than ever. Public Schools enroll about five million English Language Learners annually which is twice the number from fifteen years ago and the numbers are expected to double by the year 2015<sup>1</sup>.

Nationwide since 2001, 18% of the population speak a language other than English at home. Spanish is the most commonly spoken language in the state compared to to other languages identified in recent assessments (Marshallese, Vietnamese, Lao, Hmong, etc.). Nearly 8 out of 10 English Language Learners speak Spanish. In 2002, the United States Census Count of the foreign-born population from the 2000 census revealed that more than 31.1 million immigrants resided in the United States. These numbers are only taking into account documented workers. Arkansas has experienced recent demographic shifts of English Language Learners, a shift that resonates within the classroom experience. Statistics reveal that more than 20% of all new teachers find employment in schools with high numbers of English Language Learners (Wirt et. Al, 2003). During the 1991-1992 through 2001-2002 school years, the numbers of children with limited-English-speaking skills rose to 95% in the K-12 grades in public schools. In 2001-2002, almost 4.7 million children were English Language Learners, representing more than 10% of the school age population. As the number of immigrants increase, academic achievement levels decrease on standardized tests of reading and math, especially at the high school levels which is why a strong educational foundation is necessary as the first five years of a child's education are critical in bridging academic gaps. (Faltis and Coulter, 2008). It is estimated that by the middle of the century, more than 50% of the U.S. population will be increasingly diverse. According to the 2007 National Clearinghouse, English Language Learners represent the fastest growing segment of the school-age population.

### **High Dropout Rates Among Immigrant Groups**

In the past, Immigrant and non-English speaking children were not expected to receive an education through high school. Dropout rates tend to be higher among the immigrant groups than any other school-age groups. Today, those figures continue to rise (Orfield, 2004) as the dropout rates for immigrant Latinos is the highest rate at 44%. Several studies have analyzed the projected impact of the dropout crisis on communities in the United States. It is estimated that a high school graduate would contribute an additional \$260,000 in increased income and paid taxes over his or her working life compared to a dropout. <sup>2</sup> As a result of Federal No Child Left

<sup>1</sup> National Education Association *Meeting The Needs of English Language Learners*

<sup>2</sup> Alliance for Excellent Education, Issue Brief, August 2009. <http://www.all4ed.org/files/HighCost.pdf>



Behind laws, law mandates that all immigrants are entitled to an equal educational opportunity regardless of their legal status (Plyer v. Doem 1982, p. 219). which must be accommodated linguistically by teachers.<sup>3</sup>

Of the 29,580 LEP students tested on the annual State English language proficiency assessment, less than 10% of students participating in testing (2,114) tested at proficiency. In the future more conversion and open enrollment charters may need to be considered to address the academic needs of LEP and ELL students throughout Arkansas.

**The Achievement Gap in Arkansas Among English Language Learners and Limited English Proficient Students**

The data tables below provide the number of students who received a valid score on the State assessment(s) in reading implemented to meet the requirements of Section 1111(b)(3) of ESEA (regardless of whether the students were present for a full academic year) and for whom a proficiency level was assigned. The data indicated significant academic achievement gaps in reading and language arts which may be attributed to several factors including language barriers and disconnection. All information was compiled from the Arkansas 2010-2011 Consolidated State Performance Reports.

**Student Academic Achievement in Reading/Language Arts - Grade 3**

<b>Grade 3 Students</b>	<b>Percentage of Students Scoring At or Above Proficient</b>
Limited English Proficient Students	59.90%
Migratory Students	56.00%
Hispanic Students	65.70%
White Non Hispanic Students	77.50%

**Student Academic Achievement in Mathematics - Grade 4**

<b>Grade 4 Students</b>	<b>Percentage of Students Scoring At or Above Proficient</b>
Limited English Proficient Students	71.5 %
Migratory Students	67.7 %
Hispanic Students	75.60%
White Non Hispanic Students	85.20%

**Student Academic Achievement in Reading/Language Arts - Grade 4**

<sup>3</sup> Student Effort and Educational Progress <http://nces.ed.gov>

<b>Grade 4 Students</b>	<b>Percentage of Students Scoring At or Above Proficient</b>
Limited English Proficient Students	64.80%
Migratory Students	63.70%
Hispanic Students	69.80%
White Non Hispanic Students	82.60%

**Student Academic Achievement in Mathematics - Grade 5**

<b>Grade 5 Students</b>	<b>Percentage of Students Scoring At or Above Proficient</b>
Limited English Proficient Students	64.10%
Migratory Students	63.50%
Hispanic Students	70.80%
White Non Hispanic Students	80.00%

**Student Academic Achievement in Reading/Language Arts - Grade 5**

<b>Grade 5 Students</b>	<b>Percentage of Students Scoring At or Above Proficient</b>
Limited English Proficient Students	59.30%
Migratory Students	59.90%
Hispanic Students	67.30%
White Non Hispanic Students	80.40%

**Student Academic Achievement in Science - Grade 5**

<b>Grade 5 Students</b>	<b>Percentage of Students Scoring At or Above Proficient</b>
Limited English Proficient Students	29.4 %
Migratory Students	36.40%
Hispanic Students	38.60%
White Non Hispanic Students	60.20%

Student Group	Dropout Rate
Limited English Proficient Students	3.3
Migratory Students	3.7
Hispanic Students	3.2
White Non Hispanic Students	<3.0

Competence and Proficiency in the English Language is essential for the Academic success of English Language Learners in Arkansas schools. Based on the test scores above, English Language Learners find themselves at a disadvantage when compared to native counterparts. Within a short amount of time before testing, English Language Learners and Limited English Proficient must acquire not only second language skills but also content that may not be culturally relevant to their own background and experiences.

### **Research on Bilingual Education**

Students enrolled in bilingual education programs have made substantial progress in reading and math over the past seven years as measured on the Iowa Test of Basic Skills. Since 1992 the median grade equivalent for reading and math in English have steadily increased.<sup>4</sup> Supporters of the practice conclude that bilingual education will not only help to keep non-English-speaking children from falling behind their peers in math, science, and social studies while they master English, but such programs teach English better than English-only programs. The educational design will begin for each grade level as a way to help students develop native language literacy first. As an open enrollment charter school, we will enroll English language learners as well as native English speakers.

### **More Options for Bilingual Students**

During President George W. Bush's tenure as president, he started a new initiative to promote foreign language education as "a part of a strategic goal, and that is to protect this country" (Graham, January 6, 2006). "Our diverse country needs culturally responsive programs to be competitive in global society." We believe that bilingual education will give students more choices. It leads to access to more information resources. According to a *Newsweek*<sup>5</sup> report. "Being able to speak more than one language at a high level, and on a regular basis, is like constantly flexing a muscle in your brain, and it carries over into all kinds of skills beyond those of actually speaking a language." In today's world of globalization, knowing a foreign language gives opportunities to study and work abroad. It also helps in creative thinking. Bilingual persons have two or more words for each object and idea, and different meanings are sometimes attached to words by the two known languages. Therefore, a bilingual person may develop the ability to think more flexibly not only about words, but also about other things too. Once you know two languages, it becomes much easier to learn another language. A bilingual student can read books or literature that exists in both the known languages that would otherwise be unavailable. It leads to exposure to different cultures. A language is usually closely related to

<sup>4</sup> [www.alliance.brown.edu](http://www.alliance.brown.edu) "Portraits of Success" National Association of Bilingual Education

<sup>5</sup> Newsweek August 7, 2011 "Why It's Smart to Be Bilingual"

the culture of the speaker. To read a book or a poem or to listen to a song in the original language is a completely different experience than to read/hear the translation. Exposure to a second set of customs, traditions and history provides a different viewpoint on many questions and makes life a lot more interesting and rewarding. Knowing two languages places one in a position to think about language itself, to reflect on its functions, and to treat it as an object of thought. Bilingual children have also demonstrated superior story-telling skills, perhaps because they are less bound by words and more elastic in thinking due to the knowledge of two languages<sup>6</sup>. A major longitudinal study released in 1991 by the U.S. Department of Education found that the more schools developed children's native-language skills, the higher they scored academically over the long term in English. Students also benefited from acquiring fluency and literacy in two languages" (NABE, 2004). Bilingual education serves as a tool to improve English and academic outcomes as well as learn a second language. The addition of Bilingual Education has several advantages. Research of the brain by scientists reveals several cognitive benefits of bilingual education. During the learning process, students can reap many cognitive, professional and personal benefits which include advantages in the competitive job market given the ever-increasing growth of globalization, Increased creative and critical thinking and expanded vocabulary.

In 1968, Abraham Maslow established a hierarchical structure of needs and belonging. According to Maslow, feelings of acceptance, belonging, security and love must be present before any individual can learn. Alienation and withdrawal may occur when English Language Learners are placed at the bottom of the class or placed in a grade level where they do not belong. Such actions may result in students eventually dropping out of school. Educational researchers recognize the connection between academic achievement and English Language Learners connecting with their backgrounds during the learning process (Banks, 2006; Nieto and Bode, 2007).

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<sup>6</sup> Language and Cognitive Development in Second Language Learning , Virginia Gonzalez, Baker 1992

Nieto, S., Bode, P., Kang, E. & Raible, J. (2008). Identity, Community and Diversity: Rethorizing multicultural curriculum for the postmodern era. In F. M. Connelly, M. F. He, & J. Phillion (Eds.), *The Sage handbook of curriculum and instruction*. Thousand Oaks, CA: Sage.

## **STANDARD 6 OF APPLICATION: EDUCATIONAL PROGRAM**

The Educational Program section should describe the educational foundation of the school and the teaching and learning strategies that will be employed.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A clear description of the proposed educational program, including but not limited to the foundational educational philosophy and curricular and instructional strategies to be employed
- A specific rationale for how the charter school will enhance or expand the educational options currently available to the school's target student population; and
- A clear organization of the school in terms of both length of school day and year that meets minimum state requirements.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Clarification is needed regarding the non-graded learning environment and how that relates to assessments listed in the Educational Program Standard.	Pg. 11-22
The Applicant proposed to utilize a "non-graded learning environment". The Applicant should explain how it will implement this concept yet also comply with Ark. Code Ann. § 6-15-903 ("Report cards").	Pg. 17
Describe the specific process for academic placement in the non-graded dual language program as outlined in the application.	Pg. 11-22
Please provide specific instructional strategies to be utilized in the delivery of the curriculum that supports differentiated instruction for all students.	Pg. 11-22



## **Standard 6 of Application: EDUCATIONAL PROGRAM**

### **Clarification of Non-Graded Assessment Model**

The assessment programs outlined in the educational program will be used to determine the rate students are mastering State Curriculum Framework objectives. This information will be reported on progress reports in an effort to keep parents and stakeholders up to date on student progress. In order to comply with Arkansas Code Annotated Section 6-15-903, we will send reports to parents quarterly ( every nine weeks) indicating students' check list of mastery of Arkansas curriculum Framework objectives. Teachers will be required to maintain student portfolios with work samples to support documentation that frameworks skills have been mastered. Parents will also be provided with a copy of student progress reports during parent-teacher conferences as well as access to student progress online using a password-protected web application. The application allows teachers to grade, students to see, review, react and parents to be immediately kept up to date in real time. A parent can log in and configure to receive email notifications in the event of any assessment of their choosing. As well as any time they log in, they see everything their child sees regarding their assignments and progress. The non-graded reporting process will also provide more information to parents regarding whether or not the student is meeting adequate yearly progress. Traditionally, students receive "As" in subjects on report cards, but there is no explanation as to whether or not that student is mastering Arkansas Curriculum Framework Objectives. If testing reveals that students are not mastering certain Benchmarks, teachers will be required to revisit and reteach skills to address deficiencies in small group and one-on-one settings. Student progress reports will also include feedback and strategies for parents to assist students with meeting educational objectives.

### **Instructional Strategies Utilized Within The Program**

We realize the importance of balance in the implementation of Bilingual Education. Language arts will be taught in English, and Spanish will be integrated into the disciplines. We will ensure that teachers utilize a variety of student-centered, research-based methodologies with English Language Learners and all students enrolled in KidSmart Bilingual Education Academy. The teaching strategies utilized within KidSmart Bilingual Education Academy's program will be developed using techniques from successful Spanish Immersion programs taking into account the need to customize strategies to reach visual, auditory and kinesthetic learners. A combination of both teacher-directed and experiential techniques will also be used according to the student's individual learning profile. We will utilize a balanced approach for responding to the academic needs of English Language Learners as well as students with English as their primary language. First of all the learning experiences will be active. Students will be active participants as opposed to passive participants in the learning experience within the classroom where only the teacher is talking.

Research has shown that school districts that were successful in meeting the needs of immigrant and English Language Learners used innovative teaching practices (Grant and Sleeter, 2007). We are in the process of contacting successful Bilingual Education programs to receive more information on effective instructional models. The majority of successful programs studied utilize scaffolding and sheltered English instruction to make content more comprehensible to

English Language Learners. The Sheltered model is the model supported by researchers as being the most effective. The Use of Sheltered Instruction will ensure that English Language Learners are connected and understand what is going on in the classroom. Students are taught grade level with academic content while learning English. In order to maximize the learning experiences, teachers plan lessons that will enable students to make connections between what they know and the new information presented to them. Students' background and interests will be utilized to help the teacher use applicable examples in lessons as the need arises. As an educational outcome, students will develop bilingual skills. The strategies will allow students to actively participate in learning through access to pictures, illustrations.

Staff will utilize scaffolding instruction through the use of visuals, providing students with comprehensible input, developing content language vocabulary, accessing students' background knowledge, and providing opportunities for students to interact with one another in the context of meaningful content to address literacy needs. In order to reinforce literacy skills, we will include a combination of teaching techniques such as systematic and explicit reading instruction with consistent feedback, guided reading, teaching learning strategies, and free reading. These techniques will be supplemented with children's picture books/storybooks, both in print Spanish and English versions and on tape. Audio-taped versions of children's books are particularly helpful as second language learners can listen to the spoken English, follow the printed words, and use the pictures to facilitate meaning. Children's storybooks are now available in CD-ROM versions that offer an audio component, good visual support, and bilingual versions. Such strategies will be used in conjunction with other bilingual/ESL strategies. Students will also be encouraged to use drawings and actions to support the stories they tell in either English or Spanish. Teachers will enhance context by providing visual props, hands-on learning experiences, drawings, pictures, graphic organizers, and small-group learning opportunities. Various sources of literature will be used to inspire learning and literacy. For English Language Learners who have reached a second- or third-grade reading level in English, illustrations or comic books will be used to provide supplemental literacy development tool. We will search for text that is at an appropriate reading level, while equivalent in content.

### **Teaming and Small Group Immersion**

English language learners and Limited English Proficient students will be included in regular academic content and have direct access to English-speaking peers. Teachers will facilitate English access by assigning and rotating English-speaking "peer buddies." Peer buddies can assist in vocabulary acquisition by using dual language dictionaries or thematic picture dictionaries to create a context for conversation. They will be encouraged also to help recent arrivals adjust to the school culture or re-explain difficult "teacher talk." Using several peer buddies over time will allow for wider participation and sharing in both the privilege and responsibility of assisting the newcomer.<sup>1</sup> Students will have the opportunity to work in groups, learn from others and initiate contact with other sources and resources to better understand and learn. Students will also be encouraged to ask questions for clarification and feedback with peers and teachers. These cooperative or small-group learning strategies will be used to enhance the

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<sup>1</sup> Curtin, E.M. (2002). Students' and teachers perceptions of culturally responsive teaching: Urban middle school case study. Dissertation: University of North Texas.



context for learning for students.

Central Spanish teachers will be employed to teach Core subjects to ELL and LEP students. Communication with students will be key. Teachers will not force production of English before students are ready. Teachers will avoid over correction of attempts to speak English, as this likely will lead students to be self-conscious about their speech and to practice less. Teachers will instead continue to model clearly spoken, correct English for their students without interrupting the normal flow of the conversation. Additionally, the school will not prevent students from using their primary languages during the school day.

#### **Supplemental Resources for Students in Alignment With Educational Program**

DynEd will be used as a supplemental resource to provide academic support for English Language Learners as well as a component to immerse native English speakers into Spanish. The program is intended to help second language students, particularly beginners, gain access to the core curriculum. DynEd is the most frequently-used language learning software in kindergarten through grade 12 settings. The program features research-based multimedia English as a Second Language (ESL) course ware for all ages. DynEd exposes students, from beginning levels to advanced, to everyday English so that they may understand and speak English as well as learn English grammar and pragmatics. KidSmart will use DynEd software in combination with mastery-based practice exercises and small-group, direct instruction. The program is intended to help students, particularly beginners, gain access to the core curriculum

#### **Identification of Limited-English Proficient Students and English Language Learners**

The 1974 Supreme Court decision in *Lau vs Nichols* confirmed that schools must take "affirmative steps" to provide equal educational opportunities for students with limited English proficiency. Proficiency is defined as being able to "effectively communicate or understand thoughts or ideas through the language's grammatical system and its vocabulary, using its sounds or written symbols". KidSmart will utilize several methods to provide a comprehensive and measured approach to identifying English Language Learners. In addition, we will coordinate English language acquisition services with the special education and related services to be provided to English language learners with disabilities.

We will utilize home language surveys modeled after the California Home Language Survey printed in Spanish and English administered to students during the registration process (HLS) which parents and guardians complete. These survey generally include questions about languages used at home and asks four questions:

- What language did your child learn when he or she began to talk?
- What language does your child mostly use at home?
- What Language do you mostly use when speaking to your child?
- What language is most often spoken by the adults at home?

If the answers to the question are any language other than English the student will proceed to take an English language exam. The Home Language Survey will be included as a part of the general registration requirements. We are currently in the process of contacting Bilingual Education programs for additional technical assistance and sample exams used in identifying English Language Learners and Limited-English Proficient Students. As a preliminary, we will

utilize the Home Language Survey, Parent recommendations, teacher referrals, and oral interviews in conjunction with each other to determine students' language ability.

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## **STANDARD 7 OF APPLICATION: ACADEMIC ACHIEVEMENT GOALS**

The Academic Achievement Goals section should define the performance expectations for students and the school as whole.

### **Evaluation Criteria:**

A response that meets the standard will present:

- Specific goals in:
  - Reading;
  - Reading Comprehension;
  - Mathematics; and
  - Mathematic Reasoning;
- Goals that clear, measurable and data-driven;
- Goals on improving student achievement; and
- Valid and reliable assessment tools for measuring each of the defined goals.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
It appears that the objective components for the goals listed in the application are based on incorrect interpretation of NCLB requirements.	Pg. 22-27
NCLB requirements state that ALL (100%) students will be performing at proficient or above by the 2014 school year	Pg. 22-27

## **Standard 7 of Application: Academic Achievement**

Academic Goal 1: All students will become competent readers, writers, speakers and listeners of English and Spanish.

**Objective 1:** 80% of KidSmart Bilingual Education Academy students will develop proficiency in critical literacy skills in their native language, as measured by the Developmental Reading Assessment (DRA2) or Evaluación del Desarrollo de Lectura (EDL2), in the areas of accuracy, fluency, and comprehension, by meeting the following end of the year benchmarks:

Grade Level	Minimum Score
Kindergarten	Level 3
First Grade	Level 18
Second Grade	Level 28
Third Grade	Level 38

**Objective 2:** 80% of KidSmart Bilingual Education Academy students will show proficiency in critical literacy skills in their native language, as measured by STAR assessments, in the areas of accuracy, fluency, and comprehension, by showing improvement on a monthly and quarterly basis.

**Objective 3:** KidSmart Bilingual Education Academy students will show proficiency in reading skills in English, as measured by the Aggregated Arkansas Benchmark Exams in literacy, by meeting or exceeding prevailing state standards.

Academic Year	Percentage of Students Proficient in Reading
2012-2013	63.00%
2014	100.00%
2015	100.00%
2016	100.00%
2017	100.00%
After 2017	100.00%

**Objective 4:** KidSmart Bilingual Education Academy students will show proficiency in writing skills in English, as measured by the Aggregated Arkansas Benchmark Exam, meeting or exceeding prevailing state standards.

Academic Year	Percentage of Students Proficient in Writing
2012-2013	63.00%
2014	100.00%
2015	100.00%
2016	100.00%
2017	100.00%
After 2017	100.00%

**Objective 5:** 75% of KidSmart Bilingual Education Academy students will develop proficiency in language skills in a second language, as measured by LAS LINKS or LAS LINKS español, in the areas of listening, reading, writing, and speaking, by meeting the following end of the year benchmarks:

Years in the Dual Immersion Program	Language Level
1	Beginning
2	Early Intermediate
3	Intermediate
4	Proficient
5 or more	Or More Above Proficient

**Objective 6:** 80% of KidSmart Bilingual Education Academy students will show proficiency in critical reading skills, as measured by Curriculum-Based Measurement, by performing with reading grades of 75% or better.

Academic Goal 2: Students will become proficient in mathematics.

**Objective 1:** KidSmart Bilingual Education Academy students will show proficiency in critical mathematics skills, as measured by the Aggregated Arkansas Benchmark Exam Assessment, by meeting or exceeding prevailing state standards.

Academic Year	Percentage of Student Proficient in Math
2012-2013	75.00%
2014	100.00%
2015	100.00%

2016	100.00%
2017	100.00%
After 2017	100.00%

**Objective 3:** 80% of KidSmart Bilingual Education Academy School students will show proficiency in critical mathematics skills, as measured by Curriculum-based testing

Academic Goal 3: Students will become Proficient in science.

**Objective 1:** KidSmart Bilingual Education Academy School students will show proficiency in critical science skills, as measured by the Aggregated Arkansas Benchmark Exam Assessment, by meeting or exceeding prevailing state standards.

Academic year	Percent of students proficient in science
2014	100.00%
2015	100.00%
2016	100.00%
2017	100.00%
After 2017	100.00%

Academic Goal 4: Students will become proficient in social studies and multicultural understanding.

**Objective 1:** 95% of KidSmart Bilingual Education Charter School students will demonstrate multi-cultural awareness, as measured by portfolio assessment of multi-cultural activities.

**Objective 2:** 95% of KidSmart Bilingual Education Academy students will participate in Aggregated Arkansas Benchmark Exam and other testing (NCLB requires 95% participation by 2014).

Academic Goal 5: KidSmart Bilingual Education Academy will show a narrowing of the achievement gap.

**Objective 1:** Aggregated Arkansas Benchmark Exams test scores for KidSmart Bilingual Education Academy School students will show an increase in the passing rate, according to the following annual passing rates.

Academic year	Percent of students proficient in reading	Percent of students proficient in writing	Percent of students proficient in science	Percent of students proficient in mathematics
2012-2013	63.00%	63.00%	56.00%	56.00%



2014	100.00%	100.00%	100.00%	100.00%
2015	100.00%	100.00%	100.00%	100.00%
2016	100.00%	100.00%	100.00%	100.00%
2017	100.00%	100.00%	100.00%	100.00%

**Objective 2:** Disaggregated test scores by sub-group for KidSmart Bilingual Education Academy School students will show an increase in the passing rate, as measured by the Aggregated Arkansas Benchmark Exam Assessment, according to the following annual passing rates for all sub-groups (racial/ethnic groups, students with disabilities, etc.)

Academic year	Percent of students proficient in reading	Percent of students proficient in writing	Percent of students proficient in mathematics	Percent of students proficient in science
2012-2013	63.00%	63.00%	56.00%	56.00%
2014	100.00%	100.00%	100.00%	100.00%
2015	100.00%	100.00%	100.00%	100.00%
2016	100.00%	100.00%	100.00%	100.00%
2017	100.00%	100.00%	100.00%	100.00%

**Academic Goal 7:** Students will be prepared to make healthy lifestyle choices.

**Objective 1:** 80% of KidSmart Bilingual Education Academy School students will be able to choose a balanced meal plan when presented with lunch choices.

**Objective 2:** 95% of KidSmart Bilingual Education Academy School students will participate in daily physical activity, as measured by physical education participation at school.

**Objective 3:** 80% of KidSmart Bilingual Education Academy students will be able to make choices based on how their choices affect themselves, their families, and their communities, and their world, based on curriculum-based assessments in the healthy lifestyles curriculum.

#### B. Measurable non-academic goals and objectives

**Non-academic Goal 1:** Students will be highly engaged in their learning, as reflected by their attendance.

**Objective 1:** Overall student attendance will meet or exceed 90%, as measured by daily attendance averages.

**Non-academic Goal 2:** Parents will participate in planning and implementing programs at KidSmart Bilingual Education Academy.



**Objective 1:** 90% of KidSmart Bilingual Education Academy parents will volunteer eight hours annually in school activities and functions, as measured by parent volunteer logs.

**Objective 2:** 90% of KidSmart Bilingual Education Academy parents will rate the school as “open to parent involvement”, as measured by the parent end-of-the-year survey.

Non-academic Goal 3: The governance structure at KidSmart Bilingual Education Academy will enable a rigorous, holistic, dual-immersion curriculum while ensuring a balanced budget.

**Objective 1:** The budget at KidSmart Bilingual Education Academy will be balanced and meet the needs of the school programming, as aligned to the school mission, 100% of the time, as measured by the annual budget review.

**Objective 2:** 90% of KidSmart Bilingual Education Academy teachers will rate the curriculum as appropriate to the school mission, curriculum mapping goals and end of the teacher -surveys.

Non-academic Goal 4: The staff at KidSmart Bilingual Education Academy will use effective pedagogy and guided interventions to ensure that the students are active learners.

**Objective 1:** 100% of KidSmart Bilingual Education Academy instructional staff will participate in professional development in the area of effective teaching strategies.

**Objective 2:** 100% of KidSmart Bilingual Education Academy instructional staff will participate in professional development in the area of effective special education strategies and behavioral interventions.

**Objective 3:** 100% of KidSmart Bilingual Education Academy instructional staff will participate in professional development in the area of English Language Learners and dual immersion instruction.

**Objective 4:** 95% of KidSmart Bilingual Education Academy teachers will score satisfactory, as measured by the Annual Employee Evaluation Form.

## **STANDARD 8 OF APPLICATION: CURRICULUM DEVELOPMENT AND ALIGNMENT**

The Curriculum Development and Alignment section should define the process by which the design team developed (or chose) the curricular program of the school, and illustrate alignment with Arkansas Curriculum Frameworks and Common Core Standards.

### **Evaluation Criteria:**

A response that meets the standard of a curricular development and alignment program will present:

- Evidence that the curriculum aligns with, or a sound and rationale plan and timeline for aligning the curriculum with, the Arkansas Department of Education's content standards, benchmarks and performance standards.
- Evidence that the Applicant is prepared to transition its curriculum as necessary to satisfy the requirements and timeframe of the Common Core Standards.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
Application meets evaluation criteria.	Pg. 27-28
<b>Concerns and Additional Questions</b>	<b>Reference</b>
The curriculum alignment examples given in attachment 1C do not match the curriculum alignment narrative as stated in Standard 8 on page 27. "KidSmart curriculum will be aligned with national standards and to the Arkansas Curriculum Frameworks. A sample of the schools kindergarten curriculum map demonstrating alignment of the mastery objectives with the Arkansas and Common Core Frameworks is provided in attachment 1 C." Please clarify.	Pg. 27-28, Attachment 1C
In attachment 1C there are gaps in the listed Common Core Standards and the objectives to be met. Please clarify how the entire scope of the Arkansas Curriculum Frameworks and Common Core State Standards will be taught.	Pg. 27-28

## **STANDARD 8 OF APPLICATION: CURRICULUM DEVELOPMENT AND ALIGNMENT**

KidSmart Bilingual Education Academy will utilize the Arkansas Curriculum Frameworks and Common Core Standards to plan and execute lessons. The Curriculum Director will work closely with instructors to ensure that lesson plans align with state and Common Core standards. KidSmart Bilingual Education Academy is confident that the curriculum is aligned with and embeds the Arkansas Frameworks. The curriculum will provide a special emphasis on those standards related to literacy and numeracy. Additionally, we will take steps to align the curriculum to the new Common Core State Standards (CCSS) to prepare for future integration of CCSS fully into the Arkansas Framework.

The sample of the school's Kindergarten curriculum map demonstrating alignment of the mastery objectives with the Common Core Frameworks was not a comprehensive Curriculum map but rather a cross sample. The sample Curriculum Map also mapped alignment with Common Core standards.

The alignment process to the Arkansas Frameworks will link grade level mastery objectives to state standards so that as students master specific course objectives, they are mastering state standards. The steps in the alignment process are as follows:

- The KidSmart administration reviews the Arkansas Frameworks, Common Core Curriculum and develops the initial objectives merging the Dual-immersion components. The administration will collaborate to ensure that curriculum reflects both the content and cognitive demand of the standards.
- Teachers and administrators will communicate to prioritize those standards shown by test scores to be in greatest need
- The instructional program, including day-to-day instruction in every classroom; professional development for the academic staff; the purchase of classroom materials and equipment will be guided towards state and Common Core content standards.

Ongoing professional development and coaching by the Curriculum Director will be used to support teachers in the implementation of the frameworks and education program.

The entire scope of the Arkansas Curriculum Frameworks and Common Core State Standards will be taught using multiple strategies and learning aids for teachers and students to follow. We will require curriculum for each content area and grade level that is consistent with the state's Content Standards. In summary, the curriculum alignment and instructional methods will be based on currently recognized "best practices" for learning. Throughout, teachers and staff will facilitate, guide, and coach students:

- Through active participation in thoughtfully organized learning experiences and lesson plans that meet state educational objectives
- Within projects and thematic units that pose significant questions and present challenging

problems, Through Hands-on Interaction with manipulatives

- With curricula that are interrelated and embedded in learning technology, students will have daily access to both classroom instruction with in-person teachers in all content areas, and also an eLearning environment.

In an effort to reinforce mastery of curriculum frameworks through the use of technology, All students will have access to fully integrated industry-standard software and technology. For example, students will learn the full range of language arts standards as they simultaneously acquire technology skills in Microsoft Office. While learning standards-based mathematics, students will simultaneously work on in-class assignments using software, online calculators and Excel spreadsheet. Kindergarten students will be able to “color” by numbers using Microsoft Paint applications. Students learning Spanish will be able to use software-enabled headsets with microphones which will allow them to answer questions and communicate in Spanish with virtual subjects. Scanners, laser printers, digital and video cameras, and video editing and other multimedia equipment will support student learning throughout enable teachers to document student learning outcomes for each student's academic portfolio.

## **STANDARD 9 OF APPLICATION: GEOGRAPHICAL SERVICE AREA**

The Geographical Service Area section must outline the impact of a new school opening within the current public education system.

### **Evaluation Criteria:**

A response that meets the standard will present:

- The specific geographical area served by the charter school; and
- Information on the school districts within the geographical area that may be affected (including data on the expected number of students to transfer to the charter school).

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Application does not state the expected number of transfer students.	Pg. 28

## **STANDARD 9 OF APPLICATION: GEOGRAPHICAL SERVICE AREA**

KidSmart Bilingual Education Academy is located in Southwest Little Rock, Southwest Little Rock is bordered by Baseline Road, Geyer Springs Road and expands to South University. As an open enrollment charter school we expect most students to come from The Little Rock School District and Pulaski County Special School District. A main highway, Interstate 30, crosses through Southwest Little Rock. As a result, we could potentially draw students from the contiguous school districts, Benton School District and Bryant School District.

We expect the majority of students to enroll from the Southwest Little Rock area where the proposed charter school will be located. Granted that the enrollment cap is met the during the first year in operation, we estimate 200 students will transfer from the district in which the Charter School will be located which is the Little Rock School District.

## **STANDARD 10 OF APPLICATION: ANNUAL PROGRESS REPORTS**

The Annual Progress Reports section should define how the academic progress of individual students and the school as a whole will be measured, analyzed and reported.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A clear and conceptually sound plan for documenting and reporting student performance data;
- A timeline for data compilation and completion of an annual report to parents, the community and the State Board of Education that outlines the school's progress; and
- A plan for dissemination of the annual report to appropriate stakeholders.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>
Please provide a clear explanation of how the charter school will prepare and disseminate annual progress reports to appropriate stakeholders.	Pg. 28



## **STANDARD 10 OF APPLICATION: ANNUAL PROGRESS REPORTS**

KidSmart Bilingual Education Academy will ensure compliance with annual report requirements as stated in the Standards for Accreditation, Section II, Goals and Administration of Arkansas Public Schools and School Districts. School staff will develop, with appropriate community involvement, a comprehensive report describing the school accomplishments with respect to: student academic performance objectives, program goals, state benchmark assessments, and a School Improvement Plan. This will be done in accordance with Department guidelines. There will also be an annual curricular review to ensure alignment with state standards. Parents will also be apprised of the Annual progress of the school in parent conferences.

The report will be filed with and reviewed by the Arkansas Department of Education (ADE) and published annually in the Arkansas Democrat-Gazette (or other appropriate news media). The report will also be available to the public through the school website which is accessible to students, parents and the community. The website will also include program updates and highlights of student achievement. KidSmart will host an annual public meeting to present, review and discuss the annual report, explain its policies, programs, and goals, and gather community and stakeholder feedback. This meeting will be held at a time and place convenient for a majority of the school stakeholders and employees and will be in compliance with all annual report policy and procedural requirements of Arkansas public schools for reporting to parents/guardians, the community and the State Board of Education. KidSmart Bilingual Education Academy will ensure that its program is fully accountable to stakeholders in a variety of ways.



## **STANDARD 11 OF APPLICATION: ENROLLMENT CRITERIA AND PROCEDURES**

The Enrollment Criteria and Procedures section should describe how the school will attract and enroll its student body, including any criteria for admission and enrollment. Applicants must also provide assurances for a random lottery selection process.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A student recruitment plan that will provide equal opportunity for all parents and students to learn about and apply to the school;
- An enrollment and admissions process that is open, fair and in accordance with applicable law; and
- A process for, and a guarantee of, a random, anonymous lottery process should there be more student applications than can be accommodated under the terms of the charter.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
Application meets evaluation criteria.	Pg. 28-29
<b>Concerns and Additional Questions</b>	<b>Reference</b>

## **STANDARD 12 OF APPLICATION: STAFFING PLAN**

The Staffing Plan section should describe the job duties of the school director and other key personnel. This section should also describe the professional standards that all employees will be held to.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A job description for the school director and other key personnel, including but not limited to an operations director, board members, teachers, etc.;
- An outline of the professional qualifications required for administrators, teachers, counselors, etc; and
- A staffing plan that clearly outlines both the types and numbers of positions to be filled at the school and salary scales for such positions.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Though the application sites a bilingual instruction emphasis, there is no mention of teacher qualifications related to bilingual ability.	Pg. 29-33
Given the current shortage of bilingual instructors, provide additional details on the staffing plan regarding the recruitment and sustainability of qualified staff.	Pg. 29-33
Though the Applicant has requested a waiver of teacher certification, a waiver cannot be given regarding the mandate that each teacher meet the requirements for highly qualified as outlined by NCLB.	Pg. 29-33
For the positions budgeted, as outlined on page 33, there is no mention of the business manager.	Pg. 33
It should be noted that the person who holds the position of Business Manager must meet the qualifications set forth in ADE Rules Governing Minimum Qualifications for General Business Managers.	Pg. 31-32
As the Applicant has not requested waiver of the statutes and rules requiring licensure of principals, the school director/principal must be properly licensed. The statutes and rules requiring licensure are Ark. Code Ann. § 6-13-109	

("School superintendent") & §6-17-302 ("Public school principals – Qualifications and responsibilities"), and Standards 15.01 & 15.02 of the Standards for Accreditation.	
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## **STANDARD 12 OF APPLICATION: STAFFING PLAN**

KidSmart will use certified teachers (Test Coordinator) to administer state mandated assessments as required by the Arkansas Department of Education.

For all positions budgeted, literacy in Spanish and English is strongly encouraged but not required for all personnel interacting with students with the exception of Spanish teachers.

All prospective employees must complete a satisfactory clearance of a criminal history records check and drug screening.

### **Clarification of Instructional and Support Staff**

#### **Recruitment and Retention of Spanish Teachers**

KidSmart will make every effort to recruit and retain highly qualified, talented, dedicated Spanish teachers to execute the Spanish component of the curriculum. These efforts will include but not be limited to the following efforts:

- Traditional methods of recruiting which will include radio, television and newspaper advertising in English and Spanish Language media; contacting recruitment agencies
- Collaborations with higher education institutions to identify prospective applicants and Visit the schools to publicize opportunities and communication (e.g., letters, phone calls, brochures, posters) with deans and department chairs to identify qualified applicants. We will utilize collaborations with institutions of higher education to offer teacher internships and employment opportunities.
- Invite prospective applicants (individually or in groups) to visit the school and meet with faculty and students.
- Present recruitment sessions, fliers, posters and videos at meetings of appropriate grassroots and professional organizations.
- Advertise in journals that the program is actively recruiting Spanish teachers; in Spanish language media, educational and professional journals

KidSmart will provide an open and accommodating environment that focuses on productivity and accomplishment. Spanish teachers will benefit from an internal support system that will provide technical support and opportunities for professional development. In subsequent years, KidSmart Bilingual Education Academy will offer recruiting bonuses and incentives to qualified Spanish teachers.

#### **Spanish Teacher Qualifications**

Bachelor's degree or at least eighteen hours from an accredited educational institution. Demonstrated proficiency and literacy in Spanish as identified through written and oral exams. The teacher must also be able to demonstrate a working knowledge of the culture associated with the Spanish language in order to connect and interact with the students.

### **PRIMARY PERFORMANCE RESPONSIBILITIES:**

- Identifies or develops long- and short-term plans based on student needs which are consistent with State curriculum requirements

- Plans and prepares lessons and instructional strategies which support the school's mission
- Identifies, selects, and develops or modifies instructional materials to support learning objectives and to meet the needs of students with diverse cultural and socio-economic backgrounds, learning styles, and special needs
- Assists in preparing for changing curriculum needs and continuous improvement
- Establishes and maintains effective and efficient record keeping procedures, including student records subject to the requirements of the Family Rights and Privacy Act
- Develops and utilizes assessment strategies (traditional and alternative) to assist the continuous development of learners
- Interprets and utilizes data (including, but not limited to, standardized and other test results)
- Demonstrates knowledge and understanding of curriculum content
- Applies principles of learning and effective teaching in instructional delivery
- Differentiates instruction by using a variety of instructional strategies appropriate for teaching students from diverse backgrounds with different learning styles and special needs
- Uses appropriate materials, technology, and resources to help meet learning needs of all students
- Provides quality work for students, focused on meaningful, relevant, and engaging learning experiences
- Ensures student growth/achievement is continuous and appropriate for age group, subject area, and/or student program classification
- Collaborates with students, parents, peers, school staff, and other appropriate persons to assist in meeting student needs
- Acts in a professional and ethical manner and adhere at all times to the Code of Ethics and Principles of Professional Conduct
- Supports school improvement initiatives by developing and participating in school activities, services, and programs

### **Secretary**

The primary function of the secretary will be to perform a wide variety of specialized clerical and secretarial functions independently in support of the administration. In addition, the secretary will have the following responsibilities:

- Review, check, correct, and compile a variety of information and reports.
- Verify data for accuracy.
- Prepare and maintain a variety of records.
- Organize, process, and print reports and other written materials.

- Process a wide variety of materials such as correspondence, reports, contracts, forms, applications, memoranda, and other documents.
- Schedule meetings, conferences, and appointments.
- Provide work directions to others as assigned.
- Independently compose written communication.
- Maintain confidentiality of records and information.
- Prepare all board packets for quarterly board meetings.
- Notify all board members regarding meetings, etc.

#### **Minimum qualifications of Secretary**

High School Diploma, Any combination of training and/or experience which demonstrates the ability to perform the duties as described. a typical qualifying background would include work experience in an office environment involving public contact; experience working at a school site is desirable. Literacy in Spanish and English is strongly encouraged but not required.

#### **Registrar**

The registrar will perform various complex record-keeping duties relating to the enrollment, transfer, or withdrawal of students according to established policies and procedures, maintaining student records and providing assistance in general functions of the school office. In addition, the registrar will have, minimally, the following responsibilities:

- Perform various complex clerical and statistical record-keeping duties relating to the enrollment, transfer, or withdrawal of students according to established policies and procedures; enter information and data into computer
- Prepare and maintain permanent records and cumulative folders, transcript files, and demographic information on enrolled and incoming students; request necessary records and initiate telephone and written communication relative to student records.
- Evaluate incoming student transcripts, process, enter, or change grade, race, immunization and other related student information according to established procedures; maintain student test scores as required.
- Operate office equipment including computer and printer, typewriter, facsimile and copier.
- Prepare withdrawal papers, retrieve files and print transcripts; assure student accounts are maintained according to established policies for appropriate grade clearance.
- Assist students, counselors, parents, and others in person or on the telephone regarding student records, transcript requests, and enrollment procedures.
- Communicate with a variety of school personnel, parents, and outside organizations to exchange information, resolve issues, answer questions, and coordinate activities.
- Provide instructors with academic warnings and materials as requested; provide class rosters and class enrollment records.

#### **Minimum Qualifications of Registrar**

Minimum Associate's Degree in Secretarial/Office Management or commensurate experience

- Experience with Microsoft Word and Excel



- Excellent oral and written communication skills in Spanish (Not required) and English
- Excellent judgment and ability to deal with the public
- Excellent organizational skills
- Minimum one year related experience

### **Instructional Aides/Paraprofessionals**

The instructional aides will assist students by providing instruction to individual students or small groups of students in a classroom or other learning environment and incorporating technical skills and curriculum in all areas of learning. In addition, the instructional aide will have the following responsibilities:

- Assist in the presentation of instruction to individuals/small groups of students, reinforcing teacher instruction; assist students in their understanding and comprehension of curriculum, performing remedial exercises and other basic instruction as required.
- Assist in planning and implementing instructional strategies to meet curriculum objectives and development of computer knowledge and skills.
- Assist students in comprehending language and academic subject matter, monitor individuals and groups of students in computerized learning activities; explain and demonstrate theories and principles of the assigned subject area.
- Repeat and reinforce instruction of computer based curriculum to assist students' comprehension and understanding, provide more individual assistance to students experiencing learning difficulty; explain errors and answer questions.
- Report student performance progress and behavior as required; provide input and assist with determining student advancement through established curriculum and computer programs.
- Communicate with students about their own performance and behavior.
- Assist in the preparation of instructional materials as directed by the teacher, and/or site principal.
- Observe, model, and assist students in learning appropriate behavior in and out of the classroom.
- Administer, correct, and record tests, writings, and projects as directed. Perform a variety of clerical duties such as recording grades, taking attendance, maintaining records and files, and preparing classroom materials.
- Assist students by providing a positive role model, emotional support, patience, a friendly attitude and general guidance.
- Operate and help maintain a variety of computer and classroom equipment.
- Inform and make recommendations to teachers concerning programs and materials to meet individual student needs.
- Participate in meetings and in-service training programs as assigned.
- Assist co-workers in completing assignments and projects as assigned.
- Responsible for maintaining and updating computers and software on an as-needed basis for students and teachers.
- Responsible for providing support to staff and students with computer based curriculum.
- Attend ongoing technical training to keep current with ever-changing technology

### **Minimum Qualification of Instructional Aides/Paraprofessionals**

- Complete at least two years of study at an institution of higher education, which may be accomplished by documented successful completion of 48 semester hours at a regionally accredited institution of higher education; or
- Obtain an associate's degree, which may be accomplished by documented successful completion of 64 semester hours at a regionally accredited institution of higher education;

Literacy in Spanish and English is strongly encouraged but not required.

### **Testing Coordinator (Specialist)**

The Testing Coordinator will be a certified teacher employed on a part-time or contractual basis to administer required state tests. The Testing Coordinator will be responsible for planning, organizing, and overseeing the administration of all state-mandated tests. The Testing Coordinator will have the following responsibilities:

- Schedule test dates for school year,
- create purchase order for STAR and other assessment programs, identify appropriate students for each different tests (based upon their current grade level, classes in English, Science, Math, Social Science, Language-Related and previously completed classes),
- Order required materials from test vendor, submit Pre-ID information to test vendor, plan test setting, select and train proctors, maintain security of test materials upon arrival, sort and prepare test materials for each test room, check out materials on days of test
- Monitor administration of tests, collect and maintain security of completed exams, manage return of all test materials to test vendor, perform online corrections on student demographics as needed
- Report test results to all shareholders, review and verify accuracy of test results, mail copies of test results to each student's parents, and file test
- Participate- in conferences, workshops, and seminars to remain current in assessment, research, and evaluation trends
- Perform other related duties as assigned

### **Minimum Qualifications of Testing Coordinator**

Arkansas Teacher's License, Bachelor of Arts, Bachelor of Science, Literacy in Spanish and English is strongly encouraged but not required.

### **Nutrition Services Specialists**

Nutrition Services Workers are responsible for planning and preparation of breakfast, lunch and snacks in compliance with USDA and NSLA regulations, maintenance of Free and Reduced Applications, daily documentation of menus, meal service counts, receipts and production records. Nutrition Services Workers perform a variety of food service tasks in the areas of meal assembly and service, dishwashing, sanitation and safety. These employees set up cafeteria tray lines steam-tables, dining room tables, and side service stands with hot and cold food items and with dishes, silverware, napkins, condiments, salads, desserts, bread and beverages. These



positions require knowledge of basic arithmetic in order to count the tables and meal trays required or determine the number of servings in a container; and knowledge of sanitation standards and equipment cleaning. Nutrition Services specialists will be required to attend professional development trainings throughout the year.

**Minimum Qualifications of Nutrition Services Personnel**

High School/GED, Must pass background check, TB test required. Must be at least 18.

Must be able to prepare and serve food in accordance with health and sanitary standards. Literacy in Spanish and English is strongly encouraged but not required.

**Positions Budgeted for 2012-2013**

Principal	1
Curriculum Directors	1
Spanish Teachers	4
Registrar	1
Business Manager	0.5
Secretary	1
Special Education Teacher	1
Paraprofessionals/Instructional Aides	3
Classroom Teachers	9
Nurse	0.5
Nutrition Services Specialists	2
Testing Coordinator	0.5

### **STANDARD 13 OF APPLICATION: BUSINESS AND BUDGETING PLAN**

The Business & Budgeting Plan section should describe how the charter school will organize its business office and manage its fiscal responsibilities.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- An appropriate plan for how the school will manage procurement activities;
- A description of the personnel required to carry out business duties, including the requisite qualifications of any proposed personnel;
- A realistic timeline and process by which the governance structure will review and adopt an annual budget; and
- A balanced two-year budget estimate that accurately reflects the revenue currently available to the school and expenditures for program implementation, and does not rely on one-time grants or other funds that are not presently guaranteed.

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
Budget will be developed and approved by the Board prior to implementation.	Pg. 34
Board will approve budget in the May board meeting.	Pg. 34
<b>Concerns and Additional Questions</b>	<b>Reference</b>
Applicant did not submit a salary schedule.	Appendix
The Applicant did not include a plan according to rule for how the school will manage procurement. Applicant should clarify.	
Applicant did not calculate Student Foundation Funding (SFF) revenue with the correct per student amount. Applicant used \$6,023.	
The Applicant has included revenue from uniform and meal sales in the budget that may not be guaranteed. Applicant should provide clarification.	
The Business Manager must meet the qualifications set forth in the ADE Rules Governing Minimum Qualifications for General Business Managers of Public School Districts, unless those Rules and Ark. Code Ann. 6-15-2302 are waived by the	

State Board.	
Applicant should clarify calculations for Purchased Services & supplies and materials (line 30 & 31).	Appendix
Fringe benefit % is not consistent. Ranges are from 5.6% to 30%. Applicant should clarify	Appendix
Applicant did not list staff positions in the areas of transportation, food service, of data processing. Applicant budgeted for positions in this area. Applicant should clarify.	Appendix
Applicant did not budget fringe benefits in the area of food service.	Appendix
Applicant submitted budget with negative balance. Formula errors on budget work sheet.	Appendix
Applicant submitted identical budget for the 2012-13 and 2013-14 school years.	

# **STANDARD 13 OF APPLICATION: BUSINESS AND BUDGETING PLAN**

## **KidSmart Bilingual Education Academy Proposed Salary Schedule 2012-2013**

Position	Years of Teaching	High School Diploma	Associate's Degree	Bachelor of Arts	Master's Degree	PHD
Principals	0-3	\$25,000	\$35,000	\$75,000-\$80,000	Add \$2,000	Add \$2000
	4- 8 years	\$35,000.00	\$40,000.00	\$80-90,000	Add \$2,000	Add \$2000
	9 years +	\$40,000.00	\$45,000.00	\$90-100,000	Add \$2,000	Add \$2000

Position	Years of Teaching	Bachelor of Arts	Master's Degree	PHD
Curriculum Director	0-3	\$30,000-\$35,000	Add \$2,000	Add \$2000
	4- 8 years	\$36,000-\$42,000	Add \$2,000	Add \$2000
	9 years +	\$43,000-\$53,000	Add \$2,000	Add \$2000

Position	Years of Teaching	Bachelor of Arts	Master's Degree	PHD
Teachers	0-3	\$30-\$32,000	Add \$2,000	Add \$2000
	4- 8 years	\$32-36,000	Add \$2,000	Add \$2000
	9 years +	\$36-\$38,000	Add \$2,000	Add \$2000
Testing Coordinator	Part-Time Contractual	\$25/hour	\$35/hour	\$50/Hour

### **Paraprofessionals**

Position	Years of Experience	High School Diploma	Bachelor of Arts
Paraprofessionals/ Instructional Aides	0-3	\$18,000-\$20,000	\$20,000-\$22,000
	4- 8 years	\$20,000-\$22,000	\$22,000-\$24,000
	9 years +	\$22,000-\$24,000	\$24,000-\$26,000

Position	Years of Experience	Bachelor of Arts	Master of Arts
Business Manager	0-3	\$20,000-\$22,000	\$23,000-\$25,000
0.5	4- 8 years	\$22,000-\$24,000	\$25,000-\$27,000
	9 years +	\$24,000-\$26,000	\$28,000-\$30,000

Position	Years of Experience	High School Diploma	Bachelor of Arts	Master of Arts
School Secretary	0-3	\$14,000-\$16,000	\$17,000-\$19,000	\$20,000-\$25,000
	4- 8 years	\$15,000-\$17,000	\$18,000-\$23,000	\$26,000-\$28,000
	9 years +	\$18, 000-\$21,000	\$24,000-\$26,000	\$27,000-\$32,000

Position	Years of Experience	Bachelor of Arts	Master of Arts
School Registrar	0-3	\$20,000-\$22,000	\$23,000-\$25,000
	4- 8 years	\$22,000-\$24,000	\$25,000-\$27,000
	9 years +	\$24,000-\$26,000	\$28,000-\$36,000

#### Support Staff

Position	High School Diploma	Associate's Degree	Bachelor of Arts
Nutrition Services	\$11/hour	\$13/hour	\$15/hour
Nutrition Services Assistant	\$9/hour	\$10/Hour	\$12/Hour
Director of Maintenance	\$12/Hour	\$16/Hour	\$18/Hour
Custodian	\$10/Hour	\$12/Hour	\$14/Hour

## **Procurement Management**

The proposed Charter school will utilize the Arkansas Financial Accounting Handbook as its guide for financial reporting. Accounting data will be maintained through the Arkansas Public School Computer Network (APSCN) as required. This system will allow the school to track and report on multiple funds, functions, objects, etc. across multiple budget periods to meet reporting requirements and demonstrate financial accountability.

Numerous control activities have been established to ensure fiscal integrity and financial accountability for the school. Controls include:

- Various levels of approval, authorization and verifications, 2) reconciliations, 3) asset security, 4) performance reviews (budget to actual), 5) adequate segregation of duties, 6) information system controls, and 7) policy and procedure adoption, among others. A general description of the anticipated flow of information for major financial processes is provided below:
- Budget – During initial budget preparation, input will be solicited from all departments including the board, finance, curriculum, information technology and others regarding school needs that must be considered in the budgetary process. The primary objective is to identify all anticipated budget requests and ensure those requests align to the mission of the school. It is anticipated that future budgets will also seek similar input from all stakeholders in the charter school. Staff will develop a budget calendar to ensure all budget adoption requirements are satisfied including publicly noticed meetings as required by ADE. The calendar timelines will ensure timely submission of budgetary documents to the ADE and charter board. The budgetary process usually begins in February/March each year. Modifications are made as more data becomes available (i.e. funding is determined by the legislature, salary adjustments are established, insurance rate adjustments become known, professional development calendars are established, etc). The budgetary process concludes with final budget approval by the Charter School Board at their May meeting and submission to the ADE. Further modifications to the budget will be brought to the board for review during the year as budget amendment requests. Explanations as to why a budget amendment is requested will be presented. The board would then discuss and approve/deny budget amendment requests. Included in the financial statements presented at each board meeting will be budgetary comparisons to actual expenditures with variances noted. Prudent fiscal management will be a priority for the school.
- Revenue – The primary source of revenues for the school will be payments received directly from the authorizing agency. Any miscellaneous receipts would be received through normal receipting process with controls including 1) accounting for cash as it is received using consecutively prenumbered receipts, 2) ensuring the separation of incompatible duties, 3) safeguarding receipts prior to deposit, 4) prompt deposits of significant items, 5) reconciliations, and 6) monitoring of the process by administrators.
- Purchasing - The school principal will first approve purchase requests by school staff. If the principal approves the request, the purchase requisition will be forwarded to the Finance subcommittee for budget approval. If funds are not available, the purchase request will be returned to the principal requesting a budget transfer. If funds have been budgeted and are not



encumbered, the request will be approved and forwarded to the Business Manager. Purchase orders will be prepared, signed by an administrator and forwarded to the vendor for procurement of the goods. Upon receipt of the goods, the packing slips will be sent to the purchasing department to be matched with the purchase order and will be filed pending the receipt of an invoice from the vendor. When the invoice is received, it will be matched with the corresponding purchase orders and packing slips, reviewed to ensure charges are appropriate and in agreement with supporting documentation, and forwarded for check preparation and subsequent entry into the general ledger system. Checks will be printed, presented to an administrator with supporting documentation for signature, mailed to the vendor, and copies of all information will then be filed with pertinent vendor information obtained before payment of services are processed (1099, Business Profile and Data, Invoice, etc.) Procedures will be continually evaluated and revised as necessary to ensure the efficient operation of the school. KidSmart Bilingual Education Academy will operate in full compliance with all Arkansas law governing procurement.

- Payroll - Annual contracts will be in place for all salaried employees. Hourly and contractual employees (if applicable) will record work time on time sheets for submission after approval by the principal. Time sheets for all employees will be maintained electronically at the school site and processed twice per month. After a preliminary review to ensure that all transactions are accounted for (i.e. overtime, sick leave taken, etc), a payroll transmittal will be submitted to the Business Manager to review and process payroll. The Business Manager will submit payroll information to process payroll, release the direct deposit files to the bank, prepare the payroll tax/withholding deposits, and prepares any necessary reports for regulatory agencies (i.e. quarterly payroll reports, monthly retirement reports, monthly state withholding reports, etc.). In addition, Employees will have security-enabled access to payroll documents such as W-2 forms, sick leave reports, payroll reports, etc. Again, procedures will be continually evaluated and revised as necessary to ensure the efficient operation of the school.
- Payroll/Benefit System - Benefits consist of F.I.C.A, teacher/state retirement, unemployment, life insurance, and health benefits including medical, dental, vision, behavioral modifications. Employees will also be able to select additional insurances paid through payroll deductions. Modifications to this established system would be made to incorporate items specific to Arkansas including, but not limited to, 1) enrollment in the Teachers' Retirement System of Arkansas, 3) compliance with Arkansas laws, rules and regulations as they pertain to payroll taxes and other payroll issues, and 4) modification of our processes to satisfy APSCN requirements.
- Fixed Assets – KidSmart will develop policies to ensure the safeguarding of all assets purchased with public funds. For those items meeting the capitalization threshold, detailed lists will be maintained including all information necessary to accurately identify property items (i.e. description, serial numbers, cost, funding source, etc.). Physical asset inventories will be taken annually, at a minimum, by individuals independent of those with custody of the assets. Discrepancies will then be resolved. Asset disposals will be in accordance with rules and regulations of the ADE.
- General Accounting and Reporting – KidSmart will use the accepted state codification of

accounts for Arkansas school accounting through its use of the APSCN system. An annual budget will be adopted by the Board of Directors ("Board"). Financial statements, including budget to actual comparisons, will be prepared for the Board and ADE. The Board of Directors will be responsible for submitting all financial reports to the ADE, State of Arkansas, and other regulatory agencies on prescribed forms.

### **Data Reporting**

The school will establish an internal audit function to ensure the proper reporting of financial submissions to the ADE. Independent verification of all students will be performed regularly.

### **Budget Funding and Justification**

Future budgets will continue to be reviewed and modified as changing economic conditions become known. Included in the budget is a conservative estimate of all public dollars available per student. In addition, KidSmart anticipates organizing fund-raising activities to build reserves and supplement student activities.

Calculations for Purchased Services and Supplies and materials are estimated based on start up costs and the purchase of new equipment and technology. If, however, the school is successful in securing Federal Start-up grant funding, we will use these funds in the first year (2012-2013) to purchase all equipment allowed under the grant to supplement our budget in this area. The school would use the Start-Up funds for any allowable expense in the budget which would free up general revenues for additional instructional support and fund balance increases. Future budgets will continue to be reviewed and modified as changing economic conditions become known. KidSmart Bilingual Education Academy will comply with the state and federal monitoring requirements for schools receiving state and federal grant funds. KidSmart has developed internal controls which provide reasonable assurance that the use of state and federal resources is consistent with applicable laws, regulations and award terms. Processes have been established to safeguard resources against waste, loss and misappropriation. Additionally, reporting standards ensure that data is reliable and fairly disclosed in financial reporting documents.

### **Internal Financial Reporting**

Monthly financial reports will be prepared for internal management use. Minimally, quarterly financial reports will be presented at Board meetings. The quarterly financial statements will include:

Financial Statements

Statement of Net Assets

Statement of Activities

Fund Financial Statement Funds – Balance Sheet

KidSmart Bilingual Education Academy will provide all budgetary and financial information required by the ADE under the terms of the Charter contract. Information will be provided on the forms or in the format prescribed by the ADE. Information will be submitted electronically to the ADE if this option is available to the charter school through APSCN.

### **Business Office Staffing**

It is anticipated that the school's fiscal department will be managed by a a part-time or contractual Business Manager. The business manager will be responsible for :

- General ledger and financial statement preparation



- Coordinating Procurement, bids and contracts
- Bookkeeping (Monthly/Quarterly/Annual)
- Management of Budgets, forecasts & projection
- Computerized payroll services with payroll vendor
- Business tax return preparation
- Personal financial statements
- Managing Accounts payable
- Maintenance of appropriate licenses, filings as required by law



KidSmart Proposed Budget 2012-2013

**KidSmart Bilingual Education Academy**  
**Public Charter School Application**  
**Estimated Budget Worksheet Using Template as Provided**  
**2012-2013**

<b>Line #</b>	<b>Revenues</b>	<b>Amount</b>	<b>Total</b>
1	State Public Charter School Aid		
2	No. of Students (200) x \$6,144		
	State Foundation Funding		\$1,228,800.00
3			
4	No. of Students (200) x \$42.38 Professional Development		\$8,476.00
5	No. of Students (200) x eligible rate* NSLA Funding		\$297,600.00
6	Total State Charter School Aid		\$306,076.00
7			
8	Other Sources of Revenues:		
9	Private Donations or Gifts		
10	Federal Grants (List the amount)		
11	Special Grants (List the amount)		
12	Other (Specifically Describe)		
13			
14	Total Other Sources of Revenues		
15			
16	<b>TOTAL REVENUES</b>		<b>\$1,534,876.00</b>
17			
18	<b><u>Expenditures</u></b>	<b><u>Amount</u></b>	<b><u>Total</u></b>
19	Administration:		
20	Salaries: (No. of Positions 2.0)	\$140,000.00	School Principal
21	Fringe Benefits	\$28,000.00	Curriculum Director
22	Purchased Services		
23	Supplies and Materials	\$20,000.00	Office supplies
24	Equipment		Computers, printers
25	Other (Describe)	\$10,000.00	file cabinets
26			\$198,000.00
27	Regular Classroom Instruction:		
28	Salaries: (No. of Positions_17.5_)	\$550,000.00	13 Classroom teachers
29	Fringe Benefits	\$110,000.00	3 paraprofessionals
30	Purchased Services		2 specialists
			Professional Development
			Assessment/Data Services
			Telecommunications
31	Supplies and Materials	\$100,000.00	Classroom supplies
			Textbooks, field trips

# KidSmart Proposed Budget 2012-2013

32	Equipment	<u>\$65,000.00</u>	copy and printing postage Classroom furniture, computers, server wireless network
33	Other (Describe)		
34			<div>\$825,000.00</div>
35	Special Education:		
36	Salaries: (No. of Positions 1.0)	<u>\$40,000.00</u>	1 Special Needs Teacher
37	Fringe Benefits	<u>\$8,000.00</u>	
38	Purchased Services		
39	Supplies and Materials	<u>\$3,200.00</u>	Supplemental Materials
40	Equipment		
41	Other (Describe)		
42			<div>\$51,200.00</div>
43	Gifted and Talented Program:		
44	Salaries: (No. of Positions___)		
45	Fringe Benefits		
46	Purchased Services		
47	Supplies and Materials		
48	Equipment		
49	Other (Describe)		
50			
51	Alternative Education Program:		
52	Salaries: (No. of Positions___)		
53	Fringe Benefits		
54	Purchased Services		
55	Supplies and Materials		
56	Equipment		
57	Other (Describe)		
58			
59	Guidance Services:		
60	Salaries: (No. of Positions___)		
61	Fringe Benefits		
62	Purchased Services		
63	Supplies and Materials		
64	Equipment		
65	Other (Describe)		
66			
67	Health Services:		
68	Salaries: (No. of Positions_(0.5)	<u>\$19,000.00</u>	Part-time Nurse

KidSmart Proposed Budget 2012-2013

69	Fringe Benefits	\$3,800.00	
70	Purchased Services		
71	Supplies and Materials	\$2,400.00	Consumables
72	Equipment		
73	Other (Describe)	\$3,500.00	Refrigerator, Exam Chair locked medicine cabinet desk, chair, scale
74			\$28,700.00
75	Media Services:		
76	Salaries: (No. of Positions___)		
77	Fringe Benefits		
78	Purchased Services		
79	Supplies and Materials		
80	Equipment		
81	Other (Describe)		
82			
83	Fiscal Services:	\$19,000	Business Manager
84	Salaries: (No. of Positions_0.5_)	\$3,800.00	
85	Fringe Benefits		Accounting, Audit
86	Purchased Services	\$30,000.00	Legal
87	Supplies and Materials		Printing, Annual Reports
88	Equipment		
89	Other (Describe)		
90			\$52,800.00
91	Maintenance and Operation:		
92	Salaries: (No. of Positions___)		
93	Fringe Benefits		
94	Purchased Services	\$50,000.00	Landscape, Cleaning
95	(include utilities)		contract, repairs
96	Supplies and Materials		waste removal
97	Equipment		
98	Other (Describe)		
99			\$50,000.00
100	Transportation		
101	Salaries: (No. of Positions 0 )		
102	Fringe Benefits		
103	Purchased Services		
104	Supplies and Materials		
105	Equipment		
106	Other (Describe)		

KidSmart Proposed Budget 2012-2013

107			
108	Food Services:	\$50,000.00	
109	Salaries: (No. of Positions_2.0_)		
110	Fringe Benefits	\$10,000.00	
111	Purchased Services	\$100,000.00	Food, Milk contracts
112	Supplies and Materials		
113	Equipment		
114	Other (Describe)		
115			\$160,000.00
116	Data Processing:		
117	Salaries: (No. of Positions_2.0_)	\$65,000.00	Registrar
118	Fringe Benefits	\$13,000.00	Secretary
119	Purchased Services		
120	Supplies and Materials		
121	Equipment		
122	Other (Describe)		
123			\$78,000.00
124	Substitute Personnel:		
125	Salaries: (No. of Positions_)		\$10,000.00
126	Fringe Benefits		
127			\$10,000.00
128	Facilities:		
129	Lease/Purchase (contract for one total year including facilit	\$36,000.00	
130	Please list upgrades		
131	Utilities (contract for one total year	\$30,000.00	
132	including facility upgrades)		
133	Insurance (contract for one total year including facility upgr	\$7,000.00	
134	Property Insurance	\$7,000.00	
135	Content Insurance		
136			\$80,000.00
137	Debt Expenditures:		
138	Other Expenditures:		
139	(Describe)		
140			
141	<b>TOTAL EXPENDITURES</b>		\$1,533,700.00
	<b>NET BALANCE</b>		\$1,176.00

**KidSmart Bilingual Education Academy**  
**Public Charter School Application**  
**Estimated Budget Worksheet Using Template as Provided**  
**2013-2014**

<b>Line #</b>	<b>Revenues</b>	<b>Amount</b>	<b>Total</b>
1	State Public Charter School Aid		
2	No. of Students (250) x \$6,144		
	State Foundation Funding		\$1,536,000.00
3			
4	No. of Students (250) x \$42.38 Professional Development		\$10,595.00
5	No. of Students (250) x eligible rate* NSLA Funding		\$372,000.00
6	Total State Charter School Aid		\$382,595.00
7			
8	Other Sources of Revenues:		
9	Private Donations or Gifts		
10	Federal Grants (List the amount)		
11	Special Grants (List the amount)		
12	Other (Specifically Describe)		
13			
14	Total Other Sources of Revenues		
15			
16	<b>TOTAL REVENUES</b>		<b>\$1,918,595.00</b>
17			
18	<b><u>Expenditures</u></b>	<b><u>Amount</u></b>	<b><u>Total</u></b>
19	Administration:		School Principal
20	Salaries: (No. of Positions 3.0)	\$230,000.00	Curriculum Director
21	Fringe Benefits	\$57,500.00	
22	Purchased Services		
23	Supplies and Materials	\$20,000.00	Office supplies
24	Equipment	\$8,000.00	Computers, printers
25	Other (Describe)		
26			\$315,500.00
27	Regular Classroom Instruction:		16 Classroom teachers
28	Salaries: (No. of Positions_23_)	\$675,000.00	5 paraprofessionals
29	Fringe Benefits	\$168,750.00	2 specialists
30	Purchased Services		Professional Development
			Assessment/Data Services
			Telecommunications
31	Supplies and Materials	\$75,000.00	Classroom supplies
			Textbooks, field trips

KidSmart Proposed Budget 2013-2014\_2

32	Equipment	<u>\$50,000.00</u>	copy and printing postage Classroom furniture, computers, server wireless network
33	Other (Describe)		
34			
35	Special Education:		
36	Salaries: (No. of Positions 2.0)	<u>\$90,000.00</u>	2 Special Needs Teachers
37	Fringe Benefits	<u>\$22,500.00</u>	
38	Purchased Services		
39	Supplies and Materials	<u>\$4,000.00</u>	Supplemental Materials
40	Equipment		
41	Other (Describe)		
42			
43	Gifted and Talented Program:		
44	Salaries: (No. of Positions___)		
45	Fringe Benefits		
46	Purchased Services		
47	Supplies and Materials		
48	Equipment		
49	Other (Describe)		
50			
51	Alternative Education Program:		
52	Salaries: (No. of Positions___)		
53	Fringe Benefits		
54	Purchased Services		
55	Supplies and Materials		
56	Equipment		
57	Other (Describe)		
58			
59	Guidance Services:		
60	Salaries: (No. of Positions___)		
61	Fringe Benefits		
62	Purchased Services		
63	Supplies and Materials		
64	Equipment		
65	Other (Describe)		
66			
67	Health Services:		
68	Salaries: (No. of Positions_(0.5)	<u>\$19,000.00</u>	Part-time Nurse



KidSmart Proposed Budget 2013-2014\_2

69	Fringe Benefits	\$4,750.00	
70	Purchased Services		
71	Supplies and Materials	\$1,400.00	Consumables
72	Equipment		
73	Other (Describe)	\$2,500.00	Printing, Reports
74			\$27,650.00
75	Media Services:		
76	Salaries: (No. of Positions___)		
77	Fringe Benefits		
78	Purchased Services		
79	Supplies and Materials		
80	Equipment		
81	Other (Describe)		
82			
83	Fiscal Services:	\$19,000	Business Manager
84	Salaries: (No. of Positions_0.5_)	\$4,750.00	
85	Fringe Benefits		Accounting, Audit
86	Purchased Services	\$30,000.00	Legal
87	Supplies and Materials		Printing, Annual Reports
88	Equipment		
89	Other (Describe)		
90			\$53,750.00
91	Maintenance and Operation:		
92	Salaries: (No. of Positions___)		
93	Fringe Benefits		
94	Purchased Services	\$50,000.00	Landscape, Cleaning
95	(include utilities)		contract, repairs
96	Supplies and Materials		waste removal
97	Equipment		
98	Other (Describe)		
99			\$50,000.00
100	Transportation		
101	Salaries: (No. of Positions 0 )		
102	Fringe Benefits		
103	Purchased Services		
104	Supplies and Materials		
105	Equipment		
106	Other (Describe)		

KidSmart Proposed Budget 2013-2014\_2

107			
108	Food Services:	\$75,000.00	
109	Salaries: (No. of Positions_3.5_)		
110	Fringe Benefits	\$18,750.00	
111	Purchased Services	\$125,000.00	Food, Milk contracts
112	Supplies and Materials		
113	Equipment		
114	Other (Describe		
115			\$218,750.00
116	Data Processing:		
117	Salaries: (No. of Positions_2.0)	\$65,000.00	Registrar
118	Fringe Benefits	\$16,250.00	Secretary
119	Purchased Services		
120	Supplies and Materials		
121	Equipment		
122	Other (Describe)		
123			\$81,250.00
124	Substitute Personnel:		
125	Salaries: (No. of Positions_)		\$10,000.00
126	Fringe Benefits		
127			\$10,000.00
128	Facilities:		
129	Lease/Purchase (contract for one total year including facilit	\$36,000.00	
130	Please list upgrades		
131	Utilities (contract for one total year	\$30,000.00	
132	including facility upgrades)		
133	Insurance (contract for one total year including facility upgr	\$7,000.00	
134	Property Insurance	\$7,000.00	
135	Content Insurance		
136			\$80,000.00
137	Debt Expenditures:		
138	Other Expenditures:		
139	(Describe)		
140			
141	<b>TOTAL EXPENDITURES</b>		\$1,922,150.00
	<b>NET BALANCE</b>		\$11,445.00

## **STANDARD 14 OF APPLICATION: FINANCIAL AND PROGRAMMATIC AUDIT PLAN**

The Financial and Programmatic Audit Plan section should provide the procedure and timeline by which an annual audit should be conducted. This section should also include an outline for the information that will need to be reported to ADE and the community.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A sound plan for annually auditing school's financial and programmatic operations.

If the Application names an accountant other than the Division of Legislative Audit to perform the first-year audit, the named accountant meets the requirements of Act 993 of 2011 and is not listed on any ineligibility list maintained by ADE or the Division of Legislative Audit

<b>Does Not Meet the Standard</b>	<b>Partially Meets the Standard</b>	<b>Meets the Standard</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
Annual audit will be conducted by Division of Legislative Audit.	Pg. 34
<b>Concerns and Additional Questions</b>	<b>Reference</b>

## **STANDARD 15 OF APPLICATION: ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK ASSURANCES**

The Arkansas Public School Computer Network (APSCN) Assurances section should provide documentation of the Applicant's understanding of and participation in the required state educational data reporting system.

### **Evaluation Criteria:**

A response that meets the standard will present:

- Assurance that the charter school will participate in APSCN and will comply with all state statutory requirements regarding the APSCN educational data reporting system.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Applicant must clarify that they will comply with all state statutory requirements regarding education and financial data.	Pg. 34

## **STANDARD 16 OF APPLICATION: FACILITIES**

The Facilities section should provide an understanding of the school's anticipated facilities needs and how the school plans to meet those needs.

### **Evaluation Criteria:**

A response that meets the standard will present:

- An informed understanding of the facility needs of the school over the term of its charter.
- A realistic plan for securing a facility that is appropriate and adequate for the school's program and targeted population.
- Evidence that the school understands the costs of securing and improving a facility and has access to the necessary resources to fund the facility plan.
- A sound plan for continued operation, maintenance and repair of the facility.

For schools that will be using district-owned facilities, a response that meets the standard will present:

- Documentation that the school district and school are in agreement over the use of the facility and its equipment.

For schools that will NOT be using district-owned facilities, a response that meets the standard will present:

- Documentation that the property owner and school are in agreement over the use of the facility and its equipment;
- A statement of the facilities' compliance with applicable codes; and
- A detailed outline of any relationships between the property owner and;

- members of the local board of the public school district where the charter school will be located;
- the employees of the public school district where the charter school will be located;
- the sponsor of the charter school; and
- employees, directors and/or administrators of the charter school.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
<p>The Applicant requested an enrollment cap of 200 students, but the Applicant stated the proposed facility will only accommodate 150 students. Because the proposed facility holds only five classrooms (according to the Applicant), its actual capacity is only 75 students, because of the 15:1 class-size ratio proposed by the Applicant. The Applicant should explain how it plans to accommodate the number of students it proposes to accept.</p> <p>Any facilities used by the Applicant will have to be inspected by the Division of Public School Academic Facilities and Transportation prior to any State Board of Education action on the application. All facilities must meet the requirements of the Americans with Disabilities Act and the Individuals with Disabilities Education Act. The site must also be selected and reviewed before State Board action to ensure both adequacy for the proposed facilities as well as compliance with health, safety, building and zoning laws.</p> <p>A final review of all Lease Agreements for Charter School facilities will be performed by the ADE before Board action on the Application is taken. Any modifications to the Lease Agreement submitted with the application must be submitted to ADE for prior approval, pursuant to Ark. Code Ann. § 6-23-401(a)(5).</p>	Pg. 34
Facilities Review Report	

## **STANDARD 16 OF APPLICATION: FACILITIES**

The board is currently seeking a facility that is compliant with Americans with Disabilities Act and the Individual with Disabilities Act, meets zoning, health, safety and building requirements and has the capacity to accommodate the enrollment cap of 600 students. General guidelines for the facilities are as follows:

- The site will be easily accessible to the communities served.
- The facility needs to be approved by the Arkansas Department of Education and the local building inspector.
- The site must include support facilities such as a cafeteria, arts and media center, daycare space and other needs. We also want to ensure that future expansion is possible.
- Economic factors of the facilities must be at or below the market norm.
- A lease and contract for renovations will not be signed until it is determined that the charter will be awarded.
- In the event that a building project is suggested, the vacant land must have a preparation and construction time line that will allow for a project completion date of June 30, 2012.
- The facility will meet required guidelines for use as a public charter school including ADA requirements

The facilities will be inspected by the Division of Public School Academic Facilities and Transportation. Once a suitable building has been determined, the lease agreement will be submitted to the Arkansas Department of Education for review and approval.

**STANDARD 17 OF APPLICATION: CONFLICTS OF INTEREST**

The Conflicts of Interest section should identify any potential conflicts of interest among the individuals involved with the proposed charter school and detail how conflicts will be addressed.

**Evaluation Criteria:**

A response that meets the standard will present full disclosure of any potential conflicts of interest and detail how conflicts will be addressed.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
There is no Standard 17: Conflicts of Interest in this application.	

## **STANDARD 17 OF APPLICATION: CONFLICTS OF INTEREST**

A. The following relationships exist among the following within KidSmart Educational Services.  
There is a family relationship between the following:

Tiffany Pettus, Executive Director and Terrilyn Pettus, siblings

B. Any entity or individual whom the entity has contracted with, or intends to contract with , to provide any services or products of the proposed charter school; or  
*There are no conflicts of interest*

C. The owners of the facilities to be used  
*There are no conflicts of interest*

D. For the purpose of this standard, an individual has a financial relationship with another individual or entity if he/she:

- 1) Receives compensation or benefits directly or indirectly from the entity or individual;
- 2) Is an officer, director partner, employee, or owner of more than 5% of the shares of an entity that is a corporation, partnership, sole proprietorship, or LLC; or
- 3) Has a family member, spouse, sibling, parent or child, or the spouse of a sibling, parent or a child or the spouse or a sibling parent, or child) who is an officer, director, partner, employee, or owner or more than 5% of the shares of an entity that is a corporation, partnership, sole proprietorship, or LLC;

*Tiffany Pettus and Terrilyn Pettus, Board member are siblings.*

Tiffany Pettus and Terrilyn Pettus will work within the organization. However, both partners within the organization are precluded from voting on matters pertaining to their compensation.

### **Conflicts of Interests**

In an effort to engage in business activities in a fashion designed to avoid any conflict of interest or the appearance of, and to act in a manner that will avoid any conflict of interest the following practices will be adhered to:

- A board of directors is prohibited from serving as a member of the board of directors or as an employee or agent of, or contractor with, a for-profit entity with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. A violation of this prohibition renders a contract voidable. A member of the charter school board of directors who violates this prohibition shall be individually liable to the charter school for any damage caused by the violation.
- A member of a charter school board of directors that serves as a member of the board of directors or as an employee or agent of, or contractor with, a nonprofit entity with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities must disclose all potential conflicts.
- The charter school board member conflict of interest provisions do not apply to compensation paid to a teacher employed by the charter school who also serves as a member of the board of directors.



### **Procedures for Addressing Conflicts of Interest**

- A board member may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- The President of the board of directors or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- After exercising due diligence, the governing board or committee shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the charter school's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

## **STANDARD 18 OF APPLICATION: STUDENT SERVICES**

The Student Services section should describe how the school will address services for its student body.

### **Evaluation Criteria:**

A response that meets the standard will present, unless a waiver is being sought:

- A guidance program that will serve all students;
- A health services program that will serve all students;
- A plan for a media center for use by all students;
- A transportation plan that will serve all eligible students;
- A food service plan that will serve all eligible students;
- Sound plans for educating special education students that reflect the full range of programs and services required to provide such students with a high quality education;
- An alternative education plan for eligible students, including those determined to be at-risk, or those that are bilingual or have limited English proficiency; and
- Plans for a gifted and talented program for eligible students.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Transportation: It is unclear as to if this transportation plan will serve all eligible services. Please clarify how two vans will serve 200 students in the first year and 600 in subsequent years, plus those students with disabilities.	Pg. 35
Special Education: Applicant needs to state that they will fully comply all federal special education rules and regulations and IDEA.	Pg. 35-36
ALE: Further information the Alternative Education program.	Pg. 36
The Applicant should indicate whether or not it intends to offer an Alternative Education Environment (ALE) as required by law, or if the Applicant seeks waiver of the applicable statutes and rules – Ark. Code Ann. § 6-48-101 et seq. and Section 4.00 of ADE Rules Governing Student Special Needs Funding.	

## **STANDARD 18 OF APPLICATION: STUDENT SERVICES**

### **Transportation**

KidSmart Bilingual Education Academy seeks a waiver of transportation for the first operating year of the charter and requests to reevaluate the Transportation service option each year.

### **Special Education**

KidSmart Bilingual Education Academy has a clear understanding of and will fully comply with all state and federal requirements, rules and regulations regarding the education of exceptional students. Public Law 94-142, the Education for all Handicapped Children Act, guarantees a free public education to disabled persons from 3-21 years of age in the least restrictive environment. Hiring practices will reflect a clear understanding of PL 101-336, the Americans with Disabilities Act, making it unlawful to discriminate against people with disabilities because of their disability. The school will comply with all requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) and all other state and federal laws.

### **Alternative Education**

KidSmart will offer an Alternative Education Program designed to meet the needs of at-risk students who are not succeeding in the traditional setting. Students will be supported by services for the student and their immediate family that are essential to success. The Alternative Education Program will offer:

- Small student base
- Caring faculty with continual staff development
- School staff having high expectations for student achievement
- Flexible school schedule with community involvement and support
- Individualized Service Plans

### **STANDARD 19 OF APPLICATION: FOOD SERVICES**

This section should describe how the school will address food services for its student body.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A food service plan that will serve all eligible students.
- A management plan that reflects a clear understanding of federal law and requirements if the proposed charter school intends to participate in the National School Lunch program.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Further clarification is needed regarding the food service plan under USDA National School Lunch Program for planning and serving eligible meals to participating students.	Pg. 36

### **STANDARD 20 OF APPLICATION: PARENTAL INVOLVEMENT**

The Parental Involvement section should describe how parents or guardians of enrolled students will make a positive impact on the school and its educational program.

#### **Evaluation Criteria:**

A response that meets the standard will present:

- A plan for involving parents and guardians in the school's education programs; and
- A proposal that involves the parents of students, employees and the broader community in carrying out the terms of the charter.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Concerns and Additional Questions	Reference
Please describe in detail how the community will be involved.	Pg. 36-37

## **STANDARD 19 OF APPLICATION: FOOD SERVICES**

KidSmart has access to a full kitchen and dining facility in place and will operate a full service food program to its students. School meals are wholesome, nutritious, and appetizing and will meet the Dietary Guidelines for Americans and other USDA nutrition requirements. KidSmart will provide all food service needs at no charge to all eligible students. KidSmart will employ Nutrition Services personnel who will be responsible for planning and serving meals that follow the Recommended Dietary Allowances and USDA National School Lunch Program meal pattern requirements for eligible meals. We will serve breakfast and lunch; snacks to students participating in after school activities. We will provide free and reduced price lunches to students who need them. In general, meals will follow the standard USDA meal pattern which includes milk, meat or meat substitute, vegetable and fruit, bread.

The nurse will be responsible for consulting with Nutrition Services to ensure that menus are healthy and any foods that trigger allergies are left out or easy to identify in addition to providing menus for special needs students as outlined in student's IEP. Students in need of specific services with respect to food services will be provided for and all dietary requirements and specifications listed in the students IEP. Additionally, there will be a vegetarian option to include students with dietary restriction. As a proposed charter school with a "healthy choice" component, KidSmart will also promote healthful eating habits among both children and staff by having a salad bar available daily.

The kitchen and dining facilities meet all applicable health regulations. KidSmart complies with all local, state, and federal health, safety and sanitation guidelines and will make the food service area available for inspection by all appropriate personnel.

## **STANDARD 20 OF APPLICATION: PARENTAL INVOLVEMENT**

KidSmart Bilingual Education Academy will construct Community Partnerships to participate in the wide range of involvement activities, and to assume key roles and responsibilities in school-improvement efforts, including participation in the school's decision-making processes and policies. As a proposed charter school with language immersion and health components, we will form meaningful community partnerships to enrich the learning experience for students in order to enhance the curriculum and event planning. In order to enrich the Spanish bilingual component of the curriculum, we will form partnerships with Spanish language media outlets and organizations. Throughout the school year, administrators will invite speakers from law enforcement and community agencies to reinforce good-decision making skills, safety and security, financial management, hand-washing, etc. in order to supplement the "Healthy Choices" element of the charter. The charter school's governance structure will also consist of subcommittees which will include a Community Relations subcommittee. The Community Relations subcommittee seeks out active involvement of the community; acts as a liaison between Board, parents, volunteers, and community to ensure smooth operation of the school; plans social events; and oversees a strong home/school communication program. The committee also serves as an action team that is committed to developing a comprehensive family-involvement program. This team is a collaboration of teachers and other school staff, administrators, students, parents, and community members.

We will also form an active Parent Teacher Association. The Parent Teacher Association will conduct fundraisers and supports the program of the school through its volunteer efforts. The PTA will coordinate many of its activities to compliment the school's Bilingual Education and Healthy Choices mission. The Parent Teacher Association will seek out volunteers and host several community events organized on a regular basis these. These activities will include:

- Organizing English as a Second Language and Spanish Classes for Adult Learners
- Development of After school programs such as bilingual story time, concerts, plays, talent shows inviting participants from the community to donate prizes, judge, conduct workshops, serve as volunteer storytellers, etc.
- Forming partnerships with area health care agencies, dentists, physicians to host free health screenings, seminars and exams.
- Organizing annual events such as Science Fairs, Back to School Fairs, Holiday Parades, Cultural Fairs, celebrations, utilizing all available community media, retail, grassroots resources
- Collaborating with community organizations such as the American Red Cross, Salvation Army, UAMS, to provide resources for families and to be familiar with other community agencies and organizations that assist families in need.

### **Community Involvement in Achievement**

The Charter School will construct relationships with local retail establishments to provide awards and incentives to students. The awards will be presented in each class at the end of each semester. At the end of the school year, the school will also hold annual Awards Day ceremonies with recognition for year-long accomplishments.



## **STANDARD 21 OF APPLICATION: WAIVERS**

The Waivers section should describe any waiver from local or state law which the charter is seeking.

### **Evaluation Criteria:**

A response that meets the standard will present:

- A justification of each and every waiver request; and
- A justification of how the waiver requests relate to the school's educational program.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Legal Comments	Reference
<p>1. The application describes the proposed school as a "bilingual (English-Spanish) school" that will teach core subjects in both English and Spanish (p. 5). However, the application does not request waiver of Ark. Code Ann. § 6-16-104, which requires the "basic language of instruction" in all public schools to be "the English language only." The school as described cannot lawfully operate without a waiver of § 6-16-104.</p> <p>2. Requested waivers:</p> <p>a. Ark. Code Ann. §§ 6-17-401 ("Teacher license requirement") &amp; 6-17-919 ("Warrants void without valid certificate and contract"); Standard 15.03.1 of the Standards for Accreditation:</p> <ul style="list-style-type: none"><li>• Though the Applicant stated an intent to waive licensure rules, the Applicant failed to request waiver of Ark. Code Ann. §§ 6-15-1004 ("Qualified teachers in every public school classroom"), 6-17-309 ("Certification to teach grade or subject matter – Exceptions – Waiver"), or 6-17-902 ("Arkansas Teachers' Salary Law – Definition"). The Applicant also failed to request waiver of ADE Rules Governing Waivers for Substitute Teachers, ADE Rules Governing Parental Notification of an Assignment of a Non-Licensed Teacher, and the remaining provisions of Section 15.03 of the Standards for Accreditation. If no</li></ul>	

## **Standard 21 of Application: Additional Waivers requested**

### **A.C.A. §6-13-109**

Request of waiver of the statutes and rules requiring licensure of principals in an effort to seek the best candidate who may not necessarily be licensed as a principal.

### **A.C.A. § 6-15-902 – Grading Scale**

KidSmart Bilingual Education Academy will function in a non-graded learning environment.

### **A.C.A. § 6-15-1004 – Qualified Teachers in Every Classroom**

Highly qualified but not necessarily certified teachers will be allowed to teach. See A.C.A § 6-17-401 - et seq. Below.

### **A.C.A. 6-15-2302**

Request to waive qualification of Business Manager as outlined in the ADE Rules Governing Minimum Qualifications for General Business Managers of Public School Districts. We will employ or contract a Business Manager with significant experience or education in Finance, Accounting and experience sound public school financial management.

### **6-16-104. Basic language of instruction.**

KidSmart Bilingual Education Academy requests to teach on -grade-level academic content in Spanish to English Language Learners and Limited English Proficient students as part of our unique design to address the academic needs of English Language Learners.

### **A.C.A § 6-17-203 - Personnel Policy Committees**

KidSmart Bilingual Education Academy will not be large enough to meet the statutory composition of this committee.

### **A.C.A § 6-17-301 - Employment of Certified Personnel**

KidSmart requests to hire , therefore “at will” this law would be restrictive. However, the school ensures that constitutional due process will be followed in all employee dismissal events.

### **A.C.A § 6-17-302 - Public School Principals-Qualifications and Responsibilities**

The Board of Directors will expect the principal to have managerial and human resource skills and understand the concept of day to day operation in school system regardless of whether he/she holds a valid supervisory or administrative certificate.

### **A.C.A § 6-17-309 - Certification – Waiver**

Highly qualified but not necessarily certified teachers will be allowed to teach.

### **A.C.A § 6-17-401 - et seq. Teachers License Requirement**

#### **Standards for Accreditation – 15.03.1-15.03.3 – Licensure and Renewal**

KidSmart will make every effort to hire highly qualified but not necessarily certified in the specific content area assigned for all or part of the day.



**A.C.A. § 6-17-902 - Definition of a Teacher**

KidSmart may need to utilize contracted personnel services for specialized topics or positions for short periods of time making full compliance with this statute restrictive.

**A.C.A. § 6-17-908 - Teachers' Salary Fund**

Insurance decisions are based on committee consensus from affordable selections commensurate with local school district options (4)(B).

**A.C.A § 6-17-919 - Warrants Void Without Valid Certificate and Contract**

As KidSmart will not necessarily employ only certified teachers, it would need a waiver from this restriction. A valid offer of employment will be on file within the Business files and a copy will be given to the employee.

**A.C.A. §6-17-1501 - et seq. Teacher Fair Dismissal Act of 1983**

KidSmart will ensure that all due process procedures will be followed for all employee dismissals.

**A.C.A § 6-17-1701 et seq. - Public School Employee Fair Hearing Act**

The school charter may be revoked for non-performance, the same right needs to be provided for the timely dismissal of employees who are not providing for the academic progress of students.

**A.C.A. § 6-17-2302 - (Act of 1591 of 2007, regarding Business Managers)**

ADE Rules Governing "Highly Qualified Teachers"; ADE Rules Governing Parental Notification of an Assignment of a Non-Certified Teacher to Teach a Class for More than Thirty consecutive Days and for Granting Waivers

**Standards for Accreditation – X. Personnel**

The School reserves the option of hiring highly qualified teachers, administrators, and support staff regardless of license status, as provided by regulatory guidance for charter schools.

**A.C.A. 6-17-2403 - Minimum Teacher Compensation Schedule**

ADE Rules -- Certified Salary Schedule

Act 847 of 2007 Concerning Public School Certified/Classified Employee Alt. Pay Programs

The school will provide compensation that is competitive with local public school districts. The school reserves the right to determine specific salary schedules. An employee who seeks employment with the school is assumed to have given understood approval for participation in the program.

**Standard X (15.0 Personnel)**

The School reserves the option of hiring highly qualified teachers, administrators, and support staff regardless of license status, as provided by regulatory guidance for charter schools

**Rules 15.01 – 15.03.7 School District Superintendents & Principals**

The school administrators will have at least a Bachelor's degree.

**Rule 16.02 Media Services**

The School will utilize Dee Brown Library.

Application Cycle 2011

# **Additional Documents Received by ADE**

KidSmart Bilingual Education Academy



# ARKANSAS DEPARTMENT OF EDUCATION

## CHARTER SCHOOL OPERATIONS AND MAINTENANCE COMPLIANCE REPORT

LEA/Report # \_\_\_\_\_ School KidSmart Bilingual Education Academy Date (Revised) 10/25/2011  
Address 3516 Baseline Rd. Little Rock, AR Phone 501-612-0864  
Director Tiffany Pettus E-Mail \_\_\_\_\_  
School Contact (Name/Position) \_\_\_\_\_ Phone \_\_\_\_\_  
Facility is: X Proposed \_\_\_\_\_ Existing \_\_\_\_\_ New Construction \_\_\_\_\_

### Required Inspections and Staff Training

1. Maintenance Procedures Manual \_\_\_\_\_
2. Training Manual \_\_\_\_\_
3. Fire Extinguishers Serviced Annually \_\_\_\_\_
4. Fire Extinguishers Inspected Monthly \_\_\_\_\_
5. Fire and Safety Inspection Performed Semi-Annually by Fire Marshall \_\_\_\_\_
6. Fire Alarm System tested/inspected annually \_\_\_\_\_
7. Fire Drills Performed Monthly \_\_\_\_\_
8. Natural Gas Distribution System Inspected Annually \_\_\_\_\_
9. RPZ Valves Inspected Annually \_\_\_\_\_
10. Asbestos Surveillance up to Date \_\_\_\_\_
11. MSDS Sheets up to Date and Accessible \_\_\_\_\_
12. Hot Water Boiler/Heater \_\_\_\_\_

### Action Items (Follow-Up Required)

1. None.
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**Specific Building Information**

1. Building Name and LEA # \_\_\_\_\_ 2. Grade Configuration \_\_\_\_\_

3. Facility Built Date (including additions): \_\_\_\_\_ 4. Walk-thru of facility conducted: \_\_\_\_\_

5. Items Checked:

_____ HVAC System	_____ Roofs
_____ Exit Lights	_____ Plumbing/ ADA Compliance
_____ Hot Water Boilers & Heaters	_____ Electrical System
_____ Doors/Windows	_____ Interior / Exterior Lighting
_____ Emergency Lighting	_____ Floor Coverings
_____ Grounds Maintenance	_____ Fire Extinguishers
_____ Kitchen Equipment	_____ Fire Alarm
_____ Playground Equip.	_____ Stairwells
_____ Fire Sprinkler Systems	_____ Athletic Field Maintenance
_____ Elevators & Wheelchair Lifts	_____ Kitchen Hood Vent Suppression System
_____ Interior / Exterior Finishes	_____ Masonry & Concrete Building Exteriors
_____ Sidewalks, Driveways, Parking Areas, & Pave	
_____ Marked Parking Lots, ADA Compliance, Fire Lanes, Bus / Car Unloading Areas	
_____ Food Service	

6. Building Comments: All components of the facility/facilities will have to be brought up to code for  
educational facilities in accordance with the State Fire Code and state and federal ADA  
requirements.

7. Custodial (include equipment and storage):

_____ Storage Closets	_____ Restrooms
_____ Hallways/Classrooms/Offices	_____ Gymnasiums/Locker Rooms

Custodial Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Summary of the General Condition of the Facility: \_\_\_\_\_

Action Items (Follow-up required):

1. Owner must receive a Certificate of Occupancy, for all facilities,

2. from the proper authority prior to occupancy.

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

(Add additional pages, if necessary)

All observations are external. No performance tests were conducted. Any observations noted were reported to District personnel.

D.P.S.A.F.T. Representative: Terry Granderson

Position: Assistant Director

School Representative: \_\_\_\_\_

Position: \_\_\_\_\_

Comments: \_\_\_\_\_

Distribution: Charter School Office    DPSAFT Project File

## **KidSmart Bilingual Education Academy At A Glance**

- KidSmart Bilingual Education Academy proposes to serve primary students in grades K-5.
- Students will receive Standards Based progress reports aligned with Arkansas Curriculum Framework standards in place of traditional report cards.
- KidSmart Bilingual Education Academy will focus on Bilingual Education and Healthy Lifestyles Initiatives

### **The Core Elements of KidSmart Bilingual Education Program Offerings**

- We believe bilingual elements infused in instruction is the lever to increase student engagement, thus increasing student achievement.
- Instruction through the native language for subject matter.
- Health Education program that helps students build character, make healthy decisions in regards to decision making, mental and physical health.
- KidSmart Bilingual Education Academy will Target mainstream students with reading and math deficiencies, English Language Learners.

### **Student Population**

Pulaski County Demographics of Spanish-Speaking Households According to the Pew Hispanic Center 17,710, nine percent of the population.

### **Pulaski County:**

#### **Little Rock School District**

#### **South Little Rock**

John Barrow Road  
Shackleford Road

#### **Southwest Little Rock**

Geyer Springs Road  
Baseline Road  
Wakefield

#### **Bryant School District**

Alexander, Arkansas

### **Facilities**

We are currently looking for educational space within the Little Rock School District footprint, Located in Pulaski County.

### **Food Services**

The proposed charter school, KidSmart Bilingual Education Academy will participate in the NSLA Food program.

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CHARTER SCHOOL OFFICE

**KidSmart Bilingual Education Academy**  
**Grade 1 Sample Progress Report**

Student:	_____
Student ID:	_____
School:	_____
Teacher:	_____

*Students are evaluated based on their achievements of the grade level skills, strategies, and concepts identified in the Arkansas Curriculum Frameworks. For the first two reporting periods students who receive a mark of proficient are making consistent progress toward achievement of End-of-year expectations for a given grade level.*

<b>Legend</b>	<b>ENGLISH LANGUAGE DEVELOPMENT</b>	<b>Citizenship</b>
<b>STANDARDS ACHIEVEMENT</b>	<b>A: Advanced ELD</b>	<b>C: Consistently</b>
<b>AD: Advanced</b>	<b>EA: Early Advanced ELD</b>	<b>S: Sometimes</b>
<b>PR: Proficient</b>	<b>I: Intermediate ELD</b>	<b>R: Rarely</b>
<b>BA: Basic</b>	<b>EL: Early Intermediate ELD</b>	
<b>BB Below Basic</b>	<b>B: Beginning ELD</b>	
<b>NA: Not Assessed</b>	<b>NA: Not Assessed</b>	

**First Grade**

English Language Arts	Q1	Q2	Q3	Q4	Teacher Comments: First Quarter
Participates in a variety of speaking activities including choral reading OV.1.1.11					Teacher Comments: Second Quarter
Asks for clarification and explanation of words and ideas OV.1.1.12					
Accept Contributions of teachers or group to improve speaking performance OV.1.1.1					
Listens and Identifies Topics OV.2.1.2					
Follows two-step oral direction OV.2.1.3					
					Teacher Comments: Third Quarter
					Teacher Comments: Fourth Quarter

Absences/Tardiness	Q1	Q2	Q3	Q4	Total
Days Absent					
Days Tardy					

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CHARTER SCHOOL OFFICE



**KidSmart Bilingual Education Academy**  
**Additional Information Submission Request**

**1) Please provide in detail the board structure, including the process for member selection, length of term, and staggered schedule of placement.**

The length of board member terms will be three years. Every board member will be responsible for evaluating its composition to ensure a well-rounded set of competencies exists. When term limits approach, board members will develop lists of potential new members and assess their qualifications and competencies. The prospects are invited to fill out an application and complete an interview process. The board also participates in orientation of new board members and periodic evaluations of all board members.

**2) Please provide additional information regarding the committees that will be put into place to support the board, the proposed make-up of the committees and how they relate to board governance.**

The School Board will establish advisory committees for the purpose of receiving input from parents, students, staff and the community on specific topics to support the goals and objectives of the school's mission. We will advertise in the organization's newsletter, on our website - for assistance with committees. The committees will make recommendations to the Board but may not act for the Board. The Chairman of the Board will appoint individual board members as liaisons to serve on the committees. The Secretary of the Board will maintain a current list of appointments and publicize vacancies. The subcommittees will serve as advisory boards to address specific subjects or issues. These committees will consist of staff and stakeholders. The subcommittees will meet to address specific topics but not necessarily meet on a monthly basis.

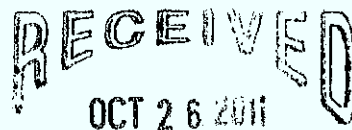
**General Organizational Parameters for Standing Committees**

A. Membership - Each member of a standing committee shall serve a term of one year or until June 30<sup>th</sup> of the following year.

B. Scope of Work - Work undertaken by each committee shall be at the direction of the Board. When a committee desires to conduct self-initiated work, the Committee Chairman will present a proposal to the Board for approval.

C. Authority - The committee shall have the authority to set agendas, conduct fact finding, and make recommendations to the Board for action. With the approval of the Board, the chairman may refer appropriate issues to the Committee for review and discussion and preparation of recommendations, as appropriate.

**Academic Policy:** Reviews curriculum to ensure compliance with the mission of the school; recommends policy changes to the Board where appropriate; and participates in the development of program development and evaluation.



**Personnel:** Recommends job descriptions to the Board of Directors; reviews principal's recommendations for hiring and firing employees and makes recommendations to the Board; and provides advice on personnel matters to the Board and the principal.

**Community Relations:** Seeks out active involvement of the community; acts as a liaison between Board, parents, volunteers, and community to ensure smooth operation of the school; plans social events; and oversees a strong home/school communication program.

**Finance:** Drafts annual operating and capital budgets for approval by the sponsoring entity; reviews monthly actual revenues and expenditures of the operating, capital, and enterprise activities and presents the same to the Board; and provides advice on financial matters to the Board, the sponsor, and principal.

**Facilities and Equipment:** Determines space and equipment needs and costs associated therewith; negotiates leases; ensures compliance with all regulations; develops plans for any necessary renovations to site; monitors ongoing compliance with regulations; and oversees maintenance of building and equipment.

**3) Please provide the detailed process for enrollment growth that will take the school from 200 students in grades K-3 for year one to serving students K-5 with a maximum enrollment cap of 600.**

We expect to start the 2012-2013 school year with 200 students. For each subsequent year, we will open additional slots to accommodate students according to the schedule proposed below. Every effort will be made to accommodate growth. We will apply for grants and coordinate fund raising efforts to support expansion projects, portable buildings, administrative and academic computing technology, telephony and other concerns associated with school growth. The school is in the process of seeking property which can be easily expanded although useful in the short-term. As enrollment increases, facilities will be reviewed to identify any program changes or minor facility changes that will bring relief. Implementation is not likely prior to the 2013-14 school year.

Academic Year	Number of Students	Grade	Openings
2012-2013	200	Kindergarten-Third Grade	50 slots per grade
2013-2014	150	Kindergarten-Fourth Grade	30 Slots per grade
2014-2015	150	Kindergarten-Fifth Grade	25 slots per grade
2015-2016	100	Kindergarten-Fifth Grade	20 slots per grade

**4) Please provide in detail the process for the dual language immersion instructional program.**

The school will employ the following guiding principles based in large part on the Dual Language Program Standards developed by Dual Language Education of New Mexico.

The Dual Immersion *Guiding Principles* are organized into seven strands, reflecting the major dimensions of program planning and implementation:

- Assessment and Accountability
- Curriculum
- Instruction
- Staff Quality and Professional Development
- Program Structure
- Family and Community
- Support and Resources

**Strand One : Assessment and Accountability**

The program will require the use of multiple measures in both languages to assess students' progress toward meeting bilingual goals along with the curricular and content-related goals. The assessment process will also include initial assessment in which ELL students are identified in Home Language Surveys during the enrollment process. Students will have individual portfolios with work samples showing Common Core Curriculum Frameworks taught and mastered throughout the semester.

Assessments will be:

- Used to shape and monitor program effectiveness
- Aligned with curriculum and appropriate standards
- Aligned with the vision and goals of the program
- Conducted in both of the languages used for instruction
- Used to track the progress of a variety of groups in the program over time
- A topic for professional development for teachers and administrators
- Carried out in consistent and systematic ways
- Disseminated to appropriate audiences

**Strand Two: Curriculum**

The language instruction will be integrated within the curriculum. The Language objectives will be incorporated into the curriculum planning and language and literature will be developed across the curriculum to ensure that students learn the content as well as the academic language associated with the content. In addition, we have adopted curriculum which incorporates a variety of materials, integrates technology, aligns with Common Core curricular standards and reflects and values' students cultures.

### **Strand Three: Instructional**

It is important to use a variety of techniques that respond to different learning styles and language proficiency levels. We will use the SIOP instructional method and cooperative learning to engage students in the learning process. Considerable evidence and studies demonstrate the success of cooperative learning in promoting positive student outcomes. The Sheltered Instruction Observation Protocol or SIOP model is a researched-based instructional strategy which incorporates scaffolding, differentiating and content objectives that:

- will be read by students, for students
- will be easy for students to understand
- are given orally and in writing
- are tied to a specific grade-level content standard

Sheltered techniques include:

- Using visual aids such as pictures, charts, graphs, and semantic mapping
- Modeling instruction, allowing students to negotiate meaning and make connections between course content and prior knowledge
- Allowing students to act as mediators and facilitators
- Using alternative assessments, such as portfolios, to check comprehension
- Providing comprehensible speech, scaffolding, and supplemental materials
- Using a wide range of presentation strategies

Research has shown that students who were provided with sheltered instruction using the SIOP Model scored significantly higher and made greater gains on an English writing task than English language learners who had not been exposed to instruction via the SIOP Model.<sup>1</sup>

KidSmart will use positive social and instructional interactions equitably with both English language learners and native English speakers.

### **Strand Four: Staff Quality**

Staff Quality is important to consider in recruitment and professional development. Staff will be selected based on their academic background, qualifications and experience. Teachers will need good content knowledge and classroom management skills, and technical assistance training with respect to the language education model and appropriate instructional strategies.

### **Strand Five: Professional Development**

First and foremost, teachers will be trained to understand the philosophy behind dual language education in order for the program to be successful. The program participants must first understand the bilingual education, immersion practices underlying dual language programs. In adhering to these beliefs, they can develop appropriate instructional strategies that meet the

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<sup>1</sup> Echevarria, J., Short, D., & Powers, K. (2003). *School reform and standards-based education: How do teachers help English language learners?* (Technical Report).

diverse needs of the students in their classrooms. Each teacher's own beliefs and goals will be examined and unified with the school vision of dual language programs. In order to be effective, we will align the professional development needs of faculty to the goals and strategies of the instructional program. In order for administrators and teachers to interpret data appropriately, they will also receive professional development that is focused on assessment, including the interpretation of data. Correct interpretation of assessment outcomes involves understanding research in dual language education and establishing appropriate expectations for students who are taught and tested in two languages.

#### **Strand Six: Program Structure**

We will incorporate equity at the school, and classroom levels and with respect to the treatment of students, families, and teachers. Establishing a vision of bilingualism and multicultural competence requires a clear understanding of and equitable treatment directed toward the needs of culturally and linguistically diverse students, as well as integration of multicultural themes into instruction and programming.

#### **Strand Seven: Family and Community**

KidSmart Bilingual Education Academy will construct Community Partnerships to participate in the wide range of involvement activities, and to assume key roles and responsibilities in school-improvement efforts, including participation in the school's decision-making processes and policies. As a proposed charter school with language immersion and health components, we will form meaningful community partnerships to enrich the learning experience for students in order to enhance the curriculum and event planning. In order to enrich the Spanish bilingual component of the curriculum, we will form partnerships with Spanish language media outlets and organizations. Throughout the school year, administrators will invite speakers from law enforcement and community agencies to reinforce good-decision making skills, safety and security, financial management, hand-washing, etc. in order to supplement the "Healthy Choices" element of the charter. The charter school's governance structure will also consist of subcommittees which will include a Community Relations subcommittee. The Community Relations subcommittee seeks out active involvement of the community; acts as a liaison between Board, parents, volunteers, and community to ensure smooth operation of the school; plans social events; and oversees a strong home/school communication program. The committee also serves as an action team that is committed to developing a comprehensive family-involvement program. This team is a collaboration of teachers and other school staff, administrators, students, parents, and community members.

### **Strand Eight: Support and Resources**

Support is important in any community. We will make every effort to ensure that the program is supported by the community through ensuring that:

- Resources are allocated equitably
- The program is seen by all stakeholders as a permanent and enriching part of the school and district
- School and program administrators understand, support, and advocate for the program
- There is equitable access to resources for all students and in both program languages
- Families and communities are knowledgeable about the program and can advocate on its behalf.

**5) Please provide a detailed facilities plan for the school including any additional properties and/or plans.**

The existing structure is located at 3516 Baseline Road. At the present time KidSmart Bilingual Education Academy is considering properties located at the following addresses to house the charter school. The process has included obtaining bids for renovations as well as submitting proposals to church governing boards for consideration.

Vision Christian Academy  
6111 West 83<sup>rd</sup>  
Little Rock, Arkansas  
Submitted Proposal to Church Governing Body

Lifeline Baptist Church  
7601 Baseline Road  
Little Rock, AR 72209  
Submitted Proposal to Church Governing Body

Napa Auto Parts  
Vacant  
3016 Baseline Road  
Little Rock, Arkansas 72209  
In the process of obtaining bids from Baldwin Shell contractors for renovations



6) Please submit a revised budget utilizing \$6,267 in foundation funding per student for year one of school operation. Also include any other additional costs such as buses for student transportation, salaries for bus drivers, and interpreters as mentioned during the interview process. Expenditures should reflect renovation of the proposed facility/facilities, lease cost for any additional buildings, and any other facility related expenditures.



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KidSmart Proposed Budget 2013-2014

CHARTER SCHOOL OFFICE

**KidSmart Bilingual Education Academy**  
**Public Charter School Application**  
**Estimated Budget Worksheet Using Template as Provided**

2012-2013

Line #	Revenues	Amount	Total
1	State Public Charter School Aid		
2	No. of Students (200) x \$6,144		
	State Foundation Funding		\$1,228,800.00
3			
4	No. of Students (200) x \$42.38 Professional Development		\$8,476.00
5	No. of Students (200) x eligible rate* NSLA Funding		\$297,600.00
6	Total State Charter School Aid		\$306,076.00
7			
8	Other Sources of Revenues:		
9	Private Donations or Gifts		
10	Federal Grants (List the amount)		
11	Special Grants (List the amount)		
12	Other (Specifically Describe) uniform and meal sales		\$11,000.00
13			
14	Total Other Sources of Revenues		
15			
16	<b>TOTAL REVENUES</b>		<b>\$1,545,876.00</b>

Line #	Expenditures	Amount	Total
19	Administration:		
20	Salaries: (No. of Positions 2.0)	\$140,000.00	School Principal
21	Fringe Benefits	\$39,200.00	Curriculum Director
22	Purchased Services		
23	Supplies and Materials	\$20,000.00	Office supplies
24	Equipment	\$10,000.00	Computers, printers
25	Other (Describe)		file cabinets
26			\$209,200.00
27	Regular Classroom Instruction:		
28	Salaries: (No. of Positions 18)	\$550,000.00	13 Classroom teachers
29	Fringe Benefits	\$94,000.00	3 paraprofessionals
30	Purchased Services		2 specialists
			Professional Development
			Assessment/Data Services
			Telecommunications
31	Supplies and Materials	\$100,000.00	Classroom supplies
			Textbooks, field trips

KidSmart Proposed Budget 2013-2014

32	Equipment	<u>\$65,000.00</u>	copy and printing postage Classroom furniture, computers, server wireless network
33	Other (Describe)		
34			<div>\$809,000.00</div>
35	Special Education:		
36	Salaries: (No. of Positions 1.0)	<u>\$40,000.00</u>	1 Special Needs Teacher
37	Fringe Benefits	<u>\$12,000.00</u>	
38	Purchased Services		
39	Supplies and Materials	<u>\$3,200.00</u>	Supplemental Materials
40	Equipment		
41	Other (Describe)		
42			<div>\$55,200.00</div>
43	Gifted and Talented Program:		
44	Salaries: (No. of Positions___)		
45	Fringe Benefits		
46	Purchased Services		
47	Supplies and Materials		
48	Equipment		
49	Other (Describe)		
50			
51	Alternative Education Program:		
52	Salaries: (No. of Positions___)		
53	Fringe Benefits		
54	Purchased Services		
55	Supplies and Materials		
56	Equipment		
57	Other (Describe)		
58			
59	Guidance Services:		
60	Salaries: (No. of Positions___)		
61	Fringe Benefits		
62	Purchased Services		
63	Supplies and Materials		
64	Equipment		
65	Other (Describe)		
66			
67	Health Services:		
68	Salaries: (No. of Positions_(0.5)	<u>\$19,000.00</u>	Part-time Nurse

KidSmart Proposed Budget 2013-2014

69	Fringe Benefits	\$5,320.00	
70	Purchased Services		
71	Supplies and Materials	\$2,400.00	Consumables
72	Equipment		
73	Other (Describe)	\$3,500.00	Refrigerator, Exam Chair locked medicine cabinet desk, chair, scale
74			\$30,220.00
75	Media Services:		
76	Salaries: (No. of Positions___)		
77	Fringe Benefits		
78	Purchased Services		
79	Supplies and Materials		
80	Equipment		
81	Other (Describe)		
82			
83	Fiscal Services:	\$19,000	Business Manager
84	Salaries: (No. of Positions_0.5_)	\$5,320.00	
85	Fringe Benefits		Accounting, Audit
86	Purchased Services	\$30,000.00	Legal
87	Supplies and Materials		Printing, Annual Reports
88	Equipment		
89	Other (Describe)		
90			\$48,640.00
91	Maintenance and Operation:		
92	Salaries: (No. of Positions___)		
93	Fringe Benefits		
94	Purchased Services	\$50,000.00	Landscape, Cleaning
95	(include utilities)		contract, repairs
96	Supplies and Materials		waste removal
97	Equipment		
98	Other (Describe)		
99			\$50,000.00
100	Transportation		
101	Salaries: (No. of Positions 0 )		
102	Fringe Benefits		
103	Purchased Services		
104	Supplies and Materials		
105	Equipment		
106	Other (Describe)		

KidSmart Proposed Budget 2013-2014

107			
108	Food Services:	\$50,000.00	
109	Salaries: (No. of Positions_2.0_)		
110	Fringe Benefits	\$8,000.00	
111	Purchased Services	\$100,000.00	Food, Milk contracts
112	Supplies and Materials		
113	Equipment		
114	Other (Describe		
115			\$158,000.00
116	Data Processing:		
117	Salaries: (No. of Positions_2.0)	\$65,000.00	Registrar
118	Fringe Benefits	\$12,500.00	Secretary
119	Purchased Services		
120	Supplies and Materials		
121	Equipment		
122	Other (Describe)		
123			\$77,500.00
124	Substitute Personnel:		
125	Salaries: (No. of Positions_)		\$10,000.00
126	Fringe Benefits		
127			\$10,000.00
128	Facilities:		
129	Lease/Purchase (contract for one total year including facility	\$36,000.00	
130	Please list upgrades		
131	Utilities (contract for one total year	\$30,000.00	
132	including facility upgrades)		
133	Insurance (contract for one total year including facility upgr:	\$7,000.00	
134	Property Insurance	\$7,000.00	
135	Content Insurance		
136			\$80,000.00
137	Debt Expenditures:	\$11,000.00	Uniforms Not Sold
138	Other Expenditures:		
139	(Describe)		
140			\$11,000.00
141	<b>TOTAL EXPENDITURES</b>		\$1,544,440.00
	<b>NET BALANCE</b>		\$1,435.00

## KidSmart Proposed Budget 2013-2014

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KidSmart Proposed Budget 2013-2014

62592

-\$56,000.00

KidSmart Proposed Budget 2013-2014

-\$30,220.00

KidSmart Proposed Budget 2013-2014

-\$150,000.00

-36970.15

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\$7,000.00

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KidSmart Proposed Budget 2013-2014

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KidSmart Proposed Budget 2013-2014

KidSmart Proposed Budget 2013-2014

KidSmart Proposed Budget 2013-2014

KidSmart Proposed Budget 2012-2013

**KidSmart Bilingual Education Academy**  
**Public Charter School Application**  
**Estimated Budget Worksheet Using Template as Provided**  
**2012-2013**

<b>Line #</b>	<b>Revenues</b>	<b>Amount</b>	<b>Total</b>
1	State Public Charter School Aid		
2	No. of Students (200) x \$6,267.00		
	State Foundation Funding		\$1,253,400.00
3			
4	No. of Students (200) x \$42.38 Professional Development		\$8,476.00
5	No. of Students (200) x eligible rate* NSLA Funding		\$297,600.00
6	Total State Charter School Aid		\$306,076.00
7			
8	Other Sources of Revenues:		
9	Private Donations or Gifts		
10	Federal Grants (List the amount)		
11	Special Grants (List the amount)		
12	Other (Specifically Describe)		
13			
14	Total Other Sources of Revenues		
15			
16	<b>TOTAL REVENUES</b>		<b>\$1,559,476.00</b>
17			
18	<b>Expenditures</b>	<b>Amount</b>	<b>Total</b>
19	Administration:		School Principal
20	Salaries: (No. of Positions 2.0)	\$140,000.00	Curriculum Director
21	Fringe Benefits	\$28,000.00	
22	Purchased Services		
23	Supplies and Materials	\$20,000.00	Office supplies
24	Equipment		Computers, printers
25	Other (Describe)	\$10,000.00	file cabinets
26			\$198,000.00
27	Regular Classroom Instruction:		13 Classroom teachers
28	Salaries: (No. of Positions 17.5)	\$550,000.00	3 paraprofessionals
29	Fringe Benefits	\$110,000.00	2 specialists
30	Purchased Services		
			Professional Development
			Assessment/Data Services
			Telecommunications
31	Supplies and Materials	\$100,000.00	Classroom supplies
			Textbooks, field trips

KidSmart Proposed Budget 2012-2013

32	Equipment	<u>\$65,000.00</u>	copy and printing postage Classroom furniture, computers, server wireless network
33	Other (Describe)	\$3,000.00	Interpreters
34			<u>\$828,000.00</u>
35	Special Education:		
36	Salaries: (No. of Positions 1.0)	<u>\$40,000.00</u>	1 Special Needs Teacher
37	Fringe Benefits	<u>\$8,000.00</u>	
38	Purchased Services		
39	Supplies and Materials	<u>\$3,200.00</u>	Supplemental Materials
40	Equipment		
41	Other (Describe)		
42			<u>\$51,200.00</u>
43	Gifted and Talented Program:		
44	Salaries: (No. of Positions___)		
45	Fringe Benefits		
46	Purchased Services		
47	Supplies and Materials		
48	Equipment		
49	Other (Describe)		
50			
51	Alternative Education Program:		
52	Salaries: (No. of Positions___)		
53	Fringe Benefits		
54	Purchased Services		
55	Supplies and Materials		
56	Equipment		
57	Other (Describe)		
58			
59	Guidance Services:		
60	Salaries: (No. of Positions___)		
61	Fringe Benefits		
62	Purchased Services		
63	Supplies and Materials		
64	Equipment		
65	Other (Describe)		
66			
67	Health Services:		
68	Salaries: (No. of Positions_(0.5)	<u>\$19,000.00</u>	Part-time Nurse

KidSmart Proposed Budget 2012-2013

69	Fringe Benefits	\$3,800.00	
70	Purchased Services		
71	Supplies and Materials	\$2,400.00	Consumables
72	Equipment		
73	Other (Describe)	\$3,500.00	Refrigerator, Exam Chair locked medicine cabinet desk, chair, scale
74			\$28,700.00
75	Media Services:		
76	Salaries: (No. of Positions___)		
77	Fringe Benefits		
78	Purchased Services		
79	Supplies and Materials		
80	Equipment		
81	Other (Describe)		
82			
83	Fiscal Services:	\$19,000	Business Manager
84	Salaries: (No. of Positions_0.5_)	\$3,800.00	
85	Fringe Benefits		Accounting, Audit
86	Purchased Services	\$30,000.00	Legal
87	Supplies and Materials		Printing, Annual Reports
88	Equipment		
89	Other (Describe)		
90			\$52,800.00
91	Maintenance and Operation:		
92	Salaries: (No. of Positions___)		
93	Fringe Benefits		
94	Purchased Services	\$50,000.00	Landscape, Cleaning
95	(include utilities)		contract, repairs
96	Supplies and Materials		waste removal
97	Equipment		
98	Other (Describe)		
99			\$50,000.00
100	Transportation		
101	Salaries: (No. of Positions 0 )	\$5,000	Contract
102	Fringe Benefits		through 3 <sup>rd</sup> party vendor
103	Purchased Services		
104	Supplies and Materials		
105	Equipment		
106	Other (Describe)		

KidSmart Proposed Budget 2012-2013

107			
108	Food Services:	\$50,000.00	
109	Salaries: (No. of Positions_2.0_)		
110	Fringe Benefits	\$10,000.00	
111	Purchased Services	\$100,000.00	Food, Milk contracts
112	Supplies and Materials		
113	Equipment		
114	Other (Describe		
115			\$160,000.00
116	Data Processing:		
117	Salaries: (No. of Positions_2.0)	\$65,000.00	Registrar
118	Fringe Benefits	\$13,000.00	Secretary
119	Purchased Services		
120	Supplies and Materials		
121	Equipment		
122	Other (Describe)		
123			\$78,000.00
124	Substitute Personnel:		
125	Salaries: (No. of Positions_)		\$10,000.00
126	Fringe Benefits		
127			\$10,000.00
128	Facilities:		
129	Lease/Purchase (contract for one total year including facility	\$36,000.00	
130	Please list upgrades		
131	Utilities (contract for one total year	\$30,000.00	
132	including facility upgrades)	\$17,776.00	
133	Insurance (contract for one total year including facility upgr	\$7,000.00	
134	Property Insurance	\$7,000.00	
135	Content Insurance		
136			\$97,776.00
137	Debt Expenditures:		
138	Other Expenditures:		
139	(Describe)		
140			
141	<b>TOTAL EXPENDITURES</b>		\$1,559,476.00
	<b>NET BALANCE</b>		\$0.00



KidSmart Proposed Budget 2012-2013

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KidSmart Proposed Budget 2012-2013

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-\$56,000.00

KidSmart Proposed Budget 2012-2013

-\$30,220.00

KidSmart Proposed Budget 2012-2013

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16250

-36970.15

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KidSmart Proposed Budget 2012-2013

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KidSmart Proposed Budget 2012-2013

KidSmart Proposed Budget 2012-2013

KidSmart Proposed Budget 2012-2013



**Public Charter School Application**  
**Estimated Budget Worksheet Using Template as Provided**

2013-2014		
Line #	Revenues	Amount Total
1	State Public Charter School Aid	
2	No. of Students (200) x \$6,023.00	
	State Foundation Funding	\$1,204,600.00
3		
4	No. of Students (200) x \$42.38 Professional Development	\$8,476.00
5	No. of Students (200) x eligible rate* NSLA Funding	\$297,600.00
6	Total State Charter School Aid	\$306,076.00
7		
8	Other Sources of Revenues:	
9	Private Donations or Gifts	
10	Federal Grants (List the amount)	
11	Special Grants (List the amount)	
12	Other (Specifically Describe) uniform and meal sales	\$11,000.00
13		
14	Total Other Sources of Revenues	
15		
16	<b>TOTAL REVENUES</b>	<b>\$1,827,752.00</b>
17		
18	Expenditures	Amount Total
19	Administration:	
20	Salaries: (No. of Positions 2.0)	\$140,000.00 School Principal
21	Fringe Benefits	\$39,200 Curriculum Director
22	Purchased Services	
23	Supplies and Materials	\$20,000.00 Office supplies
24	Equipment	\$10,000.00 Computers, printers
25	Other (Describe)	file cabinets
26		
27	Regular Classroom Instruction:	
28	Salaries: (No. of Positions 17)	\$550,000.00 13 Classroom teachers
29	Fringe Benefits	\$132,440.00 2 paraprofessionals
30	Purchased Services	\$94,000.00 2 specialists
		Professional Development
		Assessment/Data Service
		Telecommunications
31	Supplies and Materials	\$167,500.00 Classroom supplies
		Textbooks, field trips
		copy and printing

Sheet1

32	Equipment	\$185,000.00	postage Classroom furniture, computers, server wireless network
33	Other (Describe)		
34			\$1,298,940.00
35	Special Education:		
36	Salaries: (No. of Positions 1.0)	\$40,000.00	1 Special Needs Teacher
37	Fringe Benefits	\$12,000.00	
38	Purchased Services		
39	Supplies and Materials		
40	Equipment	\$4,000.00	Supplemental Materials
41	Other (Describe)		
42			\$56,000.00
43	Gifted and Talented Program:		
44	Salaries: (No. of Positions___)		
45	Fringe Benefits		
46	Purchased Services		
47	Supplies and Materials		
48	Equipment		
49	Other (Describe)		
50			
51	Alternative Education Program:		
52	Salaries: (No. of Positions___)		
53	Fringe Benefits		
54	Purchased Services		
55	Supplies and Materials		
56	Equipment		
57	Other (Describe)		
58			
59	Guidance Services:		
60	Salaries: (No. of Positions___)		
61	Fringe Benefits		
62	Purchased Services		
63	Supplies and Materials		
64	Equipment		
65	Other (Describe)		
66			
67	Health Services:		
68	Salaries: (No. of Positions_(0.5)	\$19,000.00	Part-time Nurse
69	Fringe Benefits	\$5,320.00	

Sheet1

70	Purchased Services		
71	Supplies and Materials	\$2,400.00	Consumables
72	Equipment		
73	Other (Describe)	\$3,500.00	Refrigerator, Exam Chair locked medicine cabinet desk, chair, scale
74		\$30,222.00	
75	Media Services:		
76	Salaries: (No. of Positions__)		
77	Fringe Benefits		
78	Purchased Services		
79	Supplies and Materials		
80	Equipment		
81	Other (Describe)		
82			
83	Fiscal Services:		
84	Salaries: (No. of Positions__)		
85	Fringe Benefits		Accounting, Audit Legal
86	Purchased Services	\$30,000.00	
87	Supplies and Materials		
88	Equipment		
89	Other (Describe)		
90		\$30,000.00	
91	Maintenance and Operation:		
92	Salaries: (No. of Positions__1)		
93	Fringe Benefits		
94	Purchased Services	\$90,000.00	Landscape, Cleaning contract, repairs waste removal
95	(include utilities)		
96	Supplies and Materials		
97	Equipment		
98	Other (Describe)	\$90,000.00	
99			
100	Transportation		
101	Salaries: (No. of Positions 3.0) \$60,000		
102	Fringe Benefits	\$8,000.00	
103	Purchased Services	\$30,000.00	Gas, maintenance tires insurance inspections
104	Supplies and Materials		
105	Equipment		
106	Other (Describe)		
107			
108	Food Services:	\$50,000.00	

Sheet1

109	Salaries: (No. of Positions_2.0_)		
110	Fringe Benefits		
111	Purchased Services	\$100,000.00	Food, Milk contracts
112	Supplies and Materials		
113	Equipment		
114	Other (Describe		
115		\$150,000.00	
116	Data Processing:		
117	Salaries: (No. of Positions_1.0)	\$35,000.00	Office Manager
118	Fringe Benefits	\$1,970.15	
119	Purchased Services		
120	Supplies and Materials		
121	Equipment		
122	Other (Describe)	\$36,970.15	
123			
124	Substitute Personnel:		
125	Salaries: (No. of Positions_)		\$10,000.00
126	Fringe Benefits	\$10,000.00	
127			
128	Facilities:		
129	Lease/Purchase (contract for one total year including facility upg	\$36,000.00	
130	Please list upgrades		
131	Utilities (contract for one total year	\$30,000.00	
132	including facility upgrades)		
133	Insurance (contract for one total year including facility upgrades)	\$7,000.00	
134	Property Insurance	\$7,000.00	
135	Content Insurance		
136			
137	Debt Expenditures:	\$15,000.00	Uniforms Not Sold
138	Other Expenditures:		
139	(Describe)		
140			
141	<b>TOTAL EXPENDITURES</b>		

Sheet1

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Sheet1

-\$1,128,940.00

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-\$30,220.00

-\$30,000.00

-\$98,000.00

Sheet1

-\$150,000.00



Sheet1

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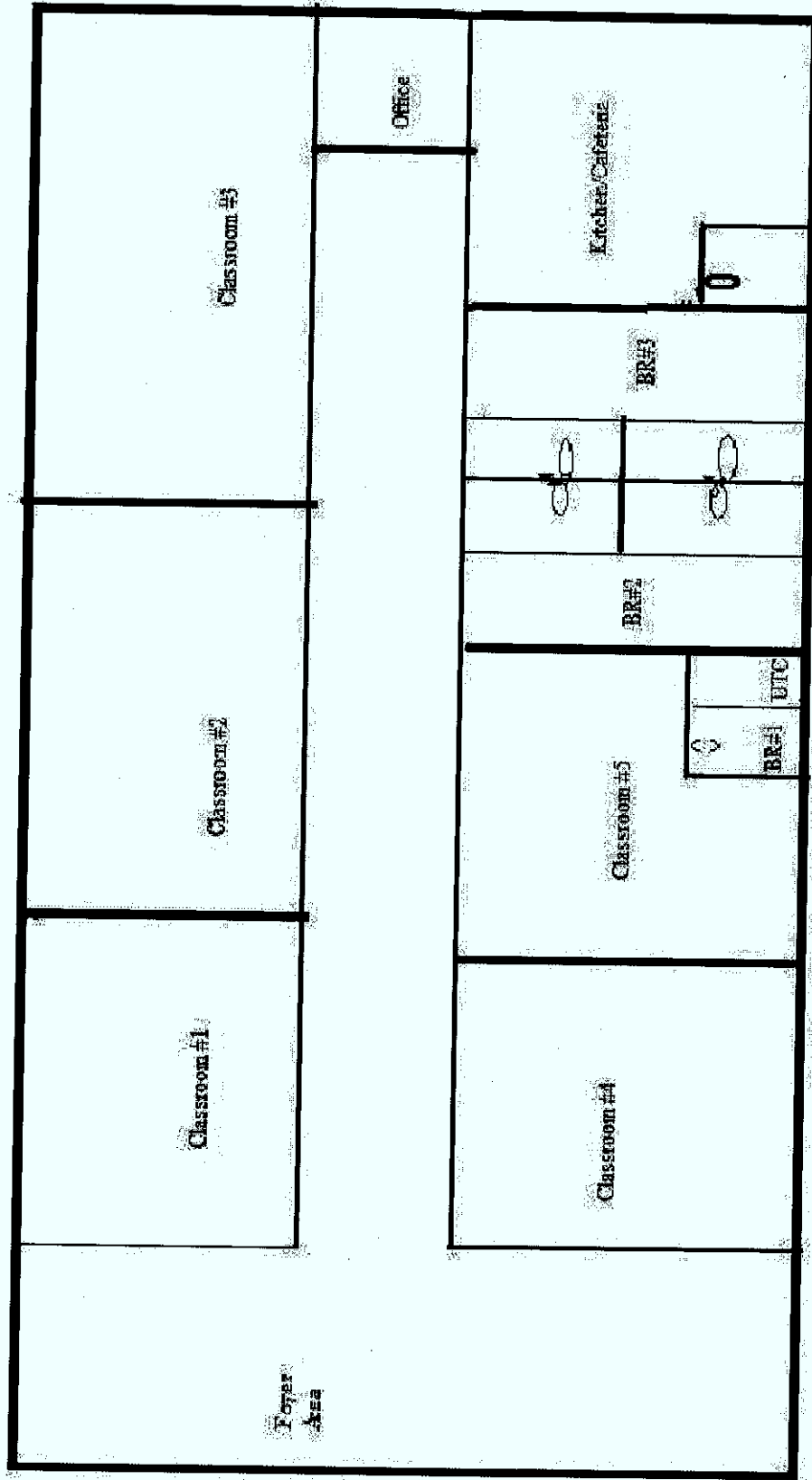
Sheet1

Sheet1

Sheet1

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CHARTER SCHOOL OFFICE



Key:

BR- Bathroom

UTC- Utility Closet

KidSmart Educational Services Existing Facilities  
3516 Baseline Road  
Licensed Food Services Provider  
Zoned Commercial Day Care/Educational Use  
Exterior Recreation Area  
75 student capacity

3016 Baseline Road  
8,000 Square Feet  
Napa Auto Parts Building  
Vacant

Quoting Renovations  
Additional Bathrooms  
Classrooms  
Ceiling Lowered  
IDEA Compliance  
Zoning  
Doors/Windows

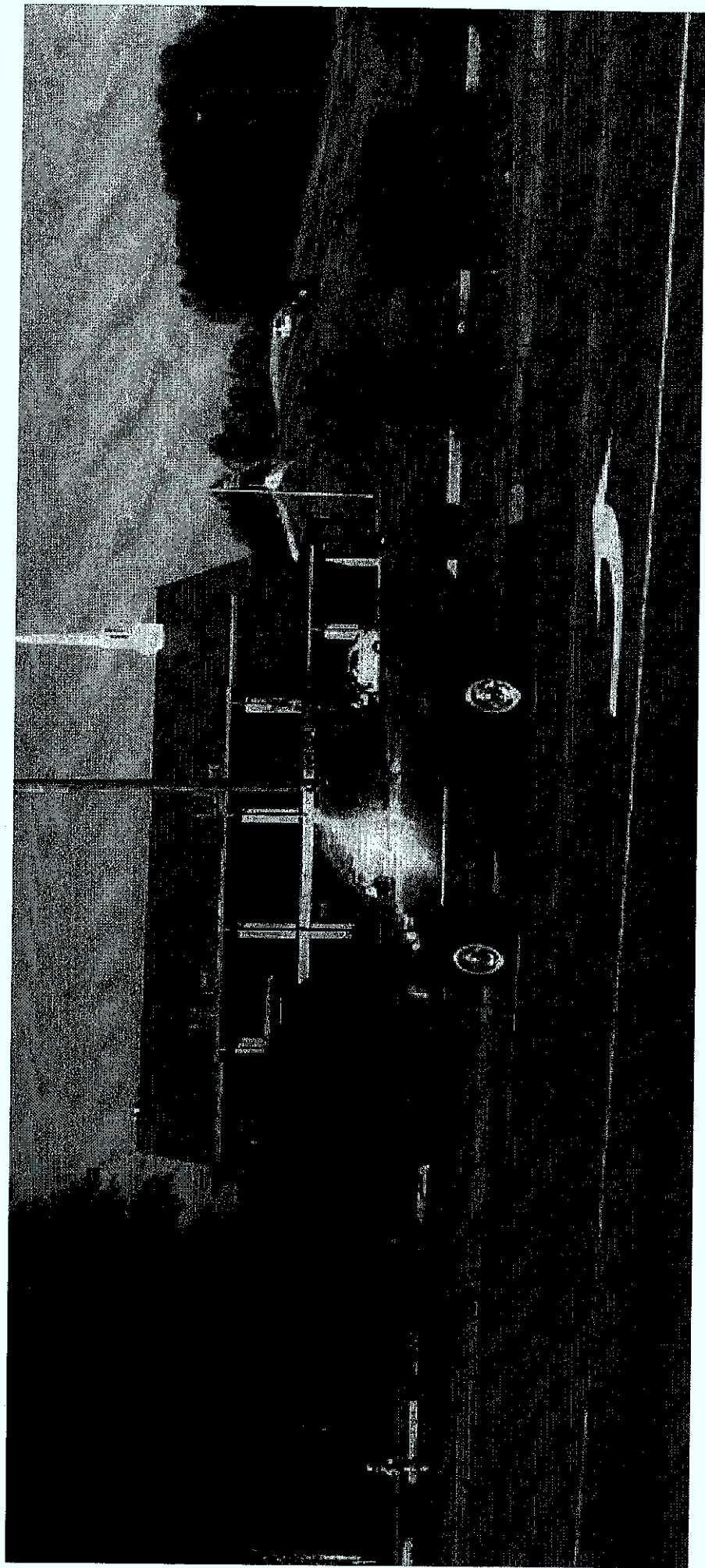




3016 Baseline Road  
8,000 Square Feet

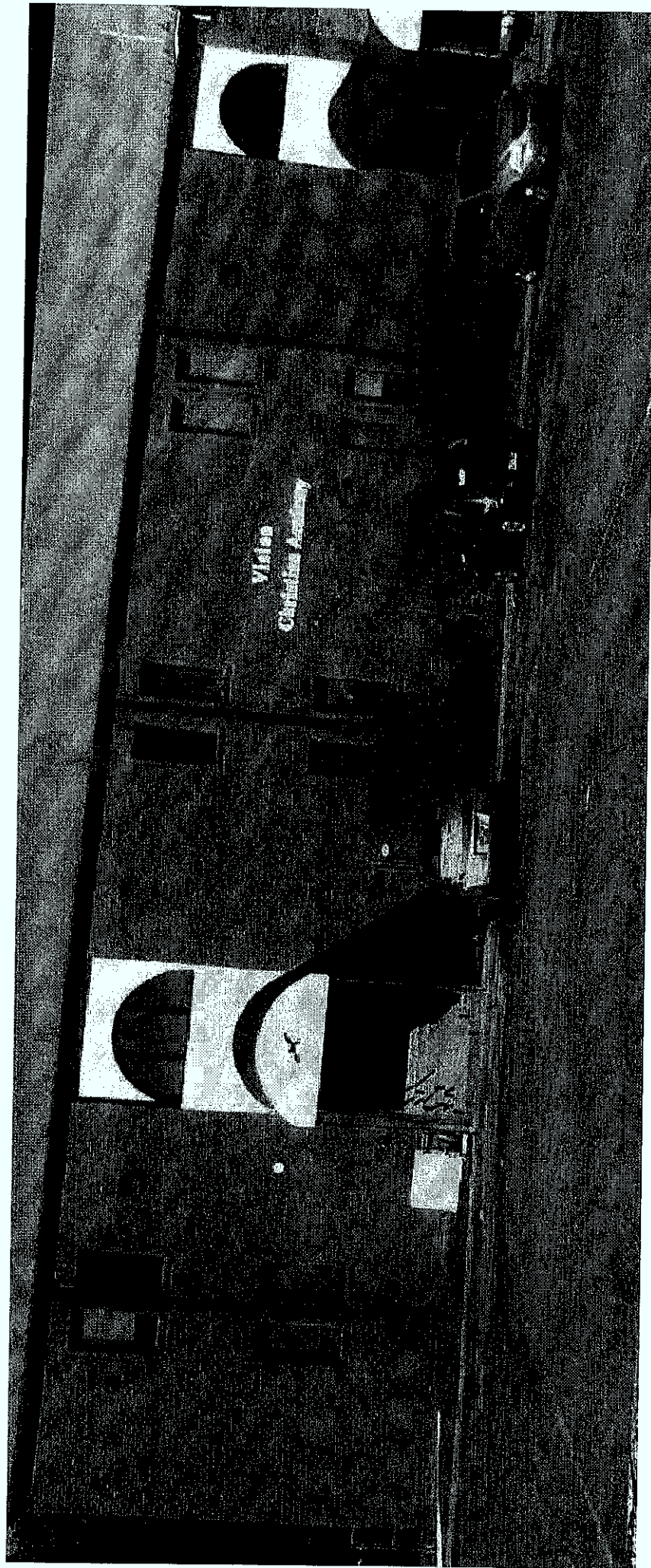
Vacant Lot Behind Napa Building for Recreation or Possible Expansion





Lifeline Baptist Church Educational Space  
7601 Baseline Road  
Little Rock, AR 72209  
Gym, Recreation Area





**Vision Christian Academy**  
**6111 West 83<sup>rd</sup>**  
**Little Rock, Arkansas**  
**Gym, Cafeteria, Exterior Recreation Areas**





Vision Christian Academy  
6111 West 83<sup>rd</sup>  
Little Rock, Arkansas  
Exterior Recreation Areas



# ARKANSAS DEPARTMENT OF EDUCATION

October 26, 2011

Dr. Tom W. Kimbrell  
*Commissioner*

Ms. Terrilyn Pettus  
KidSmart Academy  
P.O. Box 195111  
Little Rock, Arkansas 72209

State Board  
of Education

Dr. Ben Mays  
*Clinton  
Chair*

**Re: KidSmart Academy Public Charter School Application**

Dear Ms. Pettus:

Jim Cooper  
*Melbourne  
Vice Chair*

Thank you very much for your willingness to participate in the Arkansas Department of Education (ADE) Charter Review Council interview on October 18, 2011. Enclosed for your review, you will find the following:

Joe Black  
*Newport*

- ADE Internal Review Results, September 8-9, 2011
- ADE Charter Review Council Review Results, October 5, 2011

Brenda Gullett  
*Fayetteville*

Sam Ledbetter  
*Little Rock*

Based upon the information currently available, the Charter Review Council cannot support your open-enrollment public charter school application at this time. However, please be advised that the Charter Review Council is purely advisory in nature. Consequently, the position of the Charter Review Council is not binding upon charter applicants or the State Board. The State Board may approve or disapprove a charter application without regard to the position of the Charter Review Council.

Alice Mahony  
*El Dorado*

Toyce Newton  
*Crossett*

Mireya Reith  
*Fayetteville*

The State Board will conduct a complete, full and independent review of your charter application to determine whether it should be approved. In that regard, should you disagree with the position of the Charter Review Council, you will be able to address that issue with the State Board during your hearing scheduled for November 14, 2011.

Vicki Saviers  
*Little Rock*

Thank you for your attention to this matter. Should you have any questions or require additional information, please contact Dr. Mary Ann Duncan, Charter Schools Program Coordinator, at (501) 683-5313.

Respectfully,

Jeremy C. Lasiter  
General Counsel

Enclosures

cc (w/encls): Ms. Phyllis Stewart, State Board Office  
Dr. Mary Ann Duncan, Charter School Program Coordinator

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

**KidSmart Bilingual Education Academy  
Little Rock, Arkansas  
September 8 & 9 ADE Internal Review Results**

	<b>Does not meet Standard</b>	<b>Partially Meets Standard</b>	<b>Meets Standard</b>
Standard 1: Pre Application Materials			<b>X</b>
Standard 2: Public Hearing Results		<b>X</b>	
Standard 3: Governing Structure		<b>X</b>	
Standard 4: Mission Statement		<b>X</b>	
Standard 5: Educational Need		<b>X</b>	
Standard 6: Educational Program		<b>X</b>	
Standard 7: Academic Achievement Goals		<b>X</b>	
Standard 8: Curriculum Development and Alignment		<b>X</b>	
Standard 9: Geographical Area Served		<b>X</b>	
Standard 10: Annual Progress Reports	<b>X</b>		
Standard 11: Enrollment Criteria and Procedures			<b>X</b>
Standard 12: Staffing Plan		<b>X</b>	
Standard 13: Business and Budget Plan		<b>X</b>	
Standard 14: Financial and Programmatic Audit Plan			<b>X</b>
Standard 15: APSCN Assurances			<b>X</b>
Standard 16: Facilities		<b>X</b>	
Standard 17: Conflicts of Interest	<b>X</b>		
Standard 18: Student Services		<b>X</b>	
Standard 19 Food Services		<b>X</b>	
Standard 20: Parental Involvement		<b>X</b>	
Standard 21: Waivers			<b>X</b>
Standard 22: Desegregation Assurances			
<b>Totals:</b>	<b>2</b>	<b>14</b>	<b>5</b>

**KidSmart Bilingual Education Academy**  
**Little Rock, Arkansas**  
**As of October 5<sup>th</sup> Charter Review Council Meeting**

	<b>Does not meet Standard</b>	<b>Partially Meets Standard</b>	<b>Meets Standard</b>
Standard 1: Pre Application Materials			<b>X</b>
Standard 2: Public Hearing Results			<b>X</b>
Standard 3: Governing Structure		<b>X</b>	
Standard 4: Mission Statement			<b>X</b>
Standard 5: Educational Need		<b>X</b>	
Standard 6: Educational Program		<b>X</b>	
Standard 7: Academic Achievement Goals			<b>X</b>
Standard 8: Curriculum Development and Alignment		<b>X</b>	
Standard 9: Geographical Area Served		<b>X</b>	
Standard 10: Annual Progress Reports			<b>X</b>
Standard 11: Enrollment Criteria and Procedures			<b>X</b>
Standard 12: Staffing Plan		<b>X</b>	
Standard 13: Business and Budget Plan		<b>X</b>	
Standard 14: Financial and Programmatic Audit Plan			<b>X</b>
Standard 15: APSCN Assurances			<b>X</b>
Standard 16: Facilities		<b>X</b>	
Standard 17: Conflicts of Interest		<b>X</b>	
Standard 18: Student Services		<b>X</b>	
Standard 19 Food Services		<b>X</b>	
Standard 20: Parental Involvement			<b>X</b>
Standard 21: Waivers			<b>X</b>
Standard 22: Desegregation Assurances			
<b>Totals:</b>		<b>11</b>	<b>10</b>