



## **AGENDA STATE BOARD OF EDUCATION**

February 11, 2013

Arkansas Department of Education

Arkansas Department of Education Auditorium

9:00 AM

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### **Reports**

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

*Presenter: Jim Cooper*

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

*Presenter: Dr. Tom W. Kimrell*

#### **Report-3 Recognition of Arkansas Teachers from The People's Republic of China Who Are Teaching Mandarin Chinese Language and Culture to Arkansas Students**

*In conjunction with the Confucius Institute at the University of Central Arkansas the Department is assisting the HANBAN Chinese teachers in the teacher licensure process through the ADE's Professional Pathway to Teacher Licensure. This two-year program began in the summer of 2008. These young women and young man from the People's Republic of China each have a master's degree in Teaching Chinese as a Second Language. The Memorandum of Understanding with the Chinese Language Council International agrees to explore the possibility of a joint, yearly collaboration to select, license and place qualified teachers of Chinese language in Arkansas public schools. Currently there are 17 teachers from China teaching in Arkansas schools and there are three teachers teaching at the Confucius Institute at the University of Central Arkansas. ADE is pleased to present the following:*

*Miss Liu Yanxin - Arkansas School for Math/Science*

*Miss Hu Qin - Arkansas School for Math/Science*

*Miss Hu Xiao - Batesville School District*

*Miss Chang Le - Beebe School District*

*Miss Liao Danyu - Bentonville School District*

*Miss Qu Hui - Bentonville School District*

*Miss Qu Guimin - Cabot School District*

*Miss An Yi - Conway School District*

*Miss Jiang Lida - Cross County School District*

*Miss Wang Haixia - Harrisburg School District*

*Miss Lu Xian - Hot Springs School District*

*Miss Hu Jing - North Little Rock School District*

Miss Wang Rui - Pulaski County Special School District  
Miss Jin Yan - Pulaski County Special School District  
Miss Zhang Qian - Pulaski County Special School District  
Mr. Sun Xiaomin Rogers School District  
Miss Gu Zheng - Wynne School District  
Miss Jin Xiaoxiao - University of Central Arkansas  
Miss Liu Jiachi - University of Central Arkansas  
Ms. Lu Xiaohong - University of Central Arkansas

**Presenter:** Frank Servedio and Michael Rowland

## **Report-4 Update on Common Core State Standards, PARCC and School Improvement**

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

**Presenter:** Dr. Laura Bednar

## **Consent Agenda**

### **C-1 Minutes - January 14, 2013**

**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 February report summarizes the PMT for January.*

**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. Requests were received from 16 school districts covering a total of 25 teaching positions. Twenty-five school districts requested a total of 32 waivers for long-term substitutes. None of these requests were from a district in academic distress. These requests have been reviewed, and either approved or denied by Department Staff, and are consistent with program guidelines.*

**Presenter:** Karen Cushman

### **C-5 Review of Loan and Bond Applications**

*Pursuant to Arkansas Code Annotated § 6-20-805 and § 6-20-1205, the State Board of Education must approve all Revolving Loan Fund and Commercial Bond applications, with the exception of non-voted refunding of commercial bond issues that meet the minimum savings as required by the Rules and Regulations Governing Loan and Bond Applications, Section 9.02. It is recommended that the State Board of Education review the following: Commercial Bonds – 1 Second Lien – Recommend Approval; 1 Voted – Recommend Approval*

**Presenter:** *Cindy Hollowell and Amy Woody*

## **C-6      Consideration of Extension of Social Studies Textbook and Instructional Material Contracts**

*It is recommended that the State Board of Education extend the current Social Studies Textbook and Instructional Materials Contracts pursuant to Ark. Annotated Code 6-21-407. Currently, the Arkansas Social Studies Textbook contracts dates are from July 1, 2008 through June 30, 2014, a period of six (6) years. This provision is part of the official contract stating "...This contract when executed, shall include the right of the State to extend providing the publisher is notified not less than one (1) year prior to the original expiration date of this contract." Approval to extend the present Social Studies Textbook and Instructional Materials Contracts authorizes the Commissioner of Education to execute contracts with present publishers for a period of two (2) years, effective July 1, 2014, and ending June 30, 2016.*

**Presenter:** *Dr. Tracy Tucker and Tommy Coy*

## **C-7      Consideration of Voluntary Surrender of Teacher License – Wanda Lee O’Quinn**

*Wanda Lee O’Quinn has surrendered her license as evidence by her signed consent form. Arkansas law does not provide for the mere surrender of a license. Thus, the Board’s acceptance of the surrender of her license will result in its permanent revocation.*

**Presenter:** *Katherine Donovan*

## **C-8      Consideration of the Recommendation of the Professional Licensure Standards Board for Permanent Revocation of Teaching License for Case 12-112-A – Keith B. Dooley**

*The Professional Licensure Standards Board’s Subcommittee on Ethics is recommending permanent revocation of the license of Keith B. Dooley for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.*

*Mr. Dooley was notified of the Professional Licensure Standards Board’s recommendation by certified and regular mail dated August 15, 2012. Mr. Dooley rejected the recommendation and requested an evidentiary hearing which was held November 7, 2012. The Ethics Subcommittee voted to uphold the original recommendation of permanent revocation. Mr. Dooley was notified by certified and regular mail dated November 27, 2012, of the committee decision and his right to a hearing before the State Board of Education. Mr. Dooley failed to respond and the timeline for any hearing has now passed.*

**Presenter:** *Michael Smith*

## **C-9      Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for Five (5) Years, Anger Management Counseling, and a Fine of \$75 for Case 12-113 – Vivian Leanna Perry**

*The Professional Licensure Standards Board’s Subcommittee on Ethics is recommending probation of the license of Vivian Perry for five (5) years, a fine of \$75, and anger management counseling from a licensed psychologist, social worker or psychiatrist with monthly reports of progress of treatment and compliance to the ethics subcommittee for*

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

*Ms. Perry was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated August 15, 2012. Ms. Perry rejected the recommendation and requested an evidentiary hearing which was held November 7, 2012. Ms. Perry was notified by certified and regular mail dated November 27, 2012, of the committee decision and accepted the recommendation.*

**Presenter:** Michael Smith

**C-10      Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for Three (3) years and a Fine of \$75 for Case 12-154 – Blake Daniel Rhein**

*The Professional Licensure Standards Board's Subcommittee on Ethics is recommending probation of the license of Blake Rhein for three (3) years, a fine of \$75 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.*

*Mr. Rhein was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated December 19, 2012, and accepted the recommendation of the Ethics Subcommittee.*

**Presenter:** Michael Smith

### **Action Agenda**

**A-1      Hearing on Waiver Request for Certified Teacher License – Ryan Gore**

*Ryan Gore is an MAT applicant for a provisional license. Mr. Gore was convicted of a disqualifying offense for licensing in 2004. The State Board of Education shall not issue a first-time license of any person who has pled guilty or nolo contendere or has been found guilty of any of the offenses enumerated in Ark. Code Ann. § 6-17-410(c). Mr. Gore requests a waiver of this disqualifying convictions as allowed by § 6-17-410(f). He is not represented by an attorney.*

**Presenter:** Katherine Donovan

**A-2      Consideration for Final Approval: Arkansas Department of Education Rules Governing Special Education and Related Services**

*The State Board of Education released the proposed rules for public comment July 9, 2012. A public hearing was held November 30, 2012. The public comment period expired December 3, 2012. Department staff did not receive public comments on the proposed rules but did revise the proposed rules based upon further review of applicable state statutes. Department staff respectfully requests the State Board of Education give final approval to the proposed rules.*

**Presenter:** Dr. Laura Bednar and Courtney Salas-Ford

**A-3      Consideration for Final Approval: Proposed Arkansas Department of Education Rules Governing Positive Youth Development Grants**

*The State Board approved and released these proposed rules for public comment October 8, 2012. On October 25, the Department held a public hearing at which several comments and questions were received. No written comments were received. Department staff respectfully request the State Board to give final approval to these proposed rules.*

**Presenter:** Mark White

**A-4      Consideration for Approval for Public Comment: Revisions to the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators**

*The proposed changes break standard 6 into two separate standards. Standard 7 is amended to include the possession of prohibited items on school premises and at school-sponsored activities as a violation of the Code of Ethics. The proposed rule reduces the teacher licensing fee from \$100 to \$75. The proposed amendments, if adopted, are planned to go into effect on July 1, 2013.*

**Presenter:** *Dr. Karen Cushman and Katherine Donovan*

## **Reports**

### **Report-1 Designation of Nominations Committee for 2013-2014**

*The Board Operating Guidelines provide for the naming of a Nominations Committee that will prepare a slate of officers (chairman and vice-chairman) for the 2013-2014 fiscal year. The Nominations Committee will report at the regular May meeting.*

**Presenter:** *Jim Cooper*

**Minutes  
State Board of Education Meeting  
Monday, January 14, 2013**

The State Board of Education met Monday, January 14, 2013, in the auditorium of the Department of Education building. Jim Cooper, Chair, called the meeting to order at 9 a.m.

Present: Jim Cooper, Chair; Brenda Gullet, Vice Chair; Dr. Jay Barth; Sam Ledbetter; Alice Mahony; Toyce Newton; Mireya Reith; Vicki Saviers; Joe Black (present but not participating in discussion or vote); Dr. Tom Kimbrell, Commissioner; and Kim Wilson, Teacher of the Year

Absent: None

**Reports**

**Chair's Report:**

Chairman Jim Cooper welcomed Joe Black back to the Board after a lengthy illness. He announced Mr. Black would not participate in discussion or vote.

**Commissioner's Report**

Commissioner Kimbrell reported the College Board had agreed to support PARCC's efforts to bring additional program management expertise to the development of the next generation assessments. He announced that PARCC had established an executive committee to expedite decisions and the work of the consortium.

Dr. Kimbrell said another effort was being made to school districts to encourage their completion of the technology readiness tool which would help PARCC gauge the state's readiness for the delivery of online assessments.

**Recognition of Arkansas 2012 History Teacher of the Year**

Sonja Williams, an American history teacher at Hall High School in the Little Rock School District, was recognized as the state's 2012 History Teacher of the Year. The award honors exceptional history teachers for their work.

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

Assistant Commissioner Dr. Laura Bednar called upon the State Board to help communicate the state's messages about the Common Core State Standards. She reminded the Board the work with SREB around the literacy and math design collaboratives was the state's CCSS professional learning for secondary schools.

Dr. Bednar announced ADE would partner with AASCD in their summer conference scheduled for June 9-12 to focus on system change. She said the state's priority schools would be encouraged to participate and bring teams for the professional learning.

### **Consent Agenda**

Consent Agenda Item C-7 was pulled for further discussion.

Ms. Saviers moved, seconded by Ms. Gullett, approval of the Consent Agenda with exception of Item C-7. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes of the December 10, 2012, Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Waivers for Teachers Teaching out of Area
- Review of Loans and Bonds—One Revolving Loan Application
- Division of Public School Accountability Standards Assurance Unit Interim Report
- Sanction for Teachers as Recommended by the Professional Licensure Board
  - Marolyn Linda Barnett
  - Chelsea Elizabeth Damron (Barnhill)
  - Danny Dewayne Davis
  - Amanda Brooke Eakins
  - Tina Renee Foster
  - Kim Patrick Garner
  - Jack Woodrow James, Jr.
  - Patti Kay Stigall

### **C-7 Covenant Keepers College Preparatory Charter School Quarterly Report**

Dr. Valerie Tatum, school director, and Doug Brown with APSRC explained the process for budget adjustments based on a lower enrollment than originally projected.

Mr. Ledbetter moved, seconded by Ms. Newton, approval. The motion carried unanimously.

### **Action Agenda**

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

### **Consideration of District Conversion Public Charter School Application: Blytheville High School – A New Tech School, Blytheville School District**

Mary Perry, Charter School Program Director, introduced a request from the Blytheville School District to convert Blytheville High School – A New Tech School—into a district conversion charter school. The school would serve grades 9-12 with a proposed enrollment of 1,000 students.

Superintendent Richard Atwill and other district representatives said the New Tech process breaks the connection between race, poverty and academic success and would take learning to a new level for their students.

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

**Consideration of District Conversion Public Charter School Application:  
Rogers New Technology High School, Rogers Public Schools**

Ms. Perry presented a request from the Rogers School District for a district conversion charter at Rogers New Technology High School. The school would serve grades 9-12 with a proposed enrollment of 600 students.

Superintendent Janie Darr said her district's New Technology High School will feature an instructional approach centered on project-based learning and will be open to students from Rogers High School and Rogers Heritage High School. The school will initially serve ninth and tenth graders and will add a grade each year.

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

**Consideration of District Conversion Public Charter School Application:  
Murfreesboro High School, South Pike County School District**

In presenting a request from the South Pike County School District for a conversion charter at Murfreesboro High School, Ms. Perry said the school would serve grades 7-12 with a proposed enrollment of 600 students.

Superintendent Roger Featherston said he believed converting Murfreesboro High School into a New Tech school and operating as a conversion charter would be the best educational opportunity for students. Mr. Featherston said change was challenging but his district was ready to make it work.

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

**Consideration of District Conversion Public Charter School Application:  
Brunson New Vision Charter School, Warren School District**

Ms. Perry presented a proposal from the Warren School District for the Brunson New Vision Charter School. The conversion charter school would serve grades 4-5 with a proposed enrollment of 300 students.

District representatives said the school was an extension of the program already in



place for younger students at Eastside New Vision School. Like Eastside, students at Brunson will have to show evidence of their learning and their readiness to move to the next level of instruction.

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

Mr. Cooper left the meeting prior to considering the next agenda item.

**Consideration of District Conversion Public Charter School Application: Washington Academy, Texarkana School District**

Ms. Perry presented a proposal from the Texarkana School District for a conversion charter at Washington Academy—a nonpunitive alternative learning school. The school would serve grades 9-12 with a proposed enrollment of 160 students.

Superintendent Russell Sapaugh reminded the State Board his district fought the establishment of an open enrollment charter school in his district a year ago. He said since then he and his staff learned there were certain features of charter schools that when combined with the resources of a school district gives another avenue to reach some students. The school features flexible hours, varied instruction, one-on-one tutoring, the ability to earn college credit while in high school and career connections.

Mr. Ledbetter moved, seconded by Dr. Barth, approval. The motion carried unanimously.

**Consideration of District Conversion Public Charter School Application: Miner Academy, Bauxite School District**

Ms. Perry said the Bauxite School District was requesting a conversion charter for the proposed Miner Academy. The school would serve grades 6-12 with an enrollment of 500 students.

Superintendent Jerrod Williams said Miner Academy would serve students in need of an alternative learning environment.

The State Board tabled action on this request until it could get more clarity on the plans.

**Consideration of District Conversion Public Charter School Application: The Academies at Jonesboro High School, Jonesboro Public Schools**

Ms. Perry presented a request from the Jonesboro School District for conversion charter status for the Academies at Jonesboro High School. The school would serve grades 10-12 with a proposed enrollment of 1,800 students.

District representatives explained one academy will center on technology, engineering, mathematics, manufacturing and agriculture. The second academy focus will be business, communications and finance. Career and technical courses, world history and foreign language will also be included. The third academy will include health, human services, law and government administration. Biology courses, consumer science, hospitality and tourism will be incorporated into that program.

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

### **Continuation Hearing of Open Enrollment Charter Application Appeal: America's Charter School**

Ms. Perry presented a request for America's Charter School, a proposed open-enrollment public charter school to be located within the Lincoln School District. Students in grades 8-12 would be served with a proposed enrollment of 500 students. She reminded the State Board that a hearing was held November 1, 2012, at which time the application was tabled to allow the applicant additional time for clarification and technical assistance.

Dr. Frank Holman, charter applicant, said the online, project-based learning program would primarily serve students who are currently disenfranchised from the regular public school setting.

Board members recognized Dr. Holman's passion and visionary spirit but thought there was too much uncertainty and confusion around the instructional delivery.

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

### **Consideration of Request for Open-Enrollment Public Charter School Charter Amendments: Northwest Classical Academy, Premier High School of Little Rock, and Quest Middle School of Pine Bluff**

Responsive Education Solutions, the sponsoring entity for Northwest Classical Academy, Premier High School of Little Rock and Quest Middle School of Pine Bluff, requested an amendment to those charters.

The group asked to amend its governing structure to allow board members of Responsive Ed of Arkansas who may or may not be residents of the state to serve. It also asked for a separate school board for each charter.

Dr. Barth moved, seconded by Ms. Reith, to allow for the amendments with the stipulation that at least three of the seven member Responsive Ed of Arkansas board be residents of the state and represent the three individual school boards. The motion carried. Ms. Mahony voted no.

### **Consideration of Licensure Revocation for Cause – Stacy Stracener**

Katherine Donovan, PLSB attorney, said Stacy Stracener entered guilty pleas to eleven counts of sexual assault in the first degree, class "A" felonies, and two counts of sexual assault in the second degree, class "B" felonies, on December 14, 2012, in the Circuit Court of Lonoke County, Arkansas, case number CR 12-87. Under Ark. Code Ann. § 6-17-410, each of the offenses is a separate ground for revocation, suspension, or probation. Ms. Stracener's attorney John Hall waived her right to a hearing.

Mr. Ledbetter moved, seconded by Ms. Newton, to revoke the license of Stacy Stracener. The motion carried unanimously.

### **Consideration of Recommendation of Suspension of Educator's Licenses with Unpaid PLSB Fines**

A recommendation was made to suspend the teaching license of Charlotte Maxine Ellison, Roanne Worsham and Mindy Sue McFarland for failure to pay fines ordered by the State Board for violation of the Code of Ethics.

Ms. Newton moved, seconded by Ms. Reith, to suspend the license of the three educators until payment of the fines. The motion carried unanimously.

### **Consideration of Recommendation for New Praxis II Journalism (7-12) Test to be Effective September 1, 2013**

Dr. Barth moved, seconded by Ms. Saviers, to adopt the Praxis Journalism (0223) test with a cut score of 155 replacing the Principles of Learning and Teaching effective September 1, 2013. The motion carried unanimously.

### **Redfield Residents Ask to Keep School Open**

Ronald Meredith, a resident of Redfield, asked the State Board to intervene in the White Hall School Board's decision to close the Redfield Middle School. Mr. Meredith said the school was meeting state standards and students would be better served in their community.

### **Adjournment**

The meeting adjourned at 3:15 p.m.

*These minutes were recorded by Phyllis Stewart.*

ADE'S PROJECT MANAGEMENT TOOL EXECUTIVE SUMMARY  
JANUARY 31, 2013

This document summarizes the progress that ADE has made in complying with the provisions of the Implementation Plan during the month of January 2013.

IMPLEMENTATION PHASE ACTIVITY

***I. Financial Obligations***

- A. As of December 31, 2012, State Foundation Funding payments paid for FY 12/13 totaled \$27,668,355 to LRSD, \$15,595,902 to NLRSD, and \$19,294,495 to PCSSD.
- B. As of December 31, 2012, the Magnet Operational Charge paid for FY 12/13 totaled \$7,834,392. The allotment for FY 12/13 was \$14,363,041.
- C. As of December 31, 2012, the M-to-M incentive checks paid for FY 12/13 totaled \$2,249,800 to LRSD, \$2,120,360 to NLRSD, and \$5,249,720 to PCSSD.
- D. ADE pays districts three equal installments each year for their transportation budgets. North Little Rock submitted a recalculated "Projection of Expenditures" for 11-12 after the first payment was made. This resulted in a much lower second payment to equalize the payments.
  - 1. In February 2012, General Finance made the second one-third payment to the Districts for their FY 11/12 transportation budgets. As of February 29, 2012, transportation payments for FY 11/12 totaled \$2,594,666.67 to LRSD, \$689,693.05 to NLRSD, and \$1,778,000.70 to PCSSD.
  - 2. In November 2012, General Finance made the last one-third payment to the Districts for their FY 11/12 transportation budgets. As of December 31, 2012, transportation payments for FY 11/12 totaled \$4,623,452.01 to LRSD, \$1,161,173.60 to NLRSD, and \$2,878,275.70 to PCSSD.
  - 3. In November 2012, General Finance made the first one-third payment to the Districts for their FY 12/13 transportation budgets. As of December 31, 2012, transportation payments for FY 12/13 totaled \$1,530,000.00 to LRSD, \$401,121.35 to NLRSD, and \$1,151,841.67 to PCSSD.
- E. The sixteen (16) new Magnet and M-to-M buses have been delivered to the districts. The following is a breakdown of the buses by district.

LR	Six (6) 65 passenger buses
NLR	Two (2) 65 passenger buses
PCSSD	Three (3) 65 passenger buses
	Three (3) 47 passenger buses

The following is a breakdown of the buses that have been turned back in and delivered to Marketing & Redistribution for sale.

LR	turned in eight (8) buses
NLR	turned in two (2) buses
PCSSD	turned in eight (8) buses

***I. Financial Obligations (Continued)***

- F. In July 2012, Finance paid the Magnet Review Committee \$92,500. This was the total amount due for FY12/13.
- G. In July 2012, Finance paid the Office of Desegregation Monitoring \$200,000. This was the total amount due for FY 12/13.

***II. Monitoring Compensatory Education***

On January 17, 2013, the ADE Implementation Phase Working Group met to review the Implementation Phase activities from the previous quarter. Mr. Willie Morris, ADE Lead Planner for Desegregation, updated the group on all relevant desegregation issues. Mr. Jeremy Lasiter, ADE General Counsel, provided an update concerning the desegregation issues currently before the federal courts. On January 16, 2013, Mr. Lasiter attended the 8<sup>th</sup> Circuit Court of Appeals in St. Louis, MO, pertaining to the 1989 School Choice Law. There are nine (9) non-unitary areas that PCSSD has to meet before becoming totally unitary. PCSSD believes they have met the requirements for four (4) of the non-unitary areas. PCSSD is scheduled to file a status report with the Court by February 1, 2013. Mr. Lasiter stated that the ADE must continue to assist PCSSD in becoming unitary in all areas and that members of the Implementation Phase Working Group are vital to those efforts. Mr. Scott Richardson, Assistant Attorney General, stated that the Office of Desegregation Monitoring (ODM) spoke with him concerning assistance from the Department for PCSSD in obtaining unitary status. The next Implementation Phase Working Group Meeting is scheduled for April 4, 2013 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 January 14, 2013, the Arkansas State Board of Education reviewed and approved the PMT and its Executive Summary for the month of December.

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

On December 5 and 11, 2012, Susan Gray, Suzanne Knowles, and Questar Assessment, Inc. conducted a webinar of Mid-Year District Test Coordinator Training. The webinar provided training for the administration of the mid-year tests in Algebra I, Geometry, and Biology. Little Rock School District, North Little Rock School District and Pulaski County Special School District participated.

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

The Arkansas Department of Education (ADE) has, for over fifteen (15) years, implemented a rigorous, statistically sound and nationally recognized process for developing questions for its state standardized assessments. This process continues on an ongoing basis.

Before a question appears on a state standardized exam to measure student achievement, the question must survive a strict review process that lasts at least two (2) years. The process includes a review of each draft question by an internal team of ADE content specialists, a Content Committee, a Bias Review Committee and a Committee of Practitioners. The ADE also relies upon trained psychometricians, a Technical Advisory Committee (TAC), and the federal peer review process to conduct ongoing evaluations of the ADE's standardized testing procedures to ensure that those procedures are reliable, valid and controlled for bias.

Part of the two-year review process includes a review of each draft test question by the Bias Review Committee. The committee specifically reviews each draft test question for bias or lack of cultural sensitivity. The Bias Review Committee consists of approximately ten (10) educators, program specialists and administrators from throughout Arkansas. This committee is responsible for reviewing all reading passages, test questions, and writing prompts to make certain that the questions are controlled for bias and are not insensitive to specific groups or individuals. Once each draft question is field tested, the Bias Review Committee meets again to review the results using student data disaggregated by demographic group to review indications of possible bias with regard to a particular question. The Bias Review Committee has the power to reject a draft question altogether or require the draft question to be revised. If the Bias Review Committee orders a draft question to be revised, the entire two-year review process begins anew.

Only a draft question that has been found acceptable at every stage of the bias review process may be placed on an operational test to measure student achievement.

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

On January 7, 2013, ADE made a site visit to Maumelle Middle School in the Pulaski County Special School District regarding Professional Learning Community - Mathematics. The Leadership Team Member/Math Department Chair facilitated a process for writing clear, student friendly objectives as recommended by Scholastic Audit results. The presenter was Kami Anderson, Math Teacher. The audience consisted of 6<sup>th</sup> – 8<sup>th</sup> Grade Math Teachers.

On January 8, 2013, ADE staff provided Professional Development at the Crowne Plaza in Little Rock for the Little Rock School District. They discussed the following: 1) introduced Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical subjects to Grades 9-12 Social Studies Teachers; 2) examined the Big Shifts and implications for the classroom; 3) examined and discussed Common Core documents – what does CC say, expectations for classroom, how to get there, where to begin; and 4) Chris Doren provided a lesson from the district curriculum map which was edited to reflect the rigor and expectation of CCSS with emphasis on reading informational text and writing. The presenters were Christopher Doren, Social Studies Department Chair, UALR and Maggie Herrick. The audience was LRSD, Grade 9-12 Social Studies Teachers and Dr. Jeanne Huddle, Senior Director of Educational Services.

### ***VIII. In-Service Training (Continued)***

On January 8, 2013, ADE made a site visit to Maumelle Middle School in the Pulaski County Special School District regarding Professional Learning Community – English Language Arts. The Leadership Team Member/Department Chair facilitated a process for developing clear, student friendly objectives as recommended by Scholastic Audit results. ADE Specialist provided support for Special Education Teachers by teacher request specific to differentiation and closing the achievement gap. The presenters were Patricia Smith, English Language Arts Teacher and Karyl Bearden, ADE Professional Development Specialist.

On January 8, 2013, ADE staff made a site visit to the Little Rock School District Technology Center regarding District Based Professional Development on Instructional Technology. Library Frameworks and Common Core State Standards goals and standards discussed were: 1) design and develop digital age learning experiences and assessments; and 2) model digital age work and learning. ADE Specialist facilitated discussion and provided materials for Research Projects and Common Core. The presenters were Barbara Williams, LRSD Instructional Technology Administrator, and Shirley Fetherolf, ADE Library Media Specialist. The audience consisted of district media specialists.

On January 9, 2013, ADE staff made a site visit to the Fuller Annex in the Pulaski County Special School District regarding District Based Professional Development on Instructional Technology. Library Frameworks and Common Core State Standards goals and standards discussed were: 1) design and develop digital age learning experiences and assessments; and 2) model digital age work and learning. ADE Specialist facilitated discussion and provided materials for Research Projects and Common Core. The presenters were Susan Fletcher, PCSSD Program Advisor and Shirley Fetherolf, ADE Library Media Specialist. The audience consisted of district media specialists.

On January 9, 2013, ADE made a site visit to Wilbur D. Mills High School in the Pulaski County Special School District regarding Literacy Design Collaborative (LDC) Coaching/Support visit. Cohort 1 and Buddy Teachers met with the ADE Specialist during their preparation periods for coaching/support as they developed their next LDC Modules. ADE Specialist used the Understanding by Design (UbD) process to help participants determine the knowledge, skills, understandings, and essential questions the modules should address. Participants used their own materials as they worked through the UbD process. The presenters were Keith Harris, Science Specialist, UALR STEM Center; Sherri Thorne, ADE English Language Arts Specialist; and Suzanne Knowles, ADE Assessment Specialist. The audience consisted of Dr. Veronica Perkins, Principal; Dr. Delena Gammill, Arkansas Leadership Academy; Theodora Johnson, Instructional Facilitator; and eight (8) Literacy Design Collaborative participants/teachers.

On January 14, 2013, ADE made a site visit to Franklin Elementary School in the Little Rock School District. ADE Specialist visited and supported the instructional coaches in the process of implementing the targeted improvement plan for Elementary and Secondary Education Act (ESEA) Flexibility. Classroom observations were conducted. A targeted improvement plan of action for fifth grade teachers was discussed. The presenter was Kathy Mascuilli, ADE Professional Development Specialist. The audience consisted of Barry Anderson, Math Coach and Pat Halk, Literacy Coach.

On January 15, 2013, ADE made a site visit to Dunbar Middle School in the Little Rock School District. ADE Specialist visited to monitor the progress of the targeted improvement plan for Focus Schools and attended the Administrator's meeting. The presenter was Eunice Thrasher, Principal and Kathy Mascuilli, ADE Professional Development Specialist. The audience consisted of Pamela Person, Clint Woodley and Tina House, Asst. Principals.

### ***VIII. In-Service Training (Continued)***

On January 16, 2013, ADE made a site visit to Wakefield Elementary School in the Little Rock School District. ADE Specialist visited to monitor the progress of the targeted improvement plan for Focus Schools. Classroom observations were conducted to observe math instruction along with the math coach. A briefing with the principal and math coach followed the observations. The presenter was Kathy Mascuilli, ADE Professional Development Specialist. The audience consisted of Les Taylor, Principal and Connie Higgins, Math Coach.

On January 16, 2013, ADE conducted a meeting at the Little Rock School District Administration Building, 3<sup>rd</sup> Floor, Conference Room. The meeting was held with the Little Rock School District administrators and representatives from Pearson Learning, an educational service provider for Little Rock Schools. Pearson could aid two (2) of the Little Rock Focus Schools in conducting a self-audit that would be comprehensive enough to meet the requirements of the Elementary and Secondary Education Act (ESEA) Flexibility. The presenters were Walt Gibson and Judy Bryant, Pearson Representative; and Dr. Dennis Glasgow, Asst. Superintendent. The audience consisted of Shoutell Richardson, Elementary Supervisor; Dr. Sadie Mitchell, Asst. Superintendent; Dr. Morris Holmes, Superintendent; Tyrone Harris and Cynthia Collins, Principals; Dr. Andrea Kelly, ADE School Improvement Specialist; and Kathy Mascuilli, ADE Professional Development Specialist.

On January 17, 2013, ADE made a site visit to Wilbur D. Mills High School in the Pulaski County Special School District regarding Literacy Design Collaborative (LDC) Coaching/Support visit. Cohort 1 and Buddy Teachers met with the ADE Specialist during their preparation periods for coaching/support as they developed their next LDC Modules. ADE Specialist used the Understanding by Design (UbD) process to help participants determine the knowledge, skills, understandings, and essential questions the modules should address. Participants used their own materials as they worked through the UbD process. The presenter was Sherri Thorne, ADE English Language Arts Specialist. The audience consisted of Dr. Veronica Perkins, Principal; and nine (9) Literacy Design Collaborative participants/teachers.

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

On November 6, 2012, Colleges of Education were contacted to provide a list of their Fall 2012 graduates. Little Rock School District, North Little Rock School District and Pulaski County Special School District were contacted to provide a list of foreseeable teacher shortage areas by subject and grade level and to write a brief statement evaluating the effectiveness of ADE's minority recruitment assistance.

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

On April 12, 2012, Ms. Lisa Smith of the Arkansas Department of Higher Education reported Minority Scholarships for Fiscal Year 2011-2012 have been phased out and no awards were given. These included the State Teacher Assistance Resource (STAR) Program, the Minority Teacher Scholars (MTS) Program, and the Minority Masters Fellows (MMF) Program.



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

The MRC met on July 9, 2012 at the ADE. The MRC plan calls for ADE to maintain a 25% minority (black) employment rate in each division of the department and in the department as a whole for employees rated at Grade 21 and above (not including Grade 99's). Due to the revision in the employee grade system by the Office of Personnel Management, Grades C121 to C130 were used for the purpose of this report. 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 June 30, 2012, two of the divisions, Central Administration and Accountability exceeded the 25% threshold. 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 ELL 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 December 19, 2012, the ADE participated in a Desegregation Monitoring and Assistance Plan Meeting. Those in attendance were Willie Morris, Aleta Fletcher, John Hoy, Dr. Jerry Guess, Dr. Linda Remele, Dr. John Tackett, Dr. Janice Warren, Terri Rogers and Dr. Brenda Bowles. Ms. Powell was unable to attend the meeting. The following items were discussed during the meeting:

- Plan 2000 Section C. Student Assignment - One Race Reports Audit
- COGNOS Reports
- Racial Gender Balance Reports
- Master Scheduling Workshop provided to secondary principals
- Assistance from the State in monitoring school attendance zones

A list of dates will be forwarded regarding the monthly meetings for the remainder of the school year. We will continue to meet on Wednesdays at 2:30 p.m. The next meeting is tentatively scheduled for **Wednesday, January 16, 2013 at 2:30 p.m.** in the Equity and Pupil Services Conference Room.

**NEWLY EMPLOYED FOR THE PERIOD OF December 24, 2012– January 18, 2013**

**Coey Bellinger – Systems Analyst, Grade C122, Division of Research and Technology, Data Reporting and Systems, effective 01/07/13.**

**\*Zrano Bowles, Jr. – ADE Assistant to Director, Grade C129, Division of Learning Services, Federal Programs, effective 01/07/13.**

**Patricia Conner – Public School Program Manager, Grade C126, Division of Learning Services, Student Assessment, effective 01/07/13.**

**Yvonne Greene – Public School Program Advisor, Grade C122, Division of Learning Services, Special Education, effective 01/07/13.**

**\*Kenya Vernon – Administrative Specialist III, Grade C112, Division of Fiscal and Administrative Services, Arkansas Public School Computer Network (APSCN), effective 01/07/13.**

**PROMOTIONS/DEMOTION/LATERALTRANSFERS FOR THE PERIOD OF December 24, 2012– January 18, 2013**

**Jill Johnson from ADE APSCN Field Analyst, Grade C121, Division of Fiscal and Administrative Services, APSCN to Information Business Systems Analyst, Grade C122, Division of Fiscal and Administrative Services, APSCN, effective 12/24/2012.**

**SEPARATIONS FOR THE PERIOD OF December 24, 2012– January 18, 2013**

**\*Nykela Jackson – Public School Program Advisor, Division of Learning Services, Curriculum and Instruction, effective 01/04/13. 0 Years, 4 months, 11 days. 01**

**\* Diane Elliott – Administrative Specialist II, Grade C109, Division of Learning Services, Federal Programs effective 01/18/13. 1 Year, 4 months, 26 days. 01**

**Sarah Shearer – Administrative Specialist II, Grade C109, Division of Human Resources/Licensure, Professional Licensure Standards Board (PLSB ), effective 01/18/13. 0 Years, 0 months, 28 days. 01**

**\*Rickey Jackson – Administrative Analyst, Grade C115, Division of Public School Accountability, Standards Assurance, effective 12/31/12. 32 Years, 3 months, 3 days. Retirement**

**\*Minority**

**AASIS Codes:**

**01-Voluntary  
Retirement**

000000Additional Licensure Waiver Requests  
2012-2013

February 2013 State Board Agenda

LEA	District	#Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
6303	Bryant School District	1	Hudson, Deanna Kael	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	12-13	Granted
1802	Conway Human Development Center	2	Mott, Allyson	ECE P-4	230	Sp Education Instructional Specialist 4-12	12-13	Granted
			Mott, Allyson	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	12-13	Granted
			Coleman, Aretha	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	12-13	Granted
5301	East End School District	1	Waggoner, Amanda	Life/Earth Science	169	Physical /Earth Science 7-12	12-13	Granted
0802	Elizabeth Richardson Center  Eureka Springs School District	1	Forga, Pam	ECE P-4, Elementary K-6	231	Sp Ed Ech Inst Specialist P-4	12-13	Granted
			VanVlymen, Linda	ECE P-4, Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	12-13	Granted
2807	Greene Co. Tech School Dist.	1	Tyler, Haley Rowland	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	12-13	Denied
0203	Hamburg School District	1	Bierbaum, Stephanie	English 7-12, Business, Journalism	114	Speech Endorsement 7-12	12-13	Granted

000000Additional Licensure Waiver Requests

2012-2013

February 2013 State Board Agenda

LEA	District	#Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
4401	Huntsville School District	1	Smith, Betty Jo	FACS 7-12	230	Sp Education Instructional Specialist 4-12	12-13	Granted
3904	Lee County School District	2	Baker, Melinda	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	12-13	Granted
			Hart, Stephanie	PE/Wellness/Leisure P-12	231	Sp Ed Ech Inst Specialist P-4	12-13	Granted
6001	Little Rock School District	5	Hawkins, Adrienne	ECE P-4, Elem K-6, MS Social Studies, PE P-8	305	Gifted & Talented P-8	12-13	Granted
			Hawkins, Adrienne	ECE P-4, Elem K-6, MS Social Studies, PE P-8	306	Gifted & Talented 7-12	12-13	Granted
			Jacobs, Melissa	ECE P-4, Elem K-6, MS Social Studies	231	Sp Ed Ech Inst Specialist P-4	12-13	Granted
			Shinn, Bridget	ECE P-4, Elem K-6, MS Social Studies/English	305	Gifted & Talented P-8	12-13	Granted
			Shinn, Bridget	ECE P-4, Elem K-6, MS Social Studies/English	306	Gifted & Talented 7-12	12-13	Granted
5805	Russellville School District	1	Musser, Kristen	ECE P-4, Middle Childhood Education	229	Adult Education PS	12-13	Granted
7311	Searcy School District	1	Hutcherson, Jennifer	ECE P-4, Reading K-12	231	Sp Ed Ech Inst Specialist P-4	11-12 12-13	Granted

# 000000Additional Licensure Waiver Requests

2012-2013

## February 2013 State Board Agenda

LEA		District	#Waivers Requested	Teacher	License Areas	ALP Code	Out of Area	Yrs ALP	Granted/ Denied
4605	Texarkana School District	2	Wilson, Carmen	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12		12-13	Granted
			Wilson, Carmen	Middle Childhood Education	231	Sp Ed Ech Inst Specialist P-4	12-13	Granted	
	Texarkana Special Ed Center (Opportunities, Inc)	2	Elledge, Whitney	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	12-13	Granted	
			Tidwell, Laura	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	12-13	Granted	
1705	Van Buren School District	2	Harwood, James Kyle	Life/Earth Science	230	Sp Education Instructional Specialist 4-12	12-13	Granted	
			Lincks, Jennifer	ECE P-4	235	Physical Education, Wellness & Leisure P-8	12-13	Granted	
Total # Districts Requesting Waivers this Month		16	25	Total # Waivers Requested this Month					

000000Long Term Substitute Requests

2012-2013

February 2013 State Board

LEA	District	# Waivers		Substitute Name	Subject	Teacher of Record		Granted/ Denied
		Requested	Denied					
3201	Batesville School District	1		Riley, Alicia	FACS	McShane, Karen		Granted
1601	Bay School District	1		Dixon, Kathy	Science	Bishop, Mary		Granted
	Centers for Youth and Family	1		Bobo, Charles	Special Education	Garner, Alison		Granted
5802	Dover School District	1		Peevy, LaShawn	Spanish	Jones, Reyna		Granted
6201	Forrest City School District	1		Allen, Mildred	Social Studies	Wilson, Charlotte		Granted
4603	Fouke School District	1		Machen, Phyllis	Social Studies	Allen, Lanny Kenneth		Granted
0203	Hamburg School District	1		Spradlin, Laura	English & History	Faulk, Janice Gail		Granted
5602	Harrisburg School District	2		Ballard, Chelsea	Library Media	Myers, Marcia		Granted
				Hooper, Wesley	English	Wallace, Lidia		Granted
5403	Helena/ W.Helena School Dist.	1		Henderson, Marches	Mathematics	Stewart, Troyniticia		Granted
6804	Highland School District	1		Clements, Sylvia	Physical Science	Tarpley, Susan		Granted
2603	Hot Springs School District	1		Huddleston, Mary	Special Education	Nail, Sarah		Granted
5102	Jasper School District	1		Barron, Kailey	Science	Tunstall, Jackie		Granted
0506	Lead Hill School District	1		Alford, Aaron	Kindergarten	Taylor, Melanie		Granted
6505	Ozark Mountain School District	1		Horn, Michael J.	Mathematics	Rabe, Thomas		Granted
0405	Rogers School District	1		Entwistle, Neil	ESOL	Rippy, Lenna		Granted
7310	Rose Bud School District	2		Baker, Bradley	Science 8th/Math 7th	Smith, Dennis		Granted
				Davis, Angie	Library Media	Sams, Rachel		Granted
4204	Scranton School District	1		Galla, Nancy	Special Education	Adams, Judy A.		Granted
7207	Springdale School District	1		Weilenman, Marilyn	Library Media	Price, Juliana		Granted
4003	Star City School District	2		Goff, Alex	Vocal Music 6-12	Buckner, Susan		Granted
				Taylor, Christy	Science 7th	Fradsham, Sam		Granted
7009	Strong-Huttig School District	1		Thompson, Christopher	Social Studies	Brown, Mike		Granted
0104	Stuttgart School District	3		Halliburton, Byron	Art	Rosencrantz, Angela		Denied
				Jackson, Kimberly	Third Grade	Clarke, Lesly		Granted
				Leus, Rene'	Spanish	Washburn, Elsbeth		Granted
4605	Texarkana School District	2		Darden, Eric	Mathematics	Tyson, David		Granted

## February 2013 State Board

**25** **Total # Districts Requesting**  
**Long Term Substitutes this**  
**Month**

<b>Total # Long Term Substitutes Requested this Month</b>	<b>32</b>
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**Section 1**  
**Second Lien Bonds**

Arkansas Code Annotated (A. C. A.) § 6-20-1229 (b) states the following:

(b) All second-lien bonds issued by school districts shall have semi-annual interest payments with the first interest payment due within eight (8) months of the issuance of the second-lien bond. All second lien bonds shall be repaid on payment schedules that are either:

- (1) Equalized payments in which the annual payments are substantially equal in amount; or
- (2) Decelerated payments in which the annual payments decrease over the life of the schedule.

**STATE BOARD OF EDUCATION MEETING  
FEBRUARY 11, 2013  
APPLICATIONS FOR COMMERCIAL BONDS**

**COMMERCIAL BOND APPLICATIONS:**

<b>1 2nd Lien</b>	<b>\$</b>	<b>525,000.00</b>
<hr/>		<hr/>
<b>1</b>	<b>\$</b>	<b>525,000.00</b>

**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS  
COMMERCIAL BONDS  
2<sup>ND</sup> LIEN  
RECOMMEND APPROVAL**

<b>DISTRICT</b>	<b>COUNTY</b>	<b>ADM</b>	<b>AMOUNT OF APPLICATION</b>	<b>DEBT RATIO</b>	<b>TOTAL DEBT W/THIS APPLICATION</b>	<b>PURPOSE</b>
Mayflower	Faulkner	1,113	\$525,000	15.93%	\$10,960,709	Constructing and equipping an agri building, a baseball and softball practice facility (\$500,000), cost of issuance and underwriter's discount allowance (\$25,000) with any remaining funds to be used for other capital projects and/or equipment purchases.

## **Section 2**

### **Voted Bonds**

Arkansas Code Annotated (A. C. A.) § 6-20-1201 states the following:

A school district may borrow money and issue negotiable bonds to repay borrowed moneys from school funds for: building and equipping school buildings; making additions and repairs to school buildings; purchasing sites for school buildings; purchasing new or used school buses; refurbishing school buses; providing professional development and training of teachers or other programs authorized under the federally recognized Qualified Zone Academy Bond program, 26 U.S.C. § 1397E; and paying off outstanding postdated warrants, installment contracts, revolving loans, and lease-purchase agreements, as provided by law.

**STATE BOARD OF EDUCATION MEETING  
FEBRUARY 11, 2013  
APPLICATIONS FOR COMMERCIAL BONDS**

**COMMERCIAL BOND APPLICATIONS:**

<b>1 Voted</b>	<b>\$</b>	<b>5,120,000.00</b>
<hr/>		<hr/>
<b>1</b>	<b>\$</b>	<b>5,120,000.00</b>

**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS  
COMMERCIAL BONDS  
VOTED  
RECOMMEND APPROVAL**

<b>DISTRICT</b>	<b>COUNTY</b>	<b>ADM</b>	<b>AMOUNT OF APPLICATION</b>	<b>DEBT RATIO</b>	<b>TOTAL DEBT W/THIS APPLICATION</b>	<b>PURPOSE</b>
Cross	Wynne	2,838	\$5,120,000	3.07%	\$5,120,000	Refunding the outstanding bond issues dated March 1, 2001 and November 1, 2003 (\$3,678,690); technology infrastructure and constructing, refurbishing, remodeling and equipping school facilities (\$1,300,170); cost of issuance and underwriter's discount allowance (\$141,140).

## AMENDED RULE

### ARKANSAS DEPARTMENT OF EDUCATION SPECIAL EDUCATION AND RELATED SERVICES 18.00 REGULATIONS GOVERNING RESIDENTIAL PLACEMENT Rev. ~~July 2010~~ January 2013

#### 18.01 REGULATORY AUTHORITY

- 18.01.1 These regulations shall be known as Arkansas Department of Education regulations allocating public school funds for the education of residentially placed students and defining educational services in such placements.
- 18.01.2 These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. 6-11-105, 6-41-202, 6-18-202, 6-20-104, and 6-20-107.

#### 18.02 PURPOSE

- 18.02.1 It is the purpose of these regulations to allocate public school funds for the education of residentially placed students.
- 18.02.2 It is further the purpose of these regulations to define the educational services in such placements.

#### 18.03 DEFINITIONS

- 18.03.1 ADE - Arkansas Department of Education
- 18.03.2 DHS – Department of Human Services
- 18.03.3 Juvenile - As used in this section, "juvenile" means a person who is eighteen (18) years old or less.
- 18.03.4 Juvenile Detention Facility (JDF) - Any facility operated by a political subdivision of the State for the temporary care of juveniles alleged to be delinquent or adjudicated delinquent, and awaiting disposition, who require secure custody in a physically restricting facility. Under Ark. Code Ann. 9-27-330(a)(11), such facility shall afford opportunities for education, recreation, and other rehabilitative services to adjudicated delinquents who may be ordered by the court to remain in the juvenile detention facility for an indeterminate period not to exceed ninety (90) days.

## AMENDED RULE

- 18.03.5 Student without disabilities - For purposes of these regulations, a student who has NOT been identified as disabled in accordance with the IDEA, and Ark. Code Ann. 6-41-202, et seq., shall be considered nondisabled.
- 18.03.6 Student with disabilities - For the purposes of these regulations, a student with a disability means a student identified pursuant to the IDEA and Ark. Code Ann. 6-41-202, et seq., as needing special education and related services (inclusive of those presently receiving services).
- 18.03.7 Residential placement in state - For the purposes of these regulations, such residential placement in state means -
- 18.03.7.1 One of the following licensed facilities -
- A. Inpatient psychiatric treatment facilities licensed by the Arkansas Department of Human Services (DHS);
  - B. Alcohol and drug treatment facilities licensed by the Arkansas Department of Human Services;
  - C. Easter Seals of Arkansas in Little Rock;
  - D. Arkansas Pediatrics Facility in Pulaski County;
  - E. Millcreek ICF-MR in Fordyce;
  - F. Brownwood ICF-MR in Fort Smith.
- 18.03.7.2 The facility has an approved special education component; as granted by the ADE, Special Education Unit on an annual basis. Such placement does not include the Arkansas School for the Blind, the Arkansas School for the Deaf or the Arkansas School for Mathematics and Sciences.
- 18.03.8 Residential Placement Out-of-State - For the purposes of these regulations, when a student with disabilities is placed in a residential treatment facility outside the State of Arkansas, the special education component of such a facility must be approved



## AMENDED RULE

by the ADE, Special Education Unit and must be operating under the appropriate licensure of the state in which it is located.

- 18.03.9      Residency - Ark. Code Ann. 6-18-202 establishes residency requirements for students attending public schools in the State of Arkansas. Students affected by this statute include both those with and without disabilities.

### 18.04 RESIDENTIAL PLACEMENT IN STATE - STUDENTS WITHOUT DISABILITIES

- 18.04.1      Assignment of responsibility.

- 18.04.1.1      When a nondisabled student is placed for non-educational reasons in a residential treatment facility for treatment, the district where the residential treatment facility is located is the student's resident district. This district is responsible for educating the student.
- 18.04.1.2      When a nondisabled student who is a ward of the State is placed in a residential treatment facility, the district where the facility is located is responsible for educating the student.
- 18.04.1.3      When a nondisabled student is placed in a residential treatment facility for educational purposes by a parent or agent other than the school district, the parent or agent remains responsible for the education of the student.

- 18.04.2      Procedures for educational management.

- 18.04.2.1      Each school district must designate an individual who will be responsible for ensuring compliance with these regulations. This may be the district superintendent or a designee.
- 18.04.2.2      When a nondisabled student is placed in a residential facility, the facility must notify the responsible school district (superintendent or designee) within seven (7) calendar days of the student's admission. The district's superintendent or designee should also be informed.

## AMENDED RULE

Failure of the facility to notify the responsible district in a timely fashion may result in loss of ADE approval of the residential treatment facility's special education program.

- 18.04.2.3 The district superintendent or designee shall convene a conference by a review team within seven (7) calendar days of notice by the residential treatment facility that the student is in a residential program. This conference may be conducted face-to-face or via a telephone call.
- 18.04.2.4 The review team shall be composed of, at a minimum, a representative from the district, a representative from the residential treatment facility, and a DHS representative if the student is receiving services from one or more DHS Divisions.
- 18.04.2.5 The review team shall review information available on the student and determine whether a referral for consideration of eligibility for special education and related services is warranted.
- 18.04.2.6 When the review team determines the student should be referred for consideration of eligibility for special education, a referral form must be completed and a referral conference conducted following the process in §4.00 of State Special Education regulations.
- 18.04.2.7 When the review team determines that the student should not be referred for consideration for special education and related services, it must identify the general educational and non-educational needs of the student.
- 18.04.2.8 Based on the identified needs of the nondisabled student, the review team will determine and document where the educational program of the student will be implemented. The inter-linkage of the treatment program needs and educational programming must be discussed in reaching a decision on an appropriate educational setting.

## AMENDED RULE

- 18.04.2.9      Should the local review team be unable to agree upon where the educational program of the student will be implemented, a determination must be requested from the state level review panel. Requests for a determination from the state level review panel shall be submitted in writing to the Administrator, Dispute Resolution, ADE, Special Education Unit.
- 18.04.2.10     From the time of the request for a state level review until a determination is made, the student will remain in his/her present educational setting.
- 18.04.2.11     The state level review panel will be composed of three (3) persons: one (1) from the ADE, one (1) from DHS and the third will be the Coordinator of the Behavior Intervention Consultant Network or other appropriate ADE staff.
- 18.04.2.12     Within 30 calendar days of receipt of the written request, the state level review panel shall convene, review all information and render a final decision as to where the education program of the student will be implemented. The panel may extend the process by an additional 15 days should circumstances warrant.
- 18.04.2.13     The state level review panel's decision will be considered final, will be rendered in writing and will be sent to the local review team for implementation.
- 18.04.3        Assignment of costs.
  - 18.04.3.1      For nondisabled students, "educational costs" are limited to only those costs incurred for direct educational instruction of the student.
  - 18.04.3.2      All other services provided for the student are considered non-educational and are not reimbursable under these regulations. Such other costs will be borne by DHS, Medicaid, private insurance, the parent or by any combination thereof.

## AMENDED RULE

- 18.04.3.3 Residential treatment facilities must submit a bill to the school district for educational costs only. The invoice must be itemized to reflect the specific services provided. Invoices must be submitted to the school district in a timely manner in order for the district to seek reimbursement from the ADE, Special Education Unit.
- 18.04.4 Funding.
  - 18.04.4.1 A local school district may access funds through the ADE, Special Education Unit for reimbursement for educational costs on nondisabled students placed in residential treatment facilities.
  - 18.04.4.2 The maximum amount a district may be reimbursed on a per student basis for actual educational costs will be the Formula Foundation Aid times 2.00.
  - 18.04.4.3 The local school district shall not be responsible for educational costs exceeding its maximum reimbursement rate for those nondisabled students receiving educational services in a residential treatment facility.
  - 18.04.4.4 When the requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.
- 18.04.5 Extended School Year Services (ESY).
  - 18.04.5.1 There is no provision for extended school year (educational) services to nondisabled students when schools are not in session. This applies to nondisabled students in residential placements, as well as their nondisabled peers who attend the local public school. Therefore, there is no need for a district to convene a review team during the summer months when school is not in session.
  - 18.04.5.2 Residential treatment facilities cannot bill school districts for educational services provided to nondisabled students during the summer months.

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### 18.05 RESIDENTIAL PLACEMENT IN STATE - STUDENTS WITH DISABILITIES

#### 18.05.1 Assignment of responsibility.

18.05.1.1 For students with disabilities in state-operated facilities (such as the Human Development Centers) the facility is responsible for procedural safeguards and the provision of FAPE.

18.05.1.2 When a student with a disability is placed for non-educational reasons in a residential treatment facility for treatment, the district where the facility is located is the student's resident district. The district shall be responsible for procedural safeguards and the provision of FAPE.

18.05.1.3 When a student with a disability who is a ward of the state is placed in a residential treatment facility, the district where the residential treatment facility is located is responsible for educating the student.

18.05.1.4 When a student with a disability is placed in a residential treatment facility for educational purposes by a school district, the placing district remains responsible for procedural safeguards and the provision of FAPE.

18.05.1.5 When a student with a disability is placed in a residential treatment facility for educational purposes by a parent or agent other than the school district, the parent may petition the district where the student permanently resides (home district, usually that of the student's parent or guardian) for provision of procedural safeguards and FAPE.

#### 18.05.2 Procedural safeguards.

18.05.2.1 The procedural safeguards specified in §9.00 of these regulations shall be followed.

#### 18.05.3 Assignment of costs.

18.05.3.1 The State Department of Education, a public school district, or an open-enrollment charter school shall

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not be liable for any education costs associated with the placement of a juvenile in an in-state residential or inpatient facility for any care and treatment, including psychiatric treatment, unless:

- A. The Department authorized public payment for educational costs based on a determination that the educational program and facilities are appropriate for the juvenile and the Department has approved the facility's education program; and
- B. Each program authorization precedes the placement.
- C. If the program is not authorized prior to the placement, the Department, public school districts, or open-enrollment charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs.

18.05.3.2 The liability of the Department, a public school district, or an open-enrollment charter school for the educational costs or other related costs shall be limited to -

- A. The reimbursement rate established by the Department for a juvenile placed in a residential or inpatient facility.

18.05.3.3 For identified students with disabilities, those costs defined as being educational in accordance with the IDEA will be borne by the district responsible for provision of procedural safeguards and FAPE. For students in state-operated facilities, the facility assumes those costs.

18.05.3.4 All other costs will be borne by either DHS, Medicaid, private insurance, the parent or by any combination thereof.

18.05.4 Funding.

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- 18.05.4.1 School districts may be reimbursed for the educational costs of students with disabilities, including those in school districts not qualifying for any State Equalization Aid, who have been placed in approved residential treatment facilities, as defined by the ADE, Special Education Unit.
  - 18.05.4.2 The maximum amount to be reimbursed to a district on a per student basis is the amount equal to the product of the Formula Foundation Aid times 2.10, regardless of the setting in which the education is provided. (For example, there may be instances where the student resides in a residential treatment facility but attends the public school for educational purposes.)
  - 18.05.4.3 When the requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.
- 18.05.5 Extended School Year Services (ESY).
  - 18.05.5.1 Not all students with disabilities receiving educational services in residential placement will be eligible for or in need of ESY services.
  - 18.05.5.2 Determination of student eligibility for ESY services is made by the school district based on the regulations governing ESY in §19.00 of these regulations.
- 18.05.6 This section shall not apply to a juvenile placed in an Arkansas juvenile detention facility as defined in Ark. Code Ann. 6-20-104.
- 18.06 RESIDENTIAL PLACEMENT OUT-OF-STATE - CHILDREN WITH DISABILITIES
  - 18.06.1 Assignment of responsibility.
    - 18.06.1.1 When a student with a disability is placed in a residential treatment facility for educational purposes by a school district, the placing school district remains responsible for procedural safeguards and the provision of FAPE.

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- 18.06.1.2 When a student with a disability is unilaterally placed in a residential facility for educational purposes by a parent or agent other than the school district, the parent may petition the school district where the student permanently resides (home school district, usually that of the student's parent or guardian) for consideration of the provision of procedural safeguards and FAPE.
- 18.06.1.3 In accordance with the Interagency Agreement between the ADE and DHS, when a child with a disability is a ward of the state and is placed in a residential treatment facility outside the boundaries of the State of Arkansas, the ADE is responsible for procedural safeguards and FAPE.
- 18.06.2 Procedural safeguards.
  - 18.06.2.1 The procedural safeguards specified in §9.00 of these regulations shall be followed.
- 18.06.3 Assignment of costs.
  - 18.06.3.1 The Department of Education, a public school district, or an open-enrollment charter school shall not be liable for any educational costs or other related costs associated with the placement of a juvenile in an out-of-state residential or inpatient facility for any care and treatment, including psychiatric treatment, unless:
    - A. At the time of placement:
      - 1. The juvenile qualifies as disabled under the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.; and
      - 2. Payment is required under the Individuals with Disabilities Education Act;
    - B. The Department authorizes public payment for educational costs based on a



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determination that the educational program and facilities are appropriate for the juvenile and the Department has approved the facility's education program; and

C. Each program authorization precedes the placement.

1. If the program is not authorized prior to placement, the department, public school districts, or open-enrollment charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs.

18.06.3.2 Nothing in this section shall be construed to require payment by the Department, a public school district, or an open-enrollment charter school for education costs and other related costs associated with the placement of a juvenile in an out-of-state residential or inpatient facility for any care or treatment, including psychiatric treatment, prior to April 7, 2005.

18.06.3.3 For identified students with disabilities, those costs defined as being educational in accordance with the IDEA will be borne by the district/agency responsible for provision of procedural safeguards and FAPE.

18.06.3.4 All other costs will be borne by either DHS, Medicaid, private insurance, the parent or by any combination thereof.

18.06.3.5 The liability of the Department, a public school district, or an open-enrollment charter school for the educational costs or other IDEA related costs shall be limited to the lesser of -

- A. The reimbursement rate established by the Department for a juvenile placed in a residential or inpatient facility; or,

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- B. The normal and customary educational cost reimbursement rate of the state in which a juvenile is placed in an out-of-state residential or inpatient facility as determined by the Department.

### 18.06.4 Funding.

18.06.4.1 School districts may request reimbursement for the educational costs of a student with disabilities placed in an approved residential treatment facility located outside the boundaries of Arkansas. Reimbursement may be used to fund the cost of such placement incurred by a school district.

18.06.4.2 Reimbursement for this cost to the district will be calculated on the basis of Ark. Code Ann. 6-20-107(d)(2).

18.06.4.3 When requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.

### 18.06.5 Extended School Year Services (ESY).

18.06.5.1 Not all students with disabilities receiving educational services in residential placement will be eligible for or in need of ESY services.

18.06.5.2 Determination of student eligibility for ESY services is made by the school district/agency based on the regulations governing ESY in §19.00 of these regulations.

## 18.07 JUVENILE DETENTION FACILITIES

### 18.07.1 General.

18.07.1.1 For the purposes of these regulations, juvenile detention facilities are designated as approved residential treatment facilities.

18.07.1.2 Students detained in a juvenile detention facility for nine (9) days or less. ~~The juvenile detention facility and the district where the juvenile detention facility~~

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~~is located are designated as responsible for educating the student consistent with federal and state laws for any period of time the student is being detained in the facility.~~

- A.    The juvenile detention facility, the district where the juvenile detention facility is located, and the resident district of a student are designated as responsible for educating the student consistent with federal and state laws for the first nine (9) days that the student is being detained in the facility either awaiting adjudication or pursuant to court order.
- B.    The resident district of a student who is being detained in a juvenile detention facility shall work cooperatively with the juvenile detention facility and the district where the juvenile detention facility is located to provide the student with the curriculum, textbooks, or other materials necessary to educate the student for the first nine (9) days that the student is being detained in the facility either awaiting adjudication or pursuant to court order.
- C.    The resident district shall keep the student enrolled in the district for the first nine (9) days that the student is being detained in the facility.
- D.    The juvenile detention facility must provide the student's resident school district a weekly attendance record for each of that district's students in the facility, regardless of length of stay.

18.07.1.3    Students detained in a juvenile detention facility for ten (10) days or more. The resident district of a student who is being detained in a juvenile detention facility is designated as responsible for the timely transfer of a student's educational records to the district where the juvenile detention facility is located upon notification by the court or district

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~~where the facility is located of the student's placement in a juvenile detention facility.~~

- A.    The juvenile detention facility and the district where the juvenile detention facility is located are designated as responsible for educating the student consistent with federal and state laws once the student has been detained in the facility for ten (10) days or more.
- B.    The district where the juvenile detention facility is located shall work cooperatively with the juvenile detention facility to provide the student with the curriculum, textbooks, or other materials necessary to educate the student once the student has been detained in the facility for ten (10) days or more.
- C.    Immediately upon receiving notice that a student has been detained in a juvenile detention facility for ten (10) days or more, the resident district shall drop the student from enrollment.

18.07.1.4    The resident district of a student who is being detained in a juvenile detention facility is designated as responsible for the timely transfer of a student's educational records to the district where the juvenile detention facility is located upon notification by the court or district where the facility is located of the student's placement in a juvenile detention facility.

18.07.2       Educational services for nondisabled students.

18.07.2.1     In order to be eligible for public school funds, each juvenile detention facility must provide the following educational services for nondisabled students -

- A.    The teachers employed by the juvenile detention facility must hold a valid teaching license from the Arkansas Department of

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### Education.

- B. The maximum teacher/student caseload must be 1 to 15 without a paraprofessional and 1 to 24 with a full time paraprofessional.
- C. The juvenile detention facility must provide instruction that addresses the State's Curriculum Standards and educational skills needed by students and appropriately address the age ranges and the abilities of the students in the facility.
- D. The juvenile detention facility must provide appropriate instructional and supplemental materials and media as are needed to enhance student instruction. Such materials include, but are not limited to, reference materials, dictionaries, maps, reading materials, and computer enhanced instructional software and/or internet access.
- E. The juvenile detention facility must provide planned instructional time in each school day averaging not less than six (6) hours per day or thirty (30) hours per week.

18.07.2.2 A school district which receives a student after attendance at a juvenile detention facility shall not use absences incurred as a result of detention as a basis for denial of credit.

18.07.3 Educational services for disabled students.

18.07.3.1 In order to be eligible for public school funds, each jurisdictional school district and juvenile detention facility must provide the following educational services for disabled students -

- A. FAPE consistent with the student's IEP.
- B. The teacher, employed by the JDF or local school district, who is implementing the IEP of a student with a disability must either -

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1. Hold a valid teaching license as a special education teacher, or
  2. Meet the qualifications in §18.07.2.1A above and implement the IEP in collaborative consultation with licensed special education personnel.
- C. The procedural safeguards specified in these regulations shall be followed for those students identified as disabled and for those suspected of being disabled.

### 18.07.4 Funding for students in juvenile detention facilities.

18.07.4.1 The resident district of a student detained in a juvenile detention facility for nine (9) days or less shall continue to receive funding based on the student's enrollment (average daily membership) in the district for those nine (9) days or less. ~~The juvenile detention facility may receive reimbursement from the local school district in which the facility is located for the costs of providing educational services to students in the facility, based upon the following—~~

- A. ~~For nondisabled students, educational costs are costs incurred for direct educational instruction and include salaries and benefits of teachers and paraprofessionals, staff development costs and substitute pay.~~
- B. ~~For students with disabilities under the IDEA, educational costs include all costs incurred in the provision of FAPE.~~
- C. ~~For students suspected of having disabilities as defined by the IDEA, educational costs shall include costs incurred in the evaluation process.~~

18.07.4.2+ The juvenile detention facility may receive reimbursement from the local school district in which the facility is located for the costs of

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providing educational services to students in the facility, based upon the following -

- A. For nondisabled students, educational costs are costs incurred for direct educational instruction and include salaries and benefits of teachers and paraprofessionals, staff development costs and substitute pay.
- B. For students with disabilities under the IDEA, educational costs include all costs incurred in the provision of FAPE.
- C. For students suspected of having disabilities as defined by the IDEA, educational costs shall include costs incurred in the evaluation process.

- 18.07.4.~~32~~ The juvenile detention facility and the local school district in which the juvenile detention facility is located must jointly determine the education costs incurred by the facility.
- 18.07.4.~~43~~ The local school district in which the juvenile detention facility is located must reimburse the juvenile detention facility for educational costs incurred up to an amount not to exceed the Formula Foundation Aid, times the approved student capacity of the facility ~~number of students in the facility~~.
- 18.07.4.~~54~~ If the juvenile detention facility and the local school district cannot agree on an amount for reimbursement, either entity may appeal to the ADE for a final decision.
- 18.07.4.~~65~~ The ADE must reimburse local school districts which have juvenile detention facilities on a quarterly basis based upon the district requesting such reimbursements.
  - A. The quarterly reimbursement amount will be determined by dividing the amount identified in §18.07.4.~~43~~ by four (4).

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- B. Should costs decrease, the local school district in which the facility is located must notify the ADE, Special Education Unit within thirty (30) days of revised costs.
- C. Any adjustments to reimbursements ~~based—on cost decreases~~ will be made in the fourth (4th) quarter.

18.07.4.76 The jurisdictional local school district may request reimbursement for the costs of educational services provided to students in juvenile detention facilities and incurred by the local school district.

18.07.4.87 The juvenile detention facility must provide the jurisdictional local school district a quarterly attendance record for each student in the facility, regardless of length of stay.

### 18.08 JUVENILE TREATMENT CENTERS (FORMERLY KNOWN AS SERIOUS OFFENDER PROGRAMS)

18.08.1 It shall be the responsibility of each juvenile treatment center to report the attendance of its students in the education program by providing quarterly attendance reports to the Department of Human Services, Division of Youth Services (DYS). DYS will provide the quarterly attendance information to the Arkansas Department of Education. Funding will be disbursed to DYS in support of education services within DYS juvenile treatment centers based upon a legislative appropriation for this purpose.



**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING THE CODE OF ETHICS FOR ARKANSAS EDUCATORS**

Adopted \_\_\_\_\_ 2013

**1.00 Title**

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

**2.00 Regulatory Authority**

- 2.01 These rules are promulgated pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-410, 6-17-422, 6-17-425, 6-17-426, 6-17-428, and 25-15-201 et seq.
- 2.02 All rules, procedures, hearings and appeals relating to the Code of Ethics complaints shall be promulgated and implemented under the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.

**3.00 Purpose**

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

**4.00 Applicability**

- 4.01 The valid Arkansas teaching license of any person shall be subject to the conditions, requirements, and mandates of the code of ethics, procedures, and recommendations for enforcement.

**5.00 Definitions**

- 5.01 **An Authorized Ethics Complaint Investigation** is an ethics complaint that has been: (1) verified by the Chief Investigator of the Professional Licensure Standards Board as being submitted by an identifiable person; and (2) authorized for investigation based upon reasonable belief by the Ethics Subcommittee of the PLSB that if the allegation is true, it would constitute a violation of the Code as set forth in these rules committed by an Arkansas educator after September 1, 2008. The Ethics

Subcommittee of the PLSB shall investigate an ethics complaint that it determines is credible. (Ark. Code Ann. § 6-17-428)

- 5.02 **Code of Ethics or Code** means the code of ethics for educators established by the Professional Licensure Standards Board under Ark. Code. Ann. § 6-17-422.
- 5.03 **Conviction** includes a plea of guilty or a plea of *nolo contendere*, or a finding or verdict of guilty, regardless of whether an appeal of the conviction has been sought, or a criminal conviction has been sealed or expunged; a situation where first offender treatment without adjudication of guilt pursuant to the charge was granted; and a situation where an adjudication of guilt or sentence was otherwise withheld or not entered on the charge or the charge was otherwise disposed of in a similar manner in any jurisdiction.
- 5.04 **Denial** is the refusal to grant a teaching license to an applicant for a teaching license.
- 5.05 **Dispositions** are the values, commitments, and professional ethics that influence behaviors toward students, families, colleagues and communities and affect student learning, motivation, and development as well as the educator's own professional growth. Dispositions are guided by beliefs and attitudes related to values such as caring, fairness, honesty, responsibility and social justice.
- 5.06 **Educator** means a person holding a valid Arkansas teacher's or administrator's license issued by the State Board of Education.
- 5.07 **Ethics Complaint** means a document that states facts constituting an alleged ethics violation of the code of ethics and is signed under penalty of perjury by the person filing the ethics complaint. An ethics complaint may also be a finding made in an audit report forwarded to the ADE by the Arkansas Joint Legislative Auditing Committee under Ark. Code Ann. § 6-17-426.
- 5.08 **Ethics Subcommittee** means the subcommittee established by the Professional Licensure Standards Board to receive and investigate ethics complaints, enforce the Code of Ethics, including making recommendations to the State Board of Education for a written warning, a written reprimand, or the placement of conditions or restrictions on the activities of the educator or the revocation, suspension, or probation or nonrenewal of a license. The Ethics Subcommittee may issue a Private Letter of Caution. The Ethics Subcommittee may also dismiss an ethics complaint if it finds there is no ethics violation.
- 5.09 **Ethics Violation** is an act or omission on the part of an educator, when the educator knew, or reasonably should have known, that such acts or omissions were in violation of the Code of Ethics as set forth in these rules. An ethics violation does not include a reasonable mistake made in good faith, or acts or omissions taken in accordance with the reasonable instructions of a supervisor or, an act or omission under circumstances in which the educator had a reasonable belief that failure to follow the instructions of a supervisor would result in an adverse job action against the educator.

- 5.10 **Filed** means the document has been stamped with a date acknowledging when the document arrived at the offices of the PLSB staff.
- 5.11 **Private Letter of Caution** is a non-punitive communication from the Ethics Subcommittee to an educator in response to an ethics complaint against the educator. Private Letters of Caution may be provided to an educator by the Ethics Subcommittee of the PLSB in lieu of recommending other discipline. Private Letters of Caution do not make any factual findings but inform the educator that the conduct alleged in the complaint or its investigation falls within the broad range of the Code of Ethics but that the circumstances and mitigating factors do not warrant disciplinary action. Private Letters of Caution remain in the files retained by the PLSB staff, but are not placed in an educator's licensure file at the ADE. A Private Letter of Caution is not submitted to the State Board of Education for approval and it does not constitute a sanction for the purposes of the Code of Ethics for Arkansas Educators. As a result, Private Letters of Caution cannot be basis for a request for an evidentiary hearing before the Ethics Subcommittee or the State Board of Education..
- 5.12 **Monitoring Conditions or Restrictions** may include any actions or alternative sanctions allowed under the Administrative Procedures Act, including at a minimum a semi-annual appraisal of the educator's conduct by the PLSB staff through contact with the educator and his or her employer or other appropriate persons. Such conditions or restrictions may include, but are not limited to requiring that an educator submit a new criminal background check or submit other requested information such as current employment, compliance with recommended counseling, treatment, education or training. The Subcommittee may recommend to the length of the monitoring period to the State Board of Education.
- 5.13 **Preponderance of Evidence** is the greater weight of the relevant evidence; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to include a fair and impartial mind to one side of the issue rather than the other. It is determined by considering all of the relevant evidence and deciding which evidence is more credible. A preponderance of the evidence is not necessarily determined by the greater number of witnesses or documents presented. If, on any allegation against an educator, it cannot be determined whether the allegation is more likely true than not true, the allegation cannot be considered to have been proved.
- 5.14 **Probation** is the placing of conditions, requirements or circumstances on the status of a teaching license for a period of time established by the State Board. Generally, an educator whose license is under probation must sufficiently satisfy such conditions, requirements or circumstances in order to maintain or be reinstated to the original non-probationary teaching license status.
- 5.15 **Public Information** for the purpose of these rules is information coming from news media or public record.

- 5.16 **Reasonable belief** is a belief based upon knowledge of facts and circumstances that are reasonably trustworthy, and that would justify a reasonable person's belief that: (1) a violation of the Code as set forth in these rules has been committed; and (2) that the named educator committed such a violation. A reasonable belief is not based upon mere suspicion or conjecture.
- 5.17 **Received** means the date the ethics complaint was presented to the Subcommittee for authorization of an investigation.
- 5.18 **Relevant evidence** (or material evidence) is evidence having any tendency to make the existence of any fact that is of consequence to the determination of the matter more probable or less probable than it would be without the evidence.
- 5.19 **Reprimand** is a written admonishment from the State Board to the named educator for his or her conduct. The written reprimand cautions that further unethical conduct will lead to a more severe action and is associated with a monetary fine of the educator. In the absence of further unethical conduct, a reprimand will remain in the licensure file of the educator for a period of two (2) years from the date the reprimand is imposed by the State Board. The reprimand will remain permanently in the files retained by PLSB staff.
- 5.20 **Revocation** is the permanent invalidation of any teaching or administrator's license held by the educator.
- 5.21 **School-sponsored activity** is any event or activity sponsored by the school or school system which includes but is not limited to athletic events, booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum (i.e., foreign language trips, etc.) whether on school-campus or not.
- 5.22 **Student** is any individual enrolled in the state's public or Private schools from pre-kindergarten through grade 12.
- 5.23 **Supervisor** under these rules mean an administrator authorized by the district or school board to administer professional employee discipline up to and including recommending termination or nonrenewal.
- 5.24 **Suspension** is the temporary invalidation of any teaching license for a period of time specified by the State Board.
- 5.25 **Teaching License** refers to any teaching, service, or leadership certificate, license, or permit issued by the State Board.
- 5.26 **Warning** is a written communication from the State Board to the named educator that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more severe action. In the absence of further unethical conduct, a warning will remain in the licensure file of the educator for a period of two (2) years from the date the warning is imposed by the State Board. The warning will remain permanently in the files retained by PLSB staff.

## 6.00 The Code of Ethics for Arkansas Educators

The Standards of Ethical Conduct are set forth as follows:

- 6.01 **Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.**
- 6.02 **Standard 2: An educator maintains competence regarding skills, knowledge, and dispositions, and responsibilities relating to his/her organizational position, subject matter, and/or pedagogical practice.**
- 6.03 **Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.**
- 6.04 **Standard 4: An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship.**
- 6.05 **Standard 5: An educator maintains integrity regarding the acceptance of any gratuity, gift, compensation or favor that might impair or appear to influence professional decisions or actions and shall refrain from using the educator's position for personal gain.**
- 6.06 **Standard 6: An educator keeps in confidence ~~information about students and colleagues obtained in the course of professional service, including secure~~ standardized test materials and results and maintains integrity regarding test administration procedures, unless disclosure serves a professional purpose or is allowed by law.**
- 6.07 **Standard 7: An educator keeps in confidence 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.**
- ~~6.076.08~~ **Standard 78: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs ~~or /substances~~ and/or possessing items prohibited by law while on school premises or at school-sponsored activities involving students.**

## 7.00 Recommended Disciplinary Action

- 7.01 The PLSB Ethics Subcommittee is authorized to recommend to the State Board probation, suspension, revocation or nonrenewal of a teaching license or the issuance of a reprimand or warning. The PLSB Ethics Subcommittee is also authorized to recommend the placement of conditions or restrictions on the activities of the educator that would assist the educator via training, coursework or rehabilitative treatment. (All costs would be paid by the educator.) The State Board may direct the



ADE to monitor progress toward the completion of any corrective action. Any of the following shall be considered cause for recommendation of disciplinary action against the holder of a license:

~~a.7.01.1~~ An initial determination by the Ethics Subcommittee that there is a reasonable belief that a violation of the Code of Ethics as set forth in these rules has occurred.

~~b.7.01.2~~ Following an evidentiary hearing before the Ethics Subcommittee, the Subcommittee finds, by a preponderance of the evidence, that there is a reasonable belief that an educator violated the Code of Ethics as set forth in these rules.

~~c.7.01.3~~ A failure to comply with the payment of any imposed fines, fees, or other conditions or restrictions imposed by the State Board of Education.

~~d.7.01.4~~ Audit reports forwarded to the ADE by the Arkansas Legislative Joint Auditing Committee pursuant to Ark. Code Ann. § 6-17-426.

~~e.7.01.5~~ Disciplinary action against a teaching license/certificate in another state on grounds inconsistent with ethical conduct specified in Section 6.00 or as stated in this section.

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

7.03 Suspensions and revocations are reported by the ADE to national officials, including the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse.

7.04 In lieu of imposing a disciplinary action as set forth above, the PLSB Ethics Subcommittee may provide the accused educator with a Private Letter of Caution.

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

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

## **9.00 Fines and Fees**

9.01 The State Board, for violations of the Code in all areas and as authorized by Ark. Code Ann. §§ 6-17-422(h)(3)(c) and 6-17-428:

~~a.9.01.1~~ May impose fines up the amounts listed in *Appendix B* to these rules, which is attached and is hereby fully incorporated into these rules as if fully set forth herein.

~~b.9.01.2~~ May impose fees for action taken pertaining to an educator's license as set forth in the attachment *Appendix B*.

~~e.9.01.3~~ Shall use the revenue collected by the State Board of Education from the fees and fines imposed per *Appendix B* of these Rules for the operation of the Professional Licensure Standards Board.

~~d.9.01.4~~ Failure to pay fines and fees may result in the Subcommittee recommending that the State Board suspend the educator's license pursuant to Ark. Code Ann. § 25-15-217. The Department will not renew a license until all fines and fees have been paid.

## **10.00 Disclosure of Records**

- 10.01 When the State Board has disciplined an educator for violation of the Code of Ethics by placing the educator on probation, suspension, or non-renewing, or revoking the educator's license, these actions will be reported by the Office of Professional Licensure and may be posted in its electronic database such that the records are viewable to school districts and other authorized personnel. In addition, these actions may be reported to other national education organizations or agencies such as the NASTDEC clearinghouse.
- 10.02 When the State Board has issued a warning or reprimand for violation of the Code of Ethics, these will be reported to the Office of Professional Licensure but are not posted in its electronic database. The Office of Professional Licensure will report reprimands or warnings if requested.
- 10.03 Records of the PLSB Ethics Subcommittee shall be retained in accordance with the Arkansas General Records Retention Schedule.
- 10.04 In accordance with Ark. Code Ann. § 6-17-428, all records and all hearings, meetings, and deliberations of the Professional Licensure Standards Board and its Ethics Subcommittee relating to an ethics complaint are confidential and exempt from the Freedom of Information Act of 1967, Ark. Code Ann. § 25-19-101 et seq.
- 10.05 In accordance with Ark. Code Ann. § 25-15-208, disclosure shall not be required of the research or records, correspondence, reports, or memoranda to the extent that they contain the opinions, theories, or conclusions of the attorney for the agency or members of his or her staff or other state agents.

**Procedures for the Investigative Process  
and Final Recommendation for Disposition of an Ethics Complaint**

**1.0 Applicability of the Administrative Procedure Act**

All rules, procedures, hearings and appeals relating to the Code of Ethics shall be promulgated and implemented under the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.

**2.0 Freedom of Information Act (FOIA):**

All records, hearings, meetings, and deliberations of the PLSB relating to an ethics complaint against an administrator or teacher are confidential and exempt from the Freedom of Information Act. All records pertaining to an ethics complaint are open for inspection and copying by the person against whom the complaint is lodged. The person against whom the complaint is lodged and his or her representative are entitled to be present during all hearings. A hearing before the State Board to consider the possible revocation, suspension, or other sanction of an administrator's or a teacher's license based on a recommendation of the PLSB for enforcement of an alleged ethics violation, including without limitation an informal disposition by the State Board of an ethics complaint by stipulation, settlement, consent order, or default is open to the public. All records on which the State Board relies during such a hearing to make its decision are subject to public disclosure under the Freedom of Information Act.

**3.0 Allegations:**

Any person or party wishing to submit an allegation must use the appropriate allegation of violation form as developed by the PLSB. It may be filed with the PLSB through the Department of Education, a public school district, or a public school superintendent. If an allegation form is filed with a public school district or a public school superintendent, the public school district or superintendent must forward all signed allegations directly to the Department of Education. Failure to forward an allegation of violation form may be considered a violation of the Code of Ethics.

**4.0 Allegations Received by the PLSB Ethics Subcommittee:**

An allegation will become a complaint once it has been: (1) verified by the Chief Investigator of the PLSB as being submitted by an identifiable person; and (2) is credible and if true, would constitute a violation of the Code as set forth in these rules, committed by an Arkansas educator after September 1, 2008. An allegation shall be processed as follows:

**4.01 Initial Review:** The Chief Investigator of the PLSB will thoroughly review the allegation and verify that the allegation has been submitted by an identifiable person and was signed under penalty of perjury.

**4.02 Authority to Investigate:** The Ethics Subcommittee will determine whether to grant authority to the PLSB investigative staff to investigate the allegation. Authority to investigate the allegation will be based upon a reasonable belief that the allegation, if



true, constitutes a violation of the Code as set forth in these rules and was committed by the alleged educator after September 1, 2008. Any member of the Ethics Subcommittee of the PLSB who works with or for the educator against whom the allegation is submitted shall recuse himself/herself from any discussion, hearing, or deliberations concerning the accused educator. The Subcommittee is not limited to the standard alleged on the form but may consider all of the evidence submitted with the allegation in determining which, if any, standard may have been violated

a) 4.02.1 Authority to Investigate Denied: If the Ethics Subcommittee votes not to authorize investigation, the allegation shall be dismissed and the matter shall be closed without further action against the educator.

b) 4.02.2 Authority to Investigate Granted: If the Ethics Subcommittee votes to authorize investigation of the allegation, the allegation becomes an authorized ethics complaint. The PLSB staff shall notify the named educator in writing concerning the initiation of the investigation and provide the educator with a copy of the complaint within ten (10) calendar days of authorization. The PLSB staff shall provide to the educator under investigation 1) written notice of the investigation and nature of the alleged ethics violation and, 2) a copy of the documents and evidence concerning the facts alleged in the ethics complaint, provisions of Ark. Code Ann. § 6-17-428 or other state statutory law applicable to an ethics violation and the applicable rules in effect at the time the ethics complaint is filed.

e) 4.02.3 Automatic Investigation: The following will automatically go to the Ethics Sub-Committee of the PLSB for the opening of an investigation:

4.02.3.1 Public information that an educator may have committed a violation the Code of Ethics. In the event that PLSB staff or PLSB Subcommittee members discover public information that an educator may have committed a violation of the Code of Ethics, the PLSB staff or any member of the Subcommittee may request that the Subcommittee Chair file an allegation form with the Department. If the Subcommittee votes that the Chair should file an allegation form, the Chair will recuse herself or himself from any further consideration of the newly filed complaint. If necessary, the PLSB may appoint a board member to the Subcommittee for the limited purpose of resolving the newly filed complaint.

4.02.3.2 Audit reports forwarded to the ADE by the Arkansas Joint Auditing Committee pursuant to Ark. Code Ann. § 6-17-426.

iii. 4.03 Requesting additional authority to investigate: If, in the course of an authorized investigation, PLSB staff discovers credible information that the named educator has committed additional violations of the Code, the PLSB staff may request additional authority to investigate from the Subcommittee. In the event that PLSB staff discovers credible information that another educator has violated the Code of Ethics, the PLSB staff may request that the Subcommittee Chair file an allegation form with

the Department. If the Subcommittee votes that the Chair should file an allegation form, the Chair will recuse herself or himself from any further consideration of the newly filed complaint. If necessary, the PLSB may appoint a board member to the Subcommittee for the limited purpose of resolving the newly filed complaint.

~~iv~~4.04 Completion of the Investigation: The Ethics Subcommittee shall complete its investigation of an ethics complaint and take action within one hundred fifty (150) days of authorizing the investigation. Upon completion of the investigation and final report of investigation, the PLSB staff will send the final report of investigation to the accused educator or his/her attorney via certified and regular mail. The educator shall be provided with:

4.04.1 A copy of the documents and evidence concerning the investigation of the ethics complaint and,

4.04.2 Written notice that the Ethics Subcommittee will consider taking action against the named educator and,

4.04.3 A copy of Ark. Code Ann. § 6-17-428 or other state statutory law applicable to the ethics violation authorized for investigation, and

4.04.4 A copy of the rules in effect at the time the ethics complaint is filed.

4.04.5 The named educator or his/her attorney will be allowed thirty (30) calendar days from receipt of the notice, documentation, and evidence from the Ethics Subcommittee or its staff to submit any further response in writing. At the conclusion of the thirty (30) calendar days or upon receiving the written response from the educator, the PLSB staff will send the final report of investigation and educator's response to the members of the Ethics Subcommittee.

~~v~~4.05 Initial Recommendation of the Ethics Subcommittee: At the next scheduled meeting of the Ethics Subcommittee, the Subcommittee shall review the results of the investigation including the PLSB staff's final report of investigation and any written response from the educator who is the subject of the ethics complaint. Following such a review, if the Ethics Subcommittee finds that a reasonable belief exists that the educator violated the Code as set forth in these rules, the Subcommittee shall issue an initial decision and may recommend any appropriate action as set forth in Appendix B. The initial recommendation shall be considered a proposal for decision under Ark. Code Ann. § 25-15-210 and shall contain a statement of the reasons for the decision and each issue of fact or law necessary for the decision.

a)4.05.1 Notification of the Educator: The PLSB staff will notify the named educator in writing of the recommendation of the Ethics Subcommittee. The named educator may accept in writing the recommendation of the Ethics Subcommittee of the PLSB or request in writing an evidentiary hearing before the Ethics Subcommittee. The PLSB staff will inform the educator that following an evidentiary hearing, the Ethics Subcommittee may find that no reasonable belief that a violation of the Code exists, or could find that a

reasonable belief that violation of the Code exists and recommend any appropriate action as set forth in Appendix B.

b) 4.05.2 Private Letter of Caution: The Ethics Sub-Committee of the PLSB may also issue a Private Letter of Caution in lieu of recommending an action set forth in Appendix B.

~~vi.~~ 4.06 Waiver of Evidentiary Hearing: If an educator fails to respond to notification of the initial recommendation of the Ethics Subcommittee within thirty (30) days, the initial recommendation will become a final recommendation without an evidentiary hearing and will be forwarded to the State Board for consideration.

~~vii.~~ 4.07 If the educator accepts the Subcommittee's recommendation or waives a response, the PLSB staff shall notify the educator that the final recommendation will be submitted to the State Board as part of its consent agenda.

## **5.0 Waiver or Request of a Subcommittee Evidentiary Hearing**

~~i.~~ 5.01 If the educator requests a hearing, an evidentiary hearing will be held before the Ethics Subcommittee within one hundred eighty (180) days of receiving the complaint as is defined in these rules. Either party may request additional time. Such a request shall be in writing and shall set forth the reason(s) for which additional time is needed. The time limitations may be waived when reasonable under the circumstances, including without limitation, inclement weather, state or national emergencies, or other unforeseeable events by the:

5.01.1 Educator if the time limitation is imposed upon the Ethics Subcommittee; or  
5.01.2 Ethics Subcommittee if the time limitation is imposed upon the educator; or  
5.01.3 A written stipulation between the educator and the PLSB staff attorney with the approval of the Subcommittee.

~~ii.~~ 5.02 Within ten (10) calendar days following the findings and recommendation of the Ethics Subcommittee, the PLSB staff will notify the educator in writing of the Subcommittee's evidentiary hearing findings and recommendations. The educator may accept the evidentiary recommendation or object and request a review by the State Board pursuant to Section 9 of this Appendix. The evidentiary hearing recommendation shall be considered a proposal for decision under Ark. Code Ann. § 25-15-210 and shall contain a statement of the reasons for the decision and each issue of fact or law necessary for the decision.

~~iii.~~ 5.03 Waiver of State Board Review: If an educator fails to respond to notification of the Subcommittee's evidentiary hearing recommendation within fourteen (14) days, the evidentiary hearing recommendation will become a final recommendation and will be forwarded to the State Board.

## **6.0 Motions**

- a. 6.01 An educator or his or her representative who has requested an evidentiary hearing may file a motion by serving it on the attorney for the PLSB who shall record the date it is received and promptly transmit the motion(s) to the Subcommittee for its consideration at the next available Subcommittee meeting.
- b. 6.02 Filing a motion that requests that the Subcommittee take action prior to the requested or scheduled evidentiary hearing tolls the time limits set out in these rules and Ark. Code Ann. § 6-17-428.
- e. 6.03 Requests regarding procedural matters, including requests for additional time for the hearing or for continuation of a hearing or proposed stipulated settlements, may be considered on the motions or papers submitted. The PLSB attorney and the educator may enter a stipulation to dispose of any procedural or substantive matters at any time subject to final approval by the Subcommittee.

## **7.0 Evidentiary Hearing Procedures of the PLSB Ethics Subcommittee**

The educator and the PLSB may be represented by representatives of their choosing.

i.7.01 The educator shall be notified in writing of the date, time and location of the Ethics Subcommittee meeting at which his/her case will be considered. The notice will also state a deadline by which the educator must submit items to the Subcommittee for consideration. Items submitted may be rejected if not timely. Educators and PLSB staff are encouraged to submit all documentary evidence by the deadline so that the Subcommittee will be prepared to expeditiously address the case at the evidentiary hearing.

ii.7.02 A representative of the PLSB and the educator (or his/her attorney) shall have up to twenty-five (25) minutes each to present their cases to the Subcommittee. The chairperson of the Subcommittee may grant additional time to either or both parties, if necessary.

iii.7.03 Each party will have the opportunity, should it so choose, to make an opening statement. The statement shall be no longer than five (5) minutes in length. The chairperson of the Subcommittee may grant additional time to either or both parties, if necessary.

iv.7.04 The representative of the PLSB shall present its case (and opening statement, if it so chooses) to the Subcommittee first.

v.7.05 Any written documents, photographs or any other items of evidence may be presented to the hearing Subcommittee with the permission of the chairperson. The items of evidence shall be marked as either "PLSB Exhibit Number 1(et seq.)" or "Educator's Exhibit Number 1 (et seq.)" After an item of evidence has been allowed to be presented to the Sub-committee by the chairperson, the introducing party shall give one (1) copy to the court reporter for the record and one (1) copy to the chairperson.

vi.7.06 After one party has questioned a witness, the other party shall have the same opportunity.

~~vii.~~7.07 Members of the hearing Subcommittee shall also have the opportunity to ask questions of any witness or any party at any time.

~~viii.~~7.08 While the scope of each party's presentation ultimately lies within the chairperson's discretion, case presentation should be arranged in such a way as to avoid redundant testimony.

~~ix.~~7.09 After the educator has presented his/her case, the chairperson may allow each party to present limited rebuttal testimony.

~~x.~~7.10 After the rebuttal evidence has been presented, the educator shall have up to five (5) minutes to present a closing statement, if desired. The chairperson of the Subcommittee may grant additional time if necessary.

~~xi.~~7.11 After the educator has made a closing statement, or waived the opportunity for the same, the representative of the PLSB shall have up to five (5) minutes to make his/her closing statement, if desired. The chairperson of the Subcommittee may grant additional time if necessary.

~~xii.~~7.12 After closing statements have been made (or the opportunity to make them has been waived), the hearing Subcommittee may orally announce its decision. Alternatively, the hearing Subcommittee may take the case under advisement and render a written decision at a later time.

~~xiii.~~7.13 During an evidentiary hearing, the "preponderance of the evidence" standard shall be used by the Ethics Subcommittee to determine whether a violation of the Code occurred. If the Ethics Subcommittee finds that a violation occurred, it may issue a recommendation for appropriate sanction to the Arkansas State Board of Education. The representative of the PLSB will have the burden of proving each fact of consequence to the determination by a preponderance of the evidence. The Ethics Sub may also issue a non-punitive Private Letter of Caution Letter.

~~xiv.~~7.14 A written decision reflecting the hearing Subcommittee's final findings and recommendation shall be promptly prepared by the PLSB staff attorney for the chairperson's signature. A copy of the findings and recommendation s shall be transmitted in a timely manner to the educator. The evidentiary hearing recommendation shall be considered a proposal for decision under Ark. Code Ann. § 25-15-210 and shall contain a statement of the reasons for the decision and each issue of fact or law necessary for the decision.

~~xv.~~7.15 The educator shall have fourteen (14) days from the receipt of the final findings and recommendation to object and request a State Board Review pursuant to Section 9 of this Appendix. Should the educator not request a review by the State Board within the above-referenced fourteen (14) day time period, the findings and recommendations of the Subcommittee shall become final.

## **8..0 Subpoena Power:**



i.8.01 At the request of a party to a proceeding pending before the PLSB or the Ethics Subcommittee or the State Board of Education, the Chair of the PLSB or the Ethics Subcommittee or the State Board of Education may, as appropriate, issue a subpoena and bring before the PLSB, the Ethics Subcommittee or the State Board as a witness any person in this state. The PLSB, the Ethics Subcommittee or the State Board may, on their own motion, issue a subpoena at any time.

ii.8.02 A party requesting a subpoena must make the request in writing to either the PLSB staff attorney or the State Board attorney, as appropriate. Requests for subpoenas made to the PLSB shall be delivered to the Office of the PLSB Attorney no later than ten (10) calendar days prior to the PLSB hearing for which the subpoena is requested. Requests for subpoenas made to the State Board shall be delivered to the Office of General Counsel of the ADE no later than ten (10) calendar days prior to the State Board hearing for which the subpoena is requested.

iii.8.03.0 The subpoena shall:

a)8.03.1.0 Be in the name of either the PLSB, the Ethics Subcommittee, or the State Board;

b)8.03.1.1 State the name of the proceeding; and

e)8.03.1.2.0 Command each person to whom it is directed to give testimony at the time and place specified in the subpoena in one (1) of the following ways:

(i)8.03.1.2.1 In person;

(ii)8.03.1.2.2 Before a certified court reporter under oath at the place of the witness' residence or employment;

(iii)8.03.1.2.3 By video-taped deposition at the place of the witness' residence or employment; or

(iv)8.03.1.2.4 By live video communications from the witness' residence, place of employment, or a nearby facility capable of providing video transmission to the board that has subpoenaed the witness.

Ⓓ8.03.1.2.5 The manner of providing testimony under the subpoena shall be conducted by video conference testimony unless another manner is agreed upon by the board or commission and the person who is the subject of the subpoena.

iv.8.04 The subpoena may require the witness to bring with him or her any book, writing, or other thing under his or her control that he or she is bound by law to produce in evidence.

v.8.05 Service of the subpoena shall be in the manner as provided by law or rule for the service of subpoenas in civil cases.

~~vi.8.06~~ A witness who has been served by subpoena and who appears in person to testify at the trial or case pending before the PLSB, the Ethics Subcommittee or the State Board shall be reimbursed for travel and attendance as provided by law.

~~vii.8.07~~ If a witness is served with a subpoena and fails to provide testimony in obedience to the subpoena, the PLSB, the Ethics Subcommittee or the State Board may apply to the circuit court of the county in which the PLSB, the Ethics Subcommittee or the State Board is holding the proceeding for an order causing the arrest of the witness and directing that the witness be brought before the court.

~~viii.8.08~~ The court will have the power to punish the disobedient witness for contempt as provided by the Arkansas Rules of Civil Procedure.

~~ix.8.09~~ A witness who has been served with a subpoena may challenge the validity of the subpoena in the circuit court of the county in which the witness resides or is employed.

## 9.0 State Board Review

~~i.9.01~~ When an educator objects to the Subcommittee's evidentiary hearing findings and recommendation, the educator may request a review by the State Board of Education by notifying the attorney for the PLSB in writing within fourteen (14) days.

~~ii.9.02~~ Within ten (10) days of requesting a review, the educator will have an opportunity to file written exceptions and briefs regarding the Subcommittee's evidentiary hearing findings and recommendation.

~~iii.9.03~~ The PLSB attorney may file a written response to the educator's exceptions and brief within ten (10) days of receipt of the educator's exceptions and brief.

~~iv.9.04~~ The PLSB attorney shall prepare a redacted copy of the Ethics Subcommittee hearing transcript and hearing exhibits to be filed with State Board of Education.

~~v.9.05~~ The PLSB's findings and recommendations, the educator's exceptions and brief, and the PLSB's response, and the redacted transcript will be submitted to the State Board of Education at the next available meeting date.

~~vi.9.06~~ Either the PLSB or the educator may request oral argument. If oral argument is requested, the PLSB attorney shall introduce the item on the agenda, then the educator will then have ten (10) minutes to present an oral argument in opposition to the findings and recommendations. The PLSB's attorney will then have (10) minutes for oral argument in support of the findings and recommendations. Upon good cause shown, the Chairperson of the State Board may grant either party additional time for oral argument.

~~vii.9.07~~ After consideration of the findings and recommendations, the records, exceptions, briefs, and arguments, the State Board of Education shall issue a final decision or order in writing or stated on the record. The final decision shall include findings of fact and

conclusions of law, separately stated. The educator shall be served personally or by mail with a copy of the final decision or order.



**LIST OF ACTIONS & APPLICABLE FINES**

<b>Action Taken</b>	<b>Maximum Fine Amount</b>
Complaint is not substantiated – No action taken; Case closed.	\$0
Educators who violate testing procedures of the state and for whom the Ethics Sub-Committee of the PLSB believes the violation does not rise to the level of an ethics violation may be recommended for additional training in the approved testing procedures by the state.	All expenses paid by the educator.
Compliance with conditions or restrictions or recommended treatment or rehabilitation with periodic monitoring.	All expenses paid by the educator.
Private Letter of Caution	\$0
Written Warning	\$0
Written Reprimand	\$50
Probation of License	\$75
Suspension of License	\$100
Permanent Revocation of License	\$0

## LIST OF APPLICABLE FEES

License Issued	New or Renewal	Fee Amount
One-Year Provisional Teacher's License	New	\$0.00
	Renewal	\$0.00
Three-Year Initial Teacher's License	New	\$0.00
Five-Year Standard or Advanced Teacher's License	New	<del>\$100.00</del> 75.00
	Renewal	<del>\$100.00</del> 75.00
Five-Year Vocational Permit	New	<del>\$100.00</del> 75.00
	Renewal	<del>\$100.00</del> 75.00
One-Year Professional Teaching Permit	New	\$35.00
Lifetime Teacher's License (Must be 62 years of age.)	New	\$0.00
Adding Area or Level to Existing License	Not Applicable	\$0.00
Adding Degrees to Existing License (If not occurring at the time of renewal)	Not Applicable	\$0.00
Duplicate License	Not Applicable	\$50.00

## **Explanations and Guidelines to Clarify the Intent of The Code of Ethics**

The purpose of Appendix C is to provide greater clarity and intent of each ethical standard listed in Section 6.00 of this rule. Therefore, Appendix C is not designed to supersede the required standard of ethical conduct but rather to provide some rationale of the intent and purpose and thus the proper application of each ethical standard of conduct. It is recognized that Appendix C is a general application of the intent and purpose of each ethical standard and is considered a guide and not all inclusive of each and every interpretation and application of the Code as required in Section 6.00.

Moreover, it is recognized that unless specifically stated in a standard of conduct listed in Section 6.00 of these rules or specifically required in Appendix C's interpretation of a particular standard of conduct, the alleged unethical conduct by a licensed educator may be considered by the Professional Licensure Standards Board regardless of the mental intent related to the alleged unethical action or omission. However, the Professional Licensure Standards Board may consider the mental intent or capacity of the licensed educator, along with other relevant factors, when determining whether a violation exists and what, if any, disciplinary action to recommend to the Arkansas State Board of Education for alleged violations of this Code of Ethics.

Furthermore, it is recognized that the Code of Ethics is designed as a model of minimum standards for maintaining the public's respect for, and support of, those holding a license issued by the State Board of Education. It is not intended to regulate the employer/employee or contract relationship between any public school district and its educators. The Code is an overarching and superior set of standards and rules intended to establish and contribute to the development and maintenance of a supportive student-centered learning community that values and promotes human dignity, fairness, care, the greater good, and individual rights.

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

This standard goes to the core of a professional educator's expected conduct and relationship with all students and transcends criminal behavior or other actions which violate law. The professional relationship with students is such behavior and action which promotes at all times the mental, emotional, and physical health and safety of students. An educator should show respect for and not demean, embarrass, or harass students absent some reasonable educational or disciplinary purpose and never as prohibited by law. The professional educator shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly exclude any student from participation in any program, deny benefits to any student, or grant any advantage to any student. A professional relationship is one where the educator maintains a position of educator/student authority with students even while expressing concern, empathy, and encouragement for students. In that position of authority, an educator may nurture the student's intellectual, physical, emotional, social and civic potential. An educator may display concern and compassion for a student's personal problems and, when appropriate, refer the student for school counseling or other help.

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

This standard addresses the professional educator's obligation to implement best practices and maintain competence in skills and knowledge. An educator has many responsibilities and dispositions that are required in the course of instruction such as ensuring that students have access to varying points of view and that instruction reflects current subject matter. The professional educator shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly exclude any colleague from participation in any program, deny benefits to any colleague, or grant any advantage to any colleague.

**Standard 3 An educator honestly fulfills reporting obligations associated with professional practices.**

This standard covers those situations where there is an intentional or knowing attempt to deceive or mislead an educational entity. Honest errors or mistakes or inaccuracies are not intended to be encompassed by this standard. To uphold this standard an educator should be honest when reporting data and information to the Arkansas Department of Education, the Arkansas Bureau of Legislative Audit, the Arkansas State Board of Education, and other state and federal governmental agencies. Honestly reporting grades is also a part of this standard. It is also important that an educator honor this standard when giving information to recommend an individual for employment promotion or licensure as well as when reporting professional qualifications, criminal history, college credits and degrees, awards, and employment history. Similarly the failure to timely submit information covers those situations where there is a knowing failure to submit or provide information. The State Board of Education may take direct action to revoke, suspend, or place on probation an educator whose conduct violates Ark. Code Ann. § 6-17-410(d)(1)(A)(vii) and (viii) without submission of an ethics complaint. It is important to note that noncompliance with mandated child abuse reporting laws also falls with this standard.

**Standard 4 An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship.**

An educator must be a good steward of public funds, personnel and property dedicated to school related purposes. The use and accounting for these resources under the educator's control must comply with state and federal laws that regulate the use of public funds and property. The use of such resources for personal gain, other than incidental personal benefit for which there is no public education purpose would not be in keeping with the intent of this standard.

**Standard 5 An educator maintains integrity regarding acceptance of any gratuity, gift, compensation or favor that might impair or appear to influence professional decisions or actions and shall refrain from using the educator's position for personal gain.**

The standard is intended to prohibit that conduct which is solely for personal gain and creates an appearance of a conflict of interest in the role as an educator. The standard of conduct called for by

this section involves an examination of the total circumstances surrounding the gratuity, gift, compensation, or favor. Factors to consider include the value of the gratuity, gift or favor, the reasonableness of any compensation; the timing of the gratuity, gift, compensation, or favor; and the relationship between the educator and the person from whom the gratuity, gift, compensation, or favor comes. Pursuant to Ark. Code Ann. § 6-24-113 an educator may accept awards and grants as provided for therein. Ark. Code Ann. § 6-24-112 contains some specific prohibited transactions involving gratuities or offers of employment. The second part of this standard requires that the educator does not use the position for personal gain.

**Standard 6    ~~An educator keeps in confidence information about students and colleagues obtained in the course of professional service, including secure standardized test materials and results, unless disclosure serves a professional purpose or is allowed or required by law.~~**

~~At times educators are entitled to and/or for professional reasons need access to certain student records, other educators' records, and standardized testing materials. Much of this information is confidential, and the educator should maintain that confidence unless the disclosure serves some legitimate educational purpose as allowed or required by law. The Federal Education Rights and Privacy Act (FERPA) addresses the confidentiality of certain student records. Such federal and state laws permit disclosure of some student information and restrict the disclosure of other student information. Educators should respect and comply with these and other similar confidentiality laws. Confidential student information may include student academic and disciplinary records, health and medical information, family status and/or income, assessment/testing results, and Social Security information. When standardized tests are administered, educators should maintain the confidentiality of those parts of the standardized test materials that are to remain confidential such as actual test items and test booklets in accordance with state law, regulation, and testing policy. Supervisors may be entitled to access to other educators' personnel records and should maintain the confidentiality of those records. Educators should be reminded that this standard is in addition to conduct prohibited under Ark. Code Ann. §§ 6-15-438, 6-17-410(d)(1)(A)(iii) and the Arkansas Department of Education Rules Governing Testing Improprieties. The State Board may take direct action against an educator to revoke, suspend, or place on probation, the license of an educator whose conduct violates this section without the filing of an ethics complaint.~~

**Standard 7    An educator keeps in confidence information about students and colleagues obtained in the course of professional services unless disclosure serves a professional purpose or is allowed or required by law.**

At times educators are entitled to and/or for professional reasons need access to certain student records as well as other educators' records. Much of this information is confidential, and the educator should maintain that confidence unless the disclosure serves some legitimate educational purpose as allowed or required by law. The Federal Education Rights and Privacy Act (FERPA) addresses the confidentiality of certain student records. Such federal and state laws permit disclosure of some student information and restrict the disclosure of other student information. Educators should respect and comply with these and other similar confidentiality laws. Confidential student information may include student academic and disciplinary records, health and medical information, family status and/or income, assessment/testing results, and Social Security information. Similarly, educators should not disclose confidential information about colleagues

unless the disclosure serves some legitimate professional purpose as allowed or required by law. Educators shall not knowingly make any false or malicious statement about a colleague.

**Standard 78 An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs-or /substances and/or possessing items prohibited by law while on school premises or at school-sponsored activities involving students.**

This standard sets forth the expectation of the professional educator concerning using, possessing, or being under the influence of the listed substances while on school premises or at school-sponsored activities involving students or being in violation of state law governing the using, possessing or being under the influence of alcohol, tobacco, or unauthorized/illegal drugs/substances while on school property or at school-sponsored activities involving students.