



AGENDA STATE BOARD OF EDUCATION

July 8, 2013

Arkansas Department of Education

Arkansas Department of Education Auditorium

9:00 AM

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Reports

Report-1 Chair's Report

Presenter: Brenda Gullett

Report-2 Commissioner's Report

Presenter: Dr. Tom Kimbrell

Report-3 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. Megan Witonski

Consent Agenda

C-1 Minutes - June 10, 2013

Presenter: Deborah Coffman

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 July report summarizes the PMT for June.

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 Walters and Clemetta Hood

C-4 Consideration of Voluntary Surrender of Arkansas Educator's License – Sandra Leigh Broberg (Lee)

Sandra Broberg surrendered her teaching license as evidenced by her signed consent form. Arkansas law does not provide for the mere surrender of a license. As a result, the Board's acceptance of the surrender of his license will result in its permanent revocation.

Presenter: Cheryl Reinhart

C-5 Consideration of the Recommendation of the Professional Licensure Standards Board for Suspension of Educator License for One (1) Year and a Fine of \$100 for Case #13-012 – Anita Cooper

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending suspension of the educator license of Anita Cooper for one (1) year and a fine of \$100 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom; Standard 2: An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice; and Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.

Ms. Cooper was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated, May 20, 2013, and accepted the recommendation of the Ethics Subcommittee.

Presenter: Mike Smith

C-6 Consideration of the Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50 for Case #13-016 – Jerry Louis Thompson

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending a written reprimand to Jerry Thompson and a fine of \$50 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Mr. Thompson was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated April 25, 2013, but failed to respond. The timeline for any hearing has now passed.

Presenter: Mike Smith

C-7 Consideration of the Recommendation of the Professional Licensure Standards Board for a Written Warning for Case #13-022 – Ronnie Joe Stratmoen

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending a written warning to Ronnie Stratmoen for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Mr. Stratmoen was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated April 25, 2013, but failed to respond. The timeline for any hearing has now passed.

Presenter: Mike Smith

C-8 Consideration of the Recommendation of the Professional Licensure Standards Board for Suspension of Educator License for Two (2) Years and a Fine of \$100 for

Case #13-033 – Jerry Louis Thompson

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending suspension of the educator license of Jerry Thompson for two (2) years and a fine of \$100 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom; Standard 2: An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice; and Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.

Mr. Thompson was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated April 25, 2013, but failed to respond. The timeline for any hearing has now passed.

Presenter: Mike Smith

C-9 Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of Educator License for One (1) Year and a Fine of \$75 for Case #13-043 – Rosie L. Slaughter

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending probation of the educator license of Rosie Slaughter for one (1) year and a fine of \$75 for violation of Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.

Ms. Slaughter was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated April 26, 2013, and accepted the recommendation of the Ethics Subcommittee.

Presenter: Mike Smith

C-10 Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of Educator License for One (1) Year and a Fine of \$75 for Case #13-054 – Renee Jean Elliott

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

Ms. Elliott was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated April 29, 2013, but failed to respond. The timeline for any hearing has now passed.

Presenter: Mike Smith

C-11 Consideration of the Recommendation of the Professional Licensure Standards Board a Written Warning for Case #13-059 – Paula Sue Pate-Muncy

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending a written warning to Paula Pate-Muncy for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Ms. Pate- Muncy was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated April 29, 2013, and accepted the recommendation of the Ethics Sub-committee.

Presenter: Mike Smith

C-12 Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of Educator License for One (1) Year and a Fine of \$75 for Case #13-066 – Elizabeth Diana Newlun

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending probation of the educator license of Elizabeth Newlun for one (1) year and a fine of \$75 for violation of Standard 3: An educator honestly fulfills reporting obligations associated with professional practices and Standard 4: An educator entrusted with public funds and property honors that trust with honest, responsible stewardship.

Ms. Newlun was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated April 29, 2013, but failed to respond. The timeline for any hearing has now passed.

Presenter: Mike Smith

C-13 Consideration of the Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50 for Case #13-073 – LaSonya Denise Clary

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending a written reprimand to LaSonya Clary and a fine of \$50 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Ms. Clary was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated, April 29, 2013, and accepted the recommendation of the Ethics Subcommittee.

Presenter: Mike Smith

C-14 Consideration of the Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50 for Case #13-074 – Timothy Lee Fulks

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending a written reprimand to Timothy Fulks and a fine of \$50 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Mr. Fulks was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated, April 29, 2013, and accepted the recommendation of the Ethics Subcommittee.

Presenter: Mike Smith

C-15 Consideration of the Recommendation of the Professional Licensure Standards Board for Permanent Revocation of the Educator License for Case #13-077 – Renee Jean Elliott

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending permanent revocation of the educator license of Renee Elliott for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom; Standard 2: An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice; and Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.

Ms. Elliott was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated April 29, 2013, but failed to respond. The timeline for any hearing has now passed.

Presenter: Mike Smith

C-16 Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of Educator License for Two (2) Years and a Fine of \$75 for Case #13-078 – Jason Scott Shepherd

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending probation of the educator license of Jason Shepherd for two (2) years and a fine of \$75 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom and Standard 4: An educator entrusted with public funds and property honors that trust with honest, responsible stewardship.

Mr. Shepherd was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated, April 29, 2013, and accepted the recommendation of the Ethics Subcommittee.

Presenter: Mike Smith

C-17 Consideration of the Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50 for Case #13-081 – Heidi Leigh Brewington

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending a written reprimand to Heidi Brewington and a fine of \$50 for violation of Standard 3: An educator honestly fulfills reporting obligations associated with professional practices and Standard 4: An educator entrusted with public funds and property honors that trust with honest, responsible stewardship.

Ms. Brewington was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated April 29, 2013, but failed to respond. The timeline for any hearing has now passed.

Presenter: Mike Smith

C-18 Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of Educator License for One (1) Year and a Fine of \$75 for Case #13-083 – Lori Janee Rice

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

Ms. Rice was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated April 30, 2013, but failed to respond. The timeline for any hearing has now passed.

Presenter: Mike Smith

C-19 Consideration of the Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50 for Case #13-087 Dean Richard Livingston

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending a written reprimand to Dean Livingston and a fine of \$50 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Mr. Livingston was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated, May 21, 2013, and accepted the recommendation of the Ethics Subcommittee.

Presenter: Mike Smith

C-20 Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of Educator License for Two (2) Years and a Fine of \$75 for Case #13-095 – Mary Beth Stivers

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending probation of the educator

license of Mary Beth Stivers for two (2) years and a fine of \$75 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom; Standard 2: An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice; and Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.

Ms. Stivers was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated May 21, 2013, and accepted the recommendation of the Ethics Subcommittee.

Presenter: Mike Smith

Action Agenda

A-1 Consideration of Arkansas Better Chance 2013-2014 Grants

The Division of Child Care and Early Childhood Education respectfully requests the approval of the attached grants for the 2013-2014 program year.

Presenter: Paige Cox

A-2 Consideration of Petition for Detachment – Jacksonville Community Group

Pursuant to Ark. Code Ann. § 6-13-1501 et seq., members of the Jacksonville Community seek permission from the State Board of Education to create a new school district by detaching territory from the Pulaski County Special School District.

Presenter: Members of the Jacksonville Community Group

A-3 Consideration of Appeal from Denial of School Choice Application – Goodall

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Mr. George Rozzell, on behalf of the Goodall Family, filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice applications of A. Goodall (5); E. Goodall (8); A. Goodall (9); and A. Goodall (11).

Presenter: Jeremy Lasiter

A-4 Consideration of Appeal from Denial of School Choice Application – Harbin

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, John and Carrie Harbin filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of T. Harbin and S. Harbin.

Presenter: Jeremy Lasiter

A-5 Consideration of Appeal from Denial of School Choice Application – Jackson

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Cody and Cory Jackson filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of T. Jackson.

Presenter: Jeremy Lasiter

A-6 Consideration of Appeal from Denial of School Choice Application – Moffett

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Amanda Moffett filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of J. Moffett.

Presenter: Jeremy Lasiter

A-7 Consideration of Appeal from Denial of School Choice Application – Scaife-Hardin

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Tonja Scaife-Hardin filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of E. Wilkins.

Presenter: Jeremy Lasiter

A-8 Consideration of Appeal from Denial of School Choice Application – White

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Stephanie White filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of J. White.

Presenter: Jeremy Lasiter

A-9 Hearing on the Recommendation of the Professional Licensure Standards Board for a Written Reprimand for Case # 13-007 – Cynda Bellamy

Cynda Bellamy is a licensed educator. The Professional Licensure Standards Board's Subcommittee on Ethics is recommending a written reprimand and a fine of fifty dollars (\$50.00) for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom; and Standard 6: An educator keeps in confidence 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.

Ms. Bellamy was notified of the Professional Licensure Standards Board's recommendation by certified mail and regular mail dated November 16, 2012. Ms. Bellamy made a timely request and on January 11, 2013, received an evidentiary hearing before the Subcommittee on Ethics. On February 18, 2013, Ms. Bellamy requested a hearing before the State Board. Ms. Bellamy is represented by Lucien Gillham.

Presenter: Cheryl Reinhart

A-10 PLSB Hearing – Request for Consolidated Hearing for Case 12-145 – Veda Ann Struble and Case 12-146 – Teresa Dee Keiter for a Written Reprimand and Fine of \$50

These cases have been consolidated at the consent of the educators and their attorneys. Dee Keiter is represented by Mike Bearden. Vada Struble is represented by James Harris. The PLSB Ethics Subcommittee conducted an evidentiary hearing and subsequently recommended written warnings and a \$50 fine to each educator for violations of Standards 1 and 3.

Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom. The Ethics Subcommittee found that Ms. Keiter and Ms. Struble violated standard 1 by failing to maintain a professional relationship with each student, both in and outside the classroom. Both failed to take necessary steps to protect a student who had reported that she was being sexually abused by her grandfather, including failure to make the mandated report to the proper authorities and disclosure of information in a letter written by the student reporting the abuse to the student's grandmother.

Standard 3: An educator honestly fulfills reporting obligations associated with professional practices. The Ethics Subcommittee found that Ms. Keiter and Ms. Struble violated standard 3 by failing to honestly fulfill reporting obligations

associated with professional practices, in that they, as mandated reporters under Arkansas state law, did not report the suspected abuse to the proper authorities.

Presenter: ADE/PLSB Staff

A-11 Hearing on Waiver Request for Teacher's License – Robert Jason Camden

Robert Jason Camden has requested a waiver of the grounds for denial of his application for a teaching license. The State Board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has pled guilty or nolo contendere to or has been found guilty of a disqualifying offense listed in Ark. Code Ann. § 6-17-410(c). Mr. Camden was convicted of felony theft of property in Arkansas in 2000. Mr. Camden represents himself.

Presenter: Cheryl Reinhart

A-12 Hearing on Waiver Request for Teacher's License – John Fitzgerald Madlock

John Fitzgerald Madlock has requested a waiver of the grounds for denial of his application for a teaching license. The State Board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has pled guilty or nolo contendere to or has been found guilty of a disqualifying offense listed in Ark. Code Ann. § 6-17-410(c). In 1982 and 1983, Mr. Madlock was convicted in Wisconsin of robbery-strong arm and robbery-party to a crime, both felonies in Wisconsin, and both similar to offenses enumerated under Ark. Code Ann. § 6-17-410(c)(30) and (26), respectively. Mr. Madlock represents himself.

Presenter: Cheryl Reinhart

A-13 Consideration of the Recommendation of the Professional Licensure Standards Board for Suspension of License for Nonpayment of Fine in Case # T12-011, Debra Ann Cowart

Debra Ann Cowart is a licensed educator. On October 8, 2012, the State Board placed Debra Ann Cowart's license on probation for one (1) year and assessed a fine of \$50 in this case. The Professional Licensure Standards Board's Ethics Subcommittee is recommending the suspension of the teaching license of Debra Ann Cowart for failure to pay the \$50 fine assessed against her. The State Board may suspend an educator's license for nonpayment of a fine or failure to comply with sanctions imposed as the result of a violation of the Code of Ethics for Arkansas Educators until the educator has complied in full with all applicable sanctions imposed, under the authority of the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-217(d), and the Rules Governing the Code of Ethics for Arkansas Educators.

Ms. Cowart was first notified of the fine on October 9, 2012. On May 24, 2013, Ms. Cowart was notified by certified mail and regular mail that the fine remained unpaid and that the Professional Licensure Standards Board would recommend that her license be suspended and not renewed until the fine is paid. Ms. Cowart has not responded or paid the fine.

Presenter: Cheryl Reinhart

A-14 Consideration of the Recommendation of the Professional Licensure Standards Board for Suspension of License for Nonpayment of Fine in Case # 12-051, Kevin Wayne Moore

Kevin Wayne Moore is a licensed educator. On October 8, 2012, the State Board issued a written reprimand to Kevin Wayne Moore, and assessed a fine of \$50 in this case. The Professional Licensure Standards Board's Ethics Subcommittee is recommending the suspension of the teaching license of Kevin Wayne Moore for failure to pay the \$50 fine assessed against him. The State Board may suspend an educator's license for nonpayment of a fine or failure

to comply with sanctions imposed as the result of a violation of the Code of Ethics for Arkansas Educators until the educator has complied in full with all applicable sanctions imposed, under the authority of the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-217(d), and the Rules Governing the Code of Ethics for Arkansas Educators.

Mr. Moore was first notified of the fine October 9, 2012. On May 24, 2013, Mr. Moore was notified by certified mail and regular mail that the Professional Licensure Standards Board would recommend that his license be suspended and not renewed until the fine is paid. Mr. Moore has not responded or paid the fine.

Presenter: Cheryl Reinhart

A-15 Consideration of the Recommendation of the Professional Licensure Standards Board for Suspension of License for Nonpayment of Fine in Case # 12-072, Kim Patrick Garner

Kim Patrick Garner is a licensed educator. On January 14, 2013, the State Board placed Kim Patrick Garner's teaching license on probation for one (1) year and assessed a fine of \$75 in this case. The Professional Licensure Standards Board's Ethics Subcommittee is recommending the suspension of the teaching license of Kevin Patrick Garner for failure to pay the \$75 fine assessed against him. The State Board may suspend an educator's license for nonpayment of a fine or failure to comply with sanctions imposed as the result of a violation of the Code of Ethics for Arkansas Educators until the educator has complied in full with all applicable sanctions imposed, under the authority of the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-217(d), and the Rules Governing the Code of Ethics for Arkansas Educators.

Mr. Garner was first notified of the fine January 15, 2013. On May 24, 2013, Mr. Garner was notified by certified mail and regular mail that the Professional Licensure Standards Board would recommend that his license be suspended and not renewed until the fine is paid. Mr. Garner has not responded or paid the fine.

Presenter: Cheryl Reinhart

A-16 Consideration for Approval: New Contracts for Charter Schools

Ark. Code Ann. § 6-23-104 requires a charter for a public charter school to be in the form of a written contract signed by the Commissioner of Education and the chief operating officer of the public charter school. Consideration of approval of revised contracts for open-enrollment and district conversion public charter schools is requested.

Presenter: Jeremy Lasiter and Mary Perry

A-17 Consider Recommendation for Praxis Test Updates on Middle School Subjects, Elementary Education Multiple Subjects Tests, Secondary English, Secondary Math and Secondary Pedagogy Tests

Recommendation of new Praxis assessments and appropriate cut scores are as follows:

- 1) *Praxis II Middle School Multiple Subjects Tests will be replaced with the following individual tests:*
 - a. *Praxis II Middle School English Language Arts (5047) with a recommended cut score of 164 and an effective date of September 1, 2013.*
 - b. *Praxis II Middle School Mathematics (5169) with a recommended cut score of 165 and an effective date of September 1, 2013.*
 - c. *Praxis II Middle School Science (0439) with a recommended cut score of 146 an effective date of*

September 1, 2013.

d. *Praxis II Middle School Social Studies (5089) with a cut score of 149 and an effective date of September 1, 2013.*

2) *Praxis II Early Childhood: Content Knowledge #0522 will be replaced with an Elementary Education Multiple Subjects Test (0531) with the following subtests:*

a. *Reading and Language Arts (5032) with a cut score of 165.*

b. *Mathematics (5033) with a cut score of 164.*

c. *Social Studies (5034) with a cut score of 155.*

d. *Science (5035) with a cut score of 159*

The effective date for this multi-subject test is September 1, 2013.

3) *Principles of Learning and Teaching (PLT): Grades K-6 (0622/5622) with a cut score of 160 and an effective date of September 1, 2013. There is no current Principles of Learning and Teaching (PLT) for Grades K-6.*

4) *Praxis II English Language, Literature and Composition: Content and Analysis #0044/5044 will be replaced with Praxis II English Language Arts: Content and Analysis (5039) with a recommended cut score of 168 and an effective date of September 1, 2014.*

5) *Praxis II Mathematics: Content Knowledge #0061/5061 will be replaced with Praxis II Mathematics: Content Knowledge (5161) with a cut score of 160 and an effective date of September 1, 2014.*

6) *Principles of Learning and Teaching (PLT): Grades 7-12 (0624/5624) that is currently available with a cut score of 157 and an effective date of September 1, 2013 will replace the pedagogy tests in English Language, Literature and Composition: Pedagogy #0043; Life Science: Pedagogy #0234; Mathematics: Pedagogy #0065; and Physical Science: Pedagogy #0483 that are being discontinued.*

Department staff recommends adopting the above Praxis tests and the effective dates as listed above.

Presenter: Michael Rowland

A-18

Consideration for Public Comment: Proposed Revision of the Arkansas Department of Education Rules Governing Special Education and Related Services

On February 14, 2013, amendments to § 300.154(d) of the federal regulations implementing the Individuals with Disabilities Education Act (IDEA) were published in the Federal Register. These amendments, which became effective March 18, 2013, impose new and different requirements regarding consent and notice when billing Medicaid for health services provided to students with disabilities by a local education agency (LEA). Amendment to the Arkansas Department of Education (ADE) rules is necessary to achieve compliance with the new federal requirements. ADE staff respectfully requests that the State Board approve the proposed rule for public comment.

Presenter: Courtney Salas-Ford

A-19

Consideration for Approval for Public Comment: Proposed District Conversion and

Limited Public Charter School New Application

Ark. Code Ann. § 6-23-201 requires the State Board to adopt an application form for those wishing to apply to open a district conversion or limited public charter school. Consideration of approval of this application form for public comment is requested.

Presenter: Mary Perry

A-20 Consideration for Emergency Approval: District Conversion and Limited Public Charter School New Application

Ark. Code Ann. § 6-23-201 requires the State Board to adopt an application form for those wishing to apply to open a conversion public charter school. According to the schedule previously adopted by the State Board, letters of intent to apply are due August 31 and applications for conversion charter schools are due October 31. Because of the short amount of time until the due dates and changes to the application form, consideration of this application form on an emergency basis is requested.

Presenter: Mary Perry

A-21 Consideration for Public Comment: Revisions to the Arkansas Department of Education Rules Governing School District Educational Excellence Trust Funds

Acts 1138 and 1278 of 2013 amended Arkansas law related to Educational Excellence Trust Funds. Additionally, the current version of the Arkansas Department of Education Rules Governing School District Educational Excellence Trust Funds has not been revised since 1996. Accordingly, Department staff respectfully requests that the State Board approve the proposed rules for public comment.

Presenter: Jeremy Lasiter

A-22 Consideration for Public Comment: Proposed Rules Governing Educator Licensure

The Department recommends changes to the Rules Governing Educator Licensure to implement Acts 413, 454, 455, 969, and 1073 of the 2013 Regular Session of the Arkansas General Assembly, to update the sections concerning mentoring, and make corrections to Appendix A – Levels and Areas of Licensure. Accordingly, Department staff respectfully requests that the State Board approve the proposed rules for public comment.

Presenter: Cheryl Reinhart and Jeremy Lasiter

A-23 Consideration for Final Approval: Proposed Rules Governing the Code of Ethics for Arkansas Educators

The Professional Licensure Standards Board has adopted and recommends a reduction in the fee to receive a standard license from \$100 to \$75 as reflected in the fee table in Appendix B. The fee table was also revised to eliminate the three-year initial license and the advanced license, which are no longer issued by the Department. No other substantive changes were made. The State Board released the proposed rules for public comment April 8, 2013. A public hearing was held May 8, 2013. The public comment period expired May 13, 2013. Department staff received public comments on the proposed rules and after careful consideration of the public comments, made no revision to the proposed rules. The Department staff respectfully requests that the State Board give its final approval to the proposed rules.

Presenter: Cheryl Reinhart and Jeremy Lasiter

A-24 Consideration for Final Approval: Arkansas Department of Education Rules Governing the Arkansas Opportunity Public School Choice Act

Acts 600, 1227 and 1429 of 2013 significantly amended Arkansas law concerning Opportunity School Choice. Ark.

Code Ann. § 6-18-227 authorizes the State Board of Education to promulgate rules to administer the requirements of the Opportunity Public School Choice Act. The current rules should be replaced to be in accordance with more recent enactments of the Arkansas General Assembly. The State Board of Education approved the proposed rules for public comment May 13, 2013. A public hearing occurred on May 30, 2013. The public comment period expired June 21, 2013. The Arkansas Department of Education received public comments regarding these proposed rules and amended the proposed rules accordingly. Arkansas Department of Education staff respectfully requests that the State Board of Education grant final approval to the proposed rules as revised.

Presenter: Jeremy Lasiter

A-25 Consideration for Final Approval: Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

Act 1227 of 2013 repealed Ark. Code Ann. § 6-18-206 and replaced it with the Public School Choice Act of 2013. Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to administer the requirements of the Act. The State Board of Education approved the proposed rules for public comment May 13, 2013. A public hearing occurred May 30, 2013. The public comment period expired June 21, 2013. The Arkansas Department of Education received no public comments regarding these proposed rules. Accordingly, Arkansas Department of Education staff respectfully requests that the State Board of Education grant final approval to the proposed rules.

Presenter: Jeremy Lasiter

A-26 Consideration for Final Approval: Repeal of the Arkansas Department of Education Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act (December 12, 2011 version)

Acts 600, 1227 and 1429 of 2013 significantly amended Arkansas law concerning Opportunity School Choice. Ark. Code Ann. § 6-18-227 authorizes the State Board of Education to promulgate rules to administer the requirements of the Opportunity Public School Choice Act. The current rules should be replaced to be in accordance with more recent enactments of the Arkansas General Assembly. The State Board of Education approved the proposed repeal for public comment May 13, 2013. A public hearing occurred on May 30, 2013. The public comment period expired June 21, 2013. The Arkansas Department of Education received no public comments regarding these proposed repeal. Accordingly, Arkansas Department of Education staff respectfully requests that the State Board of Education grant final approval to the proposed repeal.

Presenter: Jeremy Lasiter

A-27 Consideration for Final Approval: Repeal of the Arkansas Department of Education Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act (October 2007 Version)

Act 1227 of 2013 repealed Ark. Code Ann. § 6-18-206 and replaced it with the Public School Choice Act of 2013. Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to administer the requirements of the Act. Arkansas Department of Education staff respectfully requests that the State Board of Education repeal the current rules because those rules were promulgated to implement a law (Ark. Code Ann. § 6-18-206) that has been repealed by the Arkansas General Assembly. The State Board of Education approved the proposed repeal for public comment May 13, 2013. A public hearing occurred May 30, 2013. The public comment period expired June 21, 2013. The Arkansas Department of Education received no public comments regarding these proposed repeal. Accordingly, Arkansas Department of Education staff respectfully requests that the State Board of Education grant final approval to the proposed repeal.

Presenter: Jeremy Lasiter

**Minutes
State Board of Education Meeting
Monday, June 10, 2013**

The State Board of Education met Monday, June 10, 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; Joe Black; Sam Ledbetter; Alice Mahony; Mireya Reith; Vicki Saviers; Dr. Tom Kimbrell, Commissioner; and Kim Wilson, Teacher of the Year

Absent: Toyce Newton

Reports

Chair's Report:

Ms. Mahony said the 2013 GLAMS (Girls Learning About Math and Science) Conference was well attended by schools from five counties. In addition, the Covenant Keepers Charter School in Little Rock was represented.

Ms. Reith acknowledged the schools in Springdale and Fayetteville for facilitating collaborative learning among diverse student populations.

Commissioner's Report

Commissioner Kimbrell expressed appreciation to Chairman Jim Cooper for excellence in service on the State Board of Education and dedication to the students of Arkansas.

Dr. Kimbrell introduced Ali Weimer, Arkansas's 2013 Teacher of the Year. Ms. Weimer is a kindergarten teacher at Avondale Elementary in the Marion School District.

He recognized Kim Wilson, Arkansas's 2012 Teacher of the Year, and acknowledged her outstanding service and leadership over the past year.

Dr. Kimbrell acknowledged the retirement of Rich Nagel, Executive Director of the Arkansas Education Association. He thanked Mr. Nagel for his service to the teachers of Arkansas and for his friendship over the years.

Commissioner Kimbrell lauded the service of staff members Dr. Laura Bednar, Jared Cleveland and Phyllis Stewart. Dr. Bednar, Assistant Commissioner of Learning Services, will leave her post to become Deputy Superintendent in the Pulaski County Special School District. Jared Cleveland, Assistant Commissioner of Fiscal and Administrative Services, will be moving on to become Deputy Superintendent in the Springdale School

District. Phyllis Stewart will leave her Chief of Staff assignment to join the Arkansas School Boards Association as Chief of Staff.

Mike Hernandez, currently Superintendent in the Danville School District, was introduced as Assistant Commissioner of Fiscal and Administrative Services effective July 1.

Report from 2012 Teacher of the Year

In her summary of the year she spent representing Arkansas as Teacher of the Year, Kim Wilson thanked the State Board and Commissioner Kimbrell for the many opportunities she was provided to extend her professional learning. She said this prestigious recognition program for teachers honored her profession and afforded her experiences of a lifetime.

Informational Update on Common Core State Standards, PARCC and School Improvement

Assistant Commissioner Dr. Laura Bednar said Commissioner Kimbrell and Melody Morgan, Director of Assessment, would be attending PARCC's governing board meeting June 26 and would probably have more information to report in July.

Dr. Bednar said the 2013 spring Benchmark results would likely show an implementation dip. She said district and school leaders would need a clear and concise communication plan to help parents and community leaders understand the transition to Common Core State Standards and why the dip is a natural occurrence.

Consent Agenda

Ms. Mahony moved, seconded by Ms. Reith, approval of the consent agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes of the May 13, 2013, 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 for Longer than 30 Days
- Review of Loan and Bond Applications
- Final Report Fiscally Year 2012-13 Summary of Activities for the Standards Assurance Unit

- Sanctions for Teachers as Recommended by the Professional Licensure Standards Board
 - Rebekah Avery
 - Jessica Lynn McCormick
 - Linda Diane Underwood

Action Agenda

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

Consideration of Approval of Arkansas Better Chance Grants

Mr. Ledbetter moved, seconded by Ms. Saviers, approval of the 2012-13 grants. The motion carried unanimously.

Ms. Gullett moved, seconded by Ms. Reith, approval of the 2013-14 grants. The motion carried unanimously.

Consideration of Petition for Detachment-Jacksonville Community Group ☐

This item was postponed until the July meeting.

Consideration of Request for Renewal of Open-Enrollment Public Charter School: ☐Imboden Area Charter School

☐Charter School Coordinator Mary Perry said Imboden Area Charter School, an open-enrollment public charter school serves students in grades K-8 with an enrollment cap of 150 students. ☐The applicant requested a 10-year renewal period. ☐

Judy Warren, Director of Imboden Charter, said the school was small but was also one of the oldest charters in the state.

Board members voiced concern about the school's small enrollment but also called the school unique because of its remote location and its willingness to work with a high percentage of students with special needs.

Mr. Ledbetter moved, seconded by Ms. Gullett, approval of a three-year renewal. The motion carried unanimously.

Consideration of Voluntary Surrender of District Conversion Public Charter School: Oak Grove Elementary Health, Wellness and Environmental Science School in the Paragould School District

Paragould Superintendent Debbie Smith said the district was requesting to surrender the charter because of a grade configuration change. Ms. Smith also cited financial concerns as a reason.

Ms. Mahony moved, seconded by Ms. Reith, to accept the surrender of the charter. The motion carried unanimously

Review of Probationary Status: Jessieville School Central Office for Failure to Meet ☐ Standards for Accreditation for the 2012-13 School Year ☐

This item was pulled at the request of the school district.

Final Report Fiscal Year 2012-13 Summary of Accreditation for Arkansas Public ☐ Schools and School Districts ☐

Johnie Walters of the Standards Assurance Unit reported that no school or district violated standards for a second consecutive year. However, the report revealed 30 schools and one central office were cited for violating state accreditation standards.

The list includes: Jessieville School District Central Office; Bentonville High School, Old High Middle School, Ruth Hale Barker Middle School and Bright Field Middle School (Bentonville School District); Valley Springs High School; Kingsland Elementary School; Morrilton High School; Fordyce High School; Spring Hill High School; Broadmoor Elementary School, Greenville Elementary School, Oak Park Elementary School, 34th Avenue Elementary School, Southwood Elementary School, W.T. Cheney Elementary School and Pine Bluff High School (Pine Bluff School District); Lee High School; Hoxie Elementary School; Hoxie High School; Foreman High School; Brinkley High School; Stephens High School; KIPP Delta High School; Harmony Grove High School; Arkansas School for the Deaf High School; Hall High School; McClellan High School, Shirley High School and Riverview High School.

Board members questioned the nature of the violation of KIPP Delta High School. Mr. Walters said transcript irregularities were found during the fall semester that had since been corrected.

Commissioner Kimbrell said the school gave some students a fine arts credit for a drama course that did not meet the fine arts requirement. Additionally, some students graduated without a required health credit.

Ms. Mahony commented that it bothered her that KIPP's charter was renewed for an extended period in light of the violations.

Dr. Kimbrell said KIPP's Executive Director Scott Shirey mentioned the possibility of probationary status when the Board considered the renewal in March.

Ms. Reith moved, seconded by Ms. Gullett, approval of the report. The motion carried unanimously.

Consideration of Removal of Bismarck School District from Fiscal Distress Classification Effective June 10, 2013 □

The Bismarck School District was classified in fiscal distress for the 2012-13 school year. The Department reported the district had currently corrected all criteria for being removed from fiscal distress□and recommended State Board approval.

Dr. Barth moved, seconded by Mr. Black, to remove the Bismarck School District from fiscal distress classification effective June 10, 2013. The motion carried unanimously.

Consideration of Removal of Cutter-Morning Star School District from Fiscal Distress Classification Effective June 10, 2013 □

The Cutter Morning School District was classified in fiscal distress for the 2012-13 school year. The Department reported the district had currently corrected all criteria for being removed from fiscal distress□and recommended State Board approval.

Ms. Gullett moved, seconded by Ms. Reith, to remove the Cutter Morning Star School District from fiscal distress classification effective June 10, 2013. The motion carried unanimously.

Hearing on Waiver Request for Teacher's License – David F. Westenhover

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said David Westenhover requested a waiver of his disqualifying conviction for holding a teacher's license. According to records provided to the PLSB by the Arkansas Department of Correction, Mr. Westenhover pleaded guilty, nolo contendere, or was found guilty of a disqualifying offense listed in Ark. Code Ann. § 6-17-410(c) in 1987. Additionally, Mr. Westenhover did not disclose the convictions on previous applications for a license. Mr. Westenhover was previously granted a license and Arkansas Department of Education records indicate that his initial background check information that reflected a conviction was incorrect due to a clerical error. The precise nature of the clerical error is unknown.

Mr. Ledbetter moved, seconded by Ms. Saviers, to grant the waiver with no restrictions or probation. The motion carried unanimously.

Hearing on Waiver Request for Certified Teacher License – Robert Starr Gibson

Ms. Reinhart said Robert Starr Gibson requested a waiver of the grounds for denial of his application for a teaching license. Mr. Gibson pleaded nolo contendere to felony distributing/delivering/manufacturing a controlled substance in Missouri in 1992. He was placed on probation, which was successfully completed.

Mr. Ledbetter moved, seconded by Dr. Barth, to grant the waiver and to place Mr. Gibson on probation for a period of two years with the stipulation of no other disqualifying conviction or violation of code of ethics. The motion carried unanimously.

Hearing on Waiver Request for Teacher's License – Crystal Marie Williams (Howell) □

Ms. Reinhart reported Crystal Marie Williams (Howell) requested a waiver of the grounds for denial of her application for a teaching license. Ms. Williams (Howell) pleaded nolo contendere to burglary of a residence and theft of property over \$2500 in 1996. She was placed on probation, which was successfully completed.

Ms. Saviers moved, seconded by Ms. Gullett, to grant the waiver and to place Ms. Williams on probation for a period of two years with the stipulation of no other disqualifying conviction or violation of code of ethics. The motion carried unanimously.

Consideration of Approval of Nominated Members for the Professional Licensure Standards Board to Replace Members Whose Terms are Expiring June 30, 2013; to Replace a Resigning Member of the PLSB; and to Appoint the Additional Position Pursuant to Act 1070 of the 2013 Legislative Session □

The following were nominated for three-year terms on the PLSB: Kathy Howell, Library Media Specialist from Clarksville School District; Cindy Romeo, an 8th grade English teacher from Conway School District; Lisa Baker, Director of Personnel from Cabot School District; Dr. Zaidy MohdZain, Dean of the College of Education at Southern Arkansas University; and Dr. Judy Harrison, Dean of the Teachers College at Henderson State University.

Shelly Albritton, Associate Professor from University of Central Arkansas, was nominated by the Arkansas Professors of Educational Administration to represent Educational Leadership for Institutions of Higher Education. □ Ms. Albritton will serve the remainder of Dr. Mitch Holifield's term ending June 30, 2015.

Act 1070 of 2013 added a position on the Professional Licensure Standards Board to be appointed by the Commissioner of Education or his designee to serve as a nonvoting member representing the Division of Child Care and Early Childhood Education. Tonya Russell, Division Director of Child Care and Early Childhood Education, of the Department of Human Services, was nominated to fill this position. □

Dr. Barth moved, seconded by Ms. Saviers, to accept the nominations. The motion carried unanimously.

Consideration of Declaration of Critical Academic Shortage Areas as Required by Ark. Code Ann. § 6-15-403 and § 6-81-609

Dr. Karen Walters, Assistant Commissioner for Licensure and Human Resources, reported the critical shortage areas for 2013-2014 as: Special Education, □ Gifted and Talented □, Guidance and Counseling, □ Library Media, □ English as a Second Language (ESL), Mathematics and Secondary Sciences □.

Ms. Gullett moved, seconded by Ms. Reith, to approve the critical shortage areas as presented. The motion carried unanimously.

Consideration for Public Comment: Revisions to the Arkansas Department of Education Rules Governing Public Charter Schools—(A-14)

Act 509 of 2013 amended Arkansas law related to public charter schools. The current Arkansas Department of Education rules should be updated in accordance with Act 509 of 2013. Department staff requested State Board approval of the proposed rules for public comment. □

Consideration for Public Comment: Proposed Open-Enrollment Public Charter School New Application—(A-15)

Ark. Code Ann. § 6-23-301 requires the State Board to adopt an application form for those wishing to apply to open an open-enrollment public charter school. State Board approval of the application form for public comment was requested.

Ms. Mahony moved, seconded by Dr. Barth, approval of Agenda Items A-14 and A-15. The motion carried unanimously.

Consideration for Emergency Approval: Open-Enrollment Public Charter School □ New Application

Ark. Code Ann. § 6-23-301 requires the State Board to adopt an application form for those wishing to apply to open an open-enrollment public charter school. According to the schedule previously adopted by the State Board, letters of intent to apply are due June 30 and applications for open-enrollment charter schools are due August 31. Because of the short amount of time until the due dates and changes to the application form, the State Board approval on an emergency basis was requested. □

Dr. Barth moved, seconded by Ms. Gullett, approval on an emergency basis. The motion carried unanimously.

Consideration of Resolution-Delegation of Authority to the Commissioner of Education

General Counsel Jeremy Lasiter presented a resolution authorizing the Commissioner of Education to assume the authority of a board of directors as may be necessary for the day-to-day governance of school districts classified as being in academic or fiscal distress. State Board approval was requested.

Mr. Ledbetter moved, seconded by Ms. Saviers, to amend the resolution by deleting academic distress and to grant authority to the Commissioner to act as a board of directors in school districts classified as being in fiscal distress. The motion carried unanimously.

Election of Officers: State Board of Education for 2013-2014

Mr. Cooper presented the nominating committee's recommendation for Brenda Gullett-Chairman, and Sam Ledbetter, Vice-Chairman.

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

Adjournment

The meeting adjourned at 1:36 p.m.

These minutes were recorded by Phyllis Stewart.

ADE'S PROJECT MANAGEMENT TOOL EXECUTIVE SUMMARY
JUNE 30, 2013

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

IMPLEMENTATION PHASE ACTIVITY

I. Financial Obligations

- A. As of May 31, 2013, State Foundation Funding payments paid for FY 12/13 totaled \$55,336,714 to LRSD, \$31,191,807 to NLRSD, and \$38,588,991 to PCSSD.
- B. As of May 31, 2013, the Magnet Operational Charge paid for FY 12/13 totaled \$14,296,899. The allotment for FY 12/13 was \$14,296,899.
- C. As of May 31, 2013, the M-to-M incentive checks paid for FY 12/13 totaled \$4,037,091 to LRSD, \$4,118,488 to NLRSD, and \$10,606,954 to PCSSD.
- D. ADE pays districts three equal installments each year for their transportation budgets.
 - 1. 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.
 - 2. 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.
 - 3. In March 2013, General Finance made the second one-third payment to the Districts for their FY 12/13 transportation budgets. As of March 31, 2013, 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. On June 6, 2013, the bid for sixteen (16) new Magnet and M to M buses was awarded by the Office of State Procurement to Diamond State Bus Sales in Conway, AR. The cost of the buses is broken down below:
 - Four (4) 47 passenger buses - \$69,314.00 each = \$277,256.00.
 - Twelve (12) 65 passenger buses - \$71,073.00 each = \$852,876.00

The grand total for purchasing sixteen (16) new buses for the Magnet and M to M program is \$1,130,132.00.

The buses should be delivered sometime in the early Fall.

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 April 4, 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. Ms. Kendra Clay, ADE Attorney, provided an update concerning the desegregation issues currently before the federal court. On January 17, 2013, Judge Marshall denied the Motion to Enforce the 1989 Settlement Agreement brought by the Little Rock School District and the Joshua Intervenors. ADE will continue to provide assistance to PCSSD regarding desegregation issues. A letter is sent out to the three (3) districts in Pulaski County after each legislative session regarding any new laws that may have passed that will have a negative impact on their desegregation efforts. The next Implementation Phase Working Group Meeting is scheduled for July 11, 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 June 10, 2013, the Arkansas State Board of Education reviewed and approved the PMT and its Executive Summary for the month of May.

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

On February 7, 2013, Susan Gray and Questar Assessment, Inc., conducted a webinar of District Test Coordinator for the Online Algebra I Retest. The webinar provided training for the administration of the Algebra I online retest. Little Rock School District, North Little Rock School District and Pulaski County Special School District participated.

On February 13, 2013, Susan Gray, Suzanne Knowles, Sheree Baird and Questar Assessment, Inc., provided District Test Coordinator Training. It was training for the administration of the mandated spring tests. The training took place at the Arkansas River Service Cooperative (ARESC) in Pine Bluff, AR. 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 May 1, 2013, ADE made a site visit to Lynch Drive Elementary School in the North Little Rock School District. ADE Specialist visited to monitor the Targeted Improvement Plan (TIP) and discussed the Interim Measurable Objectives (IMO) and how they will be implemented. The presenter was Pearce Peacock, ADE Professional Development Specialist. The audience consisted of Phyllis McDonald, Principal.

On May 9, 2013, ADE made a site visit to Lakewood Middle School in the North Little Rock School District. ADE Specialist visited to monitor the Targeted Improvement Plan (TIP) and discussed the Interim Measurable Objectives (IMO) and how they will be implemented. The presenter was Pearce Peacock, ADE Professional Development Specialist. The audience consisted of Lee Tackett, Principal.

On May 9, 2013, Suzanne Knowles and Sherri Thorne conducted a meeting to discuss Understanding by Design (UbD), Literacy Design Collaborative (LDC) and Formative Assessment. They discussed the lesson plan design, and formative assessment implementation in the classroom. The meeting took place at Wilbur D. Mills High School in the Pulaski County Special School District.

On May 13, 2013, ADE made a site visit to Seventh Street Elementary School in the North Little Rock School District. ADE Specialist visited to monitor the Targeted Improvement Plan (TIP), discussed the Interim Measurable Objectives (IMO) and how they will be implemented and also attended the Discipline Committee meeting to develop an implementation plan for decreasing the number of discipline referrals to the principal. The presenter was Pearce Peacock, ADE Professional Development Specialist. The audience consisted of Pam Wilcox, Principal.

VIII. In-Service Training (Continued)

On May 17, 2013, ADE made a site visit to Wilbur D. Mills High School in the Pulaski County Special School District. ADE Specialists met with the principal and the English Teacher to plan for the Arkansas Association for Supervision and Curriculum Development (AASCD) Conference. The topics for the conference are Understanding by Design (UbD), Literacy Design Collaborative (LDC) and Formative Assessment. The principal and the English Teacher drafted copies of videos they had created for the presentation. Also, they discussed the other information they will provide. The presenters were Sherri Thorne, ADE Curriculum and Instruction, English Language Arts (ELA) Specialist and Suzanne Knowles, ADE Assessment Specialist. The audience consisted of Dr. Veronica Perkins, Principal and Samantha Newkirk, English Teacher.

On May 21, 2013 ADE made a site visit to Indian Hills Elementary School in the North Little Rock School District. ADE Specialist visited to monitor the Targeted Improvement Plan (TIP), discussed the Interim Measurable Objectives (IMO) and how they will be implemented and also collected data from a survey conducted related to the Student Safety and Discipline Interim Measurable Objectives (IMO). The presenter was Pearce Peacock, ADE Professional Development Specialist. The audience consisted of Kim Starr, Principal.

On May 21, 2013, ADE made a site visit to Martin Luther King Elementary School in the Little Rock School District. ADE Specialist visited to work with the principal, asst. principal and instructional coaches to examine the Targeted Improvement Plan (TIP) for Focus Schools and develop Interim Measurable Objectives (IMO) for the 2013-2014 school year. The presenter was Kathy Mascuilli, ADE Professional Development Specialist. The audience consisted of Karen Carter, Principal; Barbara Griggs, Asst. Principal; Dee Anne Morgan, Instructional Coach; Deborah Finkbinder, K-2 Literacy Coach; and Vanessa Hendrix, Reading Recovery.

On May 22, 2013, ADE made a site visit to North Heights Elementary School in the North Little Rock School District. ADE Specialist was asked to be present to help support the staff in the absence of the principal, who was out on medical leave, by conducting classroom walk-throughs and assisting with dismissal. The presenter was Pearce Peacock, ADE Professional Development Specialist. The audience consisted of Barbara Warren, Asst. Principal.

On May 22, 2013, ADE made a site visit to Dunbar Middle School in the Little Rock School District. ADE Specialist visited to work with the principal and coaches on development of the Focus School's Interim Measurable Objectives (IMO) for the 2013-2014 school year. The presenter was Kathy Mascuilli, ADE Professional Development Specialist. The audience consisted of Eunice Thrasher, Principal; Shana Loring, Literacy Coach; and Natalie Hollimon, Math Coach.

On May 23, 2013, ADE made a site visit to Pulaski Heights Middle School in the Little Rock School District. ADE Specialist visited to attend the leadership team meeting and discuss the development of the Targeted Improvement Plan (TIP) for Focus Schools. The presenters were Dr. Suzanne Ross, Principal and Kathy Mascuilli, ADE Professional Development Specialist. The audience consisted of Steven Wise and Sam Grandy, Asst. Principals; Deborah Brown, Literacy Coach; and Terri Cox, Math Coach.

VIII. In-Service Training (Continued)

On May 24, 2013, ADE made a site visit to Dunbar Middle School in the Little Rock School District. ADE Specialist visited to attend the leadership team meeting. The presenter was Evelyn Elsten, Counselor. The audience consisted of Eunice Thrasher, Principal; Clifton Woodley, Pamela Person, and Tina House, Asst. Principals; Gertrude Stubblefield, Social Studies Teacher and Parent Involvement Coordinator; Robin Kratze, English as a Second Language (ESL) Coordinator; Iciphine Jones, District School Improvement Specialist; Barbara Robinson, Counselor; Shana Loring, Literacy Coach; Natalie Hollimon; Math Coach; and Jackie Whitehead, Special Education Coordinator.

On June 10, 2013, Suzanne Knowles and Sherri Thorne provided professional development with the Pulaski County Special School District teachers on Understanding by Design (UbD), Literacy Design Collaborative (LDC) and Formative Assessment at the Arkansas Association for Supervision and Curriculum Development (AASCD) conference. They discussed the lesson plan design, and formative assessment implementation in the classroom. The professional development took place at the Hot Springs Convention Center.

On June 10-12, 2013, ADE staff provided Professional Development at Roberts Elementary in the Little Rock School District regarding Cognitively Guided Instruction (CGI) Year 3. A teacher professional development program based on research that allows teachers to explore a framework for how elementary school children learn concepts of number, operations, and early algebra. The presenter was Tanya Blais. The audience consisted of teachers, instructional facilitators and administrators.

On June 10-13, 2013, ADE staff provided Professional Development at Roberts Elementary in the Little Rock School District regarding Cognitively Guided Instruction (CGI) Year 1. A teacher professional development program based on research that allows teachers to explore a framework for how elementary school children learn concepts of number, operations, and early algebra. The presenters were Lori Saracini and Jane Nolan. The audience consisted of teachers, instructional facilitators and administrators.

On June 10-13, 2013, ADE staff provided Professional Development at Roberts Elementary in the Little Rock School District regarding Cognitively Guided Instruction (CGI) Year 2. A teacher professional development program based on research that allows teachers to explore a framework for how elementary school children learn concepts of number, operations, and early algebra. The presenters were Carolyn Blome and Katrina Long. The audience consisted of teachers, instructional facilitators and administrators.

On June 10-13, 2013, ADE staff provided Professional Development at Roberts Elementary in the Little Rock School District regarding Extending Children's Math 1. Like Cognitively Guided Instruction (CGI), extending children's mathematics professional development is designed to enhance teachers' ability to teach math for understanding by increasing teachers' understanding of students' mathematical extending. The content focus is Operations and Algebraic Thinking, Number and Operations in Base Ten, Number and Operations – Fractions, The Number System, and Expressions and Equations as described in the Third through Sixth Grade Common Core State Standards for School Mathematics (CCSSM). Through a focus on students' thinking, teachers improve their ability to enact the Standards for Mathematics Practice described in CCSSM. Extending Children's Mathematics professional development develops teachers' ability to use any curriculum to teach math for understanding. The presenter was Joan Case. The audience consisted of teachers, instructional facilitators and administrators.

VIII. In-Service Training (Continued)

On June 10-13, 2013, ADE staff provided Professional Development at Roberts Elementary in the Little Rock School District regarding Extending Children's Math 2. Like Cognitively Guided Instruction (CGI), extending children's mathematics professional development is designed to enhance teachers' ability to teach math for understanding by increasing teachers' understanding of students' mathematical extending. The content focus is Operations and Algebraic Thinking, Number and Operations in Base Ten, Number and Operations – Fractions, The Number System, and Expressions and Equations as described in the Third through Sixth Grade Common Core State Standards for School Mathematics (CCSSM). Through a focus on students' thinking, teachers improve their ability to enact the Standards for Mathematics Practice described in CCSSM. Extending Children's Mathematics professional development develops teachers' ability to use any curriculum to teach math for understanding. The presenter was Susan Gehn. The audience consisted of teachers, instructional facilitators and administrators.

On June 10-22, 2013, ADE conducted a two-week professional development workshop on teaching English Language Learners (ELLs). Ninety (90) teachers from the Little Rock School District, North Little Rock School District and Pulaski County Special School District participated in the workshop which included skill development in language acquisition, English as a Second Language (ESL) methodology/classroom strategies for teaching the Common Core State Standards, assessing the English Language Learner (ELL) student, and working with the cultural traditions of immigrant students, as well as Civil Rights requirements, parental involvement, and core content modification. The 2013 Henderson State University (HSU) English as a Second Language (ESL) presenters were Jose' A. Correia, Julia A. Correia (project requirements, part I), Dr. Roberto Dansie, Dr. Carol Ann Duke, Dr. Ana Filipek, Dr. Keith Folse, Lynda Franco, Dr. Frank Gonzales, Dr. Andre' Guerrero, Carmen S. Chong Gum, Jo Gusman, Judy Hobson, Dr. Elena Izquierdo, Al "Papa Rap" Lopez, Mai Le Nguyen, Joyce Nutta, Christine Smart (project requirements, part II), Ron Tolson (Licensure) and Mark K. Vasquez. The workshop took place at the Little Rock Holiday Inn Airport.

IX. Financial Assistance to Minority Teacher Candidates

During the month of May, the Office of Educator Licensure attended two (2) out-of-state job fairs in support of the recruitment efforts of the schools in Pulaski County.

X. Financial Assistance to Minority Teacher Candidates

Ms. Lisa Smith of the Arkansas Department of Higher Education reported Minority Scholarships for Fiscal Year 2011-2012 on April 9, 2013. These included the State Teacher Education Program (STEP) and the Teacher Opportunity Program (TOP). The scholarship awards are as follows:

<u>2011-12 STEP</u>			Male	Male	Female	Female	Total	Total
Race	Count	Award	Count	Award	Count	Award	Count	Award
Blank	91	3,000	6	3,000	15	3,000	112	9,000
Native Amer					4	4,000	4	4,000
Asian					4	4,000	4	4,000
Black	4	4,000	14	4,000	74	4,000	92	12,000
Hispanic			2	4,000	13	4,000	15	8,000
Other	2	4,000		4,000	1	4,000	3	12,000
Unknown	1	3,000					1	3,000
White	1	3,000	123		415		539	3,000
							770	115 Minority

X. Financial Assistance to Minority Teacher Candidates (Continued)

2011-12 TOP			Male	Male	Female	Female	Total	Total
Race	Count	Award	Count	Award	Count	Award	Count	Award
Blank	122		6		28		156	
Native Amer			1		10		11	
Asian					4		4	
Black	5		29		130		164	
Hispanic			2		15		17	
Other	2		1		2		5	
Unknown	1				2		3	
White	2		171		648		821	
							1181	196 Minority

Teacher Opportunity Program (TOP) – the amount awarded will be based on the tuition, mandatory fees, books, and required supplies paid by the applicant for up to six (6) credit hours completed.

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 June 5, 2013, the ADE received information from the Desegregation Monitoring and Assistance Plan Meeting. Those in attendance were Margie Powell, Sherman Whitfield, John McCraney, Laura Shirley, Brenda Heigel, Dr. John Tackett, Paul Brewer, Dr. Robert Clowers, and Dr. Janice Warren. The following items were discussed during the meeting:

Section D. Talented and Gifted, Advanced Placement and Honors Program, Fall Enrollment Report, Eight (8) Recruitment strategies to improve black student enrollment in Pre Advanced Placement (PreAP) and Advanced Placement (AP) courses, Wilbur D. Mills High School TAG enrollment percentages for the last five (5) years between black and non-black students, AP Potential Program which identifies 10th grade students that have taken the Preliminary Scholastic Aptitude Test (PSAT), and the training Gifted and Talented teachers are receiving through the AIMS Grant – Learning the Foundation (LTF).

Our next monthly meeting has been scheduled for **Wednesday, June 19, 2013 at 2:30 p.m.** The group will review Section C. Student Assignment – One Race Classrooms.

NEWLY EMPLOYED FOR THE PERIOD OF May 18, 2013 – June 14, 2013

Jonathan Edwards – Systems Analyst, Grade C122, Division of Research and Technology, Data Reporting and Systems, effective 05/28/13.

Heather Hardin – Public School Program Advisor, Grade C122, Division of Learning Services, Professional Development, effective 05/28/13.

Ivy Pfeffer – ADE Assistant to Director, Grade C129, Division of Human Resources/Licensure, Office of Educator Effectiveness, effective 06/03/13.

*Melvin Washington – Computer Support Technician, Grade C115, Division of Fiscal and Administrative Services, Arkansas Public School Computer Network (APSCN), effective 05/28/13.

PROMOTIONS/DEMOTION/LATERAL TRANSFERS FOR THE PERIOD OF May 18, 2013 – June 14, 2013

*Anastasia Woods from an Administrative Specialist II, Grade C109, Public School Accountability, School Performance, to an Administrative Specialist III, Grade C112, Public School Accountability, Standards Assurance, effective 05/27/13. Promotion

*Reshmi Jose from an Information Systems Coordinator, Grade C124, Division of Research and Technology, Data Reporting and Systems to ADE APSCN Division Manager, Grade C126, Division of Research and Technology, effective 06/10/13. Promotion

SEPARATIONS FOR THE PERIOD OF May 18, 2013 – June 14, 2013

Rosemarie Lovato – Administrative Analyst, Grade C115, Division of Human Resources/Licensure, Office of Educator Effectiveness, effective 06/07/13. 2 Years, 4 months, 13 days. 01

Jeanne Myers – Public School Program Advisor, Grade C122, Division of Human Resources/Licensure, Educator Licensure, effective 05/31/13. 3 Years, 6 months, 29 days. 01

*Kenya Vernon – Administrative Specialist III, Grade C112, Division of Fiscal and Administrative Services, Arkansas Public School Computer Network (APSCN), effective 05/31/13. 0 Years, 4 months, 24 days. 01

*Minority

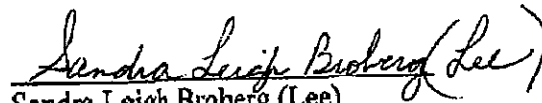
AASIS Codes:

01 – Voluntary

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION
IN RE SANDRA LEIGH BROBERG (LEE)
CONSENT ORDER FOR SURRENDER AND PERMANENT REVOCATION OF
EDUCATOR'S LICENSE

CONSENT TO SURRENDER OF LICENSE

1. I, Sandra Leigh Broberg (Lee), without admitting any of the facts alleged in PLSB Case 12-130, consent to the surrender of my Arkansas teaching license.
2. I am not represented by an attorney.
3. I acknowledge that the State Board's acceptance of the surrender of my license will result in permanent revocation because Arkansas law has no provision for the mere surrender of an educator's license.


Sandra Leigh Broberg (Lee)

6-10-13
Date

**ARKANSAS BETTER CHANCE
2013-2014 GRANTS**

Agency	Vendor #	Description	Amount
Arkadelphia School District	0000200007	Center-based ABC Program	\$ 121,500.00
Caraco Inc. dba Kareer Kids Child Development Center	100055711	Center-based ABC Program	\$ 63,180.00
DREAM (Javonne Spriggs Abernathy)	0600001134	Center-based ABC Program	\$ 97,200.00
Emmanuel Learning Center for Children	0600001246	Center-based ABC Program	\$ 48,600.00
Fort Smith School District	0000200224	Center-based ABC Program	\$ 165,240.00
Frank C. Steudlein Learning Center	0600001387	Center-based ABC Program	\$ 48,600.00
Little Angels Child Care of Prescott	100146733	Center-based ABC Program	\$ 87,480.00
Mountainburg School District	0000200450	Center-based ABC Program	\$ 97,200.00
North Little Rock School District	0000200457	Center-based ABC Program	\$ 97,200.00
Northcentral AR Development Council	0600002418	Center-based ABC Program	\$ 48,600.00
OUR (Ozark Unlimited Resources Ed. Coop)	0000200756	Center-based ABC Program	\$ 194,400.00
Pulaski County Special School District	0000200549	Center-based ABC Program	\$ 97,200.00
Rural Educational Heritage Inc.	600004096	Center-based ABC Program	\$ 97,200.00
Southwest AR Development Council Inc.	0600002934	Home-visiting ABC Program	\$ 98,000.00
Southwest AR Education Cooperative	0000200759	Home-visiting ABC Program	\$ 138,250.00
Springdale School District	0000200632	Center-based ABC Program	\$ 165,240.00
Arkansas Research Center		Longitudinal Study/Reseach	\$ 327,000.00
		Total	\$ 1,992,090.00

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Title 6 Education

Subtitle 2. Elementary And Secondary Education Generally

Chapter 13 School Districts

Subchapter 15 -- Creation of School District by Detaching Territory from Existing School District

A.C.A. § 6-13-1501 (2012)

6-13-1501. Creation of school district by detaching territory from existing school district.

(a) (1) It is the intent of the General Assembly, by this subchapter, to provide opportunities for children of this state by allowing local community members the opportunity to establish and maintain public schools in a manner that optimizes educational resources within a community.

(2) The General Assembly finds that the educational needs of the students of this state shall be best served by not allowing creation of a school district under this subchapter with fewer than four thousand (4,000) students, thus ensuring adequate educational opportunities for students.

(b) A new school district may be created by detaching territory from:

(1) An existing school district; or

(2) Two (2) or more existing contiguous school districts.

(c) A school district created under this subchapter shall have all the rights, privileges, and responsibilities of other public school districts.

HISTORY: Acts 2001, No. 1673, § 1.

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A.C.A. § 6-13-1502

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Subchapter 15 -- Creation of School District by Detaching Territory from Existing School District

A.C.A. § 6-13-1502 (2012)

6-13-1502. Minimum area and attendance requirements.

(a) A new school district may not be created in an area with fewer than four thousand (4,000) students in average daily membership.

(b) An existing school district shall not be reduced by means of detachment to an area with fewer than four thousand (4,000) students in average daily membership.

(c) A new school district to be created by detachment must only be made up of students from one (1) existing school district.

(d) This subchapter shall apply only to school districts that:

(1) Had an average daily membership of at least fifteen thousand (15,000) students but not more than twenty thousand (20,000) students in the school year immediately preceding the detachment; or

(2) Encompass a total area of seven hundred square miles (700 sq. mi.) or more, now or in the future.

HISTORY: Acts 2001, No. 1673, § 1; 2003, No. 1397, § 1.

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Chapter 13 School Districts

Subchapter 15 -- Creation of School District by Detaching Territory from Existing School District

A.C.A. § 6-13-1503 (2012)

6-13-1503. Initiation of detachment.

Creation of a new school district by detachment shall be initiated by:

(1) Resolution of the board of directors of each school district from which territory is to be detached; or

(2) A petition that is presented to the State Board of Education pursuant to the provisions of this subchapter.

HISTORY: Acts 2001, No. 1673, § 1.

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Subtitle 2. Elementary And Secondary Education Generally

Chapter 13 School Districts

Subchapter 15 -- Creation of School District by Detaching Territory from Existing School District

A.C.A. § 6-13-1504 (2012)

6-13-1504. Petition -- Election.

(a) (1) Not later than the thirtieth day after the date the State Board of Education receives a petition or resolution under this subchapter, the state board shall hold a hearing on the validity of the petition or resolution.

(2) To be valid, a petition or resolution shall:

(A) State the purpose for which the petition or resolution is being submitted;

(B) Contain a plat or map of the proposed new school district;

(C) Contain an independent feasibility study stating:

(i) Cost of operation of the new school district and the ability to operate the new school district taking into consideration the tax base, debt service, and division of assets to the new school district;

(ii) A list of the public school assets to be transferred from the existing school district to the new school district;

(iii) The size of the new school district; and

(iv) The effect of detachment on court-ordered desegregation; and

(D) Be signed by at least ten percent (10%) of the registered voters of the area proposed for detachment.

(b) (1) If the state board determines that the petition or resolution is valid and the petition or resolution does not conflict with subdivision (b)(2) of this section, the state board may, after complying with subdivision (b)(2) of this section, order an election on the proposition of detachment to be held at the next annual school election or general election.

(2) (A) The state board shall not order any creation of a new school district by detachment

under this subchapter or any other act or combination of any acts that hampers, delays, or in any manner negatively affects desegregation efforts of a school district or districts in this state.

(B) Prior to the entry of any order for election on the question of detachment, the state board shall seek an advisory opinion from the Attorney General concerning the impact of the proposed detachment and creation of a new school district on the effort of the state to assist the affected school district or districts in the desegregation of the public schools of this state.

(3) The order for election on the proposition of detachment shall:

(A) Contain a plat or map of the proposed new school district; and

(B) Comply with all requirements and procedures set forth in § 6-14-101 et seq. that do not conflict with the provisions of this subchapter.

(c) (1) (A) The state board shall certify two (2) copies of the detachment order and convey one (1) copy to the county clerk and one (1) copy to the county election commission at least sixty (60) days prior to the date the commission sets for election on the question of detachment.

(B) (i) No later than forty-five (45) days prior to the election, the county clerk of each county affected shall identify all persons who reside within the area proposed to be detached, and the county clerk shall determine the names and addresses of all qualified electors residing within that area.

(ii) The failure to identify all persons residing within the area proposed to be detached or the failure to determine the names and addresses of all qualified electors residing within that area shall not invalidate or otherwise affect the results of the election.

(C) All of the qualified electors residing within the territory to be detached shall be entitled to vote in the election.

(D) The petitioners shall give notice of the election by publication of at least one (1) insertion in a newspaper having general circulation in each school district from which territory is being detached.

(2) (A) The county clerk shall prepare a list by precinct of all those qualified electors residing within the area to be detached who are qualified to vote in that precinct and furnish that list to the election officials at the time the ballot boxes and voting machines are delivered.

(B) If the county clerk or the county election commission shall fail to perform any duties required, then any interested party may apply for a writ of mandamus to require the performance of the duties.

(C) The failure of the county clerk or the county election commission to perform the duties shall not void the detachment election unless a court finds that the failure to perform the duties substantially prejudiced an interested party.

(d) (1) The ballot shall be printed to permit voting for or against the proposition in a manner similar to the following: "Creation of a new school district by detachment of property and territory that includes the following property and territory from the _____ School District: _____."

(2) The ballot description of the property and territory to be detached shall be sufficient to give general notice of the territory affected.

HISTORY: Acts 2001, No. 1673, § 1.

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Subchapter 15 -- Creation of School District by Detaching Territory from Existing School District

A.C.A. § 6-13-1505 (2012)

6-13-1505. Creation of school district.

(a) If all the requirements of this subchapter are met and a majority of the votes are cast for the proposition, the State Board of Education shall order the creation of the new school district.

(b) (1) At the time the order creating the district is made, the state board shall appoint a board of directors of seven (7) members for the new school district to serve until the next regular election of members, when a board of directors shall be elected in compliance with Arkansas law.

(2) Following the entry of the order creating the new school district and the appointment of a board of directors for the new school district but prior to the transfer of any assets, territory, property, liabilities, duties, or responsibilities, any new school district created by detachment from an existing school district that is a party to any court-ordered desegregation plan shall petition the court having jurisdiction in the desegregation matter and obtain any and all court orders or other relief necessary to ensure that the detachment will not cause the state or any affected school district to be in violation of any orders of the court or any consent orders or decrees entered into by the parties with regard to the desegregation plan.

(c) Any new school district created under this subchapter shall take the property of the school district from which the territory was taken, as the state board shall deem proper, and shall be liable for that part of all indebtedness of the school district from which the territory was taken as shall be assigned to the new school district by the state board.

(d) The millage rate of the electors of the detached territory shall remain the same until an election may be held to change the rate of taxation for the detached area.

(e) The state board shall have the following duties regarding creation of a school district by detachment:

(1) To form local school districts, change boundary lines of school districts, create new school districts, and perform all other functions regarding changes in school districts in accordance with the law;

(2) To transfer funds and attach territory that is in one (1) school district to other school districts as may seem best for the educational welfare of the children; and

(3) To enact rules and regulations regarding the creation of school districts by detachment under this subchapter.

HISTORY: Acts 2001, No. 1673, § 1.

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State of Arkansas

As Engrossed: H3/28/13

89th General Assembly

A Bill

Regular Session, 2013

HOUSE BILL 1632

By: Representative Perry

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING CREATION OF A SCHOOL DISTRICT BY DETACHING
TERRITORY FROM AN EXISTING SCHOOL DISTRICT; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING CREATION OF A SCHOOL DISTRICT
BY DETACHING TERRITORY FROM AN EXISTING
SCHOOL DISTRICT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

*SECTION 1. Arkansas Code § 6-13-1504(a)(2)(D), concerning the
requirements for a petition or resolution for detachment of territory from a
school district, is amended to read as follows:*

*(D) Be signed by at least ten percent (10%) of the
~~registered voters of the area proposed for detachment~~ number of voters in the
area proposed for detachment who voted in the most recent general election.*

*SECTION 2. Arkansas Code § 6-13-1505, concerning the creation of a
school district by detachment, is amended to add a new subsection (f) as
follows:*

*(f) In its order creating the new school district under this section,
the state board may allow a transition period of up to two (2) consecutive
years to allow the new school district to become fully operational.*



/s/Perry

APPROVED: 04/16/2013

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NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

June 18, 2013

Dr. Tom W. Kimbrell
Commissioner

**State Board
of Education**

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Brad J. Beavers
Attorney at Law
407 Cleveland Street
Forrest City, AR 72335-3302

Ms. Joye Hughes, Superintendent
Forrest City School District
845 N. Rosser
Forrest City, AR 72335

Mr. Jon Estes, Superintendent
Palestine-Wheatley School District
P.O. Box 790
Palestine, AR 72372

Mr. George Rozzell
Attorney at Law
217 E. Dickson Street, Suite 106
Fayetteville, AR 72701

Re: Appeal Under the Public School Choice Act of 2013
Goodall v. Palestine-Wheatley School District
VIA CERTIFIED AND REGULAR MAIL

Everyone:

On June 7, 2013, Mr. George Rozzell filed a petition on behalf of Ms. Erika Goodall appealing the decision of the Palestine-Wheatley School District to deny the following applications made pursuant to the Public School Choice Act of 2013:

- A. Goodall (5)
- E. Goodall (8)
- A. Goodall (9)
- A. Goodall (11)

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, July 8, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 3, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

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

School Choice Appeal Hearing Notice
June 18, 2013
Page 2 of 2

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

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter", with a stylized flourish at the end.

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

**RECEIVED
ATTORNEY'S OFFICE**

george rozzell
attorney

JUN 07 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

George M. Rozzell IV PA

217 E. Dickson St. Suite 106
Fayetteville, AR 72701
P: 479.442.1404
F: 479.442.2005
george@rozzellpa.com

June 7, 2013

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

Re: Palestine-Wheatley School Choice Rejection Letters
A. Goodall, 5; E. Goodall, 8; A. Goodall, 9; A. Goodall, 11

Dear Commissioner,

Please accept this letter to satisfy the notice of appeal requirement under Rule 8.00 *et seq.* of the Arkansas Department of Education Emergency Rules Governing The Public School Choice Act of 2013 as adopted on May 13, 2013. This single letter shall serve as notice for each of the above students. It is brought by each of them individually through his or her parent and next friend, Erika Goodall, due to each child's minor status.

An application for each child to attend the Palestine-Wheatley School District for the upcoming 2013-2014 school year was made for each student. These applications were completed timely prior to the June 1st deadline under the Public School Choice Act of 2013, Ark. Code Ann. § 6-18-1901 *et seq.* ("School Choice Act") enacted on April 16, 2013 by way of an emergency clause. As evidenced by the applications and responding rejection letters enclosed herein, Palestine-Wheatley School District denied these applications upon the sole premise that the Forrest City School District is exempt from the School Choice Act due to it being under a desegregation order.

Erika Goodall, on behalf of all of her children, appeals this arbitrary and unlawful declaration on two separate grounds. Pursuant to the School Choice Act, a non-resident school district may annually declare itself exempt for the upcoming school year because it is under a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation. It must notify the department of its intent to do so by April 1 prior to the upcoming school year. Ark. Code Ann. § 6-18-1906(b)(3). While the Arkansas Department of Education has written a memo recognizing the factual impossibility to comply with the exemption provisions of School Choice Act for the upcoming school year, it does not have the authority, nor the ability to alter or amend the application of the law as it is written.

Forrest City School District claimed this exemption on May 14, 2013 for the 2013-2014 school year. (See the enclosed resolution adopting the same.) It is unknown what date it notified the Department of Education of its intent to claim this exemption. The exemption claimed by the Forrest City School District was untimely and is void as a matter of law. Additionally, Forrest City School District does not meet the requirements of the School Choice Act in

that it is not under an order of desegregation or a mandate of a federal court or agency remedying the effects of past racial segregation.

The children who bring this appeal, save for the youngest child entering kindergarten, have only attended the Palestine-Wheatley School District. In 2012, their mother moved to Forrest City, but upon passing of the School Choice Act, Erika Goodall was elated at the possibility that her children would be able to stay in the only educational environment each has known. Given the familiarity and comfort the family has with the school district, it is clearly in the best interest of the children bringing this appeal that they be able to utilize the benefits of the School Choice Act to their advantage. The arbitrary untimely declaration of the Forrest City School District is preventing them from doing so, and is subjecting them to irreparable harm.

For the foregoing reasons, and because the time sensitive nature of this matter, Erika Goodall requests a hearing to be held for each of her children, or for all of them together, as soon as practicable.

Sincerely,

A handwritten signature in black ink, appearing to read "George Rozzell", written in a cursive style.

George Rozzell
Attorney at Law

cc: Erika Goodall, Palestine-Wheatley School District

Enclosure(s)

Fax Transmission

Date: 6/6/13

To: Mr. George

Fax Number: 1-800-559-9690

From: Erika Goodall

Our Phone: (870) 633-2857

Our Fax: (870) 630-2383

No. of pages including cover page:

Message:



Please call if you experience transmission problems.

APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"
(Must Be Submitted to Non-Resident and Resident Districts)

APPLICANT INFORMATION

Student Name:

Student Date of B

Gender

Male ☒

Female ☐

Grade:

Does the applicant

☐

No ☒

Is applicant currently under expulsion? Yes ☐

No ☒

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races ☐

Asian ☐

African-American ☒

Hispanic ☐

Native American/
Native Alaskan ☐

Native Hawaiian/
Pacific Islander ☐

White ☐

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

Forrest City

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

Palestine - Wheatley

County Name:

St. Francis

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

yes

PARENT OR GUARDIAN INFORMATION

Name: Erika Goodall

Home Phone: _____

Address: _____

Work Phone: _____

Parent/Guardian Signature

Erika Goodall

Date:

4-3-2013

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district's standards shall not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district's graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student's parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

Date and Time Received by Resident District:

Date and Time Received by Nonresident District:

5-3-13
9:28 AM

Resident District LEA #:

Nonresident District LEA#:

Student's State Identification #:

Application

Accepted

Rejected

☒

Reason for Rejection (If Applicable):

See attached letter

Date Notification Sent to Parent/Guardian of Applicant:

6-4-13

Date Notification Sent to Resident District :

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for _____ has been
rejected for the following reason.

X Your child's resident district has declared itself exempt from the provisions of the
School Choice Law due to it being under a desegregation order.

_____ Your child's resident district has reached its limitation cap for allowable transfers and
we cannot accept any additional school choice transfers from that district.

_____ Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board
of Education.

Respectfully,



Superintendent
Palestine-Wheatley School District

APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"
(Must Be Submitted to Non-Resident and Resident Districts)

APPLICANT INFORMATION

Student Name:

Student Date of B

Gender Male ☐

Female ☒

Grade:

Does the applicant require special needs or programs? Yes ☐

No ☒

Is applicant currently under expulsion? Yes ☐

No ☒

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races ☐

Asian ☐

African-American ☒

Hispanic ☐

Native American/
Native Alaskan ☐

Native Hawaiian/
Pacific Islander ☐

White ☐

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

Forrest City

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

Palestine - Wheatley

County Name:

St. Francis

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

yes

PARENT OR GUARDIAN INFORMATION

Name: Erika Goodall Home Phone: _____

Address: _____ Work Phone: _____

Parent/Guardian

Date:

Erika Goodall

4-3-2013

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district's standards shall not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district's graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student's parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

Date and Time Received by Resident District:

Date and Time Received by Nonresident District:

5/3/13 9:28 AM

Resident District LEA #:

Nonresident District LEA#:

Student's State Identification #:

Application

Accepted

Rejected

X

Reason for Rejection (If Applicable):

See attached letter

Date Notification Sent to Parent/Guardian of Applicant:

6-4-13

Date Notification Sent to Resident District :

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for _____ has been rejected for the following reason.

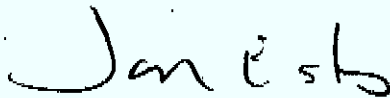
☒ Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order.

_____ Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

_____ Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,



Superintendent
Palestine-Wheatley School District

APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"
(Must Be Submitted to Non-Resident and Resident Districts)

APPLICANT INFORMATION

Student Name:

Student Date of Birth

Gender

Male ☐

Female ☒

Grade:

5th

Does the applicant require special needs or programs? Yes ☐

No ☒

Is applicant currently under expulsion? Yes ☐

No ☒

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races ☐

Asian ☐

African-American ☒

Hispanic ☐

Native American/
Native Alaskan ☐

Native Hawaiian/
Pacific Islander ☐

White ☐

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

Forrest City

County Name:

St. Francis

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

Palmer - Wheatley

County Name:

St. Francis

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

yes

PARENT OR GUARDIAN INFORMATION

Name:

Erika Goodall

Home Phone:

Address:

Work Phone:

Parent/Guardian Signature

Date:

4-3-13

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district's standards shall not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district's graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student's parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

Date and Time Received by Resident District:

Date and Time Received by Nonresident District:

5/03/13 9:28 AM

Resident District LEA #:

Nonresident District LEA#:

Student's State Identification #:

Application

Accepted

Rejected

X

Reason for Rejection (If Applicable):

See attached letter

Date Notification Sent to Parent/Guardian of Applicant:

6-4-13

Date Notification Sent to Resident District:

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for _____ has been rejected for the following reason.

☒ Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order.

_____ Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

_____ Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,



Superintendent
Palestine-Wheatley School District

APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"
(Must Be Submitted to Non-Resident and Resident Districts)

APPLICANT INFORMATION	
Student Name:	
Student Date of Birth:	Gender Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>
Grade:	4th
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
ETHNIC ORIGIN (CHECK ONE) (For data reporting purposes only)	
2 or More Races <input type="checkbox"/>	Asian <input type="checkbox"/> African-American <input checked="" type="checkbox"/>
Hispanic <input type="checkbox"/>	Native American/ Native Alaskan <input type="checkbox"/> Native Hawaiian/ Pacific Islander <input type="checkbox"/>
White <input type="checkbox"/>	
RESIDENT SCHOOL DISTRICT OF APPLICANT	
District Name: Ferrest City	County Name:
Address:	
Phone:	
NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND	
District Name: Palestn - Wheatley	County Name: St. Francis
Address:	
Phone:	
Does the applicant already have a sibling or step-sibling in attendance in this district? yes	

PARENT OR GUARDIAN INFORMATION	
Name: <u>Erika Goodall</u>	Home Phone: _____
Address: _____	Work Phone: _____
Parent/Guardian Signature <u>Erika Goodall</u>	Date: <u>4-3-2013</u>
<p>Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district's standards shall not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district's graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student's parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).</p>	
Date and Time Received by Resident District:	Date and Time Received by Nonresident District: <u>5/3/13 9:28 AM</u>
Resident District LEA #:	Nonresident District LEA#:
Student's State Identification #:	
Application	Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/>
Reason for Rejection (If Applicable): <u>See attached letter</u>	
Date Notification Sent to Parent/Guardian of Applicant: <u>6/4/13</u>	
Date Notification Sent to Resident District :	

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for _____ has been
rejected for the following reason.

☒ Your child's resident district has declared itself exempt from the provisions of the
School Choice Law due to it being under a desegregation order.

_____ Your child's resident district has reached its limitation cap for allowable transfers and
we cannot accept any additional school choice transfers from that district.

_____ Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board
of Education.

Respectfully,



Superintendent
Palestine-Wheatley School District

RESOLUTION OF FORREST CITY SCHOOL DISTRICT
BOARD OF DIRECTORS

WHEREAS, the Forrest City School District Board of Directors (Board) met in a special, open, and properly-called meeting on May 14, 2013, in Forrest City, Arkansas;

WHEREAS, 5 members were present, a quorum was declared by the chair;

WHEREAS, on April 16, 2013, Governor Mike Beebe signed into law Act 1227, the Public School Choice Act of 2013 ("Act 1227"), which was duly passed by the Arkansas General Assembly; and

WHEREAS, Act 1227 establishes a public school choice program that would allow students who are residents of the Forrest City School District to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Act 1227 provides that "[a] school district annually may declare an exemption under this section if the school district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation"; and,

WHEREAS, the Forrest City School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Forrest City School District is subject to a desegregation order or mandate of a federal court remedying the effects of past racial segregation; and

WHEREAS, Forrest City, Arkansas historically operated racially dual school systems that segregated black and non-black students and was desegregated in the early 1970s by closing the black school(s) and merging their enrollment with the white students; and

WHEREAS, the federal court or agency orders include the original directive from the United States Supreme Court in *Brown v. Board of Education of Topeka, Kansas* (1954), and its progeny, that maintenance of racially dual public schools is unconstitutional and directing that racially segregated schools be dismantled; and the 1969 mandate from the federal department of Health, Education, and Welfare to the same effect; and the various orders entered over the years in *McKissick, et al v. Forrest City School District, et al*, U.S. District Court of Eastern District of Arkansas, Eastern Division, Case Number Civil No. H-69-C-42; and

WHEREAS, the Board of the Forrest City School District desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013 on the basis of the aforementioned federal court cases and orders, and agency mandates; and

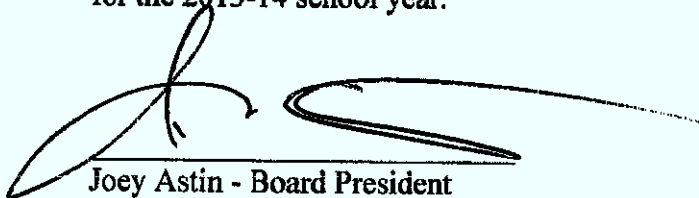
WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

NOW THEREFORE, the Board, upon due consideration and deliberation, hereby resolves, approves and adopts this Resolution for the purpose of declaring an exemption under the Public School Choice of 2013, Act 1227 of 2013 (to be codified) , for a period of one (1) year from the date that this Resolution is received by the Department of Education, for use in the Forrest City School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Forrest City School District hereby authorizes the Superintendent of the Forrest City School District to immediately submit a copy of this Resolution to the Department of Education; to post the exemption as the District's School Choice Policy (Policy) in the appropriate Board policies, student handbooks, Forrest City School District website, and all other places in order to give notice to the District's patrons and the general public of the Board's adoption of the Policy; and

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to carefully monitor and study the racial segregation implications of application of the Public School Choice Act of 2013 in other Arkansas districts, as well as the interest expressed therein within this district, and report the same to the Board from time to time during 2013-14; and,

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption for the 2013-14 school year.



Joey Astin - Board President

5-14-2013

Date

CERTIFICATION

I, Glenn Shepherd, Secretary of the Board of Education of the Forrest City School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on May 14, 2013.



Glenn Shepherd - Board Secretary

5-14-2013

Date



**UNITED STATES
COMMISSION ON
CIVIL RIGHTS**

Central Regional Office
Gateway Tower II
400 State Avenue, Suite 908
Kansas City, KS 66101-2406
(913) 551-1400
(913) 551-1413 FAX

October 30, 2006

Mr. Oliver Dillingham
Program Manager
Equity Center
Arkansas Department of Education
#4 Capitol Mall
Little Rock, AR 72201

Dear Mr. Dillingham:

The U.S. Commission on Civil Rights is a federal agency charged with the responsibility to study and appraise legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin. State Advisory Committees are established in each state to inform the Commission on civil rights issues in their states.

This office on behalf of the Arkansas Advisory Committee to the U.S. Commission on Civil Rights is examining the desegregation status of school districts in Arkansas as well as other states in the South. Information we have indicates that there was an initial Court action with respect to some school districts in Arkansas. Our information suggests that the following school districts in Arkansas remain under a court order with respect to desegregation, i.e., has not been granted "Unitary Status" by the Court:

United States v. England School District No. 2
United States v. Watson Chapel School District No. 24
United States v. Crawfordville School District No. 2
United States v. Bradley School District No. 20
United States v. Thornton School District No. 26
United States v. Hermitage School District No. 12
United States v. Junction City School District No. 75
United States v. Lovett (Warren School District No. 1)

In addition, it is my understanding that the Little Rock School District, the North Little Rock School District and the Pulaski County School District also remain under a Court Order with respect to desegregation.

RECEIVED
NOV 02 2006

EQUITY ASSISTANCE
CENTER

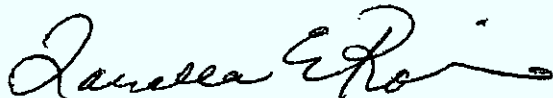
EQUITY ASSISTANCE
CENTER

RECEIVED
NOV 02 2006

deadline(s) has/have the Court imposed upon the school district to perform required actions or submit information.

If possible, a reply to this request by Tuesday, November 14, 2006, would be appreciated. Should you have any questions about this request, please feel free to call me at (913) 551-1400. Thank you in advance for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Farella E. Robinson', with a long horizontal flourish extending to the right.

FARELLA E. ROBINSON, Civil Rights Analyst
Central Regional Office
U.S. Commission on Civil Rights

RESPONSE

LAW OFFICES
SHARPE, BEAVERS, CLINE & WRIGHT

P.O. BOX 924
FORREST CITY, ARKANSAS 72336-0924

Harold Sharpe (1916-2000)

Brad J. Beavers
R. Alan Cline
Marshall Wright

407 Cleveland

Telephones:
870-633-3141
Fax: 870-633-3594

June 20, 2013

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, Arkansas 72201

Via email & certified mail

From: The Forrest City School District

Re: Appeals brought by the Goodalls and by the Jacksons

Ladies and Gentlemen:

Thank you for the opportunity to comment upon the pending appeals. In each instance, the Palestine-Wheatley School District necessarily declined the transfer requests because the Forrest City School District has declared itself exempt from the provisions of the new school choice law.

This ministerial act of the Palestine-Wheatley District was correct. It is undisputed that the Forrest City School District declared the exemption on May 14, 2013. The Resolution of that special meeting in which the exemption was declared is attached as Exhibit "A."

Let us please comment upon certain of the arguments made on behalf of the Goodalls in Mr. Rozzell's letter of June 7, 2013.

First, the April 1 deadline does not take effect until the 2014-2015 school year. This is apparent from the structure of the Act itself.

In examining Section 6-18-1906, it is clear that under Section B 1 a school district annually may declare an exemption if the district is subject to a desegregation order or agency mandate. B 2 then explains the exemption is irrevocable for one year. 2 b provides that after each year of exemption the school board can change its mind. Under 3, the legislature wrote that a school district shall notify the department by April 1 *if in the next school year* the school district intends

to declare an exemption or resume participation after a period of exemption. If a district intends to change what it did during 2013-2014, it must notify the Department by April 1, 2014. Since the act just took effect, there is no "previous year" to 2013-2014. Thus, the April 1 deadline comes into effect during the 2014-2015 school year.

This interpretation of the Act is fortified by the overall structure of the Act. It is clear that it is to exist and operate for at least two years. An argument that a district's right to claim an exemption does not apply to the 2013-2014 school year would totally frustrate the intent of the authors of the legislation. The exemption is clearly an integral part of the legislation as set forth in A.C.A. 6-18-1901 (b) (3).

The only logical and literal interpretations of the statute are that for the first year, i.e. 2013-2014 the district must simply declare the exemption. The Act provides no date for that declaration. However, under its rule making authority, the department has supplied a deadline of May 17 which the Forrest City School District met.

For the 2014-2015 school year, the Forrest City School District, and others similarly situated, will indeed have to make its decision and advise the department by April 1, 2014 if it is going to again declare an exemption or decide to participate.

Second, the June 7th letter mistakenly contends that the Forrest City School District is not under "an order of desegregation or a mandate of a federal court." As recently as 1990, a Motion regarding magnet schools was filed and subsequently granted in the case of *McKissick, et al. vs. Forrest City School District No. 7*, Case No. H-69-C-42. In the district court order approving a magnet school proposal, the presiding judge reiterated at page 1 that "this court retain[s] jurisdiction for further consideration of any problems that might arise in connection with the operation of the Forrest City Schools and compliance with the orders of this court." This was reinforced by an appeal of a 1970 order in which the United States Court of Appeals for the 8th Circuit concluded by stating "the district court has retained jurisdiction to ensure compliance and affirm its Order." 427 F.2d 331 (1970)

There are no orders dismissing the case or declaring that the Forrest City School District is unitary.

Third, and in examining the rules governing the Act, 8.01.3 requires the parents to state the basis for appealing the decision of the non-resident district. Here, the non-resident district did not make a decision. The Forrest City School District, the resident district, made the decision to declare the exemption. All Palestine-Wheatley did was honor the declaration and declined the applications. The notification by Palestine-Wheatley was merely a formality it was required to comply with under the Act and was not an appealable "rejection" as contemplated by the Act. There is nothing for the non-resident district to present to this Board.

Further, the entire structure of the Act also strongly suggests that the issue of the exemption is not appealable because there is no provision in either the Act or the emergency rules that the resident district do anything when the non-resident district declines the application. This logically should mean that appeals are limited to issues such as enrollment caps and organization and staff issues. These would be matters that the board could presumably evaluate based upon mathematical calculations or empirical evidence.

We appreciate your consideration of this response and would request an opportunity to be heard on this matter. We are further authorized to submit this letter on behalf of and to indicate that Mr. Samuel Jones, III of the Mitchell Williams firm will be associated as co-counsel for the Forrest City School District in this matter.

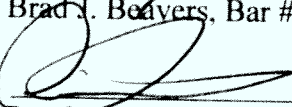
Respectfully submitted,

Sharpe, Beavers, Cline & Wright, Attorneys

By:


Brad J. Beavers, Bar #81012

By:


R. Alan Cline, Bar # 87035

cc: Mr. George M. Rozzell, IV PA
Attorney at Law
217 Dickson St., Suite 106
Fayetteville, AR 72701

Cody and Cory Jackson
635 Calvert Rd.
Forrest City, AR 72335

RESOLUTION OF FORREST CITY SCHOOL DISTRICT
BOARD OF DIRECTORS

WHEREAS, the Forrest City School District Board of Directors (Board) met in a special, open, and properly-called meeting on May 14, 2013, in Forrest City, Arkansas;

WHEREAS, 5 members were present, a quorum was declared by the chair;

WHEREAS, on April 16, 2013, Governor Mike Beebe signed into law Act 1227, the Public School Choice Act of 2013 ("Act 1227"), which was duly passed by the Arkansas General Assembly; and

WHEREAS, Act 1227 establishes a public school choice program that would allow students who are residents of the Forrest City School District to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Act 1227 provides that "[a] school district annually may declare an exemption under this section if the school district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation"; and,

WHEREAS, the Forrest City School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Forrest City School District is subject to a desegregation order or mandate of a federal court remedying the effects of past racial segregation; and

WHEREAS, Forrest City, Arkansas historically operated racially dual school systems that segregated black and non-black students and was desegregated in the early 1970s by closing the black school(s) and merging their enrollment with the white students; and

WHEREAS, the federal court or agency orders include the original directive from the United States Supreme Court in *Brown v. Board of Education of Topeka, Kansas* (1954), and its progeny, that maintenance of racially dual public schools is unconstitutional and directing that racially segregated schools be dismantled; and the 1969 mandate from the federal department of Health, Education, and Welfare to the same effect; and the various orders entered over the years in *McKissick, et al v. Forrest City School District, et al*, U.S. District Court of Eastern District of Arkansas, Eastern Division, Case Number Civil No. H-69-C-42; and

WHEREAS, the Board of the Forrest City School District desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013 on the basis of the aforementioned federal court cases and orders, and agency mandates; and

WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

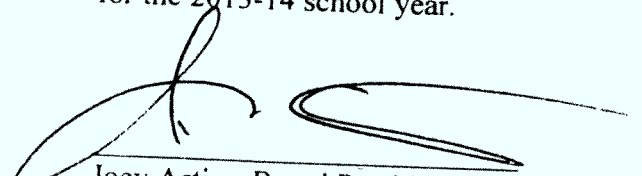
Exhibit A

NOW THEREFORE, the Board, upon due consideration and deliberation, hereby resolves, approves and adopts this Resolution for the purpose of declaring an exemption under the Public School Choice of 2013, Act 1227 of 2013 (to be codified), for a period of one (1) year from the date that this Resolution is received by the Department of Education, for use in the Forrest City School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Forrest City School District hereby authorizes the Superintendent of the Forrest City School District to immediately submit a copy of this Resolution to the Department of Education; to post the exemption as the District's School Choice Policy (Policy) in the appropriate Board policies, student handbooks, Forrest City School District website, and all other places in order to give notice to the District's patrons and the general public of the Board's adoption of the Policy; and

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to carefully monitor and study the racial segregation implications of application of the Public School Choice Act of 2013 in other Arkansas districts, as well as the interest expressed therein within this district, and report the same to the Board from time to time during 2013-14; and,

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption for the 2013-14 school year.



Joey Astin - Board President

5-14-2013

Date

CERTIFICATION

I, Glenn Shepherd, Secretary of the Board of Education of the Forrest City School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on May 14, 2013.



Glenn Shepherd - Board Secretary

5-14-2013

Date

STATUTE

State of ArkansasAs Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13
H4/6/13

89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 65

By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert

By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,
D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren

For An Act To Be Entitled

AN ACT TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF
2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;
TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT
OF 2013; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-18-206 is repealed.

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

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

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

~~(3) The General Assembly further finds that giving more options~~



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

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

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

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

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

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

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter.~~

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

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

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

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

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

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

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

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

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

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

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

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

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

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

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

~~student's race of more than ten percent (10%) of any single race;~~

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

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

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

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

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

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

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

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

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

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

~~(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim~~

~~Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.~~

SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student transfers from a school district that is identified as being in academic distress, is amended to read as follows:

(b)(1) Any student attending a public school district classified as being in academic distress shall automatically be eligible and entitled pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another ~~geographically contiguous~~ school district not in academic distress during the time period that a school district is classified as being in academic distress and, therefore, not be required to file a petition by ~~July 1~~ June 1 but shall meet all other requirements and conditions of the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq.

SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and attendance requirements for attending public schools, is amended to read as follows:

(g) This section shall not be construed to restrict a student's ability to participate in a tuition agreement with a nonresident school district or to officially transfer to another school district pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq.

SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the Arkansas Opportunity Public School Choice Act of 2004, is amended to read as follows:

(2)(A)(i) For the purposes of continuity of educational choice, the transfer shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until the student completes high school or the parent, guardian, or the student, if the student is over eighteen (18) years of age, makes application no later than July 30 for attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206, and § 6-18-~~

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013

22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

school board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

(3) These benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any school district beyond the school district in which the student resides, provided that the transfer by the student does not conflict with an enforceable judicial decree or court order remedying the effects of past racial segregation in the school district.

6-18-1902. Definitions.

As used in this subchapter:

(1) "Nonresident district" means a school district other than a student's resident district;

(2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;

(3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and

(4) "Transfer student" means a public school student who transfers to a nonresident district through a public school choice option under this subchapter.

6-18-1903. Public school choice program established.

(a) A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under § 6-18-1906.

(b) Each school district shall participate in a public school choice program consistent with this subchapter.

(c) This subchapter does not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.

(d)(1) The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under this subchapter.

(2) The standards:

(A) May include without limitation the capacity of a program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32
33

34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**

May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,s resident district;

3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student,s transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student,s parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student,s parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

- 5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

- 6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

- 6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

- 7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

- 7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”
(Must Be Submitted to Non-Resident and Resident Districts)***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male

☐

Female

☐

Grade:

Does the applicant require special needs or programs? Yes ☐ No ☐

Is applicant currently under expulsion? Yes ☐ No ☐

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races ☐

Asian ☐

African-American ☐

Hispanic ☐

Native American/
Native Alaskan ☐

Native Hawaiian/
Pacific Islander ☐

White ☐

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

PARENT OR GUARDIAN INFORMATION			
Name:		Home Phone:	
Address:		Work Phone:	
Parent/Guardian Signature		Date:	
<p>Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).</p>			
DISTRICT USE ONLY			
Date and Time Received by Resident District:		Date and Time Received by Nonresident District:	
Resident District LEA #:		Nonresident District LEA#:	
Student,s State Identification #:			
Application	Accepted	Rejected	
Reason for Rejection (If Applicable):			
Date Notification Sent to Parent/Guardian of Applicant:			
Date Notification Sent to Resident District :			

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

June 18, 2013

Dr. Tom W. Kimbrell
Commissioner

State Board
of Education

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Brad J. Beavers
Attorney at Law
407 Cleveland Street
Forrest City, AR 72335-3302

Mr. John Harbin
Attorney at Law
1415 E. Broadway
Forrest City, AR 72335

Mr. Jon Estes, Superintendent
Palestine-Wheatley School District
P.O. Box 790
Palestine, AR 72372

Ms. Joye Hughes, Superintendent
Forrest City School District
845 N. Rosser
Forrest City, AR 72335

Re: **Appeal Under the Public School Choice Act of 2013**
Harbin v. Palestine-Wheatley School District
VIA CERTIFIED AND REGULAR MAIL

Everyone:

On June 17, 2013, Mr. John Harbin filed a petition appealing the decision of the Palestine-Wheatley School District to deny the following applications made pursuant to the Public School Choice Act of 2013:

- Tyler Harbin
- Skyler Harbin

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, July 8, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 3, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

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

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

School Choice Appeal Hearing Notice
June 18, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter", with a stylized flourish at the end.

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

6-11-13

To: Arkansas Department of Education

Subject: School Choice Appeal Forrest City - Palestine Wheatley

On May 15 2013 we submitted an application to change schools for my children Tyler and Skyler Harbin who will be going into the 8th grade. On June 6 we recieved a letter in the mail stating that Forrest City Schools has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order therefore my children can not attend Palestine-Wheatley School No 23.

The reasons for my children changing schools is drastic to better them for an education that will carry them for the rest of their life, I will give issues that has taken place with my children

Skyler Harbin

Is straight A student, a roll model, one who will go somewhere in life but due to coment issues with Forrest City it has scared her. She made one bad grade ever the teacher put her and some more students in front of the class, she "teacher" started pulling their noses & ears

for humiliation, I was told about this by my daughter a day later because she was so afraid that she did not know what we would do, she thought since she made bad grade we would be upset but were outraged at what teacher did, went to principal nothing was done, went to Superintendent and their question was what can we do since this happened, we wanted disciplinary action taken, it did not happen, I kept my daughter out of school for 3 days arguing with Superintendent until I demanded she be moved to other class, finally this was done. Then a few weeks later the principal cornered my daughter in the hall with her friends and told her she had to take out her hair bow, she called us and said she had confiscated her hair bow because it was drug paraphernalia, she went on to say that she had a police officer look at it and he agreed, the hair bow was feathers with a clip on it. This also got taken to Superintendent and when principal came in for meeting lied and said she did not have police officer look at them and we did not know what we were talking about. This also scared my child which would never ever nor even

no about drugs. My daughter also takes gymnastics and tried out for cheerleading this year, she was one of the top 5 trying out but of course did not make it, I then talked her into trying out for basketball she did and was also in top 6 but again did not make the team. These issues has put a huge impact on her life from Forrest City School District.

Tyler Harbin

Tyler is not all it student but is very smart, we have had several issues as well, he got in trouble for talking so the teacher sent him to a class in which the kids were two grades ahead of him, he got hit and picked on took him several days to get over this and went to school about this and nothing happend, then he got 3 day suspension at last part of school year for skipping class in bathroom according to principal, after goestiening my son he was eating lunch and these boys thro food on him and he went to bathroom to clean his self up the same boys followed him and started hitting him in the bathroom when teacher walked in and asked what was going on the other boys said was skipping class when I went to principal about this he did nothing and my son still

was given 3 day suspension, also he has got hit, kicked and picked on all year and nothing was ever done.

We took our kids to our family doctor because they were being very emotional about school and their demeanor on life changed drastically, use to be up early ready for school and getting education. Our doctor said they are going thru post dramatic stages because this school district is unsafe and is a dramatic stress on their lives, recommended medication but we refused to put our kids on because of life changing events at school which keeps getting worse. You can't imagine what this has done our family doctor is

James Franks - 1968 Lindaver Rd, Forrest City, AR 72335,
870-630-2500.

After getting this letter from Palestine Wheatley I called Mr. Estes who is Palestine-Wheatley Superintendent asking what I could do to get my kids into Palestine he suggested Appeal or asking Forrest City to release my kids so they could go, I tried calling several times Mrs. Hughes who is Forrest City Superintendent left several messages and still has not returned my calls even went to school and she is not there. We ask that you will allow my children to attend Palestine-Wheatley where they will get an education, play sports, and have safe environment for there well being, also Palestine Wheatley will except if you approve

John & Carrie Habin

870-945-0511

RESPONSE

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

**RECEIVED
ATTORNEY'S OFFICE**

JUN 21 2013

June 17, 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

RE: Harbin Family Appeal

Arkansas Board of Education:

The Palestine-Wheatley School District rejected the Harbin family's request for school choice because the resident district, Forrest City, declared itself exempt from the provisions of the school choice law due to it being under a desegregation order.

Respectfully,

Jon Estes
Superintendent
Palestine-Wheatley School District

STATUTE

State of ArkansasAs Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13
H4/6/13

89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 65

By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert

By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,
D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren

For An Act To Be Entitled

AN ACT TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF
2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;
TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT
OF 2013; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-18-206 is repealed.

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

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

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

~~(3) The General Assembly further finds that giving more options~~



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

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

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

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

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

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

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter.~~

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

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

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

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

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

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

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

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

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

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

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

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

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

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

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

~~student's race of more than ten percent (10%) of any single race;~~

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

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

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

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

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

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

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

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

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

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

~~(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim~~

~~Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.~~

SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student transfers from a school district that is identified as being in academic distress, is amended to read as follows:

(b)(1) Any student attending a public school district classified as being in academic distress shall automatically be eligible and entitled pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another ~~geographically contiguous~~ school district not in academic distress during the time period that a school district is classified as being in academic distress and, therefore, not be required to file a petition by ~~July 1~~ June 1 but shall meet all other requirements and conditions of the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq.

SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and attendance requirements for attending public schools, is amended to read as follows:

(g) This section shall not be construed to restrict a student's ability to participate in a tuition agreement with a nonresident school district or to officially transfer to another school district pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq.

SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the Arkansas Opportunity Public School Choice Act of 2004, is amended to read as follows:

(2)(A)(i) For the purposes of continuity of educational choice, the transfer shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until the student completes high school or the parent, guardian, or the student, if the student is over eighteen (18) years of age, makes application no later than July 30 for attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206, and § 6-18-~~

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013

22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

school board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

(3) These benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any school district beyond the school district in which the student resides, provided that the transfer by the student does not conflict with an enforceable judicial decree or court order remedying the effects of past racial segregation in the school district.

6-18-1902. Definitions.

As used in this subchapter:

(1) "Nonresident district" means a school district other than a student's resident district;

(2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;

(3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and

(4) "Transfer student" means a public school student who transfers to a nonresident district through a public school choice option under this subchapter.

6-18-1903. Public school choice program established.

(a) A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under § 6-18-1906.

(b) Each school district shall participate in a public school choice program consistent with this subchapter.

(c) This subchapter does not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.

(d)(1) The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under this subchapter.

(2) The standards:

(A) May include without limitation the capacity of a program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32
33

34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**

May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,,s resident district;

3.02 „Parent,, means a student,,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student,s transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student,s parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student,s parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

- 5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

- 6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

- 6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

- 7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

- 7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

<i>APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT</i> <i>“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”</i> <i>(Must Be Submitted to Non-Resident and Resident Districts)</i>		
APPLICANT INFORMATION		
Student Name:		
Student Date of Birth:	Gender	Male <input type="checkbox"/> Female <input type="checkbox"/>
Grade:		
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input type="checkbox"/>		
ETHNIC ORIGIN (CHECK ONE) (For data reporting purposes only)		
2 or More Races <input type="checkbox"/>	Asian <input type="checkbox"/>	African-American <input type="checkbox"/>
Hispanic <input type="checkbox"/>	Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>
White <input type="checkbox"/>		
RESIDENT SCHOOL DISTRICT OF APPLICANT		
District Name:		County Name:
Address:		
Phone:		
NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND		
District Name:		County Name:
Address:		
Phone:		
Does the applicant already have a sibling or step-sibling in attendance in this district?		

PARENT OR GUARDIAN INFORMATION			
Name:		Home Phone:	
Address:		Work Phone:	
Parent/Guardian Signature		Date:	
<p>Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).</p>			
DISTRICT USE ONLY			
Date and Time Received by Resident District:		Date and Time Received by Nonresident District:	
Resident District LEA #:		Nonresident District LEA#:	
Student,s State Identification #:			
Application	Accepted	Rejected	
Reason for Rejection (If Applicable):			
Date Notification Sent to Parent/Guardian of Applicant:			
Date Notification Sent to Resident District :			

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

June 18, 2013

Dr. Tom W. Kimbrell
Commissioner

**State Board
of Education**

Jim Cooper
*Melbourne
Chair*

Brenda Gullett
*Fayetteville
Vice Chair*

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Brad J. Beavers
Attorney at Law
407 Cleveland Street
Forrest City, AR 72335-3302

Ms. Joye Hughes, Superintendent
Forrest City School District
845 N. Rosser
Forrest City, AR 72335

Mr. Jon Estes, Superintendent
Palestine-Wheatley School District
P.O. Box 790
Palestine, AR 72372

Mr. and Mrs. Cory Jackson
635 Calvert Road
Forrest City, AR 72335

**Re: Appeal under the Public School Choice Act of 2013
Jackson v. Palestine-Wheatley School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On June 14, 2013, Mr. and Mrs. Cory Jackson filed a petition appealing the decision of the Palestine-Wheatley School District to deny the following application made pursuant to the Public School Choice Act of 2013:

- Thomas Jackson

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, July 8, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 3, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

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

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

School Choice Appeal Hearing Notice
June 18, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jer C. Lasiter", with a stylized flourish at the end.

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

Cody and Cory Jackson

635 Calvert Rd.

Forrest City, AR 72335

June 12, 2013

Office of the Commissioner

Attn: Arkansas Public School Choice Act Appeals

4 Capitol Mall

Little Rock, AR 72201

RECEIVED
COMMISSIONER'S OFFICE

JUN 14 2013

DEPARTMENT OF EDUCATION

To Whom It May Concern,

My name is Cody Jackson. My husband is Cory Jackson. Our son, Thomas "Reid" Jackson, was denied a school transfer to the Palestine-Wheatley School District. The reason given was that the district we reside in declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order. We reside in the Forrest City School District. I have enclosed our paperwork requesting a transfer as well as our denial letter. We received our letter from Palestine-Wheatley on June 5, 2013. We are appealing the denial of transfer as well as requesting a hearing with the appeal board.

We feel that allowing Reid to attend school in the Palestine-Wheatley School District would be educationally beneficial for him. Reid just completed Kindergarten. He was well prepared when he entered Kindergarten and was ahead of many of the students. While he did well his Kindergarten year, our concern for Reid is what lies ahead of him in years to come in the Forrest City School District. I have enclosed a copy of the 2011-2012 District Report Cards for Forrest City as well as for Palestine-Wheatley. I have also enclosed school ratings for both districts. It is evident that the Palestine-Wheatley School District has higher percentages in numerous areas of students scoring proficient or above. Also, you will find copies of the information listed below. This information is the most recent reports I was able to locate.

- Lincoln Middle Academy of Excellence has an AYP Status for the 2011-2012 school year of Alert.
- Forrest City Jr. High School was identified as "State Directed Status Year 7" as of the 2010-2011 school year.
- Forrest City High School was identified as "State Directed Status Year 8" as of the 2010-2011 school year.

It is evident that the upper grades in Forrest City School District are struggling academically and are not making the gains they need to be making. As a parent, I would like for my child to attend schools that are higher achieving than this. I realize that Reid has some time before

he reaches these schools. However, it doesn't appear that they are turning things around and will have improved greatly by the time Reid enters these schools.

I firmly believe that part of the reason for poor test scores in the Forrest City School District is due to time lost in the classroom because of discipline issues. I am a teacher in the Forrest City School District. Therefore, I see first-hand what occurs on a daily basis in and out of the classrooms. There are numerous discipline issues on any given day. A great amount of teaching and learning is lost in a day because of behavior disruptions. Reid is a very advanced child. I see it as an injustice to him as well as the rest of the students to lose valuable classroom time because of behavior issues. I do know that the behavior issues in the Forrest City School district get worse in the upper grades. We feel that eventually it will affect Reid's academics. Forrest City School District is losing students every year for this reason. We would like to transfer our child to another district before he has to endure that.

We feel that allowing Reid to attend school in the Palestine-Wheatley district would be socially and psychologically beneficial for him. He attended a private school from the age of two through the K4 program. All of the children that Reid attended private school with attended schools other than Forrest City for Kindergarten. A few of them remained at the private school and several of them entered Palestine-Wheatley. We thought school choice was going to be an option for Reid for the 2012-2013 school year. My husband took Reid to Palestine and filled out the paperwork and they did some pre-Kindergarten screenings with Reid. Unfortunately, we were unable to place him in Palestine for Kindergarten due to the school choice provisions. We had hoped to keep him with the children he began child care with at an early age. Reid plays on sports teams in Palestine with this group of children. All of Reid's extra-curricular activities involve these children. It was very difficult to explain to him that he would no longer be with the children that he had been attending school with because of reasons we could not control. We believe that by placing Reid back into the environment he had grown accustomed to will positively affect Reid's attitude, confidence, and performance both socially and academically. We are confident that Reid will transition to a new school with ease and be very successful.

We appreciate your time and thought on this very crucial decision. We feel that our right to choose what's best for our child has been taken from us. Every parent wants nothing but the best for their children. We feel that it is in Reid's best interest to transfer schools and we hope that you will agree. As stated above, we are also requesting a hearing so that we may answer any questions you may have about our appeal. You may contact us at (870)630-4424 or (870)-630-7520. Thank you for your time and consideration on this matter.

Sincerely,


Cody and Cory Jackson

Parents of Thomas Reid Jackson

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for Thomas Jackson has been rejected for the following reason.

☒ Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order.

☐ Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

☐ Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,



Superintendent
Palestine-Wheatley School District

APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT

"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"

(Must be submitted to Non-Resident and Resident Districts)

APPLICANT INFORMATION		Date and Time Received by Resident District:	
Applicant Name <u>Thomas Reid Jackson</u>		Date and Time Received <u>4-24-13</u> by Non-Resident District: <u>9:15AM</u>	
Date of Birth <u>6-12-05</u>	Gender	Male <input type="checkbox"/>	Female <input checked="" type="checkbox"/>
		GRADE <u>5th</u> (2013-2014)	
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
ETHNIC ORIGIN (CHECK ONE) (For data reporting purposes only)			
2 or More Races <input type="checkbox"/>			
African American <input type="checkbox"/>	Asian <input type="checkbox"/>	Hispanic <input type="checkbox"/>	
Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>	White <input checked="" type="checkbox"/>	
RESIDENT SCHOOL DISTRICT OF APPLICANT			
District Name <u>Forrest City School District</u>		County Name <u>St. Francis</u>	
Address <u>400 Dawson</u>			
Phone <u>870-633-1485</u>			
NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND			
District Name <u>Palestine-Wheatley</u>		County Name <u>St. Francis</u>	
Address <u>7920 Hwy 70W</u>			
Phone <u>870-581-2646</u>			
Does the applicant already have a sibling or step-sibling in attendance in this district? <u>No</u>			
PARENT OR GUARDIAN INFORMATION OF APPLICANT			
Name <u>Cory or Cody Jackson</u>		Home Phone <u>870-494-4058</u>	
Address <u>635 Calvert Rd.</u>		Work Phone	
<u>Forrest City, AR 72335</u>			
Parent/Guardian Signature <u>Cody Jackson</u>		Date	
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. A school district receiving transfers under the School Choice Act shall not discriminate on the basis of gender, national origin, race, ethnicity, religion or disability. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Act 1227 of 2013 (School Choice Act). Priority will be given to applicants with siblings or step-siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the non-resident district. Both the resident and non-resident districts receiving this application must retain it in its district records for at least one (1) year from the date it is received, for data verification and general recordkeeping purposes.</p>			
DISTRICT USE ONLY			
Application	Accepted <input type="checkbox"/>	Rejected <input checked="" type="checkbox"/>	<u>See attached letter</u>
Date Notification Sent to Parent/Guardian of Applicant		<u>6/3/13</u>	
Date Notification Sent to Resident District			

2011-12 District REPORT CARD for FORREST CITY SCHOOL DISTRICT

INDICATOR 1: STUDENT ACHIEVEMENT

	Percent tested overall	Percent below basic	Percent Basic	Percent Proficient	Percent Advanced	Percent proficient and above
Grade Three Literacy						
Combined Population	99.1	16.8	25.7	28.7	28.7	57.4
TAGG	99	18.2	27.8	26.7	27.3	54
African-American	99.4	18.3	26.2	30.5	25	55.5
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	97.2	11.8	20.6	23.5	44.1	67.7
Economically Disadvantaged	99	18.5	27.2	27.2	27.2	54.4
Students with Disabilities	92.6	54.2	20.8	12.5	12.5	25
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	98.2	10.8	25.5	31.4	32.4	63.7
Male	100	23	26	26	25	51
Migrant	100	RV	RV	RV	RV	RV

Grade Three Mathematics						
Combined Population	99.1	5.9	11.9	25.7	56.4	82.2
TAGG	99	6.4	12.8	26.2	54.6	80.8
African-American	99.4	6.7	13.4	28.7	51.2	79.9
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	97.2	2.9	5.9	14.7	76.5	91.2
Economically Disadvantaged	99	6.5	12.5	26.6	54.4	81
Students with Disabilities	92.6	16.7	20.8	16.7	45.8	62.5
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	98.2	3.9	11.8	28.4	55.9	84.3
Male	100	8	12	23	57	80
Migrant	100	RV	RV	RV	RV	RV

Grade Four Literacy						
Combined Population	99.6	11.8	19.3	42.4	26.5	68.9
TAGG	99.5	13.3	21.3	45.5	19.9	65.4
African-American	99.5	12.2	20.5	44.4	22.9	67.3
Hispanic						
Caucasian	100	9.7	12.9	29	48.4	77.4
Economically Disadvantaged	99.5	12.9	21.1	45.9	20.1	66
Students with Disabilities	97.4	42.1	34.2	23.7	0	23.7
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	100	4.9	16.3	49.6	29.3	78.9
Male	99.2	19.1	22.6	34.8	23.5	58.3

Migrant						
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Grade Four Mathematics						
Combined Population	99.6	14.7	13.9	29	42.4	71.4
TAGG	99.5	16.6	15.6	28.4	39.3	67.8
African-American	99.5	15.6	14.2	30.7	39.5	70.2
Hispanic						
Caucasian	100	9.7	12.9	16.1	61.3	77.4
Economically Disadvantaged	99.5	16.3	15.8	28.2	39.7	67.9
Students with Disabilities	97.4	50	26.3	15.8	7.9	23.7
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	100	6.5	17.9	35	40.7	75.6
Male	99.2	23.5	9.6	22.6	44.4	67
Migrant						

Grade Five Literacy						
Combined Population	99.2	13	30	37.4	19.6	57
TAGG	99.1	14.3	31	37.6	17.1	54.8
African-American	99	12.3	29.4	38	20.3	58.3
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	13.5	35.1	37.8	13.5	51.4
Economically Disadvantaged	99.1	14.4	30.8	37.5	17.3	54.8
Students with Disabilities	100	60.6	30.3	9.1	0	9.1
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	99.1	5.8	20.4	48.5	25.2	73.8
Male	99.3	18.9	37.8	28.4	15	43.3
Migrant	100	RV	RV	RV	RV	RV

Grade Five Mathematics						
Combined Population	99.2	27	24.4	32.6	16.1	48.7
TAGG	99.1	28.6	25.2	32.9	13.3	46.2
African-American	99	27.3	22.5	34.8	15.5	50.3
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	24.3	35.1	21.6	18.9	40.5
Economically Disadvantaged	99.1	28.4	25.5	33.2	13	46.2
Students with Disabilities	100	75.8	15.2	3	6.1	9.1
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	99.1	20.4	24.3	36.9	18.5	55.3
Male	99.3	32.3	24.4	29.1	14.2	43.3
Migrant	100	RV	RV	RV	RV	RV

Grade Five Science						
Combined Population	99.2	31.3	37.4	28.3	3	31.3

TAGG	99.1	33.3	38.6	26.2	1.9	28.1
African-American	99	31.6	38	27.8	2.7	30.5
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	27	37.8	29.7	5.4	35.1
Economically Disadvantaged	99.1	33.2	38.9	26	1.9	27.9
Students with Disabilities	100	78.8	12.1	9.1	0	9.1
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	99.1	25.2	46.6	26.2	1.9	28.2
Male	99.3	36.2	29.9	29.9	3.9	33.9
Migrant	100	RV	RV	RV	RV	RV

Grade Six Literacy						
Combined Population	100	20.5	43.3	19.6	16.5	36.2
TAGG	100	22.4	43.3	20.9	13.4	34.3
African-American	100	21.1	43.7	21.1	14.2	35.3
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	13.3	43.3	13.3	30	43.3
Economically Disadvantaged	100	21.8	43.2	21.3	13.7	35
Students with Disabilities	100	71	29	0	0	0
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	100	14.3	41.2	22.7	21.9	44.5
Male	100	27.6	45.7	16.2	10.5	26.7
Migrant						

Grade Six Mathematics						
Combined Population	100	29.9	21.9	17.9	30.4	48.2
TAGG	100	32.8	23.4	16.4	27.4	43.8
African-American	100	31.6	22.6	18.4	27.4	45.8
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	20	16.7	13.3	50	63.3
Economically Disadvantaged	100	31.5	23.9	16.8	27.9	44.7
Students with Disabilities	100	80.7	12.9	6.5	0	6.5
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	100	30.3	18.5	16.8	34.5	51.3
Male	100	29.5	25.7	19.1	25.7	44.8
Migrant						

Grade Seven Literacy						
Combined Population	100	10	31	41	18.1	59.1
TAGG	100	11.3	32.3	39.8	16.7	56.5
African-American	100	8.8	34.5	40.9	15.8	56.7
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	16.7	13.9	44.4	25	69.4

Economically Disadvantaged	100	11.5	31.7	39.9	16.9	56.8
Students with Disabilities	100	46.2	42.3	3.9	7.7	11.5
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	100	4.5	21.4	50.6	23.6	74.2
Male	100	14.1	38	33.9	14.1	47.9
Migrant						

Grade Seven Mathematics						
Combined Population	100	23.7	24.6	38.4	13.3	51.7
TAGG	100	25.7	24.1	38	12.3	50.3
African-American	100	25.2	27.5	35.1	12.3	47.4
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	18.9	13.5	48.7	18.9	67.6
Economically Disadvantaged	100	25	23.9	38.6	12.5	51.1
Students with Disabilities	100	57.7	23.1	11.5	7.7	19.2
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	100	25.6	20	37.8	16.7	54.4
Male	100	22.3	28.1	38.8	10.7	49.6
Migrant						

Grade Seven Science						
Combined Population	100	54	39.3	5.7	1	6.6
TAGG	100	57.8	35.8	5.4	1.1	6.4
African-American	100	60.2	35.7	2.9	1.2	4.1
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	29.7	54.1	16.2	0	16.2
Economically Disadvantaged	100	57.1	36.4	5.4	1.1	6.5
Students with Disabilities	100	80.8	11.5	0	7.7	7.7
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	100	52.2	43.3	3.3	1.1	4.4
Male	100	55.4	36.4	7.4	0.8	8.3
Migrant						

Grade Eight Literacy						
Combined Population	99.6	14.3	31.2	38.1	16.5	54.6
TAGG	99.5	16.4	34.9	36.4	12.3	48.7
African-American	99.5	15	33.7	38.3	13	51.3
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	8.8	20.6	38.2	32.4	70.6
Economically Disadvantaged	99.5	16.3	34.2	37.4	12.1	49.5
Students with Disabilities	100	42.4	39.4	3	15.2	18.2
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	100	8.9	23.4	45.2	22.6	67.7

Male	99.2	20.6	40.2	29.9	9.4	39.3
Migrant						

Grade Eight Mathematics

Combined Population	99.6	42.9	26	24.2	6.9	31.2
TAGG	99.5	46.2	27.2	19.5	7.2	26.7
African-American	99.5	46.1	29	20.2	4.7	24.9
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	23.5	8.8	50	17.7	67.7
Economically Disadvantaged	99.5	46.3	26.8	20	6.8	26.8
Students with Disabilities	100	66.7	15.2	0	18.2	18.2
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	100	39.5	29.8	26.6	4	30.7
Male	99.2	46.7	21.5	21.5	10.3	31.8
Migrant						

Grade Eleven Literacy

Combined Population	98.9	19.3	43.3	29.2	8.2	37.4
TAGG	98.6	24.1	46.7	23.4	5.8	29.2
African-American	98.7	21.2	45.7	27.2	6	33.1
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	6.3	25	43.8	25	68.8
Economically Disadvantaged	98.6	23.7	47.4	23.7	5.2	28.9
Students with Disabilities	96.7	77.8	11.1	0	11.1	11.1
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	99	13.8	40.4	37.2	8.5	45.7
Male	98.8	26	46.8	19.5	7.8	27.3
Migrant	100	RV	RV	RV	RV	RV

EOC Algebra

Combined Population	98.9	13.3	20.2	44.5	22	66.5
TAGG	98.7	15.3	20.1	43.1	21.5	64.6
African-American	98.7	14	20.3	49	16.8	65.7
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	8	20	24	48	72
Economically Disadvantaged	98.7	15.4	20.3	43.4	21	64.3
Students with Disabilities	100	50	40	0	10	10
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	100	13.4	19.6	47.4	19.6	67
Male	97.6	13.2	21.1	40.8	25	65.8
Migrant						

EOC Geometry

Combined Population	96.8	11.8	37.6	39.3	11.4	50.7
TAGG	95.8	13.8	42	36.8	7.5	44.3
African-American	97.1	13.2	42.1	35.8	9	44.7
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	95	2.8	13.9	61.1	22.2	83.3
Economically Disadvantaged	95.8	13.8	42	36.8	7.5	44.3
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	96.1	12.3	41.2	37.7	8.8	46.5
Male	97.5	10.5	34.2	41.2	14	55.3
Migrant	100	RV	RV	RV	RV	RV

Biology						
Combined Population	95	43.8	37.6	12.4	6.2	18.6
TAGG	94.2	49.8	33.5	9.5	7.2	16.7
African-American	95.3	50.6	33.2	9.4	6.8	16.2
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	93.1	13.5	57.7	25	3.9	28.9
Economically Disadvantaged	94.2	50	33.2	9.6	7.3	16.8
Students with Disabilities	96.9	33.3	3.3	13.3	50	63.3
Limited English Proficient	100	RV	RV	RV	RV	RV
Female	96.9	42.2	39.5	12.9	5.4	18.4
Male	93	45.5	35.7	11.9	7	18.9
Migrant	100	RV	RV	RV	RV	RV

Number of Recently Arrived LEP Students Not Assessed in Literacy

Grade Three	0
Grade Four	0
Grade Five	0
Grade Six	RV
Grade Seven	0
Grade Eight	RV
Grade Eleven	0
Total	RV

Norm-Reference Test (ITBS)

Grade One Reading Comprehension	NA
Grade One Math Problems	NA
Grade Two Reading Comprehension	NA
Grade Two Math Problems	NA
Grade Three Reading	NA
Grade Three Math	NA
Grade Four Reading	NA
Grade Four Math	NA

Grade Five Reading	NA
Grade Five Math	NA
Grade Five Science	NA
Grade Six Reading	NA
Grade Six Math	NA
Grade Seven Reading	NA
Grade Seven Math	NA
Grade Seven Science	NA
Grade Eight Reading	NA
Grade Eight Math	NA
Grade Nine Reading Comprehension	NA
Grade Nine Math Concepts and Problems	NA

American College Test (ACT)

Number of Students Taking Voluntary Universal ACT	
District Provided Remediation for Students Taking Voluntary Universal ACT	
Number of Students in College and Career Readiness Planning (CCRPP)	
Number of Students Taking ACT in Grades 9-11	93
Number of Students Taking ACT in Grade 12	157
Mathematics	17.4
Science	17.8
English	17
Composite	17.2
Reading	17.5

Scholastic Assessment Test (SAT)

Number of Students Taking SAT College Admission Test	3
--	---

Advanced Placement Courses (AP)

Number of Students Taking AP courses	120
Number of AP exams taken	167
Number of Exams scored 3,4 or 5	11
Number of Students Taking International Baccalaureate Courses	

INDICATOR 2: SCHOOL PERFORMANCE

Arkansas ESEA Accountability 2012

Needs Improvement	0
Needs Improvement Priority	2
Needs Improvement Priority Met Year 1 Exit Criteria	0
Needs Improvement Focus	3
Needs Improvement Focus Met Year 1 Exit Criteria	2
Achieving	0
Exemplary	0

Improvement School Rating (Gains)

1-Schools in Need of Immediate Improvement	0
2-Schools Approaching Standards (Alert)	1

3-Schools Meeting Improvement Standards	1
4-Schools Exceeding Improvement Standards	2
5-Schools of Excellence for Improvement	0

Performance School Rating (Status)

1-Schools in Need of Immediate Improvement	0
2-Schools on Alert	0
3-Schools Meeting Standards	3
4-Schools Exceeding Standards	1
5-Schools of Excellence	0

District Provides Textbooks

District Provides Textbooks or Digital Resources for all Pupils	YES
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Annual Accreditation Status

Accredited	4
Accredited-Cited	1
Accredited-Probationary	0

Attendance rate	94.1
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Dropout rate	3.8
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Combined Population Graduation Rate	76
African American Graduation Rate	76.3
Hispanic Graduation Rate	RV
Caucasian Graduation Rate	72.5
Economically Disadvantaged Graduation Rate	69.7
Limited English Proficient Graduation Rate	RV
Students with a Disability Graduation Rate	74.3

Grade Inflation Rate	5.6
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Remediation Rate	80
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October Enrollment	3,115
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INDICATOR 3: RETENTION

Number of Students Retained at Grade One	15
Percent of Students Retained at Grade One	6.4
Number of Students Retained at Grade Two	11
Percent of Students Retained at Grade Two	4.8
Number of Students Retained at Grade Three	0
Percent of Students Retained at Grade Three	0
Number of Students Retained at Grade Four	0

Percent of Students Retained at Grade Four	0
Number of Students Retained at Grade Five	0
Percent of Students Retained at Grade Five	0
Number of Students Retained at Grade Six	0
Percent of Students Retained at Grade Six	0
Number of Students Retained at Grade Seven	1
Percent of Students Retained at Grade Seven	0.4
Number of Students Retained at Grade Eight	0
Percent of Students Retained at Grade Eight	0

INDICATOR 4: SAFE & ORDERLY ENVIRONMENT

Discipline Policies Distributed to Parents	Y
Discipline Training Provided to Staff	Y
Parental Involvement Plan Adopted	Y
Expulsions	0.1
Weapons Incidents	0.2
Staff Assaults	0.6
Student Assaults	2.8

INDICATOR 5: TEACHER QUALITY

Percent of Teachers Completely Certified (Licensed)	99.3
Percent Teaching with Emergency/ Provisional Credentials	1.8
Percent of Teachers with Bachelor's Degree	63
Percent of Teachers with Master's Degree	33.5
Percent of Teachers with Advanced Degree	3
Teachers in High Poverty Schools	
Percent of Classes not Taught by Highly Qualified Teachers	0
Teachers in Low Poverty Schools	
Percent of Classes not Taught by Highly Qualified Teachers	
Aggregate all Economic Levels	
Percent of Classes not Taught by Highly Qualified Teachers	0

Indicator 6: Choice

Percent of Students Obtained Through School Choice	0
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Indicator 7: Economic

District Total Mills Voted	32.6
District Expenditure Per Student	\$10,762
District Average Teacher Salary	\$49,483
District Total Expenditures	\$35,631,308
District Instructional Expenditures	\$18,859,076
District Administrative Expenditures	\$2,696,990
District Extracurricular Expenditures	\$941,480
District Capital Expenditures	\$1,303,070

District Debt Service Expenditures	\$1,112,425
Percent of Students Eligible for Free and Reduced Meals	82.3
State Free and Reduced-Price Meal Rate **	60.33%
National Free and Reduced-Price Meal Rate **	53.92%

2011-12 District REPORT CARD for PALESTINE-WHEATLEY SCH. DIST.

INDICATOR 1: STUDENT ACHIEVEMENT

	Percent tested overall	Percent below basic	Percent Basic	Percent Proficient	Percent Advanced	Percent proficient and above
Grade Three Literacy						
Combined Population	98.2	7.8	17.7	35.3	39.2	74.5
TAGG	98.1	8	18	36	38	74
African-American	100	9.1	27.3	27.3	36.4	63.6
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	97.6	7.7	12.8	38.5	41	79.5
Economically Disadvantaged	98.1	8	18	36	38	74
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	100	7.7	11.5	34.6	46.2	80.8
Male	96.2	8	24	36	32	68
Migrant	100	RV	RV	RV	RV	RV

Grade Three Mathematics						
Combined Population	98.2	2	21.6	31.4	45.1	76.5
TAGG	98.1	2	22	32	44	76
African-American	100	0	27.3	36.4	36.4	72.7
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	97.6	2.6	18	30.8	48.7	79.5
Economically Disadvantaged	98.1	2	22	32	44	76
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	100	3.9	23.1	34.6	38.5	73.1
Male	96.2	0	20	28	52	80
Migrant	100	RV	RV	RV	RV	RV

Grade Four Literacy						
Combined Population	100	0	11.6	39.5	48.8	88.4
TAGG	100	0	11.6	39.5	48.8	88.4
African-American	100	RV	RV	RV	RV	RV
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	0	8.6	34.3	57.1	91.4
Economically Disadvantaged	100	0	11.6	39.5	48.8	88.4
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	100	0	4.4	34.8	60.9	95.7
Male	100	0	20	45	35	80

Migrant	100	RV	RV	RV	RV	RV
Grade Four Mathematics						
Combined Population	100	2.3	16.3	27.9	53.5	81.4
TAGG	100	2.3	16.3	27.9	53.5	81.4
African-American	100	RV	RV	RV	RV	RV
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	0	8.6	31.4	60	91.4
Economically Disadvantaged	100	2.3	16.3	27.9	53.5	81.4
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	100	0	13	26.1	60.9	87
Male	100	5	20	30	45	75
Migrant	100	RV	RV	RV	RV	RV

Grade Five Literacy						
Combined Population	100	4.8	14.3	50	31	81
TAGG	100	4.8	14.3	50	31	81
African-American	100	RV	RV	RV	RV	RV
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	5.9	14.7	30	29.4	79.4
Economically Disadvantaged	100	4.8	14.3	50	31	81
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	100	5.6	11.1	38.9	44.4	83.3
Male	100	4.2	16.7	58.3	20.8	79.2
Migrant						

Grade Five Mathematics						
Combined Population	100	11.9	21.4	40.5	26.2	66.7
TAGG	100	11.9	21.4	40.5	26.2	66.7
African-American	100	RV	RV	RV	RV	RV
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	8.8	26.5	35.3	29.4	64.7
Economically Disadvantaged	100	11.9	21.4	40.5	26.2	66.7
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	100	5.6	22.2	38.9	33.3	72.2
Male	100	16.7	20.8	41.7	20.8	62.5
Migrant						

Grade Five Science						
Combined Population	100	7.1	31	52.4	9.5	61.9

TAGG	100	7.1	31	52.4	9.5	61.9
African-American	100	RV	RV	RV	RV	RV
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	8.8	29.4	50	11.8	61.8
Economically Disadvantaged	100	7.1	31	52.4	9.5	61.9
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	100	5.6	33.3	44.4	16.7	61.1
Male	100	8.3	29.2	58.3	4.2	62.5
Migrant						

Grade Six Literacy

Combined Population	100	13.5	26.9	26.9	32.7	59.6
TAGG	100	13.5	26.9	26.9	32.7	59.6
African-American	100	40	30	20	10	30
Hispanic						
Caucasian	100	7.1	26.2	28.6	38.1	66.7
Economically Disadvantaged	100	13.5	26.9	26.9	32.7	59.6
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	100	10	20	20	50	70
Male	100	15.6	31.3	31.3	21.9	53.1
Migrant	100	RV	RV	RV	RV	RV

Grade Six Mathematics

Combined Population	100	11.5	19.2	30.8	38.5	69.2
TAGG	100	11.5	19.2	30.8	38.5	69.2
African-American	100	60	10	20	10	30
Hispanic						
Caucasian	100	0	21.4	33.3	45.2	78.6
Economically Disadvantaged	100	11.5	19.2	30.8	38.5	69.2
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	100	5	15	35	45	80
Male	100	15.6	21.9	28.1	34.4	62.5
Migrant	100	RV	RV	RV	RV	RV

Grade Seven Literacy

Combined Population	98.5	6.4	28.6	46	19.1	65.1
TAGG	98.5	6.4	28.6	46	19.1	65.1
African-American	100	10	80	10	0	10
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	98.1	6.1	16.3	55.1	22.5	77.6

Economically Disadvantaged	98.5	6.4	28.6	46	19.1	65.1
Students with Disabilities	90.9	30	70	0	0	0
Limited English Proficient						
Female	96.8	0	26.7	46.7	26.7	73.3
Male	100	12.1	30.3	45.5	12.1	57.6
Migrant						

Grade Seven Mathematics						
Combined Population	98.5	19.1	22.2	38.1	20.6	58.7
TAGG	98.5	19.1	22.2	38.1	20.6	58.7
African-American	100	70	20	10	0	10
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	98.1	8.2	22.5	44.9	24.5	69.4
Economically Disadvantaged	98.5	19.1	22.2	38.1	20.6	58.7
Students with Disabilities	90.9	60	20	10	10	20
Limited English Proficient						
Female	96.8	20	26.7	33.3	20	53.3
Male	100	18.2	18.2	42.4	21.2	63.6
Migrant						

Grade Seven Science						
Combined Population	98.5	25.4	46	27	1.6	28.6
TAGG	98.5	25.4	46	27	1.6	28.6
African-American	100	70	10	20	0	20
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	98.1	16.3	53.1	28.6	2	30.6
Economically Disadvantaged	98.5	25.4	46	27	1.6	28.6
Students with Disabilities	90.9	60	30	10	0	10
Limited English Proficient						
Female	96.8	26.7	53.3	20	0	20
Male	100	24.2	39.4	33.3	3	36.4
Migrant						

Grade Eight Literacy						
Combined Population	100	4.7	18.6	46.5	30.2	76.7
TAGG	100	4.7	18.6	46.5	30.2	76.7
African-American	100	10	30	50	10	60
Hispanic						
Caucasian	100	3.2	12.9	48.4	35.5	83.9
Economically Disadvantaged	100	4.7	18.6	46.5	30.2	76.7
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	100	5.6	16.7	27.8	50	77.8

Male	100	4	20	60	16	76
Migrant						

Grade Eight Mathematics

Combined Population	100	16.3	23.3	48.8	11.6	60.5
TAGG	100	16.3	23.3	48.8	11.6	60.5
African-American	100	40	20	40	0	40
Hispanic						
Caucasian	100	6.5	25.8	51.6	16.1	67.7
Economically Disadvantaged	100	16.3	23.3	48.8	11.6	60.5
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	100	22.2	27.8	44.4	5.6	50
Male	100	12	20	52	16	68
Migrant						

Grade Eleven Literacy

Combined Population	100	4.4	17.8	48.9	28.9	77.8
TAGG	100	4.6	18.2	47.7	29.6	77.3
African-American	100	RV	RV	RV	RV	RV
Hispanic						
Caucasian	100	5.4	16.2	48.7	29.7	78.4
Economically Disadvantaged	100	4.6	18.2	47.7	29.6	77.3
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	100	3.3	10	46.7	40	86.7
Male	100	6.7	33.3	53.3	6.7	60
Migrant						

EOC Algebra

Combined Population	95.2	1.9	22.6	56.6	18.9	75.5
TAGG	95.2	1.9	22.6	56.6	18.9	75.5
African-American	100	0	45.5	45.5	9.1	54.6
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	94	2.4	17.1	58.5	22	80.5
Economically Disadvantaged	95.2	1.9	22.6	56.6	18.9	75.5
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	91.9	0	17.2	62.1	20.7	82.8
Male	100	4.2	29.2	50	16.7	66.7
Migrant						

EOC Geometry

Combined Population	98	18.4	34.7	36.7	10.2	46.9
TAGG	98	18.4	34.7	36.7	10.2	46.9
African-American	93.3	28.6	28.6	35.7	7.1	42.9
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	100	12.1	39.4	39.4	9.1	48.5
Economically Disadvantaged	98	18.4	34.7	36.7	10.2	46.9
Students with Disabilities						
Limited English Proficient						
Female	96.6	21.4	35.7	32.1	10.7	42.9
Male	100	14.3	33.3	42.9	9.5	52.4
Migrant	100	RV	RV	RV	RV	RV

Biology						
Combined Population	95.1	31.5	37	25.9	5.6	31.5
TAGG	95	31.5	37	25.9	5.6	31.5
African-American	93.2	63.2	15.8	21.1	0	21.1
Hispanic	100	RV	RV	RV	RV	RV
Caucasian	94.7	15.2	48.5	30.3	6.1	36.4
Economically Disadvantaged	95	31.5	37	25.9	5.6	31.5
Students with Disabilities	100	RV	RV	RV	RV	RV
Limited English Proficient						
Female	93.8	25.9	37	29.6	7.4	37
Male	96.6	37	37	22.2	3.7	25.9
Migrant	100	RV	RV	RV	RV	RV

Number of Recently Arrived LEP Students Not Assessed in Literacy

Grade Three	NA
Grade Four	NA
Grade Five	NA
Grade Six	NA
Grade Seven	NA
Grade Eight	NA
Grade Eleven	NA
Total	NA

Norm-Reference Test (ITBS)

Grade One Reading Comprehension	NA
Grade One Math Problems	NA
Grade Two Reading Comprehension	NA
Grade Two Math Problems	NA
Grade Three Reading	NA
Grade Three Math	NA
Grade Four Reading	NA
Grade Four Math	NA

Grade Five Reading	NA
Grade Five Math	NA
Grade Five Science	NA
Grade Six Reading	NA
Grade Six Math	NA
Grade Seven Reading	NA
Grade Seven Math	NA
Grade Seven Science	NA
Grade Eight Reading	NA
Grade Eight Math	NA
Grade Nine Reading Comprehension	NA
Grade Nine Math Concepts and Problems	NA

American College Test (ACT)

Number of Students Taking Voluntary Universal ACT	
District Provided Remediation for Students Taking Voluntary Universal ACT	
Number of Students in College and Career Readiness Planning (CCRPP)	
Number of Students Taking ACT in Grades 9-11	31
Number of Students Taking ACT in Grade 12	27
Mathematics	18.9
Science	19.7
English	18.6
Composite	19.1
Reading	20

Scholastic Assessment Test (SAT)

Number of Students Taking SAT College Admission Test	
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Advanced Placement Courses (AP)

Number of Students Taking AP courses	15
Number of AP exams taken	1
Number of Exams scored 3, 4 or 5	0
Number of Students Taking International Baccalaureate Courses	

INDICATOR 2: SCHOOL PERFORMANCE

Arkansas ESEA Accountability 2012

Needs Improvement	1
Needs Improvement Priority	0
Needs Improvement Priority Met Year 1 Exit Criteria	0
Needs Improvement Focus	2
Needs Improvement Focus Met Year 1 Exit Criteria	0
Achieving	0
Exemplary	0

Improvement School Rating (Gains)

1-Schools in Need of Immediate Improvement	0
2-Schools Approaching Standards (Alert)	0

3-Schools Meeting Improvement Standards	2
4-Schools Exceeding Improvement Standards	1
5-Schools of Excellence for Improvement	0
Performance School Rating (Status)	
1-Schools in Need of Immediate Improvement	0
2-Schools on Alert	0
3-Schools Meeting Standards	0
4-Schools Exceeding Standards	3
5-Schools of Excellence	0

District Provides Textbooks

District Provides Textbooks or Digital Resources for all Pupils	YES
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Annual Accreditation Status

Accredited	3
Accredited-Cited	0
Accredited-Probationary	0

Attendance rate	92.7
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Dropout rate	2.1
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Combined Population Graduation Rate	79
African American Graduation Rate	76.9
Hispanic Graduation Rate	NA
Caucasian Graduation Rate	80
Economically Disadvantaged Graduation Rate	79
Limited English Proficient Graduation Rate	NA
Students with a Disability Graduation Rate	RV

Grade Inflation Rate	16.7
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Remediation Rate	61.9
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October Enrollment	665
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INDICATOR 3: RETENTION

Number of Students Retained at Grade One	3
Percent of Students Retained at Grade One	7
Number of Students Retained at Grade Two	2
Percent of Students Retained at Grade Two	4.2
Number of Students Retained at Grade Three	1
Percent of Students Retained at Grade Three	1.9
Number of Students Retained at Grade Four	0

Percent of Students Retained at Grade Four	0
Number of Students Retained at Grade Five	0
Percent of Students Retained at Grade Five	0
Number of Students Retained at Grade Six	0
Percent of Students Retained at Grade Six	0
Number of Students Retained at Grade Seven	7
Percent of Students Retained at Grade Seven	10
Number of Students Retained at Grade Eight	0
Percent of Students Retained at Grade Eight	0

INDICATOR 4: SAFE & ORDERLY ENVIRONMENT

Discipline Policies Distributed to Parents	Y
Discipline Training Provided to Staff	Y
Parental Involvement Plan Adopted	Y
Expulsions	0
Weapons Incidents	0.2
Staff Assaults	0
Student Assaults	0.8

INDICATOR 5: TEACHER QUALITY

Percent of Teachers Completely Certified (Licensed)	98.3
Percent Teaching with Emergency/ Provisional Credentials	10.3
Percent of Teachers with Bachelor's Degree	83
Percent of Teachers with Master's Degree	15.1
Percent of Teachers with Advanced Degree	1.9
Teachers in High Poverty Schools	
Percent of Classes not Taught by Highly Qualified Teachers	0
Teachers in Low Poverty Schools	
Percent of Classes not Taught by Highly Qualified Teachers	
Aggregate all Economic Levels	
Percent of Classes not Taught by Highly Qualified Teachers	0

Indicator 6: Choice

Percent of Students Obtained Through School Choice	9
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Indicator 7: Economic

District Total Mills Voted	36.8
District Expenditure Per Student	\$8,987
District Average Teacher Salary	\$36,885
District Total Expenditures	\$8,719,218
District Instructional Expenditures	\$3,294,478
District Administrative Expenditures	\$521,552
District Extracurricular Expenditures	\$157,480
District Capital Expenditures	\$2,550,218

District Debt Service Expenditures	\$291,904
Percent of Students Eligible for Free and Reduced Meals	100
State Free and Reduced-Price Meal Rate **	60.33%
National Free and Reduced-Price Meal Rate **	53.92%



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Worksheets & Activities

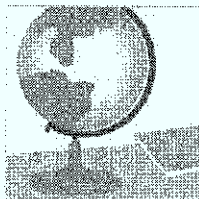
Homework Help

Parenting Dilemmas

Health & Behavior

Learning Difficulties

Summer Reading



Forrest City School District

GreatSchools
District Rating2
out of 10This district's rating is
based on its schools'
test results; 10 is best.
[Learn more >](#)

LEARN ABOUT THIS DISTRICT'S:

- ▶ [Benchmark Exam Results](#)
- ▶ [End of Course Exam Results](#)
- ▶ [Teachers](#)
- ▶ [Students](#)
- ▶ [Spending Per Pupil](#)

845 North Rosser
Forrest City, AR 72335
St. Francis County
[Map >](#)

PH: (870) 633-1485

Grades PK-12 &
ungraded
3429 students
5 schools

[View all schools in this
district >](#)

Compare top-rated schools
in this district:

☒ Elementary schools

Benchmark Exam Results

Scale: % at or above proficient

Grade 3

Literacy

57% (2012)
59% (2011)
43% (2010)
37% (2009)
Data not available for this district (2008)
42% (2007)
The state average for Literacy was 82% in 2012.

Math

79% (2012)
73% (2011)
65% (2010)
60% (2009)
Data not available for this district (2008)
51% (2007)
The state average for Math was 87% in 2012.

0% 50% 100%
Source: AR Dept. of Education, 2011-2012

Grade 4

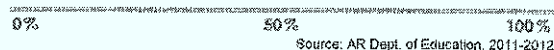
Literacy

70% (2012)
58% (2011)
49% (2010)
47% (2009)
Data not available for this district (2008)
34% (2007)
The state average for Literacy was 85% in 2012.

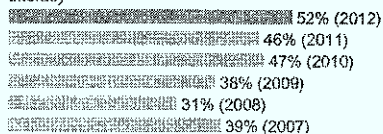
Math

73% (2012)
64% (2011)
55% (2010)
67% (2009)

The state average for Math was 77% in 2012.



Grade 8 Literacy

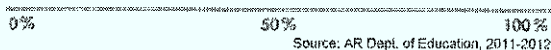


The state average for Literacy was 80% in 2012.

Math



The state average for Math was 68% in 2012.

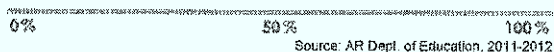


Grade 11

Literacy



The state average for Literacy was 68% in 2012.



About the tests

- In 2011-2012 Arkansas used the Benchmark Exam to test students in grades 3 through 8 and 11 in literacy and grades 3 through 8 in math.
- The Benchmark Exam is a standards-based test, which means it measures specific skills defined for each grade by the state of Arkansas.
- The goal is for all students to score at or above the proficient level.

Testing in Arkansas: An Overview

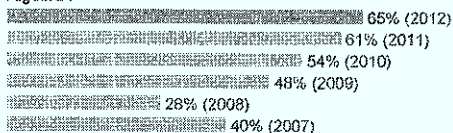
See Arkansas' state standards Compare all [elementary](#), [middle](#) and [high](#) schools in this district

[Back to top >](#)

End of Course Exam Results

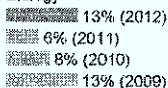
Scale: % at or above proficient

Algebra I



The state average for Algebra I was 80% in 2012.

Biology

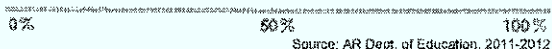


The state average for Biology was 43% in 2012.

Geometry



The state average for Geometry was 76% in 2012.



About the tests

- In 2011-2012 Arkansas used the End of Course Exam to test high school students in algebra I, biology, and geometry.
- The results for End of Course Exams administered in spring of each year are displayed on GreatSchools profiles.
- The End of Course Exam is a standards-based test, which means it measures specific skills defined by the state of Arkansas.
- The goal is for all students to score at or above the proficient level.

Testing in Arkansas: An Overview

See Arkansas' state standards Compare all high schools in this district

[Back to top >](#)

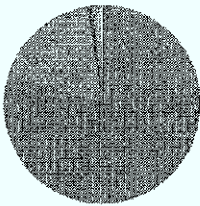
Teachers**Student-Teacher Ratio** ⓘ

	This District	State Average
Students per FTE teacher ¹	15	13

Source: ¹NCES, 2008-2009

[How Important is Class Size? >](#)

[Back to top >](#)

Students**Student Ethnicity** ⓘ

Ethnicity	This District	State Average
Black, not Hispanic	80%	22%
White, not Hispanic	18%	67%
Hispanic	<1%	9%
Asian/Pacific Islander	<1%	2%
American Indian/Alaskan Native	<1%	<1%

Source: NCES, 2008-2009

[How Important is Cultural Diversity at Your School? >](#)

Student Economic Level ⓘ

	This District	State Average
Students eligible for free or reduced-price lunch program ¹	100%	57%

Source: ¹NCES, 2008-2009

[The Achievement Gap: Is Your School Helping All Students? >](#)

[Back to top >](#)

Spending Per Pupil

Finance data was not reported for this district.

[Back to top >](#)

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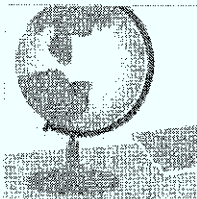
Homework Help

Parenting Dilemmas

Health & Behavior

Learning Difficulties

Summer Reading



Palestine-Wheatley School District

GreatSchools
District Rating

4
out of 10

This district's rating is based on its schools' test results: 10 is best.
[Learn more >](#)

LEARN ABOUT THIS DISTRICT'S:

- ▶ [Benchmark Exam Results](#)
- ▶ [End of Course Exam Results](#)
- ▶ [Teachers](#)
- ▶ [Students](#)
- ▶ [Spending Per Pupil](#)

7950 Hwy 70 West
Palestine, AR 72372
St. Francis County
[Map >](#)

PH: (870) 581-2646

Grades PK-12
703 students
3 schools

[View all schools in this district >](#)

Benchmark Exam Results

Scale: % at or above proficient

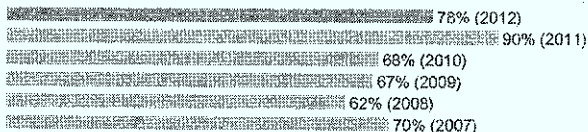
Grade 3

Literacy

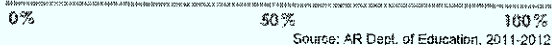


The state average for Literacy was 82% in 2012.

Math



The state average for Math was 87% in 2012.



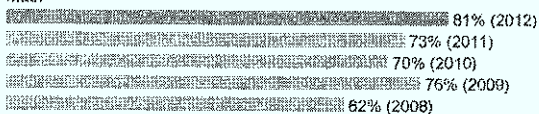
Grade 4

Literacy



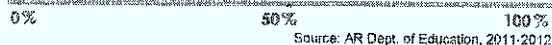
The state average for Literacy was 85% in 2012.

Math



 49% (2007)

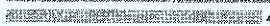
The state average for Math was 82% in 2012.




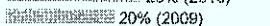
Grade 5

Science

 60% (2012)


 47% (2011)

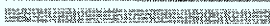
 25% (2010)

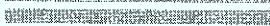
 20% (2009)

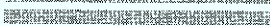
The state average for Science was 60% in 2012.

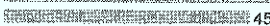
Literacy


 77% (2012)

 55% (2011)

 56% (2010)

 51% (2009)

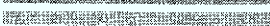
 45% (2008)


 49% (2007)

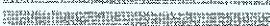
The state average for Literacy was 85% in 2012.

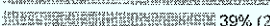
Math

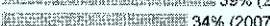
 64% (2012)

 64% (2011)

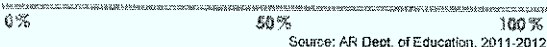
 60% (2010)

 53% (2009)

 39% (2008)

 34% (2007)

The state average for Math was 76% in 2012.




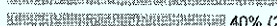
Grade 6

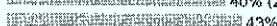
Literacy


 60% (2012)

 46% (2011)

 58% (2010)

 40% (2009)

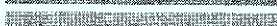
 43% (2008)

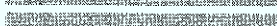
 56% (2007)

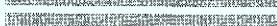
The state average for Literacy was 75% in 2012.

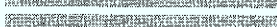
Math


 70% (2012)

 59% (2011)

 58% (2010)

 67% (2009)

 53% (2008)

 39% (2007)

The state average for Math was 75% in 2012.

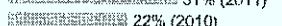


Grade 7

Science

 28% (2012)

 31% (2011)

 22% (2010)

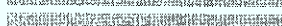
Data not available for this district (2009)

The state average for Science was 41% in 2012.

Literacy

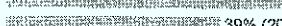
 64% (2012)

 52% (2011)

 57% (2010)

Data not available for this district (2009)

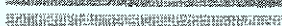
 64% (2008)

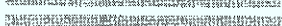
 39% (2007)

The state average for Literacy was 80% in 2012.


Math


 56% (2012)

 73% (2011)

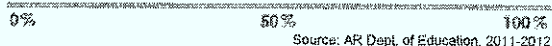
 64% (2010)

Data not available for this district (2009)

 55% (2008)

 48% (2007)

The state average for Math was 77% in 2012.

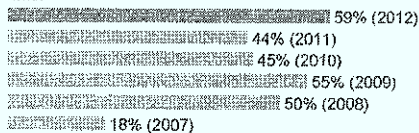


Grade 8 Literacy

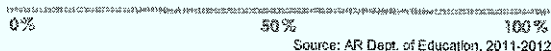


The state average for Literacy was 80% in 2012.

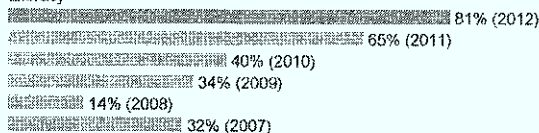
Math



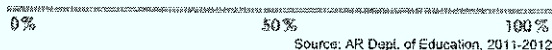
The state average for Math was 68% in 2012.



Grade 11 Literacy



The state average for Literacy was 68% in 2012.



About the tests

- In 2011-2012 Arkansas used the Benchmark Exam to test students in grades 3 through 8 and 11 in literacy and grades 3 through 8 in math.
- The Benchmark Exam is a standards-based test, which means it measures specific skills defined for each grade by the state of Arkansas.
- The goal is for all students to score at or above the proficient level.

Testing in Arkansas: An Overview

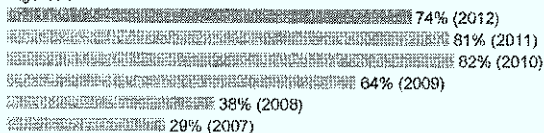
See [Arkansas' state standards](#) Compare all [elementary](#), [middle](#) and [high](#) schools in this district

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End of Course Exam Results

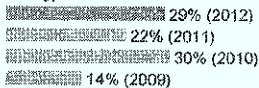
Scale: % at or above proficient

Algebra I



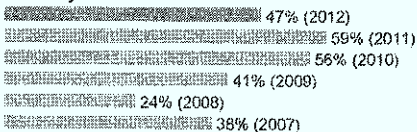
The state average for Algebra I was 80% in 2012.

Biology

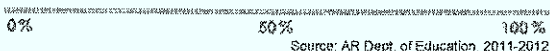


The state average for Biology was 43% in 2012.

Geometry



The state average for Geometry was 76% in 2012.



About the tests

- In 2011-2012 Arkansas used the End of Course Exam to test high school students in algebra I, biology, and geometry.
- The results for End of Course Exams administered in spring of each year are displayed on GreatSchools profiles.
- The End of Course Exam is a standards-based test, which means it measures specific skills defined by the state of Arkansas.
- The goal is for all students to score at or above the proficient level.

Testing in Arkansas: An Overview

See Arkansas' state standards Compare all **high** schools in this district

[Back to top >](#)

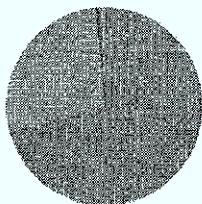
Teachers**Student-Teacher Ratio** ⓘ

	This District	State Average
Students per FTE teacher ¹	14	13

Source: ¹NCES, 2008-2009

[How Important is Class Size? >](#)

[Back to top >](#)

Students**Student Ethnicity** ⓘ

Ethnicity	This District	State Average
■ White, not Hispanic	71%	67%
■ Black, not Hispanic	28%	22%
■ Hispanic	<1%	9%
■ American Indian/Alaskan Native	<1%	<1%

Source: NCES, 2008-2009

[How Important is Cultural Diversity at Your School? >](#)

Student Economic Level ⓘ

	This District	State Average
Students eligible for free or reduced-price lunch program ¹	82%	57%

Source: ¹NCES, 2008-2009

[The Achievement Gap: Is Your School Helping All Students? >](#)

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Spending Per Pupil

Finance data was not reported for this district.

[Back to top >](#)

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Birmingham, AL	Dallas, TX	Kansas City, MO	New Orleans, LA	Providence, RI	Virginia Beach, VA
Boise, ID	Denver, CO	Las Vegas, NV	New York City, NY	Sacramento, CA	Washington, DC
Boston, MA	Des Moines, IA	Little Rock, AR	Newark, NJ	Salt Lake City, UT	Wichita, KS
Bridgeport, CT	Detroit, MI	Los Angeles, CA	Oakland, CA	San Antonio, TX	Wilmington, DE
Burlington, VT	El Paso, TX	Louisville, KY			

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Under the federal No Child Left Behind (NCLB) Act of 2001, the Arkansas Department of Education (ADE) is required to identify schools as being in "School Improvement" if the school has not made Adequate Yearly Progress (AYP) for two, or more, consecutive years. The ADE designates Arkansas schools as being in "School Improvement" status based on Benchmark and End-of-Course Examination calculations. The test scores of six different subgroups, as well as the schools' combined population, are used to determine school improvement status.

The ADE has notified our administration that **Lincoln Middle Academy of Excellence** has an AYP Status for the 2011-2012 school year of **Alert**.

Under the federal No Child Left Behind (NCLB) Act of 2001, the Arkansas Department of Education (ADE) is required to identify schools as being in "School Improvement" if the school has not made Adequate Yearly Progress (AYP) for two, or more, consecutive years. The ADE designates Arkansas schools as being in "School Improvement" status based on Benchmark and End-of-Course Examination calculations. The test scores of six different subgroups, as well as the schools' combined population, are used to determine school improvement status.

The ADE has notified our administration that the **Forrest City Jr. High School** will be subject to **State Directed Status Year 7** for failure to make AYP during the time period the school has implemented a Restructuring plan. During the 2010-2011 school year the Combined Population, African American, Caucasian, Economically Disadvantaged, and Students with a Disability populations failed to achieve the expected percentage of students scoring proficient/advanced in literacy and math. Following is information showing the expected AYP Target for the 2010-2011 school year and the schools performance for the combined population and each subpopulation in the building.

(State AYP Target: Literacy – 75.70 / Math –73.41)

Percent Proficient/Advanced: Grade 7

	Literacy	Math
Combined	31.0	35.0
African-American	28.0	31.0
Caucasian	45.0	54.0
Economically Disadvantaged	31.0	35.0
Students with a Disability	0.0	0.0

Percent Proficient/Advanced: Grade 8

	Literacy	Math
Combined	46.0	25.0
African-American	44.0	20.0
Caucasian	51.0	42.0
Economically Disadvantaged	46.0	25.0
Students with a Disability	4.0	0.0

Forrest City Jr. High School is the only junior high school in the district; however, if you would like more information regarding your child's school and how it compares to all schools in the state, please contact Mr. Reginald Murphy at 870-633-3230 or visit the Arkansas Department of Education's website at <http://arkansased.org/>.

As a result of the school being identified for "School Improvement Year 7 State Directed", the district will continue to implement Option F from the following alternative governance options for the school consistent with State law:

- A. Replacing all, or most, of the school staff (which may include the Principal) who are relevant to the failure to make Adequate Yearly Progress.
- B. Reopening the school as a public charter school.
- C. Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness to operate the public school.
- D. Turning the operation of the school over to the State Educational Agency, if permitted under State Law and agreed to by the State.

- E. Extend the school year or school day; OR
- F. Other major restructuring of the school's governance.

The school's restructuring plan will also be reviewed and revised as needed.

The district will continue to provide technical assistance, oversight and on-going support to the school through meetings, professional development, Classroom Walkthroughs, focus walks and the purchase of materials and supplies to support the restructuring plan.

In addition, because of the State Directed status the ADE shall, in a manner consistent with Arkansas Law:

- Direct a school team to participate in a leadership institute during the summer
- Determine how federal and state school improvement funds will be used.
- Replace school staff relevant to the failure of students meeting their AMO's, if necessary. Reallocate resources and provide professional development to fulfill the school's mandated plan using district funds, if necessary.
- Determine the future of the schools status.
- Assess progress and continue implementation of best instructional strategies listed in Targeted and/or Whole School Improvement and Targeted and/or Whole School Intensive Improvement.

Also, at the discretion of the Commissioner of Education, the state may assign a School Improvement (SI) Director who shall report to the Commissioner of Education (or designee) to oversee the administration of the schools learning environment.

The Forrest City School District is committed to providing ongoing technical assistance to your child's school, and we are taking the following additional steps to address the problem of low achievement: Contracting with the America's Choice Design to provide extensive professional development, sustained technical assistance, and coaching that will focus on instructional practice critical to improving the quality of students' learning.

In addition, the Forrest City Jr. High School has taken measures to implement the following programs during the upcoming school year that are designed to make a positive difference in the teaching and learning that occurs therein. Some of these programs include: Implementing the America's Choice Design, Response to Intervention and the Interdisciplinary Model for Middle Level Education.

You are very important to your child's education. We invite you to become more involved in your child's school and partner with the school in helping address the academic issues that caused it to be identified for improvement. The following are ways in which you can become involved: visiting Forrest City Jr. High School, attending parent conferences and meetings, serving on committees, completing district and school surveys, discussing problems with your child's teacher, helping your child with homework, completing your child's school-parent compact and discussing your child's school day.

Based on the AYP status of this school, your child is eligible to transfer to another public school in the district that is not in need of improvement, and the district will provide transportation to that school. This is not an option for students attending the Forrest City Jr. High School, because it is the only school with these grade levels in the district.

In addition, any school identified for improvement (Year 2 +) is required to offer Supplemental Educational Services (SES) to eligible students from low-income families. These services are available to students after the regular school day with educational providers approved by the State Board of Education. **If the number of eligible students who apply for SES exceeds the financial resources available, the lowest achieving students from low-income families will receive first priority.**

Under the federal No Child Left Behind (NCLB) Act of 2001, the Arkansas Department of Education (ADE) is required to identify schools as being in "School Improvement" if the school has not made Adequate Yearly Progress (AYP) for two, or more, consecutive years. The ADE designates Arkansas schools as being in "School Improvement" status based on Benchmark and End-of-Course Examination calculations. The test scores of six different subgroups, as well as the schools' combined population, are used to determine school improvement status.

The ADE has notified our administration that the **Forrest City High School** will be subject to **State Directed Status Year 8** for failure to make AYP during the time period the school has implemented a Restructuring plan. During the 2010-2011 school year the Combined Population, African American, and economically disadvantaged populations failed to achieve the expected percentage of students scoring proficient/advanced in literacy and math. Following is information showing the expected AYP Target for the 2010-2011 school year and the schools performance for the combined population and each subpopulation in the building.

(State AYP Target: Literacy – 78.81 / Math – 73.45)

Percent Proficient/Advanced	Math		
	Literacy	Algebra I	Geometry
Combined	33.0	56.0	41.0
African-American	26.0	51.0	32.0
Caucasian	59.0	74.0	72.0
Economically Disadvantaged	32.0	55.0	40.0

The Forrest City High School is the only high school in the district; however, if you would like more information regarding your child's school and how it compares to all schools in the state, please contact Mr. Charles Earle at 870-633-1464 or visit the Arkansas Department of Education's website at <http://arkansased.org/>.

As a result of the school being identified for "School Improvement Year 8 State Directed", the district will continue to implement Option F from the following alternative governance options for the school consistent with State law:

- A. Replacing all, or most, of the school staff (which may include the Principal) who are relevant to the failure to make Adequate Yearly Progress.
- B. Reopening the school as a public charter school.
- C. Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness to operate the public school.
- D. Turning the operation of the school over to the State Educational Agency, if permitted under State Law and agreed to by the State.
- E. Extend the school year or school day; OR
- F. Other major restructuring of the school's governance.

The school's restructuring plan will also be reviewed and revised as needed.

The district will continue to provide technical assistance, oversight and on-going support to the school through meetings, professional development, Classroom Walkthroughs, focus walks and the purchase of materials and supplies to support the restructuring plan.

In addition, because of the State Directed status the ADE shall, in a manner consistent with Arkansas Law:

- Direct a school team to participate in a leadership institute during the summer
- Determine how federal and state school improvement funds will be used.

- Replace school staff relevant to the failure of students meeting their AMO's, if necessary. Reallocate resources and provide professional development to fulfill the school's mandated plan using district funds, if necessary.
- Determine the future of the schools status.
- Assess progress and continue implementation of best instructional strategies listed in Targeted and/or Whole School Improvement and Targeted and/or Whole School Intensive Improvement.

Also, at the discretion of the Commissioner of Education, the state may assign a School Improvement (SI) Director who shall report to the Commissioner of Education (or designee) to oversee the administration of the schools learning environment.

The Forrest City School District is committed to providing ongoing technical assistance to your child's school, and we are taking the following additional steps to address the problem of low achievement: Contracting with the America's Choice Design to provide extensive professional development, sustained technical assistance, and coaching that will focus on instructional practice critical to improving the quality of students' learning.

In addition, the Forrest City High School has taken measures to implement the following programs during the upcoming school year that are designed to make a positive difference in the teaching and learning that occurs therein. Some of these programs include: The implementation of the America's Choice Design, Ninth Grade Academy, and Ombudsman.

You are very important to your child's education. We invite you to become more involved in your child's school and partner with the school in helping address the academic issues that caused it to be identified for improvement. Following are ways in which you can become involved: visiting Forrest City High School, attending parent conferences and meetings, serving on committees, completing district and school surveys, discussing problems with your child's teacher, helping your child with homework, completing your child's school-parent compact and discussing your child's school day.

Based on the AYP status of this school, your child is eligible to transfer to another public school in the district that is not in need of improvement, and the district will provide transportation to that school. This is not an option for students attending the Forrest City High School, because it is the only school with these grade levels in the district.

In addition, any school identified for improvement (Year 2 +) is required to offer Supplemental Educational Services (SES) to eligible students from low-income families. These services are available to students after the regular school day with educational providers approved by the State Board of Education. **If the number of eligible students who apply for SES exceeds the financial resources available, the lowest achieving students from low-income families will receive first priority.**

RESPONSE

LAW OFFICES
SHARPE, BEAVERS, CLINE & WRIGHT

P.O. BOX 924
FORREST CITY, ARKANSAS 72336-0924

Harold Sharpe (1916-2000)

Brad J. Beavers
R. Alan Cline
Marshall Wright

407 Cleveland

Telephones:
870-633-3141
Fax: 870-633-3594

June 20, 2013

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, Arkansas 72201

Via email & certified mail

From: The Forrest City School District

Re: Appeals brought by the Goodalls and by the Jacksons

Ladies and Gentlemen:

Thank you for the opportunity to comment upon the pending appeals. In each instance, the Palestine-Wheatley School District necessarily declined the transfer requests because the Forrest City School District has declared itself exempt from the provisions of the new school choice law.

This ministerial act of the Palestine-Wheatley District was correct. It is undisputed that the Forrest City School District declared the exemption on May 14, 2013. The Resolution of that special meeting in which the exemption was declared is attached as Exhibit "A."

Let us please comment upon certain of the arguments made on behalf of the Goodalls in Mr. Rozzell's letter of June 7, 2013.

First, the April 1 deadline does not take effect until the 2014-2015 school year. This is apparent from the structure of the Act itself.

In examining Section 6-18-1906, it is clear that under Section B 1 a school district annually may declare an exemption if the district is subject to a desegregation order or agency mandate. B 2 then explains the exemption is irrevocable for one year. 2 b provides that after each year of exemption the school board can change its mind. Under 3, the legislature wrote that a school district shall notify the department by April 1 *if in the next school year* the school district intends

to declare an exemption or resume participation after a period of exemption. If a district intends to change what it did during 2013-2014, it must notify the Department by April 1, 2014. Since the act just took effect, there is no "previous year" to 2013-2014. Thus, the April 1 deadline comes into effect during the 2014-2015 school year.

This interpretation of the Act is fortified by the overall structure of the Act. It is clear that it is to exist and operate for at least two years. An argument that a district's right to claim an exemption does not apply to the 2013-2014 school year would totally frustrate the intent of the authors of the legislation. The exemption is clearly an integral part of the legislation as set forth in A.C.A. 6-18-1901 (b) (3).

The only logical and literal interpretations of the statute are that for the first year, i.e. 2013-2014 the district must simply declare the exemption. The Act provides no date for that declaration. However, under its rule making authority, the department has supplied a deadline of May 17 which the Forrest City School District met.

For the 2014-2015 school year, the Forrest City School District, and others similarly situated, will indeed have to make its decision and advise the department by April 1, 2014 if it is going to again declare an exemption or decide to participate.

Second, the June 7th letter mistakenly contends that the Forrest City School District is not under "an order of desegregation or a mandate of a federal court." As recently as 1990, a Motion regarding magnet schools was filed and subsequently granted in the case of *McKissick, et al. vs. Forrest City School District No. 7*, Case No. H-69-C-42. In the district court order approving a magnet school proposal, the presiding judge reiterated at page 1 that "this court retain[s] jurisdiction for further consideration of any problems that might arise in connection with the operation of the Forrest City Schools and compliance with the orders of this court." This was reinforced by an appeal of a 1970 order in which the United States Court of Appeals for the 8th Circuit concluded by stating "the district court has retained jurisdiction to ensure compliance and affirm its Order." 427 F.2d 331 (1970)

There are no orders dismissing the case or declaring that the Forrest City School District is unitary.

Third, and in examining the rules governing the Act, 8.01.3 requires the parents to state the basis for appealing the decision of the non-resident district. Here, the non-resident district did not make a decision. The Forrest City School District, the resident district, made the decision to declare the exemption. All Palestine-Wheatley did was honor the declaration and declined the applications. The notification by Palestine-Wheatley was merely a formality it was required to comply with under the Act and was not an appealable "rejection" as contemplated by the Act. There is nothing for the non-resident district to present to this Board.

Further, the entire structure of the Act also strongly suggests that the issue of the exemption is not appealable because there is no provision in either the Act or the emergency rules that the resident district do anything when the non-resident district declines the application. This logically should mean that appeals are limited to issues such as enrollment caps and organization and staff issues. These would be matters that the board could presumably evaluate based upon mathematical calculations or empirical evidence.

We appreciate your consideration of this response and would request an opportunity to be heard on this matter. We are further authorized to submit this letter on behalf of and to indicate that Mr. Samuel Jones, III of the Mitchell Williams firm will be associated as co-counsel for the Forrest City School District in this matter.

Respectfully submitted,

Sharpe, Beavers, Cline & Wright, Attorneys

By: 

Brad J. Beavers, Bar #81012

By: 

R. Alan Cline, Bar # 87035

cc: Mr. George M. Rozzell, IV PA
Attorney at Law
217 Dickson St., Suite 106
Fayetteville, AR 72701

Cody and Cory Jackson
635 Calvert Rd.
Forrest City, AR 72335

RESOLUTION OF FORREST CITY SCHOOL DISTRICT
BOARD OF DIRECTORS

WHEREAS, the Forrest City School District Board of Directors (Board) met in a special, open, and properly-called meeting on May 14, 2013, in Forrest City, Arkansas;

WHEREAS, 5 members were present, a quorum was declared by the chair;

WHEREAS, on April 16, 2013, Governor Mike Beebe signed into law Act 1227, the Public School Choice Act of 2013 ("Act 1227"), which was duly passed by the Arkansas General Assembly; and

WHEREAS, Act 1227 establishes a public school choice program that would allow students who are residents of the Forrest City School District to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Act 1227 provides that "[a] school district annually may declare an exemption under this section if the school district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation"; and,

WHEREAS, the Forrest City School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Forrest City School District is subject to a desegregation order or mandate of a federal court remedying the effects of past racial segregation; and

WHEREAS, Forrest City, Arkansas historically operated racially dual school systems that segregated black and non-black students and was desegregated in the early 1970s by closing the black school(s) and merging their enrollment with the white students; and

WHEREAS, the federal court or agency orders include the original directive from the United States Supreme Court in *Brown v. Board of Education of Topeka, Kansas* (1954), and its progeny, that maintenance of racially dual public schools is unconstitutional and directing that racially segregated schools be dismantled; and the 1969 mandate from the federal department of Health, Education, and Welfare to the same effect; and the various orders entered over the years in *McKissick, et al v. Forrest City School District, et al*, U.S. District Court of Eastern District of Arkansas, Eastern Division, Case Number Civil No. H-69-C-42; and

WHEREAS, the Board of the Forrest City School District desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013 on the basis of the aforementioned federal court cases and orders, and agency mandates; and

WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

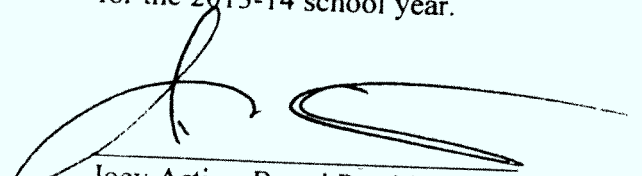
Exhibit A

NOW THEREFORE, the Board, upon due consideration and deliberation, hereby resolves, approves and adopts this Resolution for the purpose of declaring an exemption under the Public School Choice of 2013, Act 1227 of 2013 (to be codified), for a period of one (1) year from the date that this Resolution is received by the Department of Education, for use in the Forrest City School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Forrest City School District hereby authorizes the Superintendent of the Forrest City School District to immediately submit a copy of this Resolution to the Department of Education; to post the exemption as the District's School Choice Policy (Policy) in the appropriate Board policies, student handbooks, Forrest City School District website, and all other places in order to give notice to the District's patrons and the general public of the Board's adoption of the Policy; and

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to carefully monitor and study the racial segregation implications of application of the Public School Choice Act of 2013 in other Arkansas districts, as well as the interest expressed therein within this district, and report the same to the Board from time to time during 2013-14; and,

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption for the 2013-14 school year.



Joey Astin - Board President

5-14-2013

Date

CERTIFICATION

I, Glenn Shepherd, Secretary of the Board of Education of the Forrest City School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on May 14, 2013.



Glenn Shepherd - Board Secretary

5-14-2013

Date

STATUTE

State of ArkansasAs Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13
H4/6/13

89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 65

By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert

By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,
D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren

For An Act To Be Entitled

AN ACT TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF
2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;
TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT
OF 2013; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-18-206 is repealed.

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

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

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

~~(3) The General Assembly further finds that giving more options~~



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

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

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

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

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

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

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter.~~

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

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

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

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

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

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

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

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

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

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

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

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

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

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

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

~~student's race of more than ten percent (10%) of any single race;~~

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

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

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

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

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

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

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

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

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

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

~~(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013

22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

school board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

(3) These benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any school district beyond the school district in which the student resides, provided that the transfer by the student does not conflict with an enforceable judicial decree or court order remedying the effects of past racial segregation in the school district.

6-18-1902. Definitions.

As used in this subchapter:

(1) "Nonresident district" means a school district other than a student's resident district;

(2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;

(3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and

(4) "Transfer student" means a public school student who transfers to a nonresident district through a public school choice option under this subchapter.

6-18-1903. Public school choice program established.

(a) A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under § 6-18-1906.

(b) Each school district shall participate in a public school choice program consistent with this subchapter.

(c) This subchapter does not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.

(d)(1) The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under this subchapter.

(2) The standards:

(A) May include without limitation the capacity of a program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32
33

34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013
- 1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

- 3.01 „Nonresident District,, means a school district other than a student,,s resident district;
- 3.02 „Parent,, means a student,,s parent, guardian, or other person having custody or care of the student;
- 3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;
- 3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and
- 3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

- 4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.
- 4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student,s transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student,s parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student,s parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

- 5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

- 6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

- 6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

- 7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

- 7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

<i>APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT</i> <i>“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”</i> <i>(Must Be Submitted to Non-Resident and Resident Districts)</i>		
APPLICANT INFORMATION		
Student Name:		
Student Date of Birth:	Gender	Male <input type="checkbox"/> Female <input type="checkbox"/>
Grade:		
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input type="checkbox"/>		
ETHNIC ORIGIN (CHECK ONE) (For data reporting purposes only)		
2 or More Races <input type="checkbox"/>	Asian <input type="checkbox"/>	African-American <input type="checkbox"/>
Hispanic <input type="checkbox"/>	Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>
White <input type="checkbox"/>		
RESIDENT SCHOOL DISTRICT OF APPLICANT		
District Name:		County Name:
Address:		
Phone:		
NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND		
District Name:		County Name:
Address:		
Phone:		
Does the applicant already have a sibling or step-sibling in attendance in this district?		

PARENT OR GUARDIAN INFORMATION			
Name:		Home Phone:	
Address:		Work Phone:	
Parent/Guardian Signature		Date:	
<p>Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).</p>			
DISTRICT USE ONLY			
Date and Time Received by Resident District:		Date and Time Received by Nonresident District:	
Resident District LEA #:		Nonresident District LEA#:	
Student,s State Identification #:			
Application	Accepted	Rejected	
Reason for Rejection (If Applicable):			
Date Notification Sent to Parent/Guardian of Applicant:			
Date Notification Sent to Resident District :			

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

June 18, 2013

Dr. Tom W. Kimbrell
Commissioner

**State Board
of Education**

Jim Cooper
*Melbourne
Chair*

Brenda Gullett
*Fayetteville
Vice Chair*

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Brad J. Beavers
Attorney at Law
407 Cleveland Street
Forrest City, AR 72335-3302

Ms. Joye Hughes, Superintendent
Forrest City School District
845 N. Rosser
Forrest City, AR 72335

Mr. Jon Estes, Superintendent
Palestine-Wheatley School District
P.O. Box 790
Palestine, AR 72372

Ms. Amanda Moffett
727 Hill Street, Apartment 25
Forrest City, AR 72335

**Re: Appeal under the Public School Choice Act of 2013
Moffett v. Palestine-Wheatley School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On June 18, 2013, Ms. Amanda Moffett filed a petition appealing the decision of the Palestine-Wheatley School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

- Jackson Moffett

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, July 8, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 3, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

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

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

School Choice Appeal Hearing Notice
June 18, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter", with a stylized flourish at the end.

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

June 14, 2013

Subject: Denial from School Choice

To whom this may concern:

My name is Amanda Moffett. I live in Forrest City, Arkansas. My son Jay Moffett has been attending school in Palestine since he started Kindergarten; he is going into 2nd grade. He was accepted under school choice. My other son Jackson Moffett attended preschool this past school year and I filled out the papers for school choice. I received on the 5th of June a denial for Jackson to attend kindergarten. From my understanding he was denied because Forrest City Public Schools are fighting against school choice. Enclosed you will find a copy of his denial form and his application to attend. Please accept this letter as his ten days to appeal. I want my son to have the best education possible and I feel as if he is not allowed to go to Palestine under the sibling law then I will have to pull my son Jay from the school system as well and move away. I will NEVER let my child go to Forrest City Public Schools. Could you please let me know what I must do to get a spot for my child in Palestine School District? Below you can find all of my contact information and would appreciate if someone could answer my questions and help me resolve this matter. Please contact me if you need any further information.

Sincerely,

Amanda J. Moffett

A handwritten signature in black ink, appearing to read 'Amanda J. Moffett', with a long, sweeping horizontal line extending to the right.

727 Hill Street Apt. 25

Forrest City, Arkansas 72335

(870) 270-1862

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for Jackson Moffett has been rejected for the following reason.

☒ Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order.

☐ Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

☐ Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,

Jan Eck

Superintendent
Palestine-Wheatley School District

501-372-0800

501-282-4475

Legat
Darius
Darius
501-684-105

APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT

"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"

(Must be submitted to Non-Resident and Resident Districts)

APPLICANT INFORMATION		Date and Time Received by Resident District:	
Applicant Name <u>Jackson Stone Moffett</u>		Date and Time Received by Non-Resident District: <u>4/25/13 3:00 PM</u>	
Date of Birth <u>12-28-07</u>		Gender Male <input checked="" type="checkbox"/> Female <input type="checkbox"/>	
		GRADE <u>Next year Kg.</u>	
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		<u>Speech</u>	
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
ETHNIC ORIGIN (CHECK ONE) (For data reporting purposes only)			
2 or More Races <input type="checkbox"/>			
African American <input type="checkbox"/>		Asian <input type="checkbox"/>	
Native American/ Native Alaskan <input type="checkbox"/>		Hispanic <input type="checkbox"/>	
		Native Hawaiian/ Pacific Islander <input type="checkbox"/>	
		White <input checked="" type="checkbox"/>	
RESIDENT SCHOOL DISTRICT OF APPLICANT			
District Name <u>Forrest City</u>		County Name <u>St. Francis</u>	
Address			
Phone			
NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND			
District Name <u>Palestine</u>		County Name <u>St. Francis</u>	
Address			
Phone			
Does the applicant already have a sibling or step-sibling in attendance in this district? <u>YES</u>			
PARENT OR GUARDIAN INFORMATION OF APPLICANT			
Name <u>Amanda Moffett</u>		Home Phone <u>870-270-1862</u>	
Address <u>727 Hill St Apt 25</u>		Work Phone <u>870-1633-1826</u>	
<u>Forrest City AR 72335</u>			
Parent/Guardian Signature <u>Amanda Moffett</u>			Date <u>4-25-13</u>
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. A school district receiving transfers under the School Choice Act shall not discriminate on the basis of gender, national origin, race, ethnicity, religion or disability. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Act 1227 of 2013 (School Choice Act). Priority will be given to applicants with siblings or step-siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the non-resident district. Both the resident and non-resident districts receiving this application must retain it in its district records for at least one (1) year from the date it is received, for data verification and general recordkeeping purposes.</p>			
DISTRICT USE ONLY			
Application Accepted <input type="checkbox"/>		Rejected <input checked="" type="checkbox"/> <u>See attached letter</u>	
Date Notification Sent to Parent/Guardian of Applicant <u>6/3/13</u>			
Date Notification Sent to Resident District			

Already attends Palestine - Wheatley Preschool.

RESPONSE

STATUTE

State of ArkansasAs Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13
H4/6/13

89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 65

By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert

By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,
D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren

For An Act To Be Entitled

AN ACT TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF
2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;
TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT
OF 2013; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-18-206 is repealed.

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

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

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

~~(3) The General Assembly further finds that giving more options~~



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

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

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

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

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

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

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter.~~

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

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

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

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

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

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

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

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

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

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

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

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

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

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

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

~~student's race of more than ten percent (10%) of any single race;~~

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

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

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

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

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

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

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

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

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

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

~~(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013

22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

school board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

(3) These benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any school district beyond the school district in which the student resides, provided that the transfer by the student does not conflict with an enforceable judicial decree or court order remedying the effects of past racial segregation in the school district.

6-18-1902. Definitions.

As used in this subchapter:

(1) "Nonresident district" means a school district other than a student's resident district;

(2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;

(3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and

(4) "Transfer student" means a public school student who transfers to a nonresident district through a public school choice option under this subchapter.

6-18-1903. Public school choice program established.

(a) A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under § 6-18-1906.

(b) Each school district shall participate in a public school choice program consistent with this subchapter.

(c) This subchapter does not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.

(d)(1) The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under this subchapter.

(2) The standards:

(A) May include without limitation the capacity of a program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32
33

34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013
- 1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

- 3.01 „Nonresident District,, means a school district other than a student,s resident district;
- 3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;
- 3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;
- 3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and
- 3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

- 4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.
- 4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student,s transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student,s parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student,s parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

- 5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

- 6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

- 6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

- 7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

- 7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

<i>APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT</i> <i>“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”</i> <i>(Must Be Submitted to Non-Resident and Resident Districts)</i>		
APPLICANT INFORMATION		
Student Name:		
Student Date of Birth:	Gender	Male <input type="checkbox"/> Female <input type="checkbox"/>
Grade:		
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input type="checkbox"/>		
ETHNIC ORIGIN (CHECK ONE) (For data reporting purposes only)		
2 or More Races <input type="checkbox"/>	Asian <input type="checkbox"/>	African-American <input type="checkbox"/>
Hispanic <input type="checkbox"/>	Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>
White <input type="checkbox"/>		
RESIDENT SCHOOL DISTRICT OF APPLICANT		
District Name:		County Name:
Address:		
Phone:		
NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND		
District Name:		County Name:
Address:		
Phone:		
Does the applicant already have a sibling or step-sibling in attendance in this district?		

PARENT OR GUARDIAN INFORMATION			
Name:		Home Phone:	
Address:		Work Phone:	
Parent/Guardian Signature		Date:	
<p>Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).</p>			
DISTRICT USE ONLY			
Date and Time Received by Resident District:		Date and Time Received by Nonresident District:	
Resident District LEA #:		Nonresident District LEA#:	
Student,s State Identification #:			
Application	Accepted	Rejected	
Reason for Rejection (If Applicable):			
Date Notification Sent to Parent/Guardian of Applicant:			
Date Notification Sent to Resident District :			

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

June 18, 2013

Dr. Tom W. Kimbrell
Commissioner

**State Board
of Education**

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Brad J. Beavers
Attorney at Law
407 Cleveland Street
Forrest City, AR 72335-3302

Ms. Joye Hughes, Superintendent
Forrest City School District
845 N. Rosser
Forrest City, AR 72335

Mr. Jon Estes, Superintendent
Palestine-Wheatley School District
P.O. Box 790
Palestine, AR 72372

Ms. Tonja Scaife-Hardin
2106 Peevey Avenue
Forrest City, AR 72335

**Re: Appeal under the Public School Choice Act of 2013
Scaife-Hardin v. Palestine-Wheatley School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On June 18, 2013, Ms. Tonja Scaife-Hardin filed a petition appealing the decision of the Palestine-Wheatley School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

- Elijah Wilkins

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, July 8, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas**.

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 3, 2013**.

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

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

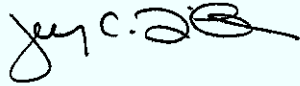
Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice

June 18, 2013

Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter", with a stylized flourish at the end.

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

**RECEIVED
ATTORNEY'S OFFICE**

JUN 18 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

Tonja Scaife-Hardin
2106 Peevey Ave.
Forrest City, AR 72335
(870) 270-2125
tonjascaife@hotmail.com

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

To Whom It May Concern:

My name is Tonja Scaife-Hardin and I am the mother of Elijah Wilkins. I am writing to request a reconsideration of my child's school choice application to Palestine/Wheatley school district. On June 5th, 2013, we received the rejection notification from Palestine/Wheatley school that states the reason for the denial is that Forrest City School district has filed an "exemption" clause to Act 1227 of 2013.

In Forrest City's exemption, they state, "the United States Supreme Court in *Brown v. Board of Education of Topeka, Kansas (1954)*, and its progeny, that maintenance of racially dual public schools is unconstitutional and directing that racially segregated schools be dismantled; an the 1969 mandate from the federal department of Health, Education, and Welfare to the same effect; and the various orders entered over the years in *McKissick, et al v. Forrest City School District, et al, U.S. District Court of the Eastern District of Arkansas, Eastern Division, Case Number Civil No. H-69-C-42*" as the reason for declaring said exemption. It is my beliefs that in this regard, Forrest City filed the exemption because it is a predominantly African American Community and it is trying to prevent a modern day racial segregation in its school district. The belief is that, given the choice, all races except for the dominant African American race will flee this school district starving it of the cultural diversity and enrichment that it so desperately needs.

Understanding all of this, I beg for reconsideration for my child to attend Palestine/Wheatley school district. My reasons are stated below...

- My family and I are African American, and I do not see where Forrest City's exemption should intuitively apply. If we are to continue to observe the ruling that the U.S. Supreme Court established in *Brown v. Board of Education of Topeka, Kansas (1954)*, we should assume that allowing an African American child to

attend a predominately white school (the Census of 2000 shows us that Palestine is 85.96% white) would be further honoring this ruling for desegregation.

- If we are to be technical, we can examine the dates in which the sequence of events took place. On April 16, 2013, Governor Beebe signed the School Choice Act which allows for residents of Forrest City to apply for a school choice transfer to a non-resident district. Forrest City School District did not submit their request for exemption from Act 1227 until May 14, 2013. My son's school choice application for Palestine/Wheatley was sent in and received on April 26, 2013, before Forrest City School District submitted their exemption. Therefore, given the sequence of events, permission was sought before the exemption existed and said exemption should not apply in our case.
- My most important reason, behind requesting reconsideration for another school district is that my child has experienced various hardships in Forrest City's School District for the past 3 years and my family and I dissatisfied. Elijah's grades have slipped dramatically. Unsure if it was due to dealing with bullies, a possible learning disability, his own lack of effort, or lack of concern by teachers, we have went through numerous channels to find the source of the problem. As it turns out, all factors played a part. We had Elijah tested for possible learning disabilities to which the school concluded that he is "average" and "low grades should be expected" due to his difficulties in reading fluency.
- Starting in kindergarten, my husband and I have spent days at the school because my child was being bullied (literally physically assaulted on play grounds and in classrooms and mentally and emotionally berated by teachers yelling at him in front of other students). I have had to move him a couple of times to a different teacher and classroom just so that other children would leave him alone and allow him to focus. The most recent movement came about when I had to ask the principal to move Elijah to a new classroom because his current teacher had become angry with his father and me for requesting a newsletter be sent home weekly so that we can keep up with and help him on his homework assignments. (Please see the attached email addressed to Ms. Tammie Moore.) She (the teacher) started to make snide remarks to my son as if it was his fault she had to

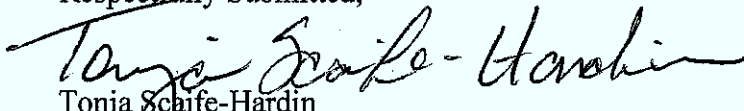
complete this action, displaying a dislike that the other children in the class soon picked up on. And they too began to harass my son.

- We are not able to afford private school or else that would have been our alternative choice. The private school option of Kipp Delta Preparatory Academy, which is free, is too far away for us to transport Elijah to everyday. It is in Phillips County and is approximately 46.32 miles away and 59 minutes in driving time. Palestine/Wheatley's School District, however, resides in the same county as Forrest City and is only 6.78 miles away and 10 minutes in traveling time from our current address.

As like any parent that you may come in contact with, I only want the best for my child. I have aspirations for my child to exceed me in everything he does in life. And plainly put, my child is not fitting into Forrest City School District. My child has come home crying and begging me not to send him back to that school on several occasions. He is a very likable and friendly child. He wants everyone to have a smile on their face. He loves to help me out when I'm doing volunteer work. He loves to travel and experience different cultures. Elijah is a good kid. He can be a bit naïve about the ways of the world. He is not "street wise" like some other children and still has his innocence about him. He comes from a stable home, both his father and I are college educated, work decent jobs, and are dedicated to our family.

Again, please reconsider our application. If you have any questions or need more information, please feel free to contact me by phone, mail, or email. All contact information is listed above.

Respectfully Submitted,


Tonja Schife-Hardin
Concerned Parent

Cc: Mr. Jon Estes, Palestine/Wheatley
School District, Superintendent

Elijah Wilkins/ Ms. Norris

From: **Tonja Scaife** (tonjascaife@hotmail.com)

Sent: Wed 1/09/13 3:37 AM

To: tammie.moore@fcsd.grsc.k12.ar.us

1 attachment

Mrs. Norris Newsletter Template Octobern.doc (153.5 KB)

Mrs. Moore,

I wish we had time to have this conversation face to face, but my husband has been in the hospital all week and is scheduled for a small surgery the first thing in the morning. I will, however, make time to meet with you, if need be, at a later date.

I've come to the conclusion that Elijah would be best suited in a different classroom. We seem to have come to a point where I feel Elijah may be being treated differently because Ms. Norris is upset with us. Please move him.

I believe my husband came to you a little while ago and asked if you could speak with Ms. Norris about a newsletter being sent home weekly. This seems to have become a bigger issue than it needed to be, little comments are being made to Elijah that he doesn't understand but I do, he is being singled out in class regarding the newsletter. The situation has become quite juvenile. After, your conversation with Ms. Norris, Elijah was given a newsletter and was told to "make sure his daddy got it". Most recently, Elijah came home with a newsletter on Monday. He stated that he was the only person in the classroom to receive a newsletter and that Ms. Norris wanted us to make copies for her (a conclusion he came to on his own because he doesn't understand why he is the only one receiving a newsletter). The next day, we sent 30 copies of the newsletter to Ms. Norris in Elijah's backpack. When he was picked up from school, he stated that Ms. Norris didn't want the copies and told him that the newsletter was only for him. I personally went back to the school and asked for another copy of the newsletter. Ms. Norris informed me Elijah is the only child to get a newsletter and that the copies were thrown away. At this point...I have had enough. I understand that she is upset but Elijah is a child. If she has any concern, she has always been welcomed to come to us. It was never our intentions to get her in any trouble, all we want is a teacher who cares enough to want to help us help our child learn. We are not asking for anything more than that.

We have tried to work with Ms. Norris and support her classroom in anyway possible. We even volunteered to do the newsletter for her every week when she stated that you asked that all teachers send one home (see attached). My husband and I will do whatever it takes with the resources we have to try and get the help Elijah needs. Believe me when I say, my husband would not have come to you, had he not thought it was absolutely necessary. Elijah is not doing well at all. We are constantly asking what can we do to help improve his grades. We need to know what is going on in our child's classroom. As you know, my husband and I both spend quite a bit of time at the school trying to see about Elijah and be the active parents. We know he has his behavior problems with talking and making friends and we are constantly working with him in those areas.

But Elijah has academic weaknesses that we have tried to address with Ms. Norris. We have asked several times for Elijah to placed in a tutoring program for reading. When asked about that, she stated

that she turned in a list with his name on it but they only selected 3 other children out of her classroom. We never received any information on the program. We asked about the teacher that comes to the class and reads with the children in the class, and how we can get Elijah involved in that group. She told me to talk to you. We have asked for the reading exercises that are being worked on in class to be sent home. She states that those are just read out loud in class. We have asked generally to be kept in the loop. We want our child to succeed as does every parent. Without a newsletter or us coming to the classroom, we don't know what is being worked on from week to week. Yes, the kids are told in class....but that doesn't translate well when they get home especially if the child didn't understand the work in class to began with. We have given it an entire semester and we are getting nowhere.

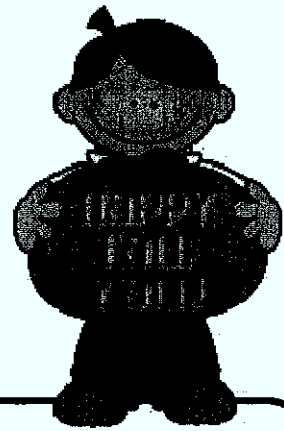
I hope we can come to some understanding. Thank you for your attention in this matter Mrs. Moore. You can reach me at 870-270-2125 if you'd like to discuss any of this.

Thanks again,

Tonja Scaife-Hardin

October

Mrs. Norris
2nd Grade Newsletter
October 8 – 12, 2012



Homecoming Week Activities:

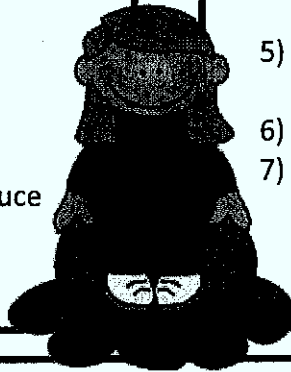
Monday – Sunglasses and Hat Day
Tuesday – Sports Day (Wear a favorite team jersey)
Wednesday – Wacky Tacky Day
Thursday – Inside Out (Backwards) Clothes Day
Friday – Wear a Mustang Shirt Day

Language: Collective nouns, capitalize holidays, product names, and geographic names.

Math: Adding and subtracting within 100, Daily Math Fluency, measure the length of an object by selecting the appropriate tools.

Science: PS. 7.2.3 – Light, heat, sound, electricity.

Writing: Students will be writing a paragraph in which they introduce a topic, develop a point, and provide a conclusion.



Vocabulary Words:

- 1) predicament – something that you cannot easily change.
- 2) compete – to try to do something better than someone else.
- 3) latched – it is closed securely.
- 4) assorted – are many different kinds of things.
- 5) cling – you hold on tight and don't let go.
- 6) defeat – is to beat them in a contest.
- 7) combat – you are fighting a battle against them.

Spelling Words:

Long vowels o – e, oa, ow,
and a couple of oddball
words.

o – e

froze
globe
close
wrote

oa

moan
toast
coast
throat

ow

shown
bowl
slow
mow

oddball

lose
gone



Thank you!!!

From: **Tonja Scaife** (tonjascaife@hotmail.com)

Sent: Thu 1/10/13 3:49 PM

To: tammie.moore@fcsd.grsc.k12.ar.us

Mrs. Moore,

I really just wanted to say thank you for your prompt attention on the matter. We had a very smooth transition this morning. I really do appreciate you.

~Tonja Scaife-Hardin

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for Elijah Wilkins has been rejected for the following reason.

X Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order.

_____ Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

_____ Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,



Superintendent
Palestine-Wheatley School District

APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989"

4/26/13 11:04 AM

APPLICANT INFORMATION			
Applicant Name <u>Elijah C.D. Wilkins</u>		Gender	Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>
Date of Birth <u>10-18-04</u>		GRADE <u>2nd</u>	
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		<u>- Reading</u>	
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
ETHNIC ORIGIN (CHECK ONE)			
2 or More Races <input type="checkbox"/>			
African American <input checked="" type="checkbox"/>	Asian <input type="checkbox"/>	Hispanic <input type="checkbox"/>	
Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>	White <input type="checkbox"/>	
RESIDENT SCHOOL DISTRICT OF APPLICANT			
District Name <u>Forrest City</u>		County Name <u>St. Francis</u>	
Address <u>845 N. Rosser</u>		<u>Forrest City, AR 72335</u>	
Phone <u>870-241-1813</u>			
NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND			
District Name <u>Palestine-Wheatley</u>		County Name <u>St. Francis</u>	
Address <u>7920 Hwy 70 W</u>		<u>Palestine, AR</u>	
Phone <u>870-581-2646</u>			
PARENT OR GUARDIAN INFORMATION OF APPLICANT			
Name <u>Tonia Scate-Hardin</u>		Home Phone <u>870-270-2125</u>	
Address <u>2106 Pecan Ave</u>		Work Phone <u>870-241-7536</u>	
<u>Forrest City, AR 72335</u>		<u>870-680-1667</u>	
Parent/Guardian Signature <u>Tonia Scate-Hardin</u>		Date <u>4/26/13</u>	
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than July 1 of the year in which the applicant would begin the fall semester at the non-resident district.</p>			
DISTRICT USE ONLY			
Application Accepted <input type="checkbox"/>		Rejected <input checked="" type="checkbox"/> <u>See attached letter</u>	
Date Notification Sent to Parent/Guardian of Applicant		<u>6/4/13</u>	
Date Notification Sent to Resident District			

R 02/25/10

RESPONSE

STATUTE

State of ArkansasAs Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13
H4/6/13

89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 65

By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert

By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,
D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren

For An Act To Be Entitled

AN ACT TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF
2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;
TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT
OF 2013; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-18-206 is repealed.

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

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

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

~~(3) The General Assembly further finds that giving more options~~



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

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

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

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

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

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

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter.~~

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

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

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

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

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

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

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

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

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

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

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

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

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

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

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

~~student's race of more than ten percent (10%) of any single race;~~

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

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

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

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

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

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

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

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

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

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

~~(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim~~

~~Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.~~

SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student transfers from a school district that is identified as being in academic distress, is amended to read as follows:

(b)(1) Any student attending a public school district classified as being in academic distress shall automatically be eligible and entitled pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another ~~geographically contiguous~~ school district not in academic distress during the time period that a school district is classified as being in academic distress and, therefore, not be required to file a petition by ~~July 1~~ June 1 but shall meet all other requirements and conditions of the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq.

SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and attendance requirements for attending public schools, is amended to read as follows:

(g) This section shall not be construed to restrict a student's ability to participate in a tuition agreement with a nonresident school district or to officially transfer to another school district pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq.

SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the Arkansas Opportunity Public School Choice Act of 2004, is amended to read as follows:

(2)(A)(i) For the purposes of continuity of educational choice, the transfer shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until the student completes high school or the parent, guardian, or the student, if the student is over eighteen (18) years of age, makes application no later than July 30 for attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206, and § 6-18-~~

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013

22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

school board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

(3) These benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any school district beyond the school district in which the student resides, provided that the transfer by the student does not conflict with an enforceable judicial decree or court order remedying the effects of past racial segregation in the school district.

6-18-1902. Definitions.

As used in this subchapter:

(1) "Nonresident district" means a school district other than a student's resident district;

(2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;

(3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and

(4) "Transfer student" means a public school student who transfers to a nonresident district through a public school choice option under this subchapter.

6-18-1903. Public school choice program established.

(a) A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under § 6-18-1906.

(b) Each school district shall participate in a public school choice program consistent with this subchapter.

(c) This subchapter does not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.

(d)(1) The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under this subchapter.

(2) The standards:

(A) May include without limitation the capacity of a program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32
33

34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013
- 1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

- 3.01 „Nonresident District,, means a school district other than a student,,s resident district;
- 3.02 „Parent,, means a student,,s parent, guardian, or other person having custody or care of the student;
- 3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;
- 3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and
- 3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

- 4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.
- 4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student,s transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student,s parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student,s parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

- 5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

- 6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

- 6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

- 7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

- 7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

<i>APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT</i> <i>“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”</i> <i>(Must Be Submitted to Non-Resident and Resident Districts)</i>		
APPLICANT INFORMATION		
Student Name:		
Student Date of Birth:	Gender	Male <input type="checkbox"/> Female <input type="checkbox"/>
Grade:		
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input type="checkbox"/>		
ETHNIC ORIGIN (CHECK ONE) (For data reporting purposes only)		
2 or More Races <input type="checkbox"/>	Asian <input type="checkbox"/>	African-American <input type="checkbox"/>
Hispanic <input type="checkbox"/>	Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>
White <input type="checkbox"/>		
RESIDENT SCHOOL DISTRICT OF APPLICANT		
District Name:		County Name:
Address:		
Phone:		
NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND		
District Name:		County Name:
Address:		
Phone:		
Does the applicant already have a sibling or step-sibling in attendance in this district?		

PARENT OR GUARDIAN INFORMATION			
Name:		Home Phone:	
Address:		Work Phone:	
Parent/Guardian Signature		Date:	
<p>Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).</p>			
DISTRICT USE ONLY			
Date and Time Received by Resident District:		Date and Time Received by Nonresident District:	
Resident District LEA #:		Nonresident District LEA#:	
Student,s State Identification #:			
Application	Accepted	Rejected	
Reason for Rejection (If Applicable):			
Date Notification Sent to Parent/Guardian of Applicant:			
Date Notification Sent to Resident District :			

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

June 18, 2013

Dr. Tom W. Kimbrell
Commissioner

**State Board
of Education**

Jim Cooper
*Melbourne
Chair*

Brenda Gullett
*Fayetteville
Vice Chair*

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Brad J. Beavers
Attorney at Law
407 Cleveland Street
Forrest City, AR 72335-3302

Ms. Joye Hughes, Superintendent
Forrest City School District
845 N. Rosser
Forrest City, AR 72335

Mr. Jon Estes, Superintendent
Palestine-Wheatley School District
P.O. Box 790
Palestine, AR 72372

Ms. Stephanie White
2091 SFC 245
Colt, AR 72326

**Re: Appeal under the Public School Choice Act of 2013
White v. Palestine-Wheatley School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On June 18, 2013, Ms. Stephanie White filed a petition appealing the decision of the Palestine-Wheatley School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

- Jaxon White

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, July 8, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 3, 2013.**

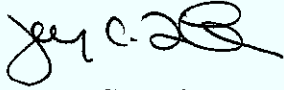
The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

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

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

School Choice Appeal Hearing Notice
June 18, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is stylized with a large, looped "J" and a cursive "C" and "L".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

June 14, 2013

Subject: School Choice

To whom this may concern:

Please accept this letter as an appeal to my Son's denial to attend Palestine Elementary Kindergarten program. I have a daughter Chloe Ferguson, who is in the 6th grade. My Concern is why my child Jaxon White is not allowed to attend Palestine School District. We got Chloe into school legally and we are stressed because Jaxon was denied. I have talked to Mr. Estes numerous of times as well as Mr. Oliver from Department of Education. If you could please help find a solution I would greatly appreciate it.

Thank You,
Stephanie White

Contact Information: Stephanie White
2091 SFC 245
Colt, Arkansas 72326
870-270-3739

**RECEIVED
ATTORNEY'S OFFICE**

JUN 18 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

RESPONSE

STATUTE

State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*
H4/6/13

89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 65

By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert

By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,
D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren

For An Act To Be Entitled

AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*
2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;
TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT
OF 2013; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-18-206 is repealed.

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

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

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

~~*(3) The General Assembly further finds that giving more options*~~



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

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

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

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

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

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

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter.~~

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

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

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

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

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

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

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

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

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

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

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

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

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

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

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

~~student's race of more than ten percent (10%) of any single race;~~

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

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

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

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

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

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

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

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

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

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

~~(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim~~

~~Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.~~

SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student transfers from a school district that is identified as being in academic distress, is amended to read as follows:

(b)(1) Any student attending a public school district classified as being in academic distress shall automatically be eligible and entitled pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another ~~geographically contiguous~~ school district not in academic distress during the time period that a school district is classified as being in academic distress and, therefore, not be required to file a petition by ~~July 1~~ June 1 but shall meet all other requirements and conditions of the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq.

SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and attendance requirements for attending public schools, is amended to read as follows:

(g) This section shall not be construed to restrict a student's ability to participate in a tuition agreement with a nonresident school district or to officially transfer to another school district pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-18-1901 et seq.

SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the Arkansas Opportunity Public School Choice Act of 2004, is amended to read as follows:

(2)(A)(i) For the purposes of continuity of educational choice, the transfer shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until the student completes high school or the parent, guardian, or the student, if the student is over eighteen (18) years of age, makes application no later than July 30 for attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206, and § 6-18-~~

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013

22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

school board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

(3) These benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any school district beyond the school district in which the student resides, provided that the transfer by the student does not conflict with an enforceable judicial decree or court order remedying the effects of past racial segregation in the school district.

6-18-1902. Definitions.

As used in this subchapter:

(1) "Nonresident district" means a school district other than a student's resident district;

(2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;

(3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and

(4) "Transfer student" means a public school student who transfers to a nonresident district through a public school choice option under this subchapter.

6-18-1903. Public school choice program established.

(a) A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under § 6-18-1906.

(b) Each school district shall participate in a public school choice program consistent with this subchapter.

(c) This subchapter does not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.

(d)(1) The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under this subchapter.

(2) The standards:

(A) May include without limitation the capacity of a program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

(2) Annually by October 1, the department shall report its findings from the study of the data under this subsection to the Senate Committee on Education and the House Committee on Education its finding.

6-18-1909. Effective date.

The provisions of this subchapter shall remain in effect until July 1, 2015.

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that certain provisions of the Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be unconstitutional by a federal court; that thousands of public school students are currently attending public schools in nonresident school districts under that law; that there is now uncertainty about the viability of those transfers and future transfers; that this act repeals the disputed provisions of that law while preserving the opportunity for public school choice; and that this act is immediately necessary to resolve the uncertainty in the law before the 2013-2014 school year and preserve existing student transfers. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/J. Key

APPROVED: 04/16/2013

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013
- 1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

- 3.01 „Nonresident District,, means a school district other than a student,,s resident district;
- 3.02 „Parent,, means a student,,s parent, guardian, or other person having custody or care of the student;
- 3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;
- 3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and
- 3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

- 4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.
- 4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student,s transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student,s parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student,s parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

- 5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

- 6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

- 6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

- 7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

- 7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

<i>APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT</i> <i>“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”</i> <i>(Must Be Submitted to Non-Resident and Resident Districts)</i>		
APPLICANT INFORMATION		
Student Name:		
Student Date of Birth:	Gender	Male <input type="checkbox"/> Female <input type="checkbox"/>
Grade:		
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input type="checkbox"/>		
ETHNIC ORIGIN (CHECK ONE) (For data reporting purposes only)		
2 or More Races <input type="checkbox"/>	Asian <input type="checkbox"/>	African-American <input type="checkbox"/>
Hispanic <input type="checkbox"/>	Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>
White <input type="checkbox"/>		
RESIDENT SCHOOL DISTRICT OF APPLICANT		
District Name:		County Name:
Address:		
Phone:		
NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND		
District Name:		County Name:
Address:		
Phone:		
Does the applicant already have a sibling or step-sibling in attendance in this district?		

PARENT OR GUARDIAN INFORMATION			
Name:		Home Phone:	
Address:		Work Phone:	
Parent/Guardian Signature		Date:	
<p>Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).</p>			
DISTRICT USE ONLY			
Date and Time Received by Resident District:		Date and Time Received by Nonresident District:	
Resident District LEA #:		Nonresident District LEA#:	
Student,s State Identification #:			
Application	Accepted	Rejected	
Reason for Rejection (If Applicable):			
Date Notification Sent to Parent/Guardian of Applicant:			
Date Notification Sent to Resident District :			

CHARTER AGREEMENT

This agreement is executed by and between the Arkansas Department of Education (“the **ADE**”) and [sponsoring entity] (the “**Applicant**”) to establish and operate [school name] (the “**Charter School**”), an open-enrollment public charter school to be located in the [resident school district name].

WHEREAS, the State of Arkansas has enacted the Arkansas Quality Charter Schools Act of 2013, codified as Ark. Code Ann. § 6-23-101 *et seq.*, as amended from time to time (the “**Act**”);

WHEREAS, pursuant to the Act, the ADE and the State Board of Education possess the authority to approve applications to establish and operate public charter schools in the State of Arkansas and thereafter to enter into agreements with applicants setting forth the terms and conditions under which a charter school is to operate;

WHEREAS, pursuant to Ark. Code Ann. § 6-23-301 the Applicant submitted to the ADE public charter authorizer (“the **Authorizer**”) an application for establishment of a charter school, as subsequently (i) amended by the Applicant in writing prior to [date of Authorizer meeting], (ii) amended by the Applicant orally in testimony to the Authorizer on [date of Authorizer meeting], and (iii) modified by affirmative vote of the Authorizer on [date of Authorizer meeting]{, (iv) as modified by subsequent renewal applications, and (v) as modified by subsequent affirmative votes of the Authorizer } (the “**Application**”);

WHEREAS, at its meeting on [date of Authorizer meeting], the Authorizer approved the Application as amended; and

{**WHEREAS**, the Authorizer has subsequently authorized renewal of the charter, with the most recent renewal being approved by the Authorizer on [date of Authorizer meeting]; and}

WHEREAS, pursuant to the Act, the Authorizer is authorized to approve a charter contract with the Applicant and issue a charter to establish and operate a charter school;

NOW, THEREFORE, in consideration of the mutual covenants, representations, warranties and agreements contained herein and for other good and lawful consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

SECTION 1. ESTABLISHMENT OF SCHOOL

1.1 Charter. A charter is hereby authorized and granted to the Applicant, solely for the benefit of the Charter School, to establish, organize, and operate an open-enrollment public charter school in accordance with the Act and the terms and conditions of this Charter Agreement, which, along with the “Statement of Assurances” filed by the Applicant,

will constitute the charter contract (the “**Charter**”) and will be binding on the Applicant and the Charter School.

1.2 Term. The Charter will take effect upon[**start date**], and will expire on[**end date**], unless earlier terminated or renewed pursuant to the terms of this Charter or pursuant to the Act as amended.

1.2.1 The Charter School will commence instruction as described in the Application or as required by Ark. Code Ann. § 6-10-106.

1.2.2 The Charter School may seek approval from the Authorizer to take one (1) to (3) planning years before opening for instruction. Planning years granted will not constitute a revision to the Charter and will not extend the term of this contract.

1.3 Renewal. The Charter may be renewed only upon application of the Charter School and approval of the Authorizer, pursuant to an application form and schedule as published by ADE. Continuation or renewal of the charter is contingent on acceptable student performance on assessment instruments adopted by the State Board of Education (“the **State Board**”), and on satisfactory compliance with factors to include:

- The performance goals set forth in Appendix “A”, to be measured as of the date a new renewal application is filed with ADE;
- Any accountability provisions adopted by ADE or the State Board pursuant to regulatory flexibility granted by the United States Department of Education from the provisions of the Elementary and Secondary Education Act;
- The terms and conditions of this Charter;
- Generally accepted accounting standards of fiscal management;
- Fiscal performance criteria deemed appropriate and relevant for the Charter School by the Authorizer; and
- All applicable federal and state laws and regulations.

Renewal will be at the discretion of the Authorizer, and nothing in this Charter will be construed to mandate renewal or otherwise constrain the Authorizer’s discretion in approving or denying renewal.

1.4 Location. The Charter School will be located in the facilities identified in the {Renewal} Application, or as approved pursuant to section 1.5 below. The Charter School will not commence operations with students in any facility until:

1.4.1 The Charter School has obtained and furnished to ADE a certificate of occupancy issued by a local code official approved by the state fire marshal, a certificate of occupancy or other approval issued by the state fire marshal, or a certificate of substantial completion issued by a licensed architect; and

1.4.2 The Charter School has obtained ADE's approval of any lease or other debt directly related to the facility.

1.4.3 The occupancy limits of any facility will be as determined by the local code official or state fire marshal. The total enrollment of the Charter School will be limited to the enrollment cap identified below, except that the local code official, state fire marshal, or other entities acting under other law may exercise its authority to limit occupancy of the Charter School's facilities.

1.5 Change of Location. The Charter School may change its physical location or obtain additional facilities as follows:

1.5.1 The Charter School may occupy any appropriate facility on the lot or parcel containing the facility identified in the Application, or on a bordering lot or parcel, subject to the requirements set forth in sections 1.4.1 through 1.4.3 above.

1.5.2 With the prior approval of ADE, the Charter School may occupy any other appropriate facility within the boundaries of the resident public school district where the Charter School is located, subject to the requirements set forth in sections 1.4.1 through 1.4.3 above.

1.5.3 The Charter School may occupy a facility outside the boundaries of the resident public school district only with the prior approval of the Authorizer.

1.5.4 The Charter School will notify ADE of any proposed change in location or addition of facilities not less than sixty (60) days prior to taking any final action in connection therewith. ADE may shorten or otherwise waive this sixty-day notice requirement for good cause shown.

1.5.5 Any request to occupy a facility owned by or leased from a sectarian organization must be accompanied by a facility agreement setting forth the usage rights, obligations, and schedules for the Charter School and the sectarian organization, including identification of any shared use planned or permitted under the terms of the facility agreement or lease.

1.6 Code Requirements. All facilities occupied or utilized by the Charter School must at all times conform with the applicable provisions of: (i) the Americans with Disabilities Act (ADA); (ii) the Individuals with Disabilities Education Act (IDEA); (iii) all applicable health, safety and fire code requirements; and (iv) any other applicable federal, state, or local statute, ordinance, or rule.

1.7 Waiver. The Charter School is hereby declared exempt from the provisions of Title 6, Chapter 21, Subchapter 8 of the Arkansas Code ("Arkansas Public School Academic Facilities Program Act") and any ADE regulations implementing the same.

SECTION 2. SCHOOL GOVERNANCE

2.1 Board Composition. The Charter School will form a Board of Directors (the “**Charter Board**”), which will consist of a minimum of five (5) individuals appointed or elected in accordance with the procedures set forth in the Application. Any vacancy causing the membership of the Board to drop below five (5) members must be filled within thirty (30) days. {Except as authorized by the Authorizer, the Charter Board must be a separate and distinct entity from any governing board of the Charter School’s sponsoring entity, although the membership of the boards may overlap.}

2.2 By-Laws. The Charter Board will adopt and operate in compliance with by-laws, consistent with the terms of the Application, to govern the Charter Board’s composition and procedures. Any change or modification to the by-laws that conflict with the terms of the Application must have the prior approval of ADE. The terms of the by-laws must include without limitation: (i) the number and qualifications of directors; (ii) the length of directors’ terms; (iii) the method of filling vacancies, whether by appointment or election; (iv) the frequency of required meetings; and (v) the powers and duties of the Charter Board.

2.3 Ethics and Disclosure. Charter Board members are defined to be “public servants” as that term is used in Title 21, Chapter 8 (“Ethics and Conflicts of Interest”) of the Arkansas Code.

2.3.1 No person may hold any employment with the Charter School while serving as a Charter Board member.

2.3.2 No family member of a Board member may be initially employed by the Charter School or given a raise or promotion except as permitted by Ark. Code Ann. § 6-24-101 *et seq.*

2.3.3 No Charter Board member, nor any family member of a Charter Board member, may contract with the Charter School except as permitted by Ark. Code Ann. § 6-24-101 *et seq.*

2.3.4 No Charter Board member may receive compensation from the Charter School, other than reimbursement of actual expenses, for fulfilling duties as a Board member.

2.3.5 Every Charter Board member must annually file a Statement of Financial Interest as required by Ark. Code Ann. § 21-8-701.

2.4 Waiver. The Charter School is hereby declared exempt from the provisions of Title 6, Chapter 13, Subchapter 6 of the Arkansas Code (“School District Boards of Directors Generally”), and any ADE regulations implementing the same, except that:

2.4.1 By resolution adopted by majority vote, the Charter Board will designate one (1) of its members who shall serve as the primary board of directors disbursing officer of the Charter School, per Ark. Code Ann. 6-13-618(b);

2.4.2 Notice of the date, time, and place of all regular and special board meetings must be published to the Charter School's website, per Ark. Code Ann. § 6-13-619(a);

2.4.3 Minutes of all regular and special board meetings must be kept by the Charter School in a permanent file, per Ark. Code Ann. § 6-13-619(b);

2.4.4 Military recruiters must be granted access to school facilities to the extent required by Ark. Code Ann. § 6-13-626; and

2.4.5 Charter Board members must obtain the training required by Ark. Code Ann. § 6-13-629.

2.5 Charter Management Organization. The Charter Board may contract with a third-party entity for the provision of comprehensive (all or a substantial portion of the) services necessary to manage and operate the Charter School, only with the prior approval of ADE. In no event may the Charter Board delegate or assign its responsibility for fulfilling the terms of this Charter. The termination or change of a Charter Management Organization requires prior approval by ADE.

2.5.1 Nothing in this Charter will be interpreted to prevent the Charter School from entering into contracts or other agreements with a school district, community partnership, state agency, or other entity for non-comprehensive services related to the operation of the school.

2.5.2 The terms of such contracts for services may be negotiated between the Charter School and the local school board or other entity. Such contracts for services will, at all times, be subject to the requirements of this Charter.

2.5.3 Any such contract which contains or constitutes a debt of the school will be subject to prior ADE approval, as required in section 5.7 below.

2.5.4 In its provision of comprehensive services on behalf of the Charter School, the Charter Management Organization will be bound to the obligations and restrictions of this Charter to the same extent the Charter School itself is bound.

2.6 Transparency. The Applicant acknowledges that the Charter School and Charter Board are subject to the obligations of the Arkansas Freedom of Information Act, Ark. Code Ann. §§ 25-19-101 *et seq.* Except as allowed or required by law, all meetings of the Charter Board must be open to the public.

SECTION 3. SCHOOL OPERATION

3.1 Mission Statement. The Charter School will operate under the mission statement set forth in the Application. Any change to that Mission Statement will be an amendment to this Charter and will require Authorizer approval.

3.2 Age; Grade Range; Number of Students. The Charter School will provide instruction to a maximum of X students in grades X through X. {Provided, that the Charter School will gradually transition to this maximum enrollment and grade configuration as follows:

2012-2013: X students in grades X through X;
2013-2014: Add X students in grade X;
2014-2015: Add X students in grade X;
2015-2016: Add X students in grade X; and
2016-2017: Add X students in grade X.}

3.2.1 The Charter School must obtain approval from the Authorizer prior to enrolling any student, who, if enrolled, would cause the school's enrollment to exceed the total maximum enrollment of the school as set forth in this section.

3.2.2 The Charter School may make modifications as to the number of students in any particular grade, and number of students within a class to accommodate staffing exigencies, facility limitations, and attrition patterns provided such modifications are otherwise consistent with this Charter, and provided the total enrollment does not exceed the maximums set forth in this section.

3.2.3 An expansion to serve grade levels not approved by the Authorizer will be an amendment to the terms of this Charter and will require prior approval by the Authorizer.

3.3 Student Recruitment; Admission; Enrollment; Attendance. The Charter School will implement a student recruitment and enrollment plan, consistent with the terms of the Application, that ensures the School is open to any eligible child and encourages the enrollment of a diverse student population consistent with the mission set forth in the Application.

3.3.1 The Charter School will adopt and operate in compliance with policies for admission, enrollment, attendance and student withdrawal that are consistent with applicable law and regulations, and the policies, if any, set forth in the Application. The Charter School may not modify or deviate from the enrollment policies, preferences, or limitations set forth in the Application without prior approval by ADE.

3.3.2 The Charter School will implement a random, anonymous lottery process, consistent with the procedure set forth in the Application, should there be

more student applications than can be accommodated under the terms of this Charter. {The parties agree that a weighted lottery may be used in the Charter School's student selection process when necessary to comply with Title VI of the federal Civil Rights Act of 1964, Title IX of the federal Education Amendments of 1972, the equal protection clause of the Fourteenth Amendment to the United States Constitution, a court order, or a federal or state law requiring desegregation.}

3.3.3 The Charter School will not discriminate in its admissions policy or operations on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility, except that the Charter School may in its admissions policy provide for the exclusion of students who have been expelled from another public school district in accordance with Title 6 of the Arkansas Code. {However, the parties agree that the Charter School will limit enrollment eligibility to the [male/female] gender, as allowed by federal law, regulations, and guidelines applicable to charter schools. Students of the opposite gender will not be enrolled in the Charter School without the prior approval of the Authorizer.}

3.4 Student Learning and Achievement. The Charter School will implement the educational programs set forth in the Application so that its students may (i) meet or exceed the performance goals set forth in Appendix "A" and (ii) meet or exceed the accountability requirements established by ADE or the State Board in compliance with federal law or pursuant to regulatory flexibility granted by the United States Department of Education from the provisions of the Elementary and Secondary Education Act. The performance goals set forth in Appendix "A" may be modified or supplemented only by mutual consent of the Charter School and the Authorizer.

3.5 Student Assessment. The Charter School will implement all student assessment requirements set forth in the Arkansas Comprehensive Testing, Assessment, and Accountability Program (ACTAAP), Ark. Code Ann. §§ 6-15-401 *et seq.*, or in ADE's implementing regulations, except as specifically waived herein. In addition, the Charter School will supplement the above assessment tools with other assessment tools, if any, consistent with those set forth in the Application or required by Appendix "A".

3.5.1 All standardized assessments required by the state must be administered solely by educators holding licenses issued by the State Board ("**licensed personnel**"), as required by ADE Rules Governing the Arkansas Comprehensive Testing Assessment and Accountability Program. Violations of ADE assessment procedures are subject to sanctions by the State Board, including without limitation sanctions pursuant to Ark. Code Ann. §§ 6-15-438 and 6-23-105 and pursuant to ADE Rules Governing Alleged Testing Improprieties.

3.6 Educational Program and Curriculum. The Charter School will implement an educational program and curriculum consistent with the program and curriculum set forth in the Application. The Charter School may revise and amend the program and curriculum to permit the School to meet its educational goals and student achievement standards. However, any modifications, either individually or cumulatively, that are of such a nature

or degree as to be a material change to the Charter School's mission or its student achievement standards, or to the educational need the Charter School purports to address, will constitute an amendment to this Charter requiring the prior approval of the Authorizer. For the purpose of this section 3.6, a "material change" means a change that is both relevant and significant to the Authorizer's decision to grant or renew a charter.

3.7 School Calendar; Days and Hours of Operation. The days and minutes of the operation of the Charter School will be as set forth in the Application or as required by law or regulation.

3.7.1 If the Application calls for student-teacher interaction days or minutes in excess of that required by law, the Charter School may not materially reduce its days or minutes of student-teacher interaction time without ADE approval. For the purpose of this section 3.7, a material reduction is defined as a reduction of twenty (20) or more minutes per day, or five (5) or more days per year, from the terms set forth in the Application.

3.7.2 Days or minutes unavoidably lost due to exceptional or emergency circumstances resulting from a contagious disease outbreak, inclement weather, or other acts of God will not be considered a material reduction, so long as the Charter School offers a minimum of 178 full student-teacher interaction days per year. Waiver of this requirement will be available on the same terms and same procedures as for traditional public schools.

3.8 Disciplinary Code. The Charter School will adopt and operate in compliance with written policies and procedures for discipline, including guidelines for suspension and expulsion, consistent with the policies, if any, set forth in the Application, and disseminate those rules and procedures to students and parents.

3.8.1 The policies and procedures must be consistent with the requirements of due process, the provision of alternative instruction and with federal laws and regulations governing the placement of students with disabilities.

3.8.2 Except as allowed by law, the Charter School will adopt and implement the provisions of 34 CFR Part 300 relating to the discipline of students with disabilities. To the extent that any provision of the Application conflicts with the provisions of this paragraph or 34 CFR Part 300, the provisions of this paragraph and 34 CFR Part 300 will govern.

3.8.3 The Charter School will not expel any student, or otherwise coerce a student to withdraw, except in accordance with the terms of these written discipline policies and procedures.

3.9 Food Services. Except as specified in the Application, the Charter School may initiate or terminate participation in the National School Lunch Program only with the prior approval of ADE.

3.10 Students with Disabilities. The Charter School will furnish the special education, related services, and accommodations necessary to provide, as an integral part of the school, a free appropriate public education to students with disabilities in accordance with the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1401 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), the Children with Disabilities Act (Ark. Code Ann. §§ 6-41-201 et seq.), and any other applicable federal or state laws or regulations.

3.10.1 The services provided will reflect the full range of programs and services required to provide such students with a high quality education based upon the individualized education program developed for the child.

3.10.2 The Charter School may provide special services pursuant to a contract with a school district or other provider of such services.

3.10.3 The Charter School is designated as a local education agency (LEA) for purposes of meeting special education requirements under federal and state law. The Charter School is eligible to receive federal funds under Part B of IDEA disbursed by ADE, along with state funds dedicated to special education, on the same terms and conditions as traditional public schools.

3.11 English Language Learners. The Charter School will be responsible for meeting the needs of English language learners (ELL) in compliance with Arkansas and federal law. The Charter School will provide resources and support to ELL students to enable them to acquire sufficient English language proficiency to participate in the mainstream English language instructional program and achieve proficiency in all core content subjects. The Charter School will follow ADE's rules and procedures for identifying, assessing, and exiting ELL students consistent with state and federal law and shall take such actions as ADE deems necessary from time to time to assure compliance with any applicable court order. ADE and the Charter School will work collaboratively to assure compliance with ADE's ELL rules in a manner that preserves the essential nature of the unique educational program of the Charter School while maintaining full compliance with the requirements of state and federal law regarding services to ELL students.

3.12 Student Records. The Charter School is hereby defined to be an education agency as that term is defined by the Family Educational Rights and Privacy Act of 1974 (FERPA), and will be subject to its restrictions and mandates regarding the confidentiality and availability of student records. In the event of the closure of the Charter School, or the termination, revocation, or non-renewal of this Charter:

3.12.1 The Applicant must take all steps necessary to protect and maintain all student records, consistent with the provisions of FERPA and the ADE Rules Governing Public Charter Schools.

3.12.2 The Applicant must take all steps necessary to ensure that each student's records are securely delivered to the school to which the student transfers. The Applicant must take all steps necessary to ensure that all unclaimed student records are promptly and securely delivered to a person or entity designated by ADE.

3.12.3 The Applicant must take all steps necessary to promptly and securely deliver all child nutrition records, including without limitation applications for free/reduced meals, to the ADE Child Nutrition Unit.

3.13 Site Visits. ADE may, at its discretion, conduct announced or unannounced site visits consistent with its oversight authority. Such site visits may include any activities reasonably related to fulfillment of ADE's oversight responsibilities including, but not limited to: inspection of the facilities; inspection of records maintained by the Charter School; interviews and observations of the principal, Charter Board, staff, school families, and community members; and observation of classroom instruction.

SECTION 4. SCHOOL PERSONNEL

4.1 Employment. The Charter School may employ teachers, administrators, and other personnel as set forth in the Application. The Charter School will have ultimate responsibility for employment, management, dismissal, and discipline of its employees. Neither the Charter School nor the Applicant will discriminate on the basis of race, sex, national origin, ethnicity, religion, age, or disability in employment decisions, including hiring and retention of administrators, teachers, and other employees whose salaries or benefits are derived from any public funds.

4.2 Policies and Staffing Plan. The Charter School will adopt and operate in compliance with written personnel policies and procedures. The Charter School in its discretion may deviate from the staffing plan set forth in the Application, except that ADE's prior approval is required for any material modification of (i) the authority or duties of the school's chief operating officer; or (ii) the professional qualifications required for the school's chief operating officer, principals/administrators, counselors, or teachers.

4.3 Teacher Qualifications. The Charter School will ensure that each instructional employee of the charter school has the experience, training and skills appropriate to the instructional duties of the employee.

4.3.1 The Charter School will comply with Arkansas law and ADE regulations governing the employment of teachers, except as specifically waived herein.

4.3.2 Notwithstanding any waiver granted by the Authorizer, any teacher, whether licensed or unlicensed, who teaches a core academic subject area must meet the requirements of ADE Rules Governing Highly Qualified Teachers Pursuant

to the No Child Left Behind Act of 2001. Core academic subject areas are defined by federal law to include English Language Arts, Reading, Mathematics, Science, Foreign Languages, Social Studies, Music, and Art.

4.3.3 The Charter School may not employ in any instructional or supervisory capacity any individual whose educator license has been revoked or is currently suspended by the State Board.

4.4 Background Checks. All teachers and school personnel employed by or in the Charter School, whether licensed or unlicensed, whether full-time or part-time, must submit to the criminal background and central registry checks required by law. No person may be employed by or in the Charter School who is barred from school employment by Ark. Code Ann. §§ 6-17-411 or 414, by other law, or by ADE regulations.

SECTION 5. SCHOOL FINANCE

5.1 Fiscal Year. The Charter School's fiscal year will consist of the twelve-month period beginning July 1 and ending on the following June 30.

5.2 Budget. As required by Arkansas law and ADE rules, the Charter Board will, no later than September 30 of each year, adopt and electronically file with ADE a budget of expenditures and receipts for the current fiscal year.

5.3 Financial Controls and Reporting. The Charter School will at all times maintain appropriate governance and management procedures and financial controls. The Charter School will comply with all reporting requirements imposed by law or regulation, and will fully participate in the Arkansas Public School Computer Network (APSCN) finance and educational data reporting system.

5.4 Annual Audits. As required by Arkansas law and ADE rules, the Charter School will, no later than March 30 unless an extension is granted by ADE, file an independent audit of the prior fiscal year as conducted by the Division of Legislative Audit or by a private auditor selected by the Charter Board according to law.

5.5 School Funding. ADE will disburse state foundation, categorical, and special education funding to the Charter School in accordance with state law and regulation. ADE will disburse federal funding to the Charter School in accordance with federal law and ADE policies.

5.5.1 The Applicant understands that federal funding may be adjusted, reduced, withheld, or reallocated from time to time, due to (i) enrollment changes, (ii) maintenance of effort requirements, or (iii) other factors identified in law or policy.

5.5.2 In some cases, ADE policies or federal law require or allow alternative federal funding calculation methods for a year in which a charter school experiences a “significant change” or “significant expansion” of enrollment. The parties agree that in these cases, a “significant change” or “significant expansion” will be defined as any year in which (i) the Charter School adds or eliminates a grade level served, or (ii) the Charter School’s enrollment cap is modified.

5.5.3 The parties understand and agree that for the Charter School to receive an accurate level of federal funding calculated on student enrollment, each student’s resident district LEA must be accurately identified in the appropriate Statewide Information System (SIS) fields, since some federal funding received by charter schools is paid from the traditional public school district’s allocation. For the purpose of this section, a student’s “resident district LEA” is the traditional public school district where the student resides.

5.6 Tuition and Fees. The Charter School may not charge tuition or fees of any kind as a condition of enrollment. The Charter School may not impose any fees that a public school district would be prohibited from imposing. Nothing in this section will be construed to prohibit the Charter School from imposing fees that a school district would be permitted to impose.

5.7 Debt. The Charter School may not incur any debt, whether in the form of a lease, loan, mortgage, contract, or other financial obligation, without the prior review and approval of ADE pursuant to ADE rules. For the purpose of this Charter, “debt” has the same meaning as set forth in the appropriate rules promulgated by ADE.

5.7.1 The Charter School may not use the funds that it receives from the state for any sectarian program or activity or as collateral for debt.

5.7.2 No indebtedness of any kind incurred or created by the Charter School shall constitute an indebtedness of the State of Arkansas or its political subdivisions, and no indebtedness of the Charter School shall involve or be secured by the faith, credit, or taxing power of the State of Arkansas or its political subdivisions.

5.7.3 Every contract or lease into which the Charter School enters must include the wording of section 5.7.2 above.

5.7.4 The Applicant and Charter School acknowledge that in the event of the closure of the Charter School, or the termination, revocation, or non-renewal of this Charter, neither the State of Arkansas nor the Arkansas Department of Education will have any liability whatsoever for any debt or other financial obligation of the Applicant or Charter School.

5.8 Grants, Gifts and Donations. Nothing in this Charter will be interpreted to prevent the Charter Board from accepting grants, gifts, or donations of any kind and to

expend or use such grants, gifts, or donations provided that any such grants, gifts, or donations not be subject to a condition that is contrary to this Charter or any applicable law.

5.9 Inventory of Assets; School Property. The Charter School will maintain a complete and current inventory of all school property and will update the inventory no less than annually. The inventory must specifically identify those items purchased with non-public funds. The inventory must specifically identify any items maintained in the Charter School facility but owned by the Applicant or another entity.

5.9.1 Any item of property maintained in the Charter School facility, but not identified in the current inventory as owned by the Applicant or another entity, will be presumed to be property of the Charter School purchased with public funds.

5.9.2 All assets, whether real, personal, or intangible, purchased with public funds by the Applicant on behalf of the Charter School, will be deemed property of the Charter School purchased with public funds.

5.10 Maintenance of Corporate Status. During the term of this Charter, the Applicant will maintain its status as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code, and its status as a [domestic non-profit corporation in good standing with the State of Arkansas] [a foreign non-profit corporation authorized to do business in Arkansas]. The Applicant will notify ADE within five (5) days of any change to its tax-exempt or corporate status. Failure of the Applicant to maintain its tax-exempt status will constitute a material breach of this Charter.

5.11 School Closure. In the event of the closure of the Charter School, or the termination, revocation, or non-renewal of this Charter, the following provisions will apply:

5.11.1 No more than ninety (90) days after Charter termination, or sooner as designated by ADE, the Charter School or Applicant must take all steps necessary to securely deliver all of the Charter School's financial and personnel records to the person or entity designated by ADE, for the purpose of ensuring the availability of records for the Charter School's final audit.

5.11.2 The Charter School and Applicant will fully cooperate with ADE as it implements the close-out procedures set forth in ADE rules.

5.11.3 With the specific consent and approval of ADE, the Charter School or Applicant may continue limited operations after the expiration of this Charter, for the purpose of closing out the Charter School's finances. These operations may include, with ADE's approval, the issuing of warrants and the transfer of funds.

5.11.4 Any charter school funds remaining at the time this Charter terminates, whether held by the charter school or by ADE, may be expended or retained by ADE as allowed by law.

5.11.5 If any charter school funds remain after the payment of obligations as required by ADE's Rules Governing Public Charter Schools, the remaining funds may be used to pay expenses directly related to and necessitated by closure of the school.

5.11.6 If any charter school funds remain after the payment of closure expenses, the remaining funds may be expended or retained at ADE's discretion, as allowed by law.

SECTION 6. CONTRACT IMPLEMENTATION AND OTHER COVENANTS

6.1 Required Notifications. The Charter School must immediately notify ADE of:

6.1.1 Any conditions that it knows are likely to cause it to violate the terms of this Charter or applicable law;

6.1.2 Any circumstance requiring the closure of the Charter School or any of its campuses for more than three (3) consecutive school days, including but not limited to a natural disaster, such as an earthquake, storm, flood, or other weather-related event, other extraordinary emergency, or destruction of or damage to the school facility;

6.1.3 The arrest or charge of any member of the Charter Board or of a Charter School employee for any crime punishable as a felony, any crime related to the misappropriation of funds or theft, any crime or misdemeanor constituting an act against a minor child or student, or any crime listed in Ark. Code Ann. § 6-17-410(c) or 414(b), or of the investigation of a member of the Charter Board or of any Charter School employee for child abuse or neglect;

6.1.4 Default on any obligation of the Charter School, including without limitation (i) debts for which payments are past due by sixty (60) days or more, and (ii) checks or warrants of the Charter School returned by a bank for insufficient funds; or

6.1.5 Any enrollment decrease of ten percent (10%) or more compared to the most recent student count submitted to ADE.

6.2 Termination. The Charter School may terminate this Charter by giving notice to ADE no later than January 15, with termination to be effective the following July 1. The Charter School may terminate this Charter at any other time only with the approval of the Authorizer. The Authorizer may non-renew, modify, or revoke this Charter, or place the Charter on probation, at any time and for any reason allowed by Ark. Code Ann. § 6-23-105 or other applicable law, or for a material breach of this Charter.

6.3 Notice. Any notice required or permitted under this Charter must be in writing and will be effective (i) immediately upon personal delivery, subject to verification of service or acknowledgement of receipt, or (ii) no more than three (3) days after mailing when sent by certified mail, postage prepaid to the following:

In the case of the Charter School: [address]

In the case of ADE: Charter School Office
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201

6.4 Entire Agreement. The Parties intend this Charter, to include the Statement of Assurances submitted with the Application, this Charter Agreement, Appendices “A” and “B”, and any attachments and exhibits thereto, to represent a final and complete expression of their agreement, which will be considered the Charter. All prior representations, understandings, and discussions are merged herein, and no course of prior dealings between the Parties may supplement or explain any terms used in this document. The Parties recognize that amendments to this Charter may be approved or required by the Authorizer from time to time hereafter.

6.5 Indemnification and Disclaimer of Liability.

6.5.1 The Parties acknowledge that the Charter School is not acting as the agent of or under the direction and control of ADE, except as required explicitly by law or this Charter, and that ADE does not assume liability for any loss or injury resulting from (i) the acts or omissions of the Charter School, its directors, trustees, agents, assigns, or employees; (ii) the use and occupancy of the building or buildings occupied by the Charter School, or any matter in connection with the conditions of such building or buildings; or (iii) any debt or contractual obligation incurred by the Charter School.

6.5.2 The Charter School acknowledges that it is without authority to extend the faith and credit of ADE to any third party. The Charter School must clearly indicate to vendors and other entities and individuals that the obligations of the Charter School under agreement or contract are solely the responsibility of the Charter School or Applicant and are not the responsibility of ADE.

6.5.3 The Charter School and Applicant will defend, indemnify, and hold harmless ADE and its officers, directors, agents, and employees from any and all claims, demands, suits, actions, proceedings, loss, cost, and damages of every kind and description, including but not limited to attorneys’ fees and litigation expenses which may be brought or made against or incurred by ADE on account of (i) the acts or omissions of the Charter School or Applicant, or their directors, trustees, agents, assigns, or employees; (ii) the use and occupancy of the building or buildings occupied by the Charter School or Applicant, or any matter in connection with the

conditions of such building or buildings; or (iii) any debt or contractual obligation incurred by the Charter School or Applicant.

6.5.4 Nothing in this Charter may be construed in any way to waive, compromise, or abrogate the sovereign immunity of the State of Arkansas, or to waive, compromise, or abrogate any sovereign, qualified, tort, charitable, statutory, or other immunity held by the State Board, ADE, the Applicant, or the Charter School, or their employees, agents, or assigns.

6.5.5 This Charter is not an employment contract. No officer, employee, agent, or subcontractor of the Charter School is an officer, employee, or agent of ADE or the State of Arkansas by virtue of this Charter.

6.5.6 ADE will not be liable for the torts, debts, or financial obligations of the Charter School or Applicant.

6.6 Waiver. The failure of any party to this Charter to insist on strict performance of any term or condition of this Charter will not constitute a waiver of that term or condition, even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object to it.

6.7 Assignment. No right or interest in this Charter may be assigned or delegated to anyone on behalf of the Charter School or Applicant without prior approval of the Authorizer. This Charter may be assigned to another eligible entity only by mutual consent of the Applicant, the Charter Board, and the Authorizer.

6.8 Governing Law. This Charter will be governed by and construed in accordance with the laws of the State of Arkansas and all applicable federal laws of the United States.

6.8.1 The Applicant acknowledges that the Charter School is bound by the Arkansas Standards for Accreditation of Arkansas Public Schools and School Districts, by all ADE regulations, and by all other federal, state, and local laws and regulations, except as specifically waived herein or in Appendix “B” to this Charter.

6.8.2 The parties intend that where this Charter references federal or state laws or regulations, that they be bound by any amendments to such laws or regulations upon the effective date of such amendments.

6.8.3 This Charter is contingent upon legislative authorization, and the Charter or the funding under it may be modified, terminated, or rendered moot by an act of the Arkansas General Assembly.

6.8.4 Any term of this Charter that conflicts with any state or federal law, rule, or regulation is superseded by the law, rule, or regulation to the extent that the law, rule, or regulation conflicts with the contract term.

6.9 Amendment. No amendment to this Charter, whether material or not, will be valid without the prior approval of the Authorizer. In any case where this Charter requires prior approval of ADE or the Authorizer for any action, such approval must be in writing.

6.10 Severability. The provisions of this Charter are severable. Any term or condition deemed illegal or invalid will not affect any other term or condition, and the remainder of the Charter will remain in effect through the end of the term of this Charter unless otherwise terminated by one or both of the parties.

6.11 Third-Party Beneficiary. The enforcement of the terms and conditions of this Charter, and all rights of action relating to such enforcement, is strictly reserved to the ADE and the Applicant acting on behalf of the Charter School. Nothing contained in this Charter will give or allow any claim or right of action whatsoever by any third person. It is the express intent of the parties to this Charter that any person receiving services or benefits hereunder will be deemed an incidental beneficiary only.

6.12 Counterparts; Signature by Facsimile. The Charter may be signed in counterparts, which will together constitute the original Charter. Signatures received by facsimile by the parties will have the same effect as original signatures.

6.13 Authorization. The Applicant affirms as a condition of this Charter that the person signing this Charter on behalf of the Applicant is the chief operating officer of the public charter school and has authority to sign this Charter on behalf of the Applicant and the Charter School.

6.14 Order of Precedence. In the event of any inconsistency in or conflict among the document elements of this Charter, such inconsistency or conflict shall be resolved by giving precedence to the document elements in the following order: (1) this Charter (as amended from time to time by the Authorizer); and (2) the Application.

6.15 Review. The parties acknowledge that any final decision of the Authorizer to approve, reject, renew, non-renew, place on probation, modify, revoke, or deny a public charter is subject to review by the State Board under Ark. Code Ann. § 6-23-701 et seq.

IN WITNESS WHEREOF, the parties have made and entered into this Charter as of the effective date set forth above.

ARKANSAS DEPARTMENT OF EDUCATION

[charter school name]

Commissioner

Chief Operating Officer

Appendix “A” – Performance Goals

[list performance goals as identified in the application and clarified in the application process; include the ESEA flexibility expectations]

Appendix “B” - Waivers

Unconditional Waivers

[list statutes, rules, and standards]

Conditional Waivers

[list statutes, rules, and standards with clarifications]

Licensure Requirements for All Charter Schools

Regardless of any waivers listed above, every Charter School must always abide by the following requirements:

1. All standardized assessments required by the state must be administered solely by licensed personnel, as required by ADE Rules Governing the Arkansas Comprehensive Testing Assessment and Accountability Program. Violations of ADE assessment procedures are subject to sanctions by the State Board, including without limitation sanctions pursuant to Ark. Code Ann. §§ 6-15-438 and 6-23-105.
2. All teachers and all other employees of the school, whether licensed or unlicensed, must submit to the criminal background and central registry checks required by law.
3. Any teacher, whether licensed or unlicensed, who teaches a core academic subject area must meet the requirements of the ADE Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001. Core academic subject areas are defined by federal law to include English Language Arts, Reading, Mathematics, Science, Foreign Languages, Social Studies, Music, and Art.

CHARTER AGREEMENT

This agreement is executed by and between the Arkansas Department of Education (“the **ADE**”) and [school district name] (the “**Applicant**”) to establish and operate [school name] (the “**Charter School**”), a district conversion public charter school to be located in the [resident school district name].

WHEREAS, the State of Arkansas has enacted the Arkansas Quality Charter Schools Act of 2013, codified as Ark. Code Ann. § 6-23-101 *et seq.*, as amended from time to time (the “**Act**”);

WHEREAS, pursuant to the Act, the ADE and the State Board of Education possess the authority to approve applications to establish and operate public charter schools in the State of Arkansas and thereafter to enter into agreements with applicants setting forth the terms and conditions under which a charter school is to operate;

WHEREAS, pursuant to Ark. Code Ann. § 6-23-201 the Applicant submitted to the ADE public charter authorizer (“the Authorizer”) an application for establishment of a charter school, as subsequently (i) amended by the Applicant in writing prior to [date of Authorizer meeting], (ii) amended by the Applicant orally in testimony to the Authorizer on [date of Authorizer meeting], and (iii) modified by affirmative vote of the Authorizer on [date of Authorizer meeting]{, (iv) as modified by subsequent renewal applications, and (v) as modified by subsequent affirmative votes of the Authorizer} (the “**Application**”);

WHEREAS, at its meeting on [date of Authorizer meeting], the Authorizer approved the Application as amended; and

{**WHEREAS**, the Authorizer has subsequently authorized renewal of the charter, with the most recent renewal being approved by the Authorizer on [date of Authorizer meeting]; and}

WHEREAS, pursuant to the Act, the Authorizer is authorized to approve a charter contract with the Applicant and issue a charter to establish and operate a charter school;

NOW, THEREFORE, in consideration of the mutual covenants, representations, warranties and agreements contained herein and for other good and lawful consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

SECTION 1. ESTABLISHMENT OF SCHOOL

1.1 Charter. A charter is hereby authorized and granted to the Applicant, solely for the benefit of the Charter School, to establish, organize, and operate a district conversion public charter school in accordance with the Act and the terms and conditions of this Charter Agreement, which, along with the “Statement of Assurances” filed by the

Applicant, will constitute the charter contract (the “**Charter**”) and will be binding on the Applicant and the Charter School.

1.2 Term. The Charter will take effect upon[**start date**], and will expire on[**end date**], unless earlier terminated or renewed pursuant to the terms of this Charter or pursuant to the Act as amended.

1.2.1 The Charter School will commence instruction as described in the Application or as required by Ark. Code Ann. § 6-10-106.

1.2.2 The Charter School may seek approval from the Authorizer to take one (1) to (3) planning years before opening for instruction. Planning years granted will not constitute a revision to the Charter and will not extend the term of this contract.

1.3 Renewal. The Charter may be renewed only upon application of the Charter School and approval of the Authorizer, pursuant to an application form and schedule as published by ADE. Continuation or renewal of the charter is contingent on acceptable student performance on assessment instruments adopted by the State Board of Education (“the **State Board**”), and on satisfactory compliance with factors to include:

- The performance goals set forth in Appendix “A”, to be measured as of the date a new renewal application is filed with ADE;
- Any accountability provisions adopted by ADE or the State Board pursuant to regulatory flexibility granted by the United States Department of Education from the provisions of the Elementary and Secondary Education Act;
- The terms and conditions of this Charter;
- Generally accepted accounting standards of fiscal management;
- Fiscal performance criteria deemed appropriate and relevant for the Charter School by the Authorizer; and
- All applicable federal and state laws and regulations.

Renewal will be at the discretion of the Authorizer, and nothing in this Charter will be construed to mandate renewal or otherwise constrain the Authorizer’s discretion in approving or denying renewal.

1.4 Location. The Charter School will be located in the facilities identified in the {Renewal} Application, or as approved pursuant to section 1.5 below.

1.5 Change of Location. The Charter School may change its physical location or obtain additional facilities as follows:

1.5.1 With the prior approval of ADE, the Charter School may occupy any other appropriate facility within the boundaries of the public school district that holds the charter.

1.5.2 The Charter School will notify ADE of any proposed change in location or addition of facilities not less than sixty (60) days prior to taking any final action in connection therewith. ADE may shorten or otherwise waive this sixty-day notice requirement for good cause shown.

1.6 Code Requirements. All facilities occupied or utilized by the Charter School must at all times conform with the applicable provisions of: (i) the Americans with Disabilities Act (ADA); (ii) the Individuals with Disabilities Education Act (IDEA); (iii) all applicable health, safety and fire code requirements; and (iv) any other applicable federal, state, or local statute, ordinance, or rule.

SECTION 2. SCHOOL OPERATION

2.1 Mission Statement. The Charter School will operate under the mission statement set forth in the Application. Any change to that Mission Statement will be an amendment to this Charter and will require Authorizer approval.

2.2 Age; Grade Range; Number of Students. The Charter School will provide instruction to a maximum of X students in grades X through X. {Provided, that the Charter School will gradually transition to this maximum enrollment and grade configuration as follows:

2012-2013: X students in grades X through X;
2013-2014: Add X students in grade X;
2014-2015: Add X students in grade X;
2015-2016: Add X students in grade X; and
2016-2017: Add X students in grade X.}

2.2.1 The Charter School must obtain approval from the Authorizer prior to enrolling any student, who, if enrolled, would cause the school's enrollment to exceed the total maximum enrollment of the school as set forth in this section.

2.2.2 The Charter School may make modifications as to the number of students in any particular grade, and number of students within a class to accommodate staffing exigencies, facility limitations, and attrition patterns provided such modifications are otherwise consistent with this Charter, and provided the total enrollment does not exceed the maximums set forth in this section.

2.2.3 An expansion to serve grade levels not approved by the Authorizer will be an amendment to the terms of this Charter and will require prior approval by the Authorizer.

2.3 Student Recruitment; Admission; Enrollment; Attendance. The Charter School will implement a student recruitment and enrollment plan, consistent with the terms of the Application, that ensures the School is open to any eligible child and encourages the enrollment of a diverse student population consistent with the mission set forth in the Application.

2.3.1 The Charter School will adopt and operate in compliance with policies for admission, enrollment, attendance and student withdrawal that are consistent with applicable law and regulations, and the policies, if any, set forth in the Application. The Charter School may not modify or deviate from the enrollment policies, preferences, or limitations set forth in the Application without prior approval by ADE.

2.3.2 The Charter School will implement a random, anonymous lottery process, consistent with the procedure set forth in the Application, should there be more student applications than can be accommodated under the terms of this Charter. {The parties agree that a weighted lottery may be used in the Charter School's student selection process when necessary to comply with Title VI of the federal Civil Rights Act of 1964, Title IX of the federal Education Amendments of 1972, the equal protection clause of the Fourteenth Amendment to the United States Constitution, a court order, or a federal or state law requiring desegregation.}

2.3.3 The Charter School will not discriminate in its admissions policy or operations on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility. {However, the parties agree that the Charter School will limit enrollment eligibility to the [male/female] gender, as allowed by federal law, regulations, and guidelines applicable to charter schools. Students of the opposite gender will not be enrolled in the Charter School without the prior approval of the Authorizer.}

2.4 Student Learning and Achievement. The Charter School will implement the educational programs set forth in the Application so that its students may (i) meet or exceed the performance goals set forth in Appendix "A" and (ii) meet or exceed the accountability requirements established by ADE or the State Board in compliance with federal law or pursuant to regulatory flexibility granted by the United States Department of Education from the provisions of the Elementary and Secondary Education Act. The performance goals set forth in Appendix "A" may be modified or supplemented only by mutual consent of the Charter School and the Authorizer.

2.5 Student Assessment. The Charter School will implement all student assessment requirements set forth in the Arkansas Comprehensive Testing, Assessment, and Accountability Program (ACTAAP), Ark. Code Ann. §§ 6-15-401 *et seq.*, or in ADE's implementing regulations, except as specifically waived herein. In addition, the Charter School will supplement the above assessment tools with other assessment tools, if any, consistent with those set forth in the Application or required by Appendix "A".

2.5.1 All standardized assessments required by the state must be administered solely by educators holding licenses issued by the State Board (“**licensed personnel**”), as required by ADE Rules Governing the Arkansas Comprehensive Testing Assessment and Accountability Program. Violations of ADE assessment procedures are subject to sanctions by the State Board, including without limitation sanctions pursuant to Ark. Code Ann. §§ 6-15-438 and 6-23-105 and pursuant to ADE Rules Governing Alleged Testing Improprieties.

2.6 Educational Program and Curriculum. The Charter School will implement an educational program and curriculum consistent with the program and curriculum set forth in the Application. The Charter School may revise and amend the program and curriculum to permit the School to meet its educational goals and student achievement standards. However, any modifications, either individually or cumulatively, that are of such a nature or degree as to be a material change to the Charter School’s mission or its student achievement standards, or to the educational need the Charter School purports to address, will constitute an amendment to this Charter requiring the prior approval of the Authorizer. For the purpose of this section 2.6, a “material change” means a change that is both relevant and significant to the Authorizer’s decision to grant or renew a charter.

2.7 School Calendar; Days and Hours of Operation. The days and minutes of the operation of the Charter School will be as set forth in the Application or as required by law or regulation.

2.7.1 If the Application calls for student-teacher interaction days or minutes in excess of that required by law, the Charter School may not materially reduce its days or minutes of student-teacher interaction time without ADE approval. For the purpose of this section 2.7, a material reduction is defined as a reduction of twenty (20) or more minutes per day, or five (5) or more days per year, from the terms set forth in the Application.

2.7.2 Days or minutes unavoidably lost due to exceptional or emergency circumstances resulting from a contagious disease outbreak, inclement weather, or other acts of God will not be considered a material reduction, so long as the Charter School offers a minimum of 178 full student-teacher interaction days per year. Waiver of this requirement will be available on the same terms and same procedures as for traditional public schools.

2.8 Disciplinary Code. The Charter School will adopt and operate in compliance with written policies and procedures for discipline, including guidelines for suspension and expulsion, consistent with the policies, if any, set forth in the Application, and disseminate those rules and procedures to students and parents.

2.8.1 The policies and procedures must be consistent with the requirements of due process, the provision of alternative instruction and with federal laws and regulations governing the placement of students with disabilities.

2.8.2 Except as allowed by law, the Charter School will adopt and implement the provisions of 34 CFR Part 300 relating to the discipline of students with disabilities. To the extent that any provision of the Application conflicts with the provisions of this paragraph or 34 CFR Part 300, the provisions of this paragraph and 34 CFR Part 300 will govern.

2.8.3 The Charter School will not expel any student, or otherwise coerce a student to withdraw, except in accordance with the terms of these written discipline policies and procedures.

2.9 Students with Disabilities. The Charter School will furnish the special education, related services, and accommodations necessary to provide, as an integral part of the school, a free appropriate public education to students with disabilities in accordance with the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1401 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), the Children with Disabilities Act (Ark. Code Ann. §§ 6-41-201 et seq.), and any other applicable federal or state laws or regulations.

2.9.1 The services provided will reflect the full range of programs and services required to provide such students with a high quality education based upon the individualized education program developed for the child.

2.9.2 The Charter School may provide special services pursuant to a contract with a school district or other provider of such services.

2.10 English Language Learners. The Charter School will be responsible for meeting the needs of English language learners (ELL) in compliance with Arkansas and federal law. The Charter School will provide resources and support to ELL students to enable them to acquire sufficient English language proficiency to participate in the mainstream English language instructional program and achieve proficiency in all core content subjects. The Charter School will follow ADE's rules and procedures for identifying, assessing, and exiting ELL students consistent with state and federal law and shall take such actions as ADE deems necessary from time to time to assure compliance with any applicable court order. ADE and the Charter School will work collaboratively to assure compliance with ADE's ELL rules in a manner that preserves the essential nature of the unique educational program of the Charter School while maintaining full compliance with the requirements of state and federal law regarding services to ELL students.

2.11 Site Visits. ADE may, at its discretion, conduct announced or unannounced site visits consistent with its oversight authority. Such site visits may include any activities reasonably related to fulfillment of ADE's oversight responsibilities including, but not limited to: inspection of the facilities; inspection of records maintained by the Charter School; interviews and observations of the principal, Charter Board, staff, school families, and community members; and observation of classroom instruction.

SECTION 3. SCHOOL PERSONNEL

3.1 Employment. The Charter School may employ teachers, administrators, and other personnel as set forth in the Application. Neither the Charter School nor the Applicant will discriminate on the basis of race, sex, national origin, ethnicity, religion, age, or disability in employment decisions, including hiring and retention of administrators, teachers, and other employees whose salaries or benefits are derived from any public funds.

3.2 Policies and Staffing Plan. The Charter School will adopt and operate in compliance with written personnel policies and procedures. The Charter School in its discretion may deviate from the staffing plan set forth in the Application, except that ADE's prior approval is required for any material modification of (i) the authority or duties of the school's chief operating officer; or (ii) the professional qualifications required for the school's chief operating officer, principals/administrators, counselors, or teachers.

3.3 Teacher Qualifications. The Charter School will ensure that each instructional employee of the charter school has the experience, training and skills appropriate to the instructional duties of the employee.

3.3.1 The Charter School will comply with Arkansas law and ADE regulations governing the employment of teachers, except as specifically waived herein.

3.3.2 Notwithstanding any waiver granted by the Authorizer, any teacher, whether licensed or unlicensed, who teaches a core academic subject area must meet the requirements of ADE Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001. Core academic subject areas are defined by federal law to include English Language Arts, Reading, Mathematics, Science, Foreign Languages, Social Studies, Music, and Art.

3.3.3 The Charter School may not employ in any instructional or supervisory capacity any individual whose educator license has been revoked or is currently suspended by the State Board.

3.4 Background Checks. All teachers and school personnel employed by or in the Charter School, whether licensed or unlicensed, whether full-time or part-time, must submit to the criminal background and central registry checks required by law. No person may be employed by or in the Charter School who is barred from school employment by Ark. Code Ann. §§ 6-17-411 or 414, by other law, or by ADE regulations.

SECTION 4. SCHOOL FINANCE

4.1 Fiscal Year. The Charter School's fiscal year will consist of the twelve-month period beginning July 1 and ending on the following June 30.

4.2 Financial Controls and Reporting. The Charter School will at all times maintain appropriate governance and management procedures and financial controls. The Charter School will comply with all reporting requirements imposed by law or regulation, and will fully participate in the Arkansas Public School Computer Network (APSCN) finance and educational data reporting system.

4.3 Tuition and Fees. The Charter School may not charge tuition or fees of any kind as a condition of enrollment. The Charter School may not impose any fees that the school district is prohibited from imposing. Nothing in this section will be construed to prohibit the Charter School from imposing fees that the school district is permitted to impose.

4.4 Grants, Gifts and Donations. Nothing in this Charter will be interpreted to prevent the Charter Board from accepting grants, gifts, or donations of any kind and to expend or use such grants, gifts, or donations provided that any such grants, gifts, or donations not be subject to a condition that is contrary to this Charter or any applicable law.

SECTION 5. CONTRACT IMPLEMENTATION AND OTHER COVENANTS

5.1 Required Notifications. The Charter School must immediately notify ADE of:

5.1.1 Any conditions that it knows are likely to cause it to violate the terms of this Charter or applicable law;

5.1.2 Any circumstance requiring the closure of the Charter School or any of its campuses for more than three (3) consecutive school days, including but not limited to a natural disaster, such as an earthquake, storm, flood, or other weather-related event, other extraordinary emergency, or destruction of or damage to the school facility;

5.1.3 The arrest or charge of any member of the Charter Board or of a Charter School employee for any crime punishable as a felony, any crime related to the misappropriation of funds or theft, any crime or misdemeanor constituting an act against a minor child or student, or any crime listed in Ark. Code Ann. § 6-17-410(c) or 414(b), or of the investigation of a member of the Charter Board or of any Charter School employee for child abuse or neglect; or

5.1.4 Any enrollment decrease of ten percent (10%) or more compared to the most recent student count submitted to ADE.

5.2 Termination. The Charter School may terminate this Charter by giving notice to ADE no later than January 15, with termination to be effective the following July 1. The Charter School may terminate this Charter at any other time only with the approval of the Authorizer. The Authorizer may non-renew, modify, or revoke this Charter, or place the

Charter on probation, at any time and for any reason allowed by Ark. Code Ann. § 6-23-105 or other applicable law, or for a material breach of this Charter.

5.3 Notice. Any notice required or permitted under this Charter must be in writing and will be effective (i) immediately upon personal delivery, subject to verification of service or acknowledgement of receipt, or (ii) no more than three (3) days after mailing when sent by certified mail, postage prepaid to the following:

In the case of the Charter School: [address]

In the case of ADE: Charter School Office
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201

5.4 Entire Agreement. The Parties intend this Charter, to include the Statement of Assurances submitted with the Application, this Charter Agreement, Appendices “A” and “B”, and any attachments and exhibits thereto, to represent a final and complete expression of their agreement, which will be considered the Charter. All prior representations, understandings, and discussions are merged herein, and no course of prior dealings between the Parties may supplement or explain any terms used in this document. The Parties recognize that amendments to this Charter may be approved or required by the Authorizer from time to time hereafter.

5.5 Indemnification and Disclaimer of Liability.

5.5.1 The Parties acknowledge that the Charter School is not acting as the agent of or under the direction and control of ADE, except as required explicitly by law or this Charter, and that ADE does not assume liability for any loss or injury resulting from (i) the acts or omissions of the Charter School, its directors, trustees, agents, assigns, or employees; (ii) the use and occupancy of the building or buildings occupied by the Charter School, or any matter in connection with the conditions of such building or buildings; or (iii) any debt or contractual obligation incurred by the Charter School.

5.5.2 The Charter School acknowledges that it is without authority to extend the faith and credit of ADE to any third party. The Charter School must clearly indicate to vendors and other entities and individuals that the obligations of the Charter School under agreement or contract are solely the responsibility of the Charter School or Applicant and are not the responsibility of ADE.

5.5.3 The Charter School and Applicant will defend, indemnify, and hold harmless ADE and its officers, directors, agents, and employees from any and all claims, demands, suits, actions, proceedings, loss, cost, and damages of every kind and description, including but not limited to attorneys’ fees and litigation expenses which may be brought or made against or incurred by ADE on account of (i) the acts

or omissions of the Charter School or Applicant, or their directors, trustees, agents, assigns, or employees; (ii) the use and occupancy of the building or buildings occupied by the Charter School or Applicant, or any matter in connection with the conditions of such building or buildings; or (iii) any debt or contractual obligation incurred by the Charter School or Applicant.

5.5.4 Nothing in this Charter may be construed in any way to waive, compromise, or abrogate the sovereign immunity of the State of Arkansas, or to waive, compromise, or abrogate any sovereign, qualified, tort, charitable, statutory, or other immunity held by the State Board, ADE, the Applicant, or the Charter School, or their employees, agents, or assigns.

5.5.5 This Charter is not an employment contract. No officer, employee, agent, or subcontractor of the Charter School is an officer, employee, or agent of ADE or the State of Arkansas by virtue of this Charter.

5.5.6 ADE will not be liable for the torts, debts, or financial obligations of the Charter School or Applicant.

5.6 Waiver. The failure of any party to this Charter to insist on strict performance of any term or condition of this Charter will not constitute a waiver of that term or condition, even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object to it.

5.7 Governing Law. This Charter will be governed by and construed in accordance with the laws of the State of Arkansas and all applicable federal laws of the United States.

5.7.1 The Applicant acknowledges that the Charter School is bound by the Arkansas Standards for Accreditation of Arkansas Public Schools and School Districts, by all ADE regulations, and by all other federal, state, and local laws and regulations, except as specifically waived herein or in Appendix “B” to this Charter.

5.7.2 The parties intend that where this Charter references federal or state laws or regulations, that they be bound by any amendments to such laws or regulations upon the effective date of such amendments.

5.7.3 This Charter is contingent upon legislative authorization, and the Charter or the funding under it may be modified, terminated, or rendered moot by an act of the Arkansas General Assembly.

5.7.4 Any term of this Charter that conflicts with any state or federal law, rule, or regulation is superseded by the law, rule, or regulation to the extent that the law, rule, or regulation conflicts with the contract term.

5.8 Amendment. No amendment to this Charter, whether material or not, will be valid without the prior approval of the Authorizer. In any case where this Charter requires prior approval of ADE or the Authorizer for any action, such approval must be in writing.

5.9 Severability. The provisions of this Charter are severable. Any term or condition deemed illegal or invalid will not affect any other term or condition, and the remainder of the Charter will remain in effect through the end of the term of this Charter unless otherwise terminated by one or both of the parties.

5.10 Third-Party Beneficiary. The enforcement of the terms and conditions of this Charter, and all rights of action relating to such enforcement, is strictly reserved to the ADE and the Applicant acting on behalf of the Charter School. Nothing contained in this Charter will give or allow any claim or right of action whatsoever by any third person. It is the express intent of the parties to this Charter that any person receiving services or benefits hereunder will be deemed an incidental beneficiary only.

5.11 Counterparts; Signature by Facsimile. The Charter may be signed in counterparts, which will together constitute the original Charter. Signatures received by facsimile by the parties will have the same effect as original signatures.

5.12 Order of Precedence. In the event of any inconsistency in or conflict among the document elements of this Charter, such inconsistency or conflict shall be resolved by giving precedence to the document elements in the following order: (1) this Charter (as amended from time to time by the Authorizer); and (2) the Application.

5.13 Review. The parties acknowledge that any final decision of the Authorizer to approve, reject, renew, non-renew, place on probation, modify, revoke, or deny a public charter is subject to review by the State Board under Ark. Code Ann. § 6-23-701 et seq.

IN WITNESS WHEREOF, the parties have made and entered into this Charter as of the effective date set forth above.

ARKANSAS DEPARTMENT OF EDUCATION

[charter school name]
[school district name]

Commissioner

Superintendent

Appendix “A” – Performance Goals

[list performance goals as identified in the application and clarified in the application process; include the ESEA flexibility expectations]

Appendix “B” - Waivers

Unconditional Waivers

[list statutes, rules, and standards]

Conditional Waivers

[list statutes, rules, and standards with clarifications]

Licensure Requirements for All Charter Schools

Regardless of any waivers listed above, every Charter School must always abide by the following requirements:

1. All standardized assessments required by the state must be administered solely by licensed personnel, as required by ADE Rules Governing the Arkansas Comprehensive Testing Assessment and Accountability Program. Violations of ADE assessment procedures are subject to sanctions by the State Board, including without limitation sanctions pursuant to Ark. Code Ann. §§ 6-15-438 and 6-23-105.
2. All teachers and all other employees of the school, whether licensed or unlicensed, must submit to the criminal background and central registry checks required by law.
3. Any teacher, whether licensed or unlicensed, who teaches a core academic subject area must meet the requirements of the ADE Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001. Core academic subject areas are defined by federal law to include English Language Arts, Reading, Mathematics, Science, Foreign Languages, Social Studies, Music, and Art.

	PROPOSED NEW TEST	CURRENT TEST TO BE REPLACED	NEW TEST CUT SCORE	EFFECTIVE DATE	PLSB	SBE	TAG	STUDY GUIDE
Middle School	Praxis II Middle School English Language Arts (5047)	Praxis II Middle School: Multiple Subjects (5141)	164	9/1/13	6/14/13	7/8/13	NO	NO
	Praxis II Middle School Mathematics (5169)	Praxis II Middle School: Multiple Subjects (5141)	165	9/1/13	6/14/13	7/8/13	NO	NO
	Praxis II Middle School Science (0439)	Praxis II Middle School: Multiple Subjects (5141)	146	9/1/13	6/14/13	7/8/13	YES	YES
	Praxis II Middle School Social Studies (5089)	Praxis II Middle School: Multiple Subjects (5141)	149	9/1/13	6/14/13	7/8/13	YES	YES
Elementary Education	Praxis II Elementary Education Multiple Subjects (5031):	Praxis II Early Childhood: Content Knowledge (5022)						
	SUBTEST: Mathematics (5033)		164	9/1/13	6/14/13	7/8/13	YES	YES
	SUBTEST: Reading and Language Arts (5032)		165	9/1/13	6/14/13	7/8/13	YES	YES
	SUBTEST: Science (5035)		159	9/1/13	6/14/13	7/8/13	YES	YES
	SUBTEST: Social Studies (5034)		155	9/1/13	6/14/13	7/8/13	YES	YES
	Principles of Learning and Teaching (PLT): Grades K-6 (0622/5622)	NO CURRENT PLT: GRADES K-6	160	9/1/13	6/14/13	7/8/13	YES	YES
Secondary English	Praxis II English Language Arts: Content and Analysis (5039)	Praxis II English Language, Literature, and Composition: Content and Analysis (0044/5044)	168	9/1/14	6/14/13	7/8/13	NO	NO
Secondary Math	Praxis II Mathematics: Content Knowledge (5161)	Praxis II Mathematics: Content Knowledge (0061/5061)	160	9/1/14	6/14/13	7/8/13	NO	NO
Secondary Pedagogy Tests	Principles of Learning and Teaching (PLT): Grades 7-12 (0624/5624)*	English Language, Literature and Composition: Pedagogy (0043)	157	9/1/13	6/14/13	7/8/13	YES	YES
	Principles of Learning and Teaching (PLT): Grades 7-12 (0624/5624)*	Life Science: Pedagogy (0234)	157	9/1/13	6/14/13	7/8/13	YES	YES
	Principles of Learning and Teaching (PLT): Grades 7-12 (0624/5624)*	Mathematics: Pedagogy (0065)	157	9/1/13	6/14/13	7/8/13	YES	YES
	Principles of Learning and Teaching (PLT): Grades 7-12 (0624/5624)*	Physical Science: Pedagogy (0483)	157	9/1/13	6/14/13	7/8/13	YES	YES

*PLT: Grades 7-12 with cut score of 157 (currently available) will replace the discontinued pedagogy tests in English, life science, mathematics, and physical science.



**ARKANSAS
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OF EDUCATION**

4 Capitol Mall
Little Rock, AR 72201
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www.arkansased.org

To: Karen Walters
From: Michael Rowland
Cc'ed: Don McGohan, Barbara Culpepper, Ron Tolson,
Melissa Jacks, Mike Lucas, Mary Richbourg,
Ann Crosser
Date: 6/14/13
Re: PRAXIS II MIDDLE SCHOOL ENGLISH
LANGUAGE ARTS (5047) TEST

Teaching Licensure Test

Current Middle School Test	Recommended Middle School English Language Arts Test
Praxis II Middle School: Multiple Subjects (5141)	Praxis II Middle School English Language Arts (5047) Cut Score: 164 (CSEM 153-176)
	Effective September 1, 2013

Rationale

To accommodate new middle school licensure requirements, the ADE recommends replacing the Praxis II Middle School: Multiple Subjects (5141) test with four individual Praxis II middle school tests: MS English Language Arts (5047), MS Mathematics (5169), MS Science (0439), and MS Social Studies (5089).

Current middle school teacher preparation candidates will have the option to either pass the current Middle School: Multiple Subjects (5141) until September 1, 2014, or to pass two of the four individual Praxis II middle school tests. Beginning September 1, 2013, licensed secondary or elementary education teachers may add middle school English Language Arts to their Arkansas teaching license by passing the Middle School English Language Arts (5047).

Panelists from 18 states and Washington, DC were recommended by their respective education agencies. The education agencies recommended panelists with (a) experience as either English teachers or college faculty who prepare English teachers and (b) familiarity with the knowledge and skills required of beginning English teachers. The MS ELA test has an alignment with the Common Core State Standards. The study collected content-related validity evidence to confirm the importance of the content specifications for entry-level middle school teachers.

ETS provided a recommended passing score from the multistate standard-setting study to help education agencies determine an appropriate operational passing score. For the Praxis Middle School English Language Arts test, the recommended passing score is 81 out of a possible 120 raw-score points. The scaled score associated with a raw score of 81 is 164 on a 100-200 scale.

The ADE recommends adopting the Praxis II Middle School English Language Arts (5047) with a cut score of 164 replacing the Praxis II Middle School: Multiple Subjects (5141) effective September 1, 2013.



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Cc'ed: Don McGohan, Barbara Culpepper, Ron Tolson,
Melissa Jacks, Mike Lucas, Mary Richbourg,
Ann Crosser
Date: 6/14/13
Re: PRAXIS II MIDDLE SCHOOL MATHEMATICS
(5169) TEST

Teaching Licensure Test

Current Middle School Math Test	Recommended Middle School Math Test
Praxis II Middle School: Multiple Subjects (Math subtest 5143)	Praxis II Middle School Mathematics (5169) Cut Score: 165 (+/- 2 CSEM 148-186)
	Effective September 1, 2013

Rationale

To accommodate new middle school licensure requirements, the ADE recommends replacing the Praxis II Middle School: Multiple Subjects (5141) test with four individual Praxis II Middle School tests: MS English Language Arts (5047), MS Mathematics (5169), MS Science (0439), and MS Social Studies (5089).

Current middle school teacher preparation candidates will have the option to either pass the current Middle School: Multiple Subjects (5141) until September 1, 2014, or to pass two of the four individual Praxis II middle school tests. Beginning September 1, 2013, licensed secondary or elementary education teachers may add middle school math to their Arkansas teaching license by passing the Middle School Mathematics (5169).

To support the decision-making process for education agencies establishing a passing score (cut score) for the Praxis Middle School Mathematics (5169) test, research staff from ETS designed and conducted a multistate standard-setting study in February 2013 in Princeton, New Jersey. Education agencies recommended panelists with (a) experience, either as middle school mathematics teachers or college faculty who prepare middle school mathematics teachers and (b) familiarity with the knowledge and skills required of beginning middle school mathematics teachers. Eighteen states (including Arkansas) and Washington, DC were represented by 30 panelists.

ETS provided a recommended passing score from the multistate standard-setting study to help education agencies determine an appropriate operational passing score. For the Praxis Middle School Mathematics test, the recommended passing score is 31 out of a possible 45 raw-score points. The scaled score associated with a raw score of 31 is 165 on a 100-200 scale.

The ADE recommends adopting the Praxis II Middle School Mathematics (5169) with a cut score of 165 replacing the Praxis II Middle School: Multiple Subjects (5141) effective September 1, 2013.



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Cc'ed: Don McGohan, Barbara Culpepper, Ron Tolson,
Melissa Jacks, Mike Lucas, Mary Richbourg,
Ann Crosser
Date: 6/14/13
Re: PRAXIS II MIDDLE SCHOOL SCIENCE TEST
(0439)

Teaching Licensure Test

Current Middle School Test	Recommended Middle School Science Test
Praxis II Middle School: Multiple Subjects (5141)	Praxis II Middle School Science (0439) Cut Score: 146
	Effective September 1, 2013

Rationale

To accommodate new middle school licensure requirements, the ADE recommends replacing the Praxis II Middle School: Multiple Subject (5141) test with four individual Praxis II Middle School tests: MS English Language Arts (5047), MS Mathematics (5169), MS Science (0439), and MS Social Studies (5089).

Current middle school teacher preparation candidates will have the option to either pass the current Middle School: Multiple Subjects (5141) until September 1, 2014, or to pass two of the four individual Praxis II middle school tests. Beginning September 1, 2013, licensed secondary or elementary education teachers may add middle school science to their Arkansas teaching license by passing the Middle School Science (0439).

Educational Testing Service (ETS) provided information from a March 2013 state-only test review of the middle school science test. The middle school science test review panel was comprised of elementary education practitioners and higher education faculty. ETS provided a recommended passing score from the state review to help education agencies determine an appropriate operational passing score. For the Praxis Middle School Science test, the recommended passing score is 146 on a 100-200 scale.

The ADE recommends adopting the Praxis II Middle School Science (0439) with a cut score of 146 replacing the Praxis II Middle School: Multiple Subjects (5141) effective September 1, 2013.



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Cc'ed: Don McGohan, Barbara Culpepper, Ron Tolson,
Melissa Jacks, Mike Lucas, Mary Richbourg,
Ann Crosser
Date: 6/14/13
Re: PRAXIS II MIDDLE SCHOOL SOCIAL STUDIES
(5089) TEST

Teaching Licensure Test

Current Middle School Test	Recommended Middle School Social Studies Test
Praxis II Middle School: Multiple Subjects (5141)	Praxis II Middle School Social Studies (5089) Cut Score: 149
	Effective September 1, 2013

Rationale

To accommodate new middle school licensure requirements, the ADE recommends replacing the Praxis II Middle School: Multiple Subject (5141) test with four individual Praxis II Middle School tests: MS English Language Arts (5047), MS Mathematics (5169), MS Science (0439), and MS Social Studies (5089).

Current middle school teacher preparation candidates will have the option to either pass the current Middle School: Multiple Subjects (5141) until September 1, 2014, or to pass two of the four individual Praxis II middle school tests. Beginning September 1, 2013, licensed secondary or elementary education teachers may add middle school social studies to their Arkansas teaching license by passing the Middle School Social Studies (5089).

Educational Testing Service (ETS) provided information from a March 2013 state-only test review of the middle school social studies test. The middle school social studies test review panel was comprised of elementary education practitioners and higher education faculty. ETS provided a recommended passing score from the state review to help education agencies determine an appropriate operational passing score. For the Praxis Middle School Social Studies test, the recommended passing score is 149 on a 100-200 scale.

The ADE recommends adopting the Praxis II Middle School Social Studies (5089) with a cut score of 149 replacing the Praxis II Middle School: Multiple Subjects (5141) effective September 1, 2013.



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To: Karen Walters
From: Michael Rowland
Cc'ed: Don McGohan, Barbara Culpepper, Ron Tolson,
Melissa Jacks, Mike Lucas, Mary Richbourg,
Ann Crosser
Date: 6/14/13
Re: **PRAXIS II ELEMENTARY EDUCATION
MULTIPLE SUBJECTS TEST**

Teaching Licensure Test

Current Elementary Education Test	Recommended Elementary Education Test
No elementary education K-6 content test currently available	Praxis II Elementary Education Multiple Subjects (5031) Various Cut Scores (see below)
	Effective September 1, 2013

Rationale

To align with Arkansas's K-6 Teaching License, the ADE recommends the Praxis II Elementary Education Multiple Subjects (5031) test.

Educational Testing Service (ETS) provided information from a March 2013 state-only test review of the 5031 test. The test review panel was comprised of elementary education practitioners and higher education faculty. The panel used data from a multi-state standard setting study conducted by ETS in August 2011. This test has an alignment with the Common Core State Standards in English Language Arts and mathematics. The study collected content-related validity evidence to confirm the importance of the content specifications for entry-level elementary school teachers.

The 5031 is comprised of four (4), separately timed subtests measuring core content areas: Reading and Language Arts (5032), Mathematics (5033), Social Studies (5034), and Science (5035). To pass the 5031, a candidate must meet or exceed the passing score established by a state for each of the four (4) subtests. The standard-setting study conducted on behalf of the states recommends passing scores for each subtest:

- **Reading and Language Arts (5032):** 165 (+/- 2 CSEM 150-183)
- **Mathematics (5033):** 164 (+/- 2 CSEM 146-186)
- **Social Studies (5034):** 155 (+/- 2 CSEM 137-156)
- **Science (5035):** 159 (+/- 2 CSEM 139-181)

The ADE recommends adopting the Praxis II Elementary Education Multiple Subjects (5031) test with the above subtest cut scores effective September 1, 2013.



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From: Michael Rowland
Cc'ed: Don McGohan, Barbara Culpepper, Ron Tolson,
Melissa Jacks, Mike Lucas, Mary Richbourg,
Ann Crosser
Date: 6/14/13
Re: **PRINCIPLES OF LEARNING AND TEACHING
(PLT): GRADES K-6**

Teaching Licensure Test

Current Elementary Education K-6 Pedagogy Test	Recommended Elementary Education K-6 Pedagogy Test
No elementary education K-6 pedagogy test currently available	Principles of Learning and Teaching (PLT): Grades K-6 (0622/5622) Cut Score: 160
	Effective September 1, 2013

Rationale

To accommodate a new elementary education K-6 teaching licensure requirements, the ADE recommends adopting the Principles of Learning and Teaching (PLT): Grades K-6 (0621/5621).

The PLT: Grades K-6 (0622/5622) and the Elementary Education: Multiple Subjects (5031) will be required for the forthcoming K-6 Arkansas Teaching License.

Educational Testing Service (ETS) provided information from a March 2013 state-only review of the PLT: Grades K-6 test. The test review panel was comprised of elementary education practitioners and higher education faculty. ETS provided a recommended passing score from the state review to help education agencies determine an appropriate operational passing score. For the PLT: Grades K-6 test, the recommended passing score is 160 on a 100-200 scale.

The ADE recommends adopting the PLT: Grades K-6 (0622/5622) with a cut score of 160 effective September 1, 2013.

Arkansas Department of Education

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Little Rock, AR 72201-1019
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Web: www.arkansased.org

To: Karen Walters

From: Michael Rowland

Cc'ed: Don McGohan, Barbara Culpepper, Ron Tolson,
Melissa Jacks, Mike Lucas, Mary Richbourg,
Ann Crosser

Date: 6/14/2013

Re: PRAXIS ENGLISH LANGUAGE ARTS:
CONTENT AND ANALYSIS (5039)

Praxis II Test

Current English Licensure (7-12) Test:	New English Licensure (7-12) Test:
English Language, Literature, and Composition: Content and Analysis (0044/5044)	English Language Arts: Content and Analysis (5039) Recommended Cut Score: 168 (CSEM 159/178)
	Effective September 1, 2014

Rationale

Educational Testing Service (ETS) provided the following information from a multi-state standard setting study for a new Praxis II English Language Arts: Content and Analysis (5039).

Panelists from 22 states (including Arkansas), Washington, DC, and Guam were recommended by their respective education agencies. The education agencies recommended panelists with (a) experience as either English teachers or college faculty who prepare English teachers and (b) familiarity with the knowledge and skills required of beginning English teachers.

The three-hour assessment contains 130 selected-response items and two constructed-response items covering three content areas: Reading (approximately 48 selected-response items and one constructed-response item), Language Use and Vocabulary (approximately 33 selected-response items), and Writing, Speaking and Listening (approximately 49 selected-response items and one constructed-response item).

ETS provides a recommended passing score from the multistate standard-setting study to help education agencies determine an appropriate operational passing score. For the Praxis English Language Arts: Content and Analysis test, the recommended passing score¹ is 103 out of a possible 146 raw-score points. The scaled score associated with a raw score of 103 is 168 on a 100–200 scale.

The ADE recommends adopting the Praxis English Language Arts: Content and Analysis (5039) with a cut score of 168 replacing the English Language, Literature, and Composition: Content and Analysis (0044/5044) effective September 1, 2014.

Arkansas Department of Education

4 Capitol Mall
Little Rock, AR 72201-1019
Phone: (501) 682-4475
Web: www.arkansased.org

To: Karen Walters
From: Michael Rowland
Cc'ed: Don McGohan, Barbara Culpepper, Ron Tolson,
Melissa Jacks, Mike Lucas, Mary Richbourg,
Ann Crosser
Date: 6/14/2013
Re: PRAXIS MATHEMATICS: CONTENT
KNOWLEDGE (5161)

Praxis II Test

Current Math Licensure (7-12) Test:	New Math Licensure (7-12) Test:
Mathematics: Content Knowledge (0061/5061)	Mathematics: Content Knowledge (5161) Recommended Cut Score: 160 (CSEM 145/178)
	Effective September 1, 2014

Rationale

Educational Testing Service (ETS) provided the following information from a March 2013 multi-state standard setting study for a new Praxis II Mathematics: Content Knowledge (5161).

Panelists from 24 states (including Arkansas) and Washington, DC were recommended by their respective education agency. The education agencies recommended panelists with (a) experience either as mathematics teachers or college faculty who prepare mathematics teachers and (b) familiarity with the knowledge and skills required of beginning mathematics teachers.

The two-hour assessment contains 60 selected-response and numeric-entry items covering two content areas: Number and Quantity, Algebra, Functions, and Calculus (approximately 41 items) and Geometry, Probability and Statistics, and Discrete Mathematics (approximately 19 items).

ETS provides a recommended passing score from the multistate standard-setting study to help education agencies determine an appropriate operational passing score. For the Praxis Mathematics: Content Knowledge test, the recommended passing score is 32 out of a possible 50 raw-score points. The scaled score associated with a raw score of 32 is 160 on a 100-200 scale.

The ADE recommends adopting the Praxis Mathematics: Content Knowledge (5161) with a cut score of 160 replacing the Mathematics: Content Knowledge (0061/5061) effective September 1, 2014.

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
9.00 DUE PROCESS
Rev. July 2013 ~~2010~~

9.01 GENERAL RESPONSIBIITY OF PUBLIC AGENCIES

It shall be the responsibility of each public agency providing special education and related services to establish, maintain, and implement procedural safeguards that meet the requirements of this part and 34 CFR 300.500 - 300.536.

9.02 OPPORTUNITY TO EXAMINE RECORDS; PARENT PARTICIPATION IN MEETINGS

9.02.1 Opportunity to Examine Records.

9.02.1.1 The parents of a child with a disability must be afforded, in accordance with the procedures of §§ 16.01 - 16.09 of these regulations and 34 CFR 300.613 - 300.621, an opportunity to -

9.02.1.2 Inspect and review all education records with respect to -

A. The identification, evaluation, and educational placement of the child; and

B. The provision of FAPE to the child.

9.02.2 Parent participation in meetings.

9.02.2.1 The parents of a child with a disability must have any opportunity to participate in meetings with respect to –

A. The identification, evaluation, and educational placement of the child; and

B. The provision of FAPE to the child.

9.02.2.2 Each public agency shall provide notice consistent with § 8.06.1.1A and 8.06.2.1 of these regulations and 34 CFR 300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the

opportunity to participate in meetings described in § 9.02.2.1 of this part.

9.02.2.3 A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

9.02.3 Parent involvement in placement decisions.

9.02.3.1 Each public agency must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.

9.02.3.2 In implementing the requirements of § 9.02.3.1 of this part, the public agency must use procedures consistent with the procedures described in §§ 8.06.1.1 and 8.06.2.1 of these regulations and 34 CFR 300.322(a) through (b)(1).

9.02.3.3 If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

9.02.3.4 A placement decision may be made by a group without the involvement of a parent, if the public agency is unable to obtain the parent's participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement

9.03 INDEPENDENT EDUCATIONAL EVALUATION

9.03.1 General.

- 9.03.1.1 The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to §§ 9.03.2 - 9.03.5 of this part.
- 9.03.1.2 Each public agency must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in § 9.03.5 of this part.
- 9.03.1.3 For the purposes of this part -
- A. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and
 - B. Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with § 5.02 of these regulations and 34 CFR 300.103.

9.03.2 Parent right to evaluation at public expense.

- 9.03.2.1 A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraph 9.03.2.2 – 9.03.2.4 of this section.
- 9.03.2.2 If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either -
- A. File a due process complaint to request a hearing to show that its evaluation is appropriate; or

- B. Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing under § 10.00 of these regulations and 34 CFR 300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.

9.03.2.3 If the public agency files a due process complaint notice to request a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

9.03.2.4 If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

9.03.2.5 A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

9.03.3 Parent-Initiated Evaluations.

If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation -

9.03.3.1 Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and

9.03.3.2 May be presented by any party as evidence at a hearing on a due process complaint under these regulations regarding that child.

9.03.4 Requests for evaluations by hearing officers.

If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

9.03.5 Agency Criteria.

9.03.5.1 If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

9.03.5.2 Except for the criteria described in § 9.03.5.1 of this part, a public agency may not impose conditions or time lines related to obtaining an independent educational evaluation at public expense.

9.04 PRIOR NOTICE BY PUBLIC AGENCY; CONTENT OF NOTICE

9.04.1 Notice.

9.04.1.1 Written notice that meets the requirements of § 9.04.2 of this part must be given to the parents of a child with a disability a reasonable time before the public agency -

- A. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
- B. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

9.04.1.2 If the notice described under § 9.04.1.1 of this part relates to an action proposed by the public agency that also requires parental consent under § 9.06 of these regulations and 34 CFR 300.300, the agency may give notice at the same time it requests parent consent.

9.04.2 Content of Notice.

The notice required under § 9.04.1 of this part must include -

- 9.04.2.1 A description of the action proposed or refused by the agency;
- 9.04.2.2 An explanation of why the agency proposes or refuses to take the action;
- 9.04.2.3 A description of other options that the IEP team considered and the reasons why those options were rejected;
- 9.04.2.4 A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- 9.04.2.5 A description of other factors that are relevant to the agency's proposal or refusal;
- 9.04.2.6 A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- 9.04.2.7 Sources for parents to contact to obtain assistance in understanding the provisions of this part.

9.04.3 Notice in understandable language.

- 9.04.3.1 The notice required under § 9.04.1 of this part must be -
 - A. Written in language understandable to the general public; and
 - B. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

- 9.04.3.2 If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure -
- A. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - B. That the parent understands the content of the notice; and
 - C. That there is written evidence that the requirements in § 9.04.3.2A and B of this part have been met.

9.05 PROCEDURAL SAFEGUARDS NOTICE

9.05.1 General.

9.05.1.1 A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, only one time a school year, except that a copy also must be given to the parents, at a minimum -

- A. Upon initial referral or parent request for evaluation;
- B. Upon receipt of the first State complaint under 34 CFR 300.151 – 300.153 and upon receipt of the first due process complaint under 34 CFR 300.507 in a school year;
- C. In accordance with the discipline procedures in 34CFR 300.530(h); and
- D. Upon request by a parent.

9.05.2 Internet Web site. A public agency may place a current copy of the procedural safeguards notice on its Internet Web site if a Web site exists.

9.05.3 Contents.

9.05.3.1 The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under §§ 9.00, 13.00, and 16.00 of these regulations and 34 CFR 300.148, 300.151 through 300.153, 300.300, 300.502 through 300.503, 300.505 through 300.518, 300.520, 300.530 through 300.536 and 300.610 through 300.625 relating to -

- A. Independent educational evaluation;
- B. Prior written notice;
- C. Parental consent;
- D. Access to educational records;
- E. Opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including –
 - 1. The time period in which to file a complaint;
 - 2. The opportunity for the agency to resolve the complaint; and
 - 3. The difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
- F. The child's placement during the pendency of any due process proceedings;
- G. Procedures for students who are subject to placement in an interim alternative educational setting;
- H. Requirements for unilateral placement by parents of children in private schools at public expense;

- I. The availability of Mediation under 34 CFR 300.506 and § 10.00 of these regulations;
- J. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
- K. Civil actions, including the time period in which to file those actions; and
- L. Attorneys' fees.

9.05.4 Notice in understandable language.

The notice required under § 9.05.1 of this part must meet the requirements of § 9.04.3 of these regulations and 34 CFR 300.503(c).

9.05.5 Electronic Mail

A parent of a child with a disability may elect to receive notices required by 34 CFR 300.503, 300.504, and 300.508 by an electronic mail communication, if the public agency makes that option available.

9.06 PARENTAL CONSENT

9.06.1 Parental consent for initial evaluation.

9.06.1.1 The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under 34 CFR 300.8 must, after providing notice consistent with 34 CFR 300.503 and 300.504, obtain informed consent, consistent with 34 CFR 300.9, from the parent of the child before conducting the evaluation.

9.06.1.2 Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.

9.06.1.3 The public agency must make reasonable efforts to obtain the informed consent from the parent for an

initial evaluation to determine whether the child is a child with a disability.

9.06.1.4 For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if –

- A. Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;
- B. The rights of the parents of the child have been terminated in accordance with State law; or
- C. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

9.06.2 If the parents of a child with a disability enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by using the due process procedures under § 10.00 of these regulations and 34 CFR 300.507-300.516, or the mediation procedures under § 10.00 and 34 CFR 300.506 if appropriate, except to the extent inconsistent with State law relating to parental consent. The public agency does not violate its obligation under 34 CFR 300.111 and 300.301 through 300.311 if it declines to pursue the evaluation.

9.06.3 Parental Consent for Services.

9.06.3.1 A public agency that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.

9.06.3.2 The public agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.

9.06.3.3 If the parent of a child fails to respond or refuses to consent to services under this section, the public agency may not use mediation procedures under 34 CFR 300.506 or due process procedures under 300.507 through 300.516 in order to obtain agreement or a ruling that the services may be provided to the child.

9.06.3.4 If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public agency –

A. Will not be considered to be in violation of the requirement to make available FAPE to the child for the failure to provide the child with the special education and related services for which the public agency requests consent; and

B. Is not required to convene an IEP Team meeting or develop an IEP under 34 CFR 300.320 and 300.234 for the child for the special education and related services for which the public agency requests such consent.

9.06.4 Failure to respond to request for reevaluation.

9.06.4.1 Each public agency must obtain informed parental consent, in accordance with 34 CFR 300.300(a)(1), prior to conducting any reevaluation of a child with a disability.

9.06.4.2 If the parent refuses to consent to the reevaluation, the public agency may, but it is not required to, pursue the reevaluation by using the consent override procedures described in 34 CFR 300.300(a)(3).

- 9.06.4.3 The public agency does not violate its obligations under 34 CFR 300.311 and 300.301 through 300.311 if it declines to pursue the evaluation or reevaluation.
- 9.06.4.4 Informed parental consent need not be obtained for reevaluation if the public agency can demonstrate that it made reasonable efforts to obtain such consent, and the child's parent has failed to respond.
- 9.06.4.5 To meet the reasonable efforts requirement in § 9.06.3.2 of this part, the public agency must document its attempts to obtain parental consent using the procedures in 34 CFR 300.322(d).

9.06.5 Other Consent Requirements.

- 9.06.5.1 Parental consent is not required before –
 - A. Reviewing existing data as part of an evaluation or reevaluation; or
 - B. Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.
- 9.06.5.2 Limitation.

A public agency may not use a parent's refusal to consent to one service or activity under § 9.06.1 to deny the parent or child any other service, benefit, or activity of the public agency, except as required by this part.
- 9.06.5.3 Parent of a child who is home schooled or placed in a private school by the parents.
 - A. If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the public

agency may not use the consent override procedures described in this section; and

- B. The public agency is not required to consider the child as eligible for services under 34 CFR 300.132 through 300.144.

9.06.6 Student with disabilities who are covered by public benefits or insurance.

9.06.6.1 Consent. Prior to accessing a student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parents consistent with § 9.06.6.2 of this part, the public agency must obtain written consent from the parent that:

- A. Meets the confidentiality requirements of 34 CFR §§ 99.30 and 300.622, which require that the consent specify the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular student), the purpose of the disclosure (e.g., billing for special education services), and the agency to which the disclosure may be made (e.g., the State's public benefits or insurance program, such as Medicaid); and
- B. Specifies that the parent understands and agrees that the public agency may access the parent's or student's public benefits or insurance to pay for special education services provided by the public agency.

9.06.6.2 Notification. Prior to accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, the public agency must provide the student's parents with written notification, consistent with the requirements of § 9.04.3 of this part and 34 CFR § 300.503(c), that includes:

- A. A statement of the parental consent provisions in § 9.06.6.1 of this part;
- B. A statement that the parents are not required to sign up for or enroll in public benefits or insurance programs in order for their child to receive a free appropriate public education under Part B of the IDEA;
- C. A statement that the parents are not required to incur an out-of-pocket expense, such as the payment of a deductible or co-pay amount, incurred in filing a claim for services provided;
- D. A statement that the public agency may not use the student's benefits under a public benefits or insurance program if that use would:
 - 1. Decrease available lifetime coverage or any other insured benefit;
 - 2. Result in the family paying for services that would otherwise be covered by the public benefits or insurance program, and that are required for the student outside of the time the student is in school;
 - 3. Increase premiums or lead to the discontinuation of benefits or insurance; or
 - 4. Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures;
- E. A statement that the parents have the right, pursuant to 34 CFR Parts 99 and 300, to withdraw their consent to disclosure of their child's personally identifiable information to the agency responsible for the administration

of the State's public benefits or insurance program (e.g., Medicaid) at any time; and

- F. A statement that the withdrawal of consent or refusal to provide consent under 34 CFR Parts 99 and 300 to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

9.06.7 Students with disabilities who are covered by private insurance.

With regard to services required to provide a free appropriate public education to an eligible student under 34 CFR Part 300, a public agency may access the parents' private insurance proceeds only if the parents provide consent consistent with § 9.06.6.1 of this part. Each time the public agency proposes to access the parents' private insurance proceeds, the agency must obtain such parental consent, and inform the parents that their refusal to permit the public agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

9.07 TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY

9.07.1 General.

9.07.1.1 When a child with a disability reaches the age of majority under State law that applies to all students (age 18 in Arkansas), except for a student with a disability who has been determined to be incompetent or incapacitated under State law -

- A. The public agency must provide any notice required by Part B of the IDEA and these regulations to both the child and the Parents; and
- B. All other rights accorded to parents under Part B of the IDEA and these regulations transfer to the child; and

- C. All rights accorded to parents under Part B of the IDEA and these regulations transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution.
- D. Whenever a State provides for the transfer of rights under this part pursuant to §9.07.1 A and B of this part, the agency must notify the child and the parent of the transfer of rights. (See form: Letter of Notification of Transfer of Rights.)

9.07.1.2 The LEA must use the procedures established by the State for appointing the parent of a child with a disability, or if the parent is not available, another appropriate individual; to represent the educational interest of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program.

9.07.2 Legal Guardianship

9.07.2.1 In accordance with Arkansas Code Annotated §28-65-101 et seq. and §28-65-201 et seq. any person may file a petition for the appointment of himself or herself or some other qualified person as guardian of an incapacitated person.

9.07.2.2 Arkansas Code Annotated §28-65-101(5)(A) defines an "incapacitated person" to mean a person who is impaired by reason of a disability such as mental illness, mental deficiency, physical illness, chronic use of drugs or chronic intoxication to the extent of lacking sufficient understanding or capacity to make or communicate decisions to meet the essential requirements for his or her health or safety or to manage his or her estate.

9.07.2.3 Arkansas Code Annotated §28-65-101(3) defines a

“Guardian” as one appointed by a court to have care and custody of the person or of the estate, or of both, of an incapacitated person.

9.07.2.4 Jurisdiction of Courts

- A. The jurisdiction of the circuit courts over all matters of guardianship, other than guardianships ad litem in other courts, shall be exclusive, subject to the right of appeal. (Arkansas Code Annotated §28-65-107(a))
- B. If a juvenile is the subject matter of an open case filed under the Arkansas Juvenile Code of 1989, §9-27-301 et seq., the guardianship petition shall be filed in that case if the juvenile resides in Arkansas.

9.07.2.5 Rights of Incapacitated Persons

- A. An incapacitated person for whom a guardian has been appointed is not presumed to be incompetent and retains all legal and civil rights except those which have been expressly limited by court order or have been specifically granted by order to the guardian by the court.

**Arkansas Department of Education
Instructions for Completing the
District Conversion or Limited Public Charter School
2013 Application**

TIMELINE

Tuesday, September 3, 2013

Deadline for district conversion or limited public charter school letters of intent to be filed with the Arkansas Department of Education

Tuesday, September 17, 2013

District conversion or limited public charter school applicant technical assistance conference call
APPLICANT PARTICIPATION IS MANDATORY.

Thursday, October 31, 2013

Deadline district conversion or limited public charter school applications to be filed with the Arkansas Department of Education

December/January

Applicant interviews

***Note - All information must be received in the Charter School Office of the Arkansas Department of Education no later than 4:00 p.m. on the date of the deadline. Information received in the Charter School Office after 4:00 p.m. on the established date will not be processed. It is the responsibility of the applicant to adhere to all charter application deadlines. Please take under consideration the length of the time that may be required for electronic submissions to reach the Charter School Office.**

GENERAL INSTRUCTIONS ON COMPLETING THE APPLICATION

The application must be completed using the fillable form and the templates provided. Note the following:

- There are a limited number of characters allowed for each response. It is advisable to ensure that each response fits into the space allowed. Text that does not fit in the text boxes cannot be reviewed.
- Use the font and font size that are set for responses. If you type responses in another program, make certain that Arial font, size 10 is used and copied into the text boxes.
- Include a response in every text box.
- A complete application includes the fillable form with all other required documents attached at the end.
- When the fillable form is complete, create a flattened PDF by using a 'print to PDF' function, or by printing the completed fillable form and scanning it as a new PDF.
- The following documents must be scanned; signed as required; and attached, **in the order listed**, to the PDF after the completed application form:

REQUIRED ATTACHMENTS

APPLICANTS MUST USE ALL TEMPLATES THAT ARE PROVIDED.

- Documentation showing that all requirements pertaining to the public hearing were met;
- Evidence of parental and community support (five-page limit);
- The proposed school's 2014-2015 calendar;
- The proposed school's 2014-2015 daily schedule;
- The 2014-2015 and 2015-2016 Salary Schedule and Budget **template**; and
- The **signed** Statement of Assurances **template**.

ATTACHMENTS TO BE INCLUDED ONLY IF APPROPRIATE

- If an applicant believes that a weighted admissions lottery is required by federal court or administrative order, a copy of the order; and
- Documentation that amounts listed on the budget template as "Other Sources of Revenue" included in the budget template **have already been awarded for the operation of the proposed school**.

Save the PDF as "Proposed Charter School's Name (District Name) 2013 Application."

In order for the application to be considered by the authorizer during the 2013 application cycle, submit the named PDF, via email, to the Arkansas Department of Education at the following email addresses so that it is received no later than 4:00 p.m. **on Thursday, October 31, 2013:**

keisha.mattox@arkansas.gov
mary.perry@arkansas.gov

It is imperative that the email transmission time is considered as the application must be received at the Arkansas Department of Education by the deadline.

Any application that is substantially incomplete will not be reviewed by Arkansas Department of Education staff or forwarded to the authorizer for consideration. An application will be considered substantially incomplete if it does not provide enough information to enable staff at the Arkansas Department of Education to provide a meaningful review.

NOTES ON SELECTED SECTIONS OF THE APPLICATION

Cover Page

Include the name of the proposed charter school in the text box.

Section A – General Information

Use the dropdown menu to select if the application is for a district conversion public charter school or a limited public charter school.

Section B - Executive Summary

The mission statement will populate the response for Prompt #2. Include the key programmatic features that are considered the most important for anyone to know about the charter school and make certain that the features listed in the executive summary are discussed in other sections of the application.

Section C - Narrative Description

When responding to the prompts, refer to the Arkansas Department of Education District Conversion or Limited Public Charter School Application 2013 Scoring Rubric found at the end of this document. This is a valuable tool as it describes acceptable responses.

Prompt 2

The mission statement from the executive summary will populate as the response to this prompt.

Prompt 5

Explain why it is critical for the district to have a charter school rather than implementing the plan outlined in the application on an existing traditional campus.

Prompt 8 D

In accordance with federal guidelines, students with disabilities shall be provided specific services and all aspects of IDEA apply. The public charter school cannot waive the responsibility of providing services for students with disabilities.

Prompt 11

The personnel discussed in this section of the application must be included with the personnel listed in the Salary Schedule and Budget template unless it is clearly explained that the position will not be filled until after the second year of operation.

Prompt 18 and Prompt 19

These two prompts will only appear if the type of charter selected in Section A - General Information is a limited public charter school.

Prompt 19

The personnel discussed in this section of the application must be included with the personnel discussed in response to Prompt 12 and listed in the Salary Schedule and Budget template unless it is clearly explained that the position will not be filled until after the second year of operation.

NOTES ON SELECTED ATTACHMENTS REQUIRED TO BE ADDED TO THE END OF THE FILLABLE FORM

Evidence of parental and community support

Limit the response to five pages.

If petitions in support of the proposed charter school have been signed, include pages so that the five-page limit is met. Add a statement to the last page of petitions or include a separate page, so long as the five-page limit is not exceeded, that states the number of individuals who signed a petition supporting the proposed school and stating that all documents with signatures will be provided on request. Keep the petitions as they may be requested for review at a later date.

If letters in support of the proposed charter school have been received, include letters so that the five-page limit is met. Add a statement to the last page of the last letter or include a separate page, so long as the five-page limit is not exceeded, that names the individuals who wrote letters of support for the proposed school, with their titles and affiliations. State that the letters will be provided on request. Keep the letters as they may be requested for review at a later date.

The Salary Schedule and Budget Template

See pages 5-8 for guidance in completing this template.

Statement of Assurances Template

This form must be completed, signed, and included as part of the application.

COMPLETING THE SALARY SCHEDULE AND BUDGET TEMPLATE

Personnel Salary Schedule

- As requested, list positions.
- In the cell immediately to the right of each named position, whether named by the applicant, as required for administrative positions, or provided on the template, as for teachers and aides, state the number of full time equivalents (FTEs) to be employed by the charter school in 2014-2015.

NOTES

The number of positions must be stated as the full time equivalent (FTE) of each position. A full time position is 1.00; a half time position is .50. For example, if the charter will have 5 full time positions at 1.00 FTE each and 3 half time positions at .50 FTE each, the 5 positions equal a total of 5.00 FTEs, and the 3 positions equal a total of 1.50 FTEs, for a grand total of 6.50 positions.

The salary schedule must include the positions included in response to Prompt #12 unless it is clearly explained in the responses to the prompts that a position will not be filled until after the second year of operation.

Applicants for limited public charter schools must ensure that the response to Prompt 20 is consistent with the salary schedule and the response to Prompt 12.

- In the cell to the right of the number of FTE positions for 2014-2015, list the 2014-2015 salary to be budgeted for **1.00 FTE** in that position.
- In the cell to the right of the salary for 2014-2015, state the number of FTEs to be employed by the charter school in that position in 2015-2016.
- In the cell to the right of the number of FTE positions for 2015-2016, list the 2015-2016 salary to be budgeted for **1.00 FTE** in that position.

NOTES

The salary for 1 FTE will show in the template, and the template will automatically multiply the salary by the number of positions and include all of these calculations, by year, in the subtotal lines of each section of the salary schedule.

- Include the percentage of the salaries to be used to calculate fringe benefits.

NOTES

Input the rate as a decimal. For example, if the cost for fringe benefits will be 25%, input .25. When .25 is input, the template will automatically show 25% and calculate the totals for fringe benefits, by year, in each section of the salary schedule.

At a minimum, fringe benefits should include amounts required by the Federal Insurance Contributions Act (FICA), teacher retirement, health insurance, and unemployment obligations.

- The budget totals, by year, are automatically calculated in each section.
- Each section total, by year, is automatically added so that the TOTAL EXPENDITURES FOR SALARIES are calculated and included on Line #112.

The Budget

The budget template is intended to require the applicant to consider the many expenses likely to be incurred in the operation of a school and should be completed as an estimate of the revenues and expenditures associated with the operation of the public charter school.

Two columns in the budget template must be completed, one for the school's first year of operation and one for the school's second year of operation.

REVENUES

All public schools in Arkansas receive state foundation funding in a set amount of money per student based upon average daily membership.

- The number of students for Line #1 and Line #2 is the number of students expected to be enrolled in the public charter school in 2014-2015.

NOTES

The number must match the 2014-2015 enrollment number provided in other sections of the application.

After the number of students is entered in Line #1 and Line #2, the template will automatically calculate the state foundation funding in Line #1 and the professional development funding in Line #2.

Be conservative with estimates for state revenue. A charter that overestimates its number of students will have to return funds after the "truing up" process occurs. A charter that underestimates the number of students will receive additional funds after the "truing up" process occurs.

- The number of students in Line #3 is the number of national school lunch students expected to be enrolled in the public charter school in 2014-2015.

NOTE

National school lunch students are those students who qualify for free or reduced-priced lunches.

- Input the rate in Line #3.

NOTES

The eligible rate for national school lunch (NSL) state categorical funding in Line #3 depends on the percentage of national school lunch students attending the school.

Use one of the following rates determined by the percentage of NSL students:

90% or greater NSL students	\$1,549
70-89% NSL students	\$1,033
Less than 70% NSL students	\$ 517

After the number of NSL students and the rate are entered in Line #3, the template will automatically calculate the NSL funding.

- If the charter will serve another student population for which there is state categorical funding, contact the Arkansas Department of Education Charter School Office for the amount to include on Line #4.
- The number of students for Line #6 and Line #7 is the number of students expected to be enrolled in the public charter school in 2015-2016.

NOTES

The number must match the 2015-2016 enrollment number provided in other sections of the application.

After the number of students is entered in Line #6 and Line #7, the template will automatically calculate the state foundation funding in Line #6 and the professional development funding in Line #7.

- The number of students in Line #8 is the number of national school lunch students expected to be enrolled in the public charter school in 2015-2016.
- Input the rate in Line #8.

NOTES

The eligible rate for national school lunch (NSL) state categorical funding in Line #8 depends on the percentage of national school lunch students attending the school.

Use one of the following rates determined by the percentage of NSL students:

90% or greater NSL students	\$1,549
70-89% NSL students	\$1,033
Less than 70% NSL students	\$ 517

After the number of NSL students and the rate are entered in Line #8, the template will automatically calculate the NSL funding.

- If the charter will serve another student population for which there is state categorical funding, contact the Arkansas Department of Education Charter School Office for the amount to include on Line #9.
- Other Sources of Revenue must not include one-time grants or other funds that are not guaranteed at the time that the application is submitted.

NOTES

If an applicant has a guaranteed revenue source, it can be included in the budget, but documentation of the revenue must be included as the last attachment behind the application form in the PDF file. The documentation must show that the funds have already been awarded for the operation of the proposed charter school.

Federal Charter School Program grants are not awarded prior to charter approval and cannot be considered for budgeting purposes.

- Totals from the two revenue sections, by year, are automatically added and populate Line #17.

EXPENDITURES

- Totals for the salaries and benefits, as calculated on the salary schedule, will populate the appropriate expenditure lines in the budget.
- List specific vendors by name and include the amount to be paid, by year, to each vendor.
- If the applicant anticipates no expenditures in any area, type a brief explanation where vendors and/or items would be listed. For example, if no expenditures are included for the gifted and talented program, the applicant could state in the cell for the first vendor, "Waiver requested for GT."
- Expenses are automatically added and totaled, by year, in each section.
- Each section total, by year, is automatically added so that the TOTAL EXPENDITURES are calculated and included on Line #241.

THE BOTTOM LINE

- By year, the expenditure totals are subtracted from the revenue totals and included as the NET REVENUE OVER EXPENDITURES on Line #242.

NOTES

Revenue must exceed expenditures.

It is important to maintain a positive balance so that funds are always available for unexpected expenses.

Upon the approval of a public charter school, staff in the Arkansas Department of Education Public School Finance and Administrative Support Unit will provide technical assistance to assist in developing a detailed budget, specific to the terms of the charter, that will also meet the data reporting requirements of the Arkansas Public School Computer Network.

**District Conversion or Limited Public
Charter School
Application Checklist**

- ☐ Email the one-page letter of intent to apply for an open-enrollment charter to the Arkansas Department of Education Charter School Office so that it is **received by the Charter School Office no later than 4:00 p.m., on September 3.**

- ☐ Provide the notice of public hearing to the community, certified school personnel, and parents of all students enrolled at the public school for which the school district initiated the application.

- ☐ Publish the notice of public hearing in a newspaper having general circulation in the school district in which the school will be located at least three weeks prior to the date of the meeting.

Documentation that these requirements have been met must be included in the charter school application.

- ☐ Conduct the public hearing; include results of the public hearing in the charter school application

☐ Additional check points for the charter application

- ❖ All sections of the fillable form are complete.
- ❖ Each complete response is visible in the text box.
- ❖ Each response has been prepared considering the evaluation criteria of the corresponding section of the scoring rubric.
- ❖ Evidence that all requirements pertaining to the public hearing were met is included.
- ❖ Evidence of parental and community support is included.
- ❖ A copy of the proposed school's 2014-2015 calendar is included.
- ❖ A copy of the proposed school's daily schedule is included.
- ❖ The Salary Schedule and Budget template is complete and included; and
- ❖ The signed Statement of Assurances Form is included.

Submit the application, via email, so that it is received no later than **4:00 p.m. on October 31, 2013.**

It is the applicant's responsibility to comply with all aspects of Arkansas Code Annotated § 6-23-101 et seq., the Arkansas Department of Education Rules Governing Charter Schools, and the requirements outlined in the application for district conversion or limited public charter schools. Contact the Arkansas Department of Education Charter School Office with questions and for assistance with developing the application.

Arkansas Department of Education Charter School Office 501.683.5313

**Arkansas Department of Education
District Conversion or Limited Charter School
2013 Application**

SCORING RUBRIC

The following scoring rubric will be used to evaluate applications submitted to the Arkansas Department of Education for the establishment of new district conversion or limited public charter schools. This rubric is intended to provide clarity, transparency, and consistency in the charter school application review process.

The Arkansas Department of Education will use the following rubric to evaluate the quality of a district conversion or limited public charter school application against the criteria stated herein. For each of the application requirements, the criteria define the characteristics and elements of a response that meet the standard for charter approval. The following definitions will guide the rating of each requirement:

Meets the Standard:	The response reflects a thorough understanding of key issues and demonstrates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of the ways in which the school expects to operate.
Partially Meets the Standard:	The response addresses most of the criteria, but lacks meaningful detail and requires additional important information.
Does Not Meet the Standard:	The response lacks meaningful detail, demonstrates a lack of preparation, or otherwise raises substantial concerns about the applicant's understanding of the issue and/or the applicant's ability to implement the requirement.

Arkansas Department of Education
District Conversion or Limited Charter School
2013 Application
SCORING RUBRIC

PRE-APPLICATION MATERIALS

The Arkansas Department of Education requires that all applicants submit a Letter of Intent, outlining a general description of the proposed charter school.

Evaluation Criteria:

A response that meets the standard will guarantee that:

- A Letter of Intent was filed with Arkansas Department of Education on time and included all the necessary information.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

PART B EXECUTIVE SUMMARY

The Arkansas Department of Education requires all applicants to include an executive summary.

Evaluation Criteria:

A response that meets the standard will present:

- A mission statement (with content to be evaluated for Prompt #2 of Part C); and
- The key programmatic features of the proposed charter school.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

PART C NARRATIVE DESCRIPTION OF THE PROPOSED CHARTER

C1: PUBLIC HEARING RESULTS

All districts must conduct a public hearing before applying for a district conversion or limited charter school, to assess support for the school's establishment. Applicants are asked both to document the logistics of the hearing and to include a narrative of the hearing results.

Evaluation Criteria:

A response that meets the standard will present:

- A thorough description of the results of the public hearing;
- Evidence of public support exhibited at the hearing;
- Documentation of required notice published to garner public attention to the hearing; and
- Documentation of required notices about the hearing being sent to the community, certified school personnel, and parents of all students enrolled at the public school for which the school district initiated the application.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C2: MISSION STATEMENT

The Mission Statement should be meaningful and indicate what the school intends to do, for whom, and to what degree.

Evaluation Criteria:

A response that meets the standard will present:

- A mission statement that is clear and succinct.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C3: EDUCATIONAL NEED

The Educational Need section should explain the need for a charter school in the proposed location and the innovative educational option offered by the charter school.

Evaluation Criteria:

A response that meets the standard will present:

- A description of the educational need for the charter school substantiated with valid and reliable data, and
- A description of the innovations that would distinguish the charter from other schools.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C4: EDUCATIONAL PROGRAM

The Educational Program section should describe the educational foundation of the school and the teaching and learning strategies that will be employed.

Evaluation Criteria:

A response that meets the standard will present:

- A clear description of the proposed educational program, including but not limited to the foundational educational philosophy and curricular and instructional strategies to be employed;
- Specific reasons that the school would be viable; and
- A description of the length of school day and school year that meets minimum state requirements.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C5: CHARTER MODEL

The Charter Model section should explain the reasons that the district is requesting a charter school.

Evaluation Criteria:

A response that meets the standard will present:

- Specific reasons why it is critical for the district to have a charter school rather than implementing the plan outlined in the application on an existing traditional campus.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C6: SCHOOL IMPROVEMENT PLAN

Evaluation Criteria:

A response that meets the standard will present:

- Meaningful and realistic ways to involve licensed employees and parents in developing and implementing the school improvement plan, identifying performance criteria, and evaluating the effectiveness of the improvement plan;
- A plan that addresses how the charter school will improve student learning and meet the state education goals;
- Specific goals that are clear, measurable and data-driven in:
 - Reading;
 - Reading Comprehension;
 - Mathematics; and
 - Mathematic Reasoning;
- Goals on improving student achievement; and
- Valid and reliable assessment tools for measuring each of the defined goals.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths
Concerns and Additional Questions

C7: CURRICULUM DEVELOPMENT AND ALIGNMENT

The Curriculum Development and Alignment section should define the process by which the design team developed (or chose) the curricular program of the school and illustrate alignment with Arkansas Curriculum Frameworks and Common Core State Standards.

Evaluation Criteria:

A response that meets the standard of a curricular development and alignment program will present:

- Evidence that the curriculum aligns with, or a sound plan and timeline for aligning the curriculum with, the Arkansas Department of Education's content standards, benchmarks and performance standards.
- Evidence that the applicant is prepared to implement the requirements and timeframe of the Common Core State Standards.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C8: STUDENT SERVICES

The Student Services section should describe how the school will address specific services for its student body.

Evaluation Criteria:

A response that meets the standard will describe the ways in which the following services will be provided to students even in those areas for which a waiver is requested:

- A guidance program that will serve all students;
- A health services program that will serve all students;
- A plan for a media center for use by all students;
- Sound plans for educating special education students that reflect the full range of programs and services required to provide such students with a high quality education;
- A transportation plan that will serve all **eligible** students;
- An alternative education plan for eligible students, including those determined to be at-risk and to offer access to one or more approved Alternative Learning Environments;
- A plan to serve students who are English language learners; and
- Plans for a gifted and talented program for eligible students.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C9: ANNUAL PROGRESS REPORTS

The Annual Progress Reports section should define how the academic progress of individual students and the school as a whole will be measured, analyzed, and reported.

Evaluation Criteria:

A response that meets the standard will present:

- A timeline for data compilation and completion of an annual report to parents, the community and the authorizer, **separate from the district's annual report** to the public, that outlines the school's progress; and
- A plan for dissemination of the annual report to appropriate stakeholders.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C10: ENROLLMENT CRITERIA AND PROCEDURES

The Enrollment Criteria and Procedures section should describe how the school will attract and enroll its student body, including any criteria for admission and enrollment. Applicants must also provide assurances for a random, anonymous lottery selection process.

Evaluation Criteria:

A response that meets the standard will present:

- A student recruitment plan that will provide equal opportunity for all parents and students to learn about and apply to the school;
- An enrollment and admissions process that is open, fair, and in accordance with applicable law; and
- A process for, and a guarantee of, a random, anonymous lottery process should there be more student applications than can be accommodated under the terms of the charter.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C11: STAFFING PLAN

The Staffing Plan section should describe the job duties of the school administrator(s) and other key personnel. This section should also describe the professional qualifications which will be required of employees.

Evaluation Criteria:

A response that meets the standard will present:

- A job description for the school administrators and other key personnel, including but not limited to counselors, teachers, etc.;
- An outline of the professional qualifications required for administrators, teachers, counselors, etc.;
- A staffing plan that clearly outlines both the types and numbers of positions to be filled at the school and salary scales for such positions, and
- A staffing plan consistent with the staff members noted in the budget.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C12: ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK ASSURANCES

The Arkansas Public School Computer Network (APSCN) Assurances section should provide documentation of the applicant's understanding of and participation in the required state finance and educational data reporting system.

Evaluation Criteria:

A response that meets the standard will present:

- Assurance that the charter school will participate in APSCN and will comply with all state statutory requirements regarding the APSCN finance and educational data reporting system.

Does Not Meet the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>

C13: FACILITIES

The Facilities section should identify and describe the facilities to be used by the school and any changes to be made to the facilities.

Evaluation Criteria:

A response that meets the standard will present:

- An identified facility appropriate to meet the needs of the school over the term of its charter;
- A realistic plan for remodeling or adapting a facility, if necessary, to ensure that it is appropriate and adequate for the school's program, the school's targeted population, and the public;
- Evidence that the school understands the costs of securing and improving a facility and has access to the necessary resources to fund the facility plan; and
- A sound plan for continued operation, maintenance, and repair of the facility.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C14: FOOD SERVICES

This section should describe how the school will address food services for its student body.

Evaluation Criteria:

A response that meets the standard will present:

- A food service plan that will serve all eligible students.
- A management plan that reflects a clear understanding of federal law and requirements if the charter school plans to participate in the National School Lunch program.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C15: PARENTAL INVOLVEMENT

The Parental Involvement section should describe how parents or guardians of enrolled students, the school employees, and other members of the community will make a positive impact on the school and its educational program.

Evaluation Criteria:

A response that meets the standard will present:

- A plan for involving parents and guardians in the school's education programs; and
- A proposal that involves the parents of students, employees and the broader community in carrying out the terms of the charter.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C16: WAIVERS

The Waivers section should discuss all waivers requested from local or state law.

Evaluation Criteria:

A response that meets the standard will present:

- Each law, rule, and standard by title, number, and description for which a waiver is requested;
- A rationale for each waiver request; and
- An explanation of the way that each waiver would assist in implementing the educational program of the charter and/or fulfilling the charter's mission.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Legal Comments
Concerns and Additional Questions

C17: DESEGREGATION ASSURANCES

The Desegregation Assurances section should describe the applicant's understanding of applicable statutory and regulatory obligations to create and maintain a unitary system of desegregated public schools.

Evaluation Criteria:

A response that meets the standard will present:

- Assurance that the charter school will comply with all applicable federal and state statutory and regulatory requirements regarding the creation and maintenance of desegregated public schools; and
- An outline of the potential impact of the proposed charter school on those desegregation efforts already in place in affected public school districts.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Legal Comments
Concerns and Additional Questions

C18: TEACHER PERFORMANCE

(APPLICATIONS FOR LIMITED PUBLIC CHARTER SCHOOLS)

The Teacher Performance section should describe the ways in which the school will encourage teacher growth.

Evaluation Criteria:

A response that meets the standard will present:

- Specific professional opportunities to be afforded teachers to enhance professional growth and classroom performance; and
- An explanation of the ways in which the school will improve employee salaries.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C19: ALTERNATIVE STAFFING MODEL

(APPLICATIONS FOR LIMITED PUBLIC CHARTER SCHOOLS)

The Alternative Staffing Model section should describe the plan for staffing the school.

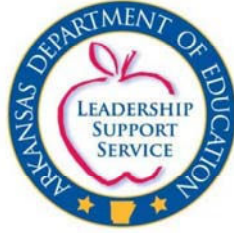
Evaluation Criteria:

A response that meets the standard will present:

- A plan to staff the school in a manner different from other district schools;
- Job descriptions of instructional personnel;
- Qualifications and compensation for each position;
- Information consistent with the response to Prompt 12 and the information listed in the Salary Schedule and Budget template.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

ADDITIONAL COMMENTS:



ARKANSAS DEPARTMENT OF EDUCATION

2013 Application District Conversion or Limited Public Charter School

Deadline for Receipt of Submission: Thursday, October 31 2013, 4:00 p.m.

Applications will not be accepted after this time.



Name of Proposed Charter School:

Any application that is substantially incomplete will not be forwarded to the authorizer for consideration. An application will be considered substantially incomplete if it does not provide enough information to enable staff at the Arkansas Department of Education to provide a meaningful review.

**Arkansas Department of Education
Charter School Office
Four Capitol Mall Little Rock,
AR 72201
501.683.5313**

**ARKANSAS DEPARTMENT OF EDUCATION
2013 APPLICATION
DISTRICT CONVERSION OR LIMITED PUBLIC PUBLIC CHARTER SCHOOL**

A. GENERAL INFORMATION

Name of Proposed Charter School: _____

Grade Level(s) for the School: _____ Student Enrollment Cap: _____

Name of School District: _____

Type of Charter Proposed: _____

Name of Contact Person: _____

Address: _____ City: _____

ZIP: _____ Daytime Phone Number: () _____ FAX: () _____

Email: _____

Charter Site Address: _____

City: _____

ZIP: _____ Date of Proposed Opening: _____

Name of Superintendent: _____

Address: _____ City: _____

ZIP: _____ Daytime Phone Number: () _____

B. EXECUTIVE SUMMARY

Provide the mission statement of the proposed school.

Applicant Response:

Applicant response is limited to the area provided on this page.

Briefly describe the key programmatic features that the school will implement in order to accomplish the mission.

Applicant Response:

Applicant response is limited to the area provided on this page.

C. NARRATIVE DESCRIPTION OF THE PROPOSED CHARTER SCHOOL

The applicant for the proposed charter school, if approved by the authorizer, agrees to operate the educational program described below in accordance with the provisions described within this document, Arkansas Code Annotated §6-23-101 et seq., the State Board of Education Rules Governing Charter Schools, and the attached assurances.

Provide a narrative description of the various components of the proposed charter school by responding to the following prompts:

1. Describe the results of the public hearing, called by the school board, which was held for the purposes of assessing support for the establishment of this public charter school. Provide copies of supporting evidence.

Attach documentation to demonstrate that each of the following requirements of Arkansas Code Annotated §6-23-302 was met:

- A. The notice of public hearing was distributed to the community, certified school personnel, and parents of all students enrolled at the public school for which the school district initiated the application.
- B. The notice of the public hearing was published in a newspaper having general circulation in the school district in which the school will be located at least three weeks prior to the date of the meeting.

Applicant Response:

Applicant response is limited to 7,000 characters/spaces.
The text box will expand once you have clicked out of it.

2. Give the mission statement for the proposed charter school.

Applicant Response:

Response generated from Section B.

3. Describe the educational need for the school. Include the innovations that will distinguish the charter from other schools.

Applicant Response:

Applicant response is limited to 18,000 characters/spaces.
The text box will expand once you have clicked out of it.

4. Describe the educational program to be offered by the charter school.

Applicant Response:

Applicant response is limited to 18,000 characters/spaces.
The text box will expand once you have clicked out of it.

5. Describe specifically how the charter school will be able to better meet student academic needs than a traditional district school.

Applicant Response:

Applicant response is limited to the area provided on this page.

6. Describe the school improvement plan by addressing the following:
- A) Explain how the licensed employees and parents of the students to be enrolled in the charter school will be involved in developing and implementing the school improvement plan, identifying performance criteria, and evaluating the effectiveness of the improvement plan.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

- B) Describe a plan for school improvement that addresses how the charter school will improve student learning and meet the state education goals.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

- C) List the specific measurable goals in reading, reading comprehension, mathematics, and mathematic reasoning based on the state mandated assessments, and any other assessment tools if used, for improving student academic achievement for each year of the public charter school's initial five-year period. For each goal, include the following:
- The tool to be used to measure the academic performance;
 - The level of performance that will demonstrate success; and
 - The timeframe for the achievement of the goal.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

7. Describe the process that will be used to develop and align the curriculum with the Arkansas Curriculum Frameworks and the curriculum requirements of the Common Core State Standards as adopted by the State Board of Education.

Applicant Response:

Applicant response is limited to the area provided on this page.

8. Describe the manner in which the school will make provisions for the following student services, even in those areas for which a waiver is requested:

A) Guidance program;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

B) Health services;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

C) Media center;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

D) Special education;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

E) Transportation;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

F) Alternative education, including Alternative Learning Environments;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

G) English Language Learner (ELL) instruction

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

H) Gifted and Talented Program.

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

9. Describe the plan for the school officials to provide an annual report to parents, the community, and the authorizer, **separate from the district's annual report to the public**, that demonstrates the progress made by the charter school during any previous academic year in meeting its academic performance objectives. (See *Arkansas Code Annotated 6-23-202.*)

Applicant Response:

Applicant response is limited to the area provided on this page.

10. Describe the enrollment criteria and student admission, recruitment and selection processes for the proposed public charter school.

Applicant Response:

Applicant response is limited to the area provided on this page.

It is affirmed that a random, anonymous student selection method will be utilized in the event that more students apply for admission to the public charter school than can be accommodated under the terms of the charter.

☐ Yes

☐ No

11. Summarize the job descriptions of the school administrator(s) and other key personnel. Specify the qualifications to be met by professional employees (administrators, teachers, counselors, etc.) of the program. List the types of administrative positions, teaching positions, and support positions for the school.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

12. It is affirmed that the public charter school will participate in the Arkansas Public School Computer Network, as required by state statute and by State Board of Education rule, for reporting **both education data and financial data**, including grant funds or private donations received directly by the charter school.

☐ Yes

☐ No

13. Describe the facilities to be used. Give the present use of the facility and its use for the past three years.

Applicant Response:

Applicant response is limited to 6,000 characters/spaces.
The text box will expand once you have clicked out of it.

The facility will comply with all requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) and all other state and federal laws and local zoning ordinances.

☐ Yes

☐ No

If the facility does not currently meet these requirements, provide a list of items that will need to be addressed to bring the facility into compliance. Also include a statement of permissible uses for the facility from the local zoning authority, and whether there are any alcohol sales within 1,000 feet of the facility.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

14. Describe the manner in which the school will make provisions for food services. State whether the proposed charter school will apply to participate in the federal National School Lunch program or other federal nutrition programs.

Applicant Response:

Applicant response is limited to the area provided on this page.

15. Describe how the parents or guardians of the enrolled students and other members of the community will be involved with the school to positively impact the charter school's educational programs.

Applicant Response:

Applicant response is limited to the area provided on this page.

16. List the provisions of Title 6 of the Arkansas Code Annotated (Education Code), State Board of Education rules, and sections of the *Standards for Accreditation of Arkansas Public Schools and School Districts* from which the public charter school seeks to be exempted in order to meet the goals of the school. Identify the specific statute, rule, or standard requested to be waived by title and section number if applicable. **Provide a brief description of the rationale for each waiver requested.**

Applicant Response:

Applicant response is limited to 22,000 characters/spaces.
The text box will expand once you have clicked out of it.

17. Describe the potential impact of the proposed public charter school on the efforts of affected public school district(s) to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

Applicant Response:

Applicant response is limited to the area provided on this page.

18. Describe the ways in which the school will enhance teacher performance and improve employee salaries, professional opportunities, and professional growth experiences.

Applicant Response:

Applicant response is limited to the area provided on this page.

19. Describe the alternative comprehensive staffing model by summarizing the job descriptions of the instructional personnel. Include the qualifications and compensation for each position and, on the Salary Schedule and Budget template, identify the number of administrative positions, teaching positions, and support positions.

Applicant Response:

Applicant response is limited to the area provided on this page.

Public Charter School Application Personnel Salary Schedule

Administrative Positions:		2014-2015	Salary 2014-2015	2015-2016	Salary 2015-2016
Line#	List Positions	No. FTEs		No. FTEs	
1					
2					
3					
4					
5					
6					
7	Subtotal:				
8	Fringe Benefits (rate used _____)				
9	Total Administration:				

Regular Classroom Instruction:		2014-2015		2015-2016	
		No. FTEs		No. FTEs	
10	Teachers				
11	Aides				
12	Subtotal:				
13	Teacher Fringe Benefits (rate used _____)				
14	Aide Fringe Benefits (rate used _____)				
15	Total Regular Classroom Instruction:				

Special Education:		2014-2015		2015-2016	
		No. FTEs		No. FTEs	
16	Teachers				
17	Aides				
18	Subtotal:				
19	Teacher Fringe Benefits (rate used _____)				
20	Aide Fringe Benefits (rate used _____)				
21	Total Special Education:				

Gifted and Talented Program:		2014-2015		2015-2016	
		No. FTEs		No. FTEs	
22	Teachers				
23	Aides				
24	Subtotal:				
25	Teacher Fringe Benefits (rate used _____)				
26	Aide Fringe Benefits (rate used _____)				
27	Total Gifted and Talented Program:				

**Alternative Education Program/
Alternative Learning Environments:**

		2014-2015 No. FTEs	Salary 2014-2015	2015-2016 No. FTEs	Salary 2015-2016
28	Teachers				
29	Aides				
30	Subtotal:				
31	Teacher Fringe Benefits (rate used _____)				
32	Aide Fringe Benefits (rate used _____)				
33	Total Alternative Education Program/ Alternative Learning Environments:				

English Language Learner Program:

	List Positions	2014-2015 No. FTEs	2015-2016 No. FTEs
34			
35			
36			
37			
38			
39	Subtotal:		
40	Fringe Benefits (rate used _____)		
41	Total English Language Learner Program:		

Guidance Services:

	List Positions	2014-2015 No. FTEs	2015-2016 No. FTEs
42			
43			
44			
45			
46			
47	Subtotal:		
48	Fringe Benefits (rate used _____)		
49	Total Guidance Services:		

Health Services:

	List Positions	2014-2015 No. FTEs	2015-2016 No. FTEs
50			
51			
52			
53			
54			
55	Subtotal:		
56	Fringe Benefits (rate used _____)		
57	Total Health Services:		

Media Services:

List Positions

2014-2015
No. FTEs2015-2016
No. FTEs

58

59

60

61

62

63

Subtotal:

64

Fringe Benefits (rate used _____)

65

Total Media Services:**Fiscal Services:**

List Positions

2014-2015
No. FTEs2015-2016
No. FTEs

66

67

68

69

70

71

Subtotal:

72

Fringe Benefits (rate used _____)

73

Total Fiscal Services:**Maintenance and Operation:**

List Positions

2014-2015
No. FTEs2015-2016
No. FTEs

74

75

76

77

78

79

Subtotal:

80

Fringe Benefits (rate used _____)

81

Total Maintenance and Operation:**Pupil Transportation:**

List Positions

2014-2015
No. FTEs2015-2016
No. FTEs

82

83

84

85

86

87

Subtotal:

88

Fringe Benefits (rate used _____)

89

Total Pupil Transportation:

Food Services:

List Positions

2014-2015
No. FTEs2015-2016
No. FTEs

90			
91			
92			
93			
94			
95	Subtotal:		
96	Fringe Benefits (rate used _____)		
97	Total Food Services:		

Data Processing:

List Positions

2014-2015
No. FTEs2015-2016
No. FTEs

98			
99			
100			
101			
102			
103	Subtotal:		
104	Fringe Benefits (rate used _____)		
105	Total Data Processing:		

Substitute Personnel:2014-2015
No. FTEs2015-2016
No. FTEs

106	Number of Certified Substitutes _____		
107	Number of Classified Substitutes _____		
108	Subtotal:		
109	Certified Fringe Benefits (rate used _____)		
110	Classified Fringe Benefits (rate used _____)		
111	Total Substitute Personnel:		

TOTAL EXPENDITURES FOR SALARIES:

112			
-----	--	--	--

**Public Charter School Application
Estimated Budget Template**

REVENUES

		<u>2014-2015 Amount:</u>	<u>2015-2016 Amount:</u>
State Public Charter School Aid:			
Line#	2014-2015		
1	No. of Students _____ x \$6,521.00 State Foundation Funding	\$0.00	
2	No. of Students _____ x \$44.00 Professional Development	\$0.00	
3	No. of Students _____ x _____ eligible rate* NSL Funding		
4	No. of Students _____ x _____ Other: <i>Explain Below</i>		
5			
	2015-2016		
6	No. of Students _____ x \$6,521.00 State Foundation Funding		\$0.00
7	No. of Students _____ x \$44.00 Professional Development		\$0.00
8	No. of Students _____ x _____ eligible rate* NSL Funding		
9	No. of Students _____ x _____ Other: <i>Explain Below</i>		
10			
11	Total State Charter School Aid:	<u>\$0.00</u>	<u>\$0.00</u>
Other Sources of Revenues:			
	<small>(MUST UPLOAD DOCUMENTATION VERIFYING ALL AMOUNTS LISTED AS OTHER SOURCES OF REVENUE)</small>		
12	Private Donations or Gifts		
13	Federal Grants (List the amount)		
14	Special Grants (List the amount)		
	Other (<i>Specifically Describe</i>)		
15			
16	Total Other Sources of Revenues:		
17	TOTAL REVENUES:	<u>\$0.00</u>	<u>\$0.00</u>

EXPENDITURES

		<u>2014-2015 Amount:</u>	<u>2015-2016 Amount:</u>
Administration:			
18	Salaries and Benefits		
	Purchased Services - List Vendors Below		
19	V - AD 1 _____		
20	V - AD 2 _____		
21	V - AD 3 _____		
22	V - AD 4 _____		
23	V - AD 5 _____		
24	Supplies and Materials		
25	Equipment		
	Other (List Below)		
26	_____		
27	_____		
28	_____		
29	_____		
30	_____		
31	Total Administration:	<u></u>	<u></u>

	Regular Classroom Instruction:	<u>2014-2015 Amount:</u>	<u>2015-2016 Amount:</u>
32	Salaries and Benefits	_____	_____
	Purchased Services - List Vendors Below	_____	_____
33	V - CI 1 _____	_____	_____
34	V - CI 2 _____	_____	_____
35	V - CI 3 _____	_____	_____
36	V - CI 4 _____	_____	_____
37	V - CI 5 _____	_____	_____
38	Supplies and Materials	_____	_____
39	Equipment	_____	_____
	Other (List Below)	_____	_____
40	_____	_____	_____
41	_____	_____	_____
42	_____	_____	_____
43	_____	_____	_____
44	_____	_____	_____
45	Total Regular Classroom Instruction:	=====	=====
	Special Education:		
46	Salaries and Benefits	_____	_____
	Purchased Services - List Vendors Below	_____	_____
47	V - SE1 _____	_____	_____
48	V - SE 2 _____	_____	_____
49	V - SE 3 _____	_____	_____
50	V - SE 4 _____	_____	_____
51	V - SE 5 _____	_____	_____
52	Supplies and Materials	_____	_____
53	Equipment	_____	_____
	Other (List Below)	_____	_____
54	_____	_____	_____
55	_____	_____	_____
56	_____	_____	_____
57	_____	_____	_____
58	_____	_____	_____
59	Total Special Education:	=====	=====
	Gifted and Talented Program:		
60	Salaries and Benefits	_____	_____
	Purchased Services - List Vendors Below	_____	_____
61	V - GT1 _____	_____	_____
62	V - GT2 _____	_____	_____
63	V - GT3 _____	_____	_____
64	V - GT4 _____	_____	_____
65	V - GT5 _____	_____	_____
66	Supplies and Materials	_____	_____
67	Equipment	_____	_____
	Other (List Below)	_____	_____
68	_____	_____	_____
69	_____	_____	_____
70	_____	_____	_____
71	_____	_____	_____
72	_____	_____	_____
73	Total Gifted and Talented Program:	=====	=====

Alternative Education Program/ Alternative Learning Environments:**2014-2015 Amount:****2015-2016 Amount:**

74	Salaries and Benefits		
	Purchased Services - List Vendors Below		
75	V - ALE1		
76	V - ALE2		
77	V - ALE3		
78	V - ALE4		
79	V - ALE5		
80	Supplies and Materials		
81	Equipment		
	Other (List Below)		
82			
83			
84			
85			
86			
87	Total Alternative Education Program/ Alternative Learning Environments:		

English Language Learner Program:

88	Salaries and Benefits		
	Purchased Services - List Vendors Below		
89	V - ELL1		
90	V - ELL2		
91	V - ELL3		
92	V - ELL4		
93	V - ELL5		
94	Supplies and Materials		
95	Equipment		
	Other (List Below)		
96			
97			
98			
99			
100			
101	Total English Language Learner Program:		

Guidance Services:

102	Salaries and Benefits		
	Purchased Services - List Vendors Below		
103	V - GS1		
104	V - GS2		
105	V - GS3		
106	V - GS4		
107	V - GS5		
108	Supplies and Materials		
109	Equipment		
	Other (List Below)		
110			
111			
112			
113			
114			
115	Total Guidance Services:		

	Health Services:	2014-2015 Amount:	2015-2016 Amount:
116	Salaries and Benefits		
	Purchased Services - List Vendors Below		
117	V - HS1		
118	V - HS2		
119	V - HS3		
120	V - HS4		
121	V - HS5		
122	Supplies and Materials		
123	Equipment		
	Other (List Below)		
124			
125			
126			
127			
128			
129	Total Health Services:		
	Media Services:		
130	Salaries and Benefits		
	Purchased Services - List Vendors Below		
131	V - MS1		
132	V - MS2		
133	V - MS3		
134	V - MS4		
135	V - MS5		
136	Supplies and Materials		
137	Equipment		
	Other (List Below)		
138			
139			
140			
141			
142			
143	Total Media Services:		
	Fiscal Services:		
144	Salaries and Benefits		
	Purchased Services - List Vendors Below		
145	V - FS1		
146	V - FS2		
147	V - FS3		
148	V - FS4		
149	V - FS5		
150	Supplies and Materials		
151	Equipment		
	Other (List Below)		
152			
153			
154			
155			
156			
157	Total Fiscal Services:		

		2014-2015 Amount:	2015-2016 Amount:
158	Maintenance and Operation:		
	Salaries and Benefits		
	Purchased Services - List Vendors Below		
	INCLUDE UTILITIES		
159	V - MO1		
160	V - MO2		
161	V - MO3		
162	V - MO4		
163	V - MO5		
164	Supplies and Materials		
165	Equipment		
166	Other (List Below)		
167			
168			
169			
170			
171	Total Maintenance and Operation:		
	Pupil Transportation:		
172	Salaries and Benefits		
	Purchased Services - List Vendors Below		
173	V - PT1		
174	V - PT2		
175	V - PT3		
176	V - PT4		
177	V - PT5		
178	Supplies and Materials		
179	Equipment		
180	Other (List Below)		
181			
182			
183			
184			
185	Total Pupil Transportation:		
	Food Services:		
186	Salaries and Benefits		
	Purchased Services - List Vendors Below		
187	V - FD1		
188	V - FD2		
189	V - FD3		
190	V - FD4		
191	V - FD5		
192	Supplies and Materials		
193	Equipment		
194	Other (List Below)		
195			
196			
197			
198			
199	Total Food Services:		

	Data Processing:	2014-2015 Amount:	2015-2016 Amount:
200	Salaries and Benefits		
	Purchased Services - List Vendors Below		
201	V - DP1		
202	V - DP2		
203	V - DP3		
204	V - DP4		
205	V - DP5		
206	Supplies and Materials		
207	Equipment		
	Other (List Below)		
208			
209			
210			
211			
212			
213	Total Data Processing:		
	Substitute Personnel:		
214	Salaries and Benefits		
	Purchased Services - List Vendors Below		
215	V - SB1		
216	V - SB2		
217	V - SB3		
218	V - SB4		
219	V - SB5		
220	Total Substitute Personnel:		
	Facilities:		
221	Lease/Purchase Contract for One Full Year		
	Facility Upgrades - List Upgrades Below		
222			
223			
224			
225			
226			
227			
228			
229	Property Insurance for One Full Year		
230	Content Insurance for One Full Year		
231	Total Facilities:		

Debt Expenditures:2014-2015 Amount:2015-2016 Amount:

List Debts Below

232			
233			
234			
	Total Debts:		

Other Expenditures:

List Other Expenditures Below

235			
236			
237			
238			
239			
240			
241	TOTAL EXPENDITURES:		

Net Revenue over Expenditures:\$0.00\$0.00

Note: If any major area is zero, type explanation where items would be listed. Example: No funds budgeted for GT because of waiver.

**2013 APPLICATION
DISTRICT CONVERSION AND LIMITED
PUBLIC CHARTER SCHOOL
STATEMENT OF ASSURANCES**

The signature of the superintendent of the school district proposing the public charter school certifies that the following statements are and will be addressed through policies adopted by the public charter school; and, if the application is approved, the local board, administration, and staff of the district conversion or limited public school shall abide by them:

1. The information submitted in this application is true to the best of my knowledge and belief.
2. The district conversion or limited public charter school shall be open to all students, on a space-available basis, and shall not discriminate in its admission policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility.
3. In accordance with federal and state laws, the district conversion or limited public charter school hiring and retention policies of administrators, teachers, and other employees shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, or special need.
4. Any educator employed by a school district before the effective date of a charter for a district conversion or limited public charter school operated at a school district facility shall not be transferred to or employed by the public charter school over the educator's objection.
5. The district conversion or limited public charter school shall operate in accordance with federal laws and rules governing public schools; applicable provisions of the Arkansas Constitution; and state statutes or regulations governing public schools not waived by the approved charter.
6. The district conversion or limited public charter school shall ensure that any of its employees who qualify for membership in the Arkansas Teacher Retirement System or the State and Public School Employee Insurance Program shall be covered under those systems to the same extent any other qualified employee of the school district is covered.
7. The district conversion or limited public charter school shall comply with all health and safety laws, rules and regulations of the federal, state, county, region, or community that may apply to the facilities and school property.

8. The employees and volunteers of the district conversion or limited public charter school are held immune from liability to the same extent as other school district employees and volunteers under applicable state laws.
9. The district conversion or limited public charter school shall be reviewed for its potential impact on the efforts of a public school district to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
10. The applicant confirms the understanding that certain provisions of state law shall not be waived. The district conversion or limited public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code Annotated and any rule and regulation approved by the State Board of Education under this title relating to:
 - (a) Monitoring compliance with Arkansas Code Annotated § 6-23-101 *et seq.* as determined by the Commissioner of the Department of Education;
 - (b) Conducting criminal background checks for employees;
 - (c) High school graduation requirements as established by the State Board of Education;
 - (d) Special education programs as provided by this title;
 - (e) Public school accountability under this title;
 - (f) Ethical guidelines and prohibitions as established by Arkansas Code Annotated § 6-24-101 *et seq.*, and any other controlling state or federal law regarding ethics or conflicts of interest; and
 - (g) Health and safety codes as established by the State Board of Education and local governmental entities.
11. The facilities of the public charter school shall comply with all requirements for accessibility for individuals with disabilities in accordance with the ADA and IDEA and all other state and federal laws.

Signature of Superintendent of School District

Date

Printed Name

**Arkansas Department of Education
Instructions for Completing the
District Conversion or Limited Public Charter School
2013 Application**

TIMELINE

Tuesday, September 3, 2013

Deadline for district conversion or limited public charter school letters of intent to be filed with the Arkansas Department of Education

Tuesday, September 17, 2013

District conversion or limited public charter school applicant technical assistance conference call
APPLICANT PARTICIPATION IS MANDATORY.

Thursday, October 31, 2013

Deadline district conversion or limited public charter school applications to be filed with the Arkansas Department of Education

December/January

Applicant interviews

***Note - All information must be received in the Charter School Office of the Arkansas Department of Education no later than 4:00 p.m. on the date of the deadline. Information received in the Charter School Office after 4:00 p.m. on the established date will not be processed. It is the responsibility of the applicant to adhere to all charter application deadlines. Please take under consideration the length of the time that may be required for electronic submissions to reach the Charter School Office.**

GENERAL INSTRUCTIONS ON COMPLETING THE APPLICATION

The application must be completed using the fillable form and the templates provided. Note the following:

- There are a limited number of characters allowed for each response. It is advisable to ensure that each response fits into the space allowed. Text that does not fit in the text boxes cannot be reviewed.
- Use the font and font size that are set for responses. If you type responses in another program, make certain that Arial font, size 10 is used and copied into the text boxes.
- Include a response in every text box.
- A complete application includes the fillable form with all other required documents attached at the end.
- When the fillable form is complete, create a flattened PDF by using a 'print to PDF' function, or by printing the completed fillable form and scanning it as a new PDF.
- The following documents must be scanned; signed as required; and attached, **in the order listed**, to the PDF after the completed application form:

REQUIRED ATTACHMENTS

APPLICANTS MUST USE ALL TEMPLATES THAT ARE PROVIDED.

- Documentation showing that all requirements pertaining to the public hearing were met;
- Evidence of parental and community support (five-page limit);
- The proposed school's 2014-2015 calendar;
- The proposed school's 2014-2015 daily schedule;
- The 2014-2015 and 2015-2016 Salary Schedule and Budget **template**; and
- The **signed** Statement of Assurances **template**.

ATTACHMENTS TO BE INCLUDED ONLY IF APPROPRIATE

- If an applicant believes that a weighted admissions lottery is required by federal court or administrative order, a copy of the order; and
- Documentation that amounts listed on the budget template as "Other Sources of Revenue" included in the budget template **have already been awarded for the operation of the proposed school**.

Save the PDF as "Proposed Charter School's Name (District Name) 2013 Application."

In order for the application to be considered by the authorizer during the 2013 application cycle, submit the named PDF, via email, to the Arkansas Department of Education at the following email addresses so that it is received no later than 4:00 p.m. **on Thursday, October 31, 2013:**

keisha.mattox@arkansas.gov
mary.perry@arkansas.gov

It is imperative that the email transmission time is considered as the application must be received at the Arkansas Department of Education by the deadline.

Any application that is substantially incomplete will not be reviewed by Arkansas Department of Education staff or forwarded to the authorizer for consideration. An application will be considered substantially incomplete if it does not provide enough information to enable staff at the Arkansas Department of Education to provide a meaningful review.

NOTES ON SELECTED SECTIONS OF THE APPLICATION

Cover Page

Include the name of the proposed charter school in the text box.

Section A – General Information

Use the dropdown menu to select if the application is for a district conversion public charter school or a limited public charter school.

Section B - Executive Summary

The mission statement will populate the response for Prompt #2. Include the key programmatic features that are considered the most important for anyone to know about the charter school and make certain that the features listed in the executive summary are discussed in other sections of the application.

Section C - Narrative Description

When responding to the prompts, refer to the Arkansas Department of Education District Conversion or Limited Public Charter School Application 2013 Scoring Rubric found at the end of this document. This is a valuable tool as it describes acceptable responses.

Prompt 2

The mission statement from the executive summary will populate as the response to this prompt.

Prompt 5

Explain why it is critical for the district to have a charter school rather than implementing the plan outlined in the application on an existing traditional campus.

Prompt 8 D

In accordance with federal guidelines, students with disabilities shall be provided specific services and all aspects of IDEA apply. The public charter school cannot waive the responsibility of providing services for students with disabilities.

Prompt 11

The personnel discussed in this section of the application must be included with the personnel listed in the Salary Schedule and Budget template unless it is clearly explained that the position will not be filled until after the second year of operation.

Prompt 18 and Prompt 19

These two prompts will only appear if the type of charter selected in Section A - General Information is a limited public charter school.

Prompt 19

The personnel discussed in this section of the application must be included with the personnel discussed in response to Prompt 12 and listed in the Salary Schedule and Budget template unless it is clearly explained that the position will not be filled until after the second year of operation.

NOTES ON SELECTED ATTACHMENTS REQUIRED TO BE ADDED TO THE END OF THE FILLABLE FORM

Evidence of parental and community support

Limit the response to five pages.

If petitions in support of the proposed charter school have been signed, include pages so that the five-page limit is met. Add a statement to the last page of petitions or include a separate page, so long as the five-page limit is not exceeded, that states the number of individuals who signed a petition supporting the proposed school and stating that all documents with signatures will be provided on request. Keep the petitions as they may be requested for review at a later date.

If letters in support of the proposed charter school have been received, include letters so that the five-page limit is met. Add a statement to the last page of the last letter or include a separate page, so long as the five-page limit is not exceeded, that names the individuals who wrote letters of support for the proposed school, with their titles and affiliations. State that the letters will be provided on request. Keep the letters as they may be requested for review at a later date.

The Salary Schedule and Budget Template

See pages 5-8 for guidance in completing this template.

Statement of Assurances Template

This form must be completed, signed, and included as part of the application.

COMPLETING THE SALARY SCHEDULE AND BUDGET TEMPLATE

Personnel Salary Schedule

- As requested, list positions.
- In the cell immediately to the right of each named position, whether named by the applicant, as required for administrative positions, or provided on the template, as for teachers and aides, state the number of full time equivalents (FTEs) to be employed by the charter school in 2014-2015.

NOTES

The number of positions must be stated as the full time equivalent (FTE) of each position. A full time position is 1.00; a half time position is .50. For example, if the charter will have 5 full time positions at 1.00 FTE each and 3 half time positions at .50 FTE each, the 5 positions equal a total of 5.00 FTEs, and the 3 positions equal a total of 1.50 FTEs, for a grand total of 6.50 positions.

The salary schedule must include the positions included in response to Prompt #12 unless it is clearly explained in the responses to the prompts that a position will not be filled until after the second year of operation.

Applicants for limited public charter schools must ensure that the response to Prompt 20 is consistent with the salary schedule and the response to Prompt 12.

- In the cell to the right of the number of FTE positions for 2014-2015, list the 2014-2015 salary to be budgeted for **1.00 FTE** in that position.
- In the cell to the right of the salary for 2014-2015, state the number of FTEs to be employed by the charter school in that position in 2015-2016.
- In the cell to the right of the number of FTE positions for 2015-2016, list the 2015-2016 salary to be budgeted for **1.00 FTE** in that position.

NOTES

The salary for 1 FTE will show in the template, and the template will automatically multiply the salary by the number of positions and include all of these calculations, by year, in the subtotal lines of each section of the salary schedule.

- Include the percentage of the salaries to be used to calculate fringe benefits.

NOTES

Input the rate as a decimal. For example, if the cost for fringe benefits will be 25%, input .25. When .25 is input, the template will automatically show 25% and calculate the totals for fringe benefits, by year, in each section of the salary schedule.

At a minimum, fringe benefits should include amounts required by the Federal Insurance Contributions Act (FICA), teacher retirement, health insurance, and unemployment obligations.

- The budget totals, by year, are automatically calculated in each section.
- Each section total, by year, is automatically added so that the TOTAL EXPENDITURES FOR SALARIES are calculated and included on Line #112.

The Budget

The budget template is intended to require the applicant to consider the many expenses likely to be incurred in the operation of a school and should be completed as an estimate of the revenues and expenditures associated with the operation of the public charter school.

Two columns in the budget template must be completed, one for the school's first year of operation and one for the school's second year of operation.

REVENUES

All public schools in Arkansas receive state foundation funding in a set amount of money per student based upon average daily membership.

- The number of students for Line #1 and Line #2 is the number of students expected to be enrolled in the public charter school in 2014-2015.

NOTES

The number must match the 2014-2015 enrollment number provided in other sections of the application.

After the number of students is entered in Line #1 and Line #2, the template will automatically calculate the state foundation funding in Line #1 and the professional development funding in Line #2.

Be conservative with estimates for state revenue. A charter that overestimates its number of students will have to return funds after the "truing up" process occurs. A charter that underestimates the number of students will receive additional funds after the "truing up" process occurs.

- The number of students in Line #3 is the number of national school lunch students expected to be enrolled in the public charter school in 2014-2015.

NOTE

National school lunch students are those students who qualify for free or reduced-priced lunches.

- Input the rate in Line #3.

NOTES

The eligible rate for national school lunch (NSL) state categorical funding in Line #3 depends on the percentage of national school lunch students attending the school.

Use one of the following rates determined by the percentage of NSL students:

90% or greater NSL students	\$1,549
70-89% NSL students	\$1,033
Less than 70% NSL students	\$ 517

After the number of NSL students and the rate are entered in Line #3, the template will automatically calculate the NSL funding.

- If the charter will serve another student population for which there is state categorical funding, contact the Arkansas Department of Education Charter School Office for the amount to include on Line #4.
- The number of students for Line #6 and Line #7 is the number of students expected to be enrolled in the public charter school in 2015-2016.

NOTES

The number must match the 2015-2016 enrollment number provided in other sections of the application.

After the number of students is entered in Line #6 and Line #7, the template will automatically calculate the state foundation funding in Line #6 and the professional development funding in Line #7.

- The number of students in Line #8 is the number of national school lunch students expected to be enrolled in the public charter school in 2015-2016.
- Input the rate in Line #8.

NOTES

The eligible rate for national school lunch (NSL) state categorical funding in Line #8 depends on the percentage of national school lunch students attending the school.

Use one of the following rates determined by the percentage of NSL students:

90% or greater NSL students	\$1,549
70-89% NSL students	\$1,033
Less than 70% NSL students	\$ 517

After the number of NSL students and the rate are entered in Line #8, the template will automatically calculate the NSL funding.

- If the charter will serve another student population for which there is state categorical funding, contact the Arkansas Department of Education Charter School Office for the amount to include on Line #9.
- Other Sources of Revenue must not include one-time grants or other funds that are not guaranteed at the time that the application is submitted.

NOTES

If an applicant has a guaranteed revenue source, it can be included in the budget, but documentation of the revenue must be included as the last attachment behind the application form in the PDF file. The documentation must show that the funds have already been awarded for the operation of the proposed charter school.

Federal Charter School Program grants are not awarded prior to charter approval and cannot be considered for budgeting purposes.

- Totals from the two revenue sections, by year, are automatically added and populate Line #17.

EXPENDITURES

- Totals for the salaries and benefits, as calculated on the salary schedule, will populate the appropriate expenditure lines in the budget.
- List specific vendors by name and include the amount to be paid, by year, to each vendor.
- If the applicant anticipates no expenditures in any area, type a brief explanation where vendors and/or items would be listed. For example, if no expenditures are included for the gifted and talented program, the applicant could state in the cell for the first vendor, "Waiver requested for GT."
- Expenses are automatically added and totaled, by year, in each section.
- Each section total, by year, is automatically added so that the TOTAL EXPENDITURES are calculated and included on Line #241.

THE BOTTOM LINE

- By year, the expenditure totals are subtracted from the revenue totals and included as the NET REVENUE OVER EXPENDITURES on Line #242.

NOTES

Revenue must exceed expenditures.

It is important to maintain a positive balance so that funds are always available for unexpected expenses.

Upon the approval of a public charter school, staff in the Arkansas Department of Education Public School Finance and Administrative Support Unit will provide technical assistance to assist in developing a detailed budget, specific to the terms of the charter, that will also meet the data reporting requirements of the Arkansas Public School Computer Network.

**District Conversion or Limited Public
Charter School
Application Checklist**

- ☐ Email the one-page letter of intent to apply for an open-enrollment charter to the Arkansas Department of Education Charter School Office so that it is **received by the Charter School Office no later than 4:00 p.m., on September 3.**

- ☐ Provide the notice of public hearing to the community, certified school personnel, and parents of all students enrolled at the public school for which the school district initiated the application.

- ☐ Publish the notice of public hearing in a newspaper having general circulation in the school district in which the school will be located at least three weeks prior to the date of the meeting.

Documentation that these requirements have been met must be included in the charter school application.

- ☐ Conduct the public hearing; include results of the public hearing in the charter school application

☐ Additional check points for the charter application

- ❖ All sections of the fillable form are complete.
- ❖ Each complete response is visible in the text box.
- ❖ Each response has been prepared considering the evaluation criteria of the corresponding section of the scoring rubric.
- ❖ Evidence that all requirements pertaining to the public hearing were met is included.
- ❖ Evidence of parental and community support is included.
- ❖ A copy of the proposed school's 2014-2015 calendar is included.
- ❖ A copy of the proposed school's daily schedule is included.
- ❖ The Salary Schedule and Budget template is complete and included; and
- ❖ The signed Statement of Assurances Form is included.

Submit the application, via email, so that it is received no later than **4:00 p.m. on October 31, 2013.**

It is the applicant's responsibility to comply with all aspects of Arkansas Code Annotated § 6-23-101 et seq., the Arkansas Department of Education Rules Governing Charter Schools, and the requirements outlined in the application for district conversion or limited public charter schools. Contact the Arkansas Department of Education Charter School Office with questions and for assistance with developing the application.

Arkansas Department of Education Charter School Office 501.683.5313

**Arkansas Department of Education
District Conversion or Limited Charter School
2013 Application**

SCORING RUBRIC

The following scoring rubric will be used to evaluate applications submitted to the Arkansas Department of Education for the establishment of new district conversion or limited public charter schools. This rubric is intended to provide clarity, transparency, and consistency in the charter school application review process.

The Arkansas Department of Education will use the following rubric to evaluate the quality of a district conversion or limited public charter school application against the criteria stated herein. For each of the application requirements, the criteria define the characteristics and elements of a response that meet the standard for charter approval. The following definitions will guide the rating of each requirement:

Meets the Standard:	The response reflects a thorough understanding of key issues and demonstrates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of the ways in which the school expects to operate.
Partially Meets the Standard:	The response addresses most of the criteria, but lacks meaningful detail and requires additional important information.
Does Not Meet the Standard:	The response lacks meaningful detail, demonstrates a lack of preparation, or otherwise raises substantial concerns about the applicant's understanding of the issue and/or the applicant's ability to implement the requirement.

Arkansas Department of Education
District Conversion or Limited Charter School
2013 Application
SCORING RUBRIC

PRE-APPLICATION MATERIALS

The Arkansas Department of Education requires that all applicants submit a Letter of Intent, outlining a general description of the proposed charter school.

Evaluation Criteria:

A response that meets the standard will guarantee that:

- A Letter of Intent was filed with Arkansas Department of Education on time and included all the necessary information.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

PART B EXECUTIVE SUMMARY

The Arkansas Department of Education requires all applicants to include an executive summary.

Evaluation Criteria:

A response that meets the standard will present:

- A mission statement (with content to be evaluated for Prompt #2 of Part C); and
- The key programmatic features of the proposed charter school.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

PART C NARRATIVE DESCRIPTION OF THE PROPOSED CHARTER

C1: PUBLIC HEARING RESULTS

All districts must conduct a public hearing before applying for a district conversion or limited charter school, to assess support for the school's establishment. Applicants are asked both to document the logistics of the hearing and to include a narrative of the hearing results.

Evaluation Criteria:

A response that meets the standard will present:

- A thorough description of the results of the public hearing;
- Evidence of public support exhibited at the hearing;
- Documentation of required notice published to garner public attention to the hearing; and
- Documentation of required notices about the hearing being sent to the community, certified school personnel, and parents of all students enrolled at the public school for which the school district initiated the application.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C2: MISSION STATEMENT

The Mission Statement should be meaningful and indicate what the school intends to do, for whom, and to what degree.

Evaluation Criteria:

A response that meets the standard will present:

- A mission statement that is clear and succinct.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C3: EDUCATIONAL NEED

The Educational Need section should explain the need for a charter school in the proposed location and the innovative educational option offered by the charter school.

Evaluation Criteria:

A response that meets the standard will present:

- A description of the educational need for the charter school substantiated with valid and reliable data, and
- A description of the innovations that would distinguish the charter from other schools.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C4: EDUCATIONAL PROGRAM

The Educational Program section should describe the educational foundation of the school and the teaching and learning strategies that will be employed.

Evaluation Criteria:

A response that meets the standard will present:

- A clear description of the proposed educational program, including but not limited to the foundational educational philosophy and curricular and instructional strategies to be employed;
- Specific reasons that the school would be viable; and
- A description of the length of school day and school year that meets minimum state requirements.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C5: CHARTER MODEL

The Charter Model section should explain the reasons that the district is requesting a charter school.

Evaluation Criteria:

A response that meets the standard will present:

- Specific reasons why it is critical for the district to have a charter school rather than implementing the plan outlined in the application on an existing traditional campus.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C6: SCHOOL IMPROVEMENT PLAN

Evaluation Criteria:

A response that meets the standard will present:

- Meaningful and realistic ways to involve licensed employees and parents in developing and implementing the school improvement plan, identifying performance criteria, and evaluating the effectiveness of the improvement plan;
- A plan that addresses how the charter school will improve student learning and meet the state education goals;
- Specific goals that are clear, measurable and data-driven in:
 - Reading;
 - Reading Comprehension;
 - Mathematics; and
 - Mathematic Reasoning;
- Goals on improving student achievement; and
- Valid and reliable assessment tools for measuring each of the defined goals.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths
Concerns and Additional Questions

C7: CURRICULUM DEVELOPMENT AND ALIGNMENT

The Curriculum Development and Alignment section should define the process by which the design team developed (or chose) the curricular program of the school and illustrate alignment with Arkansas Curriculum Frameworks and Common Core State Standards.

Evaluation Criteria:

A response that meets the standard of a curricular development and alignment program will present:

- Evidence that the curriculum aligns with, or a sound plan and timeline for aligning the curriculum with, the Arkansas Department of Education's content standards, benchmarks and performance standards.
- Evidence that the applicant is prepared to implement the requirements and timeframe of the Common Core State Standards.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C8: STUDENT SERVICES

The Student Services section should describe how the school will address specific services for its student body.

Evaluation Criteria:

A response that meets the standard will describe the ways in which the following services will be provided to students even in those areas for which a waiver is requested:

- A guidance program that will serve all students;
- A health services program that will serve all students;
- A plan for a media center for use by all students;
- Sound plans for educating special education students that reflect the full range of programs and services required to provide such students with a high quality education;
- A transportation plan that will serve all **eligible** students;
- An alternative education plan for eligible students, including those determined to be at-risk and to offer access to one or more approved Alternative Learning Environments;
- A plan to serve students who are English language learners; and
- Plans for a gifted and talented program for eligible students.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C9: ANNUAL PROGRESS REPORTS

The Annual Progress Reports section should define how the academic progress of individual students and the school as a whole will be measured, analyzed, and reported.

Evaluation Criteria:

A response that meets the standard will present:

- A timeline for data compilation and completion of an annual report to parents, the community and the authorizer, **separate from the district's annual report** to the public, that outlines the school's progress; and
- A plan for dissemination of the annual report to appropriate stakeholders.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C10: ENROLLMENT CRITERIA AND PROCEDURES

The Enrollment Criteria and Procedures section should describe how the school will attract and enroll its student body, including any criteria for admission and enrollment. Applicants must also provide assurances for a random, anonymous lottery selection process.

Evaluation Criteria:

A response that meets the standard will present:

- A student recruitment plan that will provide equal opportunity for all parents and students to learn about and apply to the school;
- An enrollment and admissions process that is open, fair, and in accordance with applicable law; and
- A process for, and a guarantee of, a random, anonymous lottery process should there be more student applications than can be accommodated under the terms of the charter.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C11: STAFFING PLAN

The Staffing Plan section should describe the job duties of the school administrator(s) and other key personnel. This section should also describe the professional qualifications which will be required of employees.

Evaluation Criteria:

A response that meets the standard will present:

- A job description for the school administrators and other key personnel, including but not limited to counselors, teachers, etc.;
- An outline of the professional qualifications required for administrators, teachers, counselors, etc.;
- A staffing plan that clearly outlines both the types and numbers of positions to be filled at the school and salary scales for such positions, and
- A staffing plan consistent with the staff members noted in the budget.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C12: ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK ASSURANCES

The Arkansas Public School Computer Network (APSCN) Assurances section should provide documentation of the applicant's understanding of and participation in the required state finance and educational data reporting system.

Evaluation Criteria:

A response that meets the standard will present:

- Assurance that the charter school will participate in APSCN and will comply with all state statutory requirements regarding the APSCN finance and educational data reporting system.

Does Not Meet the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>

C13: FACILITIES

The Facilities section should identify and describe the facilities to be used by the school and any changes to be made to the facilities.

Evaluation Criteria:

A response that meets the standard will present:

- An identified facility appropriate to meet the needs of the school over the term of its charter;
- A realistic plan for remodeling or adapting a facility, if necessary, to ensure that it is appropriate and adequate for the school's program, the school's targeted population, and the public;
- Evidence that the school understands the costs of securing and improving a facility and has access to the necessary resources to fund the facility plan; and
- A sound plan for continued operation, maintenance, and repair of the facility.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C14: FOOD SERVICES

This section should describe how the school will address food services for its student body.

Evaluation Criteria:

A response that meets the standard will present:

- A food service plan that will serve all eligible students.
- A management plan that reflects a clear understanding of federal law and requirements if the charter school plans to participate in the National School Lunch program.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C15: PARENTAL INVOLVEMENT

The Parental Involvement section should describe how parents or guardians of enrolled students, the school employees, and other members of the community will make a positive impact on the school and its educational program.

Evaluation Criteria:

A response that meets the standard will present:

- A plan for involving parents and guardians in the school's education programs; and
- A proposal that involves the parents of students, employees and the broader community in carrying out the terms of the charter.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C16: WAIVERS

The Waivers section should discuss all waivers requested from local or state law.

Evaluation Criteria:

A response that meets the standard will present:

- Each law, rule, and standard by title, number, and description for which a waiver is requested;
- A rationale for each waiver request; and
- An explanation of the way that each waiver would assist in implementing the educational program of the charter and/or fulfilling the charter's mission.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Legal Comments
Concerns and Additional Questions

C17: DESEGREGATION ASSURANCES

The Desegregation Assurances section should describe the applicant's understanding of applicable statutory and regulatory obligations to create and maintain a unitary system of desegregated public schools.

Evaluation Criteria:

A response that meets the standard will present:

- Assurance that the charter school will comply with all applicable federal and state statutory and regulatory requirements regarding the creation and maintenance of desegregated public schools; and
- An outline of the potential impact of the proposed charter school on those desegregation efforts already in place in affected public school districts.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Legal Comments
Concerns and Additional Questions

C18: TEACHER PERFORMANCE

(APPLICATIONS FOR LIMITED PUBLIC CHARTER SCHOOLS)

The Teacher Performance section should describe the ways in which the school will encourage teacher growth.

Evaluation Criteria:

A response that meets the standard will present:

- Specific professional opportunities to be afforded teachers to enhance professional growth and classroom performance; and
- An explanation of the ways in which the school will improve employee salaries.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

C19: ALTERNATIVE STAFFING MODEL

(APPLICATIONS FOR LIMITED PUBLIC CHARTER SCHOOLS)

The Alternative Staffing Model section should describe the plan for staffing the school.

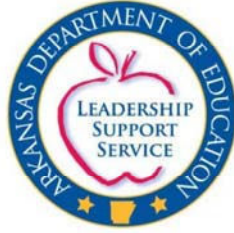
Evaluation Criteria:

A response that meets the standard will present:

- A plan to staff the school in a manner different from other district schools;
- Job descriptions of instructional personnel;
- Qualifications and compensation for each position;
- Information consistent with the response to Prompt 12 and the information listed in the Salary Schedule and Budget template.

Does Not Meet the Standard	Partially Meets the Standard	Meets the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strengths		
Concerns and Additional Questions		

ADDITIONAL COMMENTS:



ARKANSAS DEPARTMENT OF EDUCATION

2013 Application District Conversion or Limited Public Charter School

Deadline for Receipt of Submission: Thursday, October 31 2013, 4:00 p.m.

Applications will not be accepted after this time.



Name of Proposed Charter School:

Any application that is substantially incomplete will not be forwarded to the authorizer for consideration. An application will be considered substantially incomplete if it does not provide enough information to enable staff at the Arkansas Department of Education to provide a meaningful review.

**Arkansas Department of Education
Charter School Office
Four Capitol Mall Little Rock,
AR 72201
501.683.5313**

**ARKANSAS DEPARTMENT OF EDUCATION
2013 APPLICATION
DISTRICT CONVERSION OR LIMITED PUBLIC PUBLIC CHARTER SCHOOL**

A. GENERAL INFORMATION

Name of Proposed Charter School: _____

Grade Level(s) for the School: _____ Student Enrollment Cap: _____

Name of School District: _____

Type of Charter Proposed: _____

Name of Contact Person: _____

Address: _____ City: _____

ZIP: _____ Daytime Phone Number: () _____ FAX: () _____

Email: _____

Charter Site Address: _____

City: _____

ZIP: _____ Date of Proposed Opening: _____

Name of Superintendent: _____

Address: _____ City: _____

ZIP: _____ Daytime Phone Number: () _____

B. EXECUTIVE SUMMARY

Provide the mission statement of the proposed school.

Applicant Response:

Applicant response is limited to the area provided on this page.

Briefly describe the key programmatic features that the school will implement in order to accomplish the mission.

Applicant Response:

Applicant response is limited to the area provided on this page.

C. NARRATIVE DESCRIPTION OF THE PROPOSED CHARTER SCHOOL

The applicant for the proposed charter school, if approved by the authorizer, agrees to operate the educational program described below in accordance with the provisions described within this document, Arkansas Code Annotated §6-23-101 et seq., the State Board of Education Rules Governing Charter Schools, and the attached assurances.

Provide a narrative description of the various components of the proposed charter school by responding to the following prompts:

1. Describe the results of the public hearing, called by the school board, which was held for the purposes of assessing support for the establishment of this public charter school. Provide copies of supporting evidence.

Attach documentation to demonstrate that each of the following requirements of Arkansas Code Annotated §6-23-302 was met:

- A. The notice of public hearing was distributed to the community, certified school personnel, and parents of all students enrolled at the public school for which the school district initiated the application.
- B. The notice of the public hearing was published in a newspaper having general circulation in the school district in which the school will be located at least three weeks prior to the date of the meeting.

Applicant Response:

Applicant response is limited to 7,000 characters/spaces.
The text box will expand once you have clicked out of it.

2. Give the mission statement for the proposed charter school.

Applicant Response:

Response generated from Section B.

3. Describe the educational need for the school. Include the innovations that will distinguish the charter from other schools.

Applicant Response:

Applicant response is limited to 18,000 characters/spaces.
The text box will expand once you have clicked out of it.

4. Describe the educational program to be offered by the charter school.

Applicant Response:

Applicant response is limited to 18,000 characters/spaces.
The text box will expand once you have clicked out of it.

5. Describe specifically how the charter school will be able to better meet student academic needs than a traditional district school.

Applicant Response:

Applicant response is limited to the area provided on this page.

6. Describe the school improvement plan by addressing the following:
- A) Explain how the licensed employees and parents of the students to be enrolled in the charter school will be involved in developing and implementing the school improvement plan, identifying performance criteria, and evaluating the effectiveness of the improvement plan.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

- B) Describe a plan for school improvement that addresses how the charter school will improve student learning and meet the state education goals.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

- C) List the specific measurable goals in reading, reading comprehension, mathematics, and mathematic reasoning based on the state mandated assessments, and any other assessment tools if used, for improving student academic achievement for each year of the public charter school's initial five-year period. For each goal, include the following:
- The tool to be used to measure the academic performance;
 - The level of performance that will demonstrate success; and
 - The timeframe for the achievement of the goal.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

7. Describe the process that will be used to develop and align the curriculum with the Arkansas Curriculum Frameworks and the curriculum requirements of the Common Core State Standards as adopted by the State Board of Education.

Applicant Response:

Applicant response is limited to the area provided on this page.

8. Describe the manner in which the school will make provisions for the following student services, even in those areas for which a waiver is requested:

A) Guidance program;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

B) Health services;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

C) Media center;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

D) Special education;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

E) Transportation;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

F) Alternative education, including Alternative Learning Environments;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

G) English Language Learner (ELL) instruction

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

H) Gifted and Talented Program.

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

9. Describe the plan for the school officials to provide an annual report to parents, the community, and the authorizer, **separate from the district's annual report to the public**, that demonstrates the progress made by the charter school during any previous academic year in meeting its academic performance objectives. (See *Arkansas Code Annotated 6-23-202.*)

Applicant Response:

Applicant response is limited to the area provided on this page.

10. Describe the enrollment criteria and student admission, recruitment and selection processes for the proposed public charter school.

Applicant Response:

Applicant response is limited to the area provided on this page.

It is affirmed that a random, anonymous student selection method will be utilized in the event that more students apply for admission to the public charter school than can be accommodated under the terms of the charter.

☐ Yes

☐ No

11. Summarize the job descriptions of the school administrator(s) and other key personnel. Specify the qualifications to be met by professional employees (administrators, teachers, counselors, etc.) of the program. List the types of administrative positions, teaching positions, and support positions for the school.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

12. It is affirmed that the public charter school will participate in the Arkansas Public School Computer Network, as required by state statute and by State Board of Education rule, for reporting **both education data and financial data**, including grant funds or private donations received directly by the charter school.

☐ Yes

☐ No

13. Describe the facilities to be used. Give the present use of the facility and its use for the past three years.

Applicant Response:

Applicant response is limited to 6,000 characters/spaces.
The text box will expand once you have clicked out of it.

The facility will comply with all requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) and all other state and federal laws and local zoning ordinances.

☐ Yes

☐ No

If the facility does not currently meet these requirements, provide a list of items that will need to be addressed to bring the facility into compliance. Also include a statement of permissible uses for the facility from the local zoning authority, and whether there are any alcohol sales within 1,000 feet of the facility.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

14. Describe the manner in which the school will make provisions for food services. State whether the proposed charter school will apply to participate in the federal National School Lunch program or other federal nutrition programs.

Applicant Response:

Applicant response is limited to the area provided on this page.

15. Describe how the parents or guardians of the enrolled students and other members of the community will be involved with the school to positively impact the charter school's educational programs.

Applicant Response:

Applicant response is limited to the area provided on this page.

16. List the provisions of Title 6 of the Arkansas Code Annotated (Education Code), State Board of Education rules, and sections of the *Standards for Accreditation of Arkansas Public Schools and School Districts* from which the public charter school seeks to be exempted in order to meet the goals of the school. Identify the specific statute, rule, or standard requested to be waived by title and section number if applicable. **Provide a brief description of the rationale for each waiver requested.**

Applicant Response:

Applicant response is limited to 22,000 characters/spaces.
The text box will expand once you have clicked out of it.

17. Describe the potential impact of the proposed public charter school on the efforts of affected public school district(s) to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

Applicant Response:

Applicant response is limited to the area provided on this page.

18. Describe the ways in which the school will enhance teacher performance and improve employee salaries, professional opportunities, and professional growth experiences.

Applicant Response:

Applicant response is limited to the area provided on this page.

19. Describe the alternative comprehensive staffing model by summarizing the job descriptions of the instructional personnel. Include the qualifications and compensation for each position and, on the Salary Schedule and Budget template, identify the number of administrative positions, teaching positions, and support positions.

Applicant Response:

Applicant response is limited to the area provided on this page.

Public Charter School Application Personnel Salary Schedule

Administrative Positions:		2014-2015	Salary 2014-2015	2015-2016	Salary 2015-2016
Line#	List Positions	No. FTEs		No. FTEs	
1					
2					
3					
4					
5					
6					
7	Subtotal:				
8	Fringe Benefits (rate used _____)				
9	Total Administration:				

Regular Classroom Instruction:		2014-2015		2015-2016	
		No. FTEs		No. FTEs	
10	Teachers				
11	Aides				
12	Subtotal:				
13	Teacher Fringe Benefits (rate used _____)				
14	Aide Fringe Benefits (rate used _____)				
15	Total Regular Classroom Instruction:				

Special Education:		2014-2015		2015-2016	
		No. FTEs		No. FTEs	
16	Teachers				
17	Aides				
18	Subtotal:				
19	Teacher Fringe Benefits (rate used _____)				
20	Aide Fringe Benefits (rate used _____)				
21	Total Special Education:				

Gifted and Talented Program:		2014-2015		2015-2016	
		No. FTEs		No. FTEs	
22	Teachers				
23	Aides				
24	Subtotal:				
25	Teacher Fringe Benefits (rate used _____)				
26	Aide Fringe Benefits (rate used _____)				
27	Total Gifted and Talented Program:				

**Alternative Education Program/
Alternative Learning Environments:**

		2014-2015 No. FTEs	Salary 2014-2015	2015-2016 No. FTEs	Salary 2015-2016
28	Teachers				
29	Aides				
30	Subtotal:				
31	Teacher Fringe Benefits (rate used _____)				
32	Aide Fringe Benefits (rate used _____)				
33	Total Alternative Education Program/ Alternative Learning Environments:				

English Language Learner Program:

	List Positions	2014-2015 No. FTEs	2015-2016 No. FTEs
34			
35			
36			
37			
38			
39	Subtotal:		
40	Fringe Benefits (rate used _____)		
41	Total English Language Learner Program:		

Guidance Services:

	List Positions	2014-2015 No. FTEs	2015-2016 No. FTEs
42			
43			
44			
45			
46			
47	Subtotal:		
48	Fringe Benefits (rate used _____)		
49	Total Guidance Services:		

Health Services:

	List Positions	2014-2015 No. FTEs	2015-2016 No. FTEs
50			
51			
52			
53			
54			
55	Subtotal:		
56	Fringe Benefits (rate used _____)		
57	Total Health Services:		

Media Services:

List Positions

2014-2015
No. FTEs2015-2016
No. FTEs

58

59

60

61

62

63

Subtotal:

64

Fringe Benefits (rate used _____)

65

Total Media Services:**Fiscal Services:**

List Positions

2014-2015
No. FTEs2015-2016
No. FTEs

66

67

68

69

70

71

Subtotal:

72

Fringe Benefits (rate used _____)

73

Total Fiscal Services:**Maintenance and Operation:**

List Positions

2014-2015
No. FTEs2015-2016
No. FTEs

74

75

76

77

78

79

Subtotal:

80

Fringe Benefits (rate used _____)

81

Total Maintenance and Operation:**Pupil Transportation:**

List Positions

2014-2015
No. FTEs2015-2016
No. FTEs

82

83

84

85

86

87

Subtotal:

88

Fringe Benefits (rate used _____)

89

Total Pupil Transportation:

Food Services:

List Positions

2014-2015
No. FTEs2015-2016
No. FTEs

90			
91			
92			
93			
94			
95	Subtotal:		
96	Fringe Benefits (rate used _____)		
97	Total Food Services:		

Data Processing:

List Positions

2014-2015
No. FTEs2015-2016
No. FTEs

98			
99			
100			
101			
102			
103	Subtotal:		
104	Fringe Benefits (rate used _____)		
105	Total Data Processing:		

Substitute Personnel:2014-2015
No. FTEs2015-2016
No. FTEs

106	Number of Certified Substitutes _____		
107	Number of Classified Substitutes _____		
108	Subtotal:		
109	Certified Fringe Benefits (rate used _____)		
110	Classified Fringe Benefits (rate used _____)		
111	Total Substitute Personnel:		

TOTAL EXPENDITURES FOR SALARIES:

112			
-----	--	--	--

**Public Charter School Application
Estimated Budget Template**

REVENUES

		<u>2014-2015 Amount:</u>	<u>2015-2016 Amount:</u>
State Public Charter School Aid:			
2014-2015			
1	No. of Students _____ x \$6,521.00 State Foundation Funding	\$0.00	
2	No. of Students _____ x \$44.00 Professional Development	\$0.00	
3	No. of Students _____ x _____ eligible rate* NSL Funding		
4	No. of Students _____ x _____ Other: <i>Explain Below</i>		
5			
	2015-2016		
6	No. of Students _____ x \$6,521.00 State Foundation Funding		\$0.00
7	No. of Students _____ x \$44.00 Professional Development		\$0.00
8	No. of Students _____ x _____ eligible rate* NSL Funding		
9	No. of Students _____ x _____ Other: <i>Explain Below</i>		
10			
11	Total State Charter School Aid:	<u>\$0.00</u>	<u>\$0.00</u>
Other Sources of Revenues:			
	<small>(MUST UPLOAD DOCUMENTATION VERIFYING ALL AMOUNTS LISTED AS OTHER SOURCES OF REVENUE)</small>		
12	Private Donations or Gifts		
13	Federal Grants (List the amount)		
14	Special Grants (List the amount)		
	Other (<i>Specifically Describe</i>)		
15			
16	Total Other Sources of Revenues:		
17	TOTAL REVENUES:	<u>\$0.00</u>	<u>\$0.00</u>

EXPENDITURES

		<u>2014-2015 Amount:</u>	<u>2015-2016 Amount:</u>
Administration:			
18	Salaries and Benefits		
	Purchased Services - List Vendors Below		
19	V - AD 1		
20	V - AD 2		
21	V - AD 3		
22	V - AD 4		
23	V - AD 5		
24	Supplies and Materials		
25	Equipment		
	Other (List Below)		
26			
27			
28			
29			
30			
31	Total Administration:		

	Regular Classroom Instruction:	<u>2014-2015 Amount:</u>	<u>2015-2016 Amount:</u>
32	Salaries and Benefits	_____	_____
	Purchased Services - List Vendors Below	_____	_____
33	V - CI 1 _____	_____	_____
34	V - CI 2 _____	_____	_____
35	V - CI 3 _____	_____	_____
36	V - CI 4 _____	_____	_____
37	V - CI 5 _____	_____	_____
38	Supplies and Materials	_____	_____
39	Equipment	_____	_____
	Other (List Below)	_____	_____
40	_____	_____	_____
41	_____	_____	_____
42	_____	_____	_____
43	_____	_____	_____
44	_____	_____	_____
45	Total Regular Classroom Instruction:	=====	=====
	Special Education:		
46	Salaries and Benefits	_____	_____
	Purchased Services - List Vendors Below	_____	_____
47	V - SE1 _____	_____	_____
48	V - SE 2 _____	_____	_____
49	V - SE 3 _____	_____	_____
50	V - SE 4 _____	_____	_____
51	V - SE 5 _____	_____	_____
52	Supplies and Materials	_____	_____
53	Equipment	_____	_____
	Other (List Below)	_____	_____
54	_____	_____	_____
55	_____	_____	_____
56	_____	_____	_____
57	_____	_____	_____
58	_____	_____	_____
59	Total Special Education:	=====	=====
	Gifted and Talented Program:		
60	Salaries and Benefits	_____	_____
	Purchased Services - List Vendors Below	_____	_____
61	V - GT1 _____	_____	_____
62	V - GT2 _____	_____	_____
63	V - GT3 _____	_____	_____
64	V - GT4 _____	_____	_____
65	V - GT5 _____	_____	_____
66	Supplies and Materials	_____	_____
67	Equipment	_____	_____
	Other (List Below)	_____	_____
68	_____	_____	_____
69	_____	_____	_____
70	_____	_____	_____
71	_____	_____	_____
72	_____	_____	_____
73	Total Gifted and Talented Program:	=====	=====

Alternative Education Program/ Alternative Learning Environments:**2014-2015 Amount:****2015-2016 Amount:**

74	Salaries and Benefits		
	Purchased Services - List Vendors Below		
75	V - ALE1		
76	V - ALE2		
77	V - ALE3		
78	V - ALE4		
79	V - ALE5		
80	Supplies and Materials		
81	Equipment		
	Other (List Below)		
82			
83			
84			
85			
86			
87	Total Alternative Education Program/ Alternative Learning Environments:		

English Language Learner Program:

88	Salaries and Benefits		
	Purchased Services - List Vendors Below		
89	V - ELL1		
90	V - ELL2		
91	V - ELL3		
92	V - ELL4		
93	V - ELL5		
94	Supplies and Materials		
95	Equipment		
	Other (List Below)		
96			
97			
98			
99			
100			
101	Total English Language Learner Program:		

Guidance Services:

102	Salaries and Benefits		
	Purchased Services - List Vendors Below		
103	V - GS1		
104	V - GS2		
105	V - GS3		
106	V - GS4		
107	V - GS5		
108	Supplies and Materials		
109	Equipment		
	Other (List Below)		
110			
111			
112			
113			
114			
115	Total Guidance Services:		

	Health Services:	2014-2015 Amount:	2015-2016 Amount:
116	Salaries and Benefits		
	Purchased Services - List Vendors Below		
117	V - HS1		
118	V - HS2		
119	V - HS3		
120	V - HS4		
121	V - HS5		
122	Supplies and Materials		
123	Equipment		
	Other (List Below)		
124			
125			
126			
127			
128			
129	Total Health Services:		
	Media Services:		
130	Salaries and Benefits		
	Purchased Services - List Vendors Below		
131	V - MS1		
132	V - MS2		
133	V - MS3		
134	V - MS4		
135	V - MS5		
136	Supplies and Materials		
137	Equipment		
	Other (List Below)		
138			
139			
140			
141			
142			
143	Total Media Services:		
	Fiscal Services:		
144	Salaries and Benefits		
	Purchased Services - List Vendors Below		
145	V - FS1		
146	V - FS2		
147	V - FS3		
148	V - FS4		
149	V - FS5		
150	Supplies and Materials		
151	Equipment		
	Other (List Below)		
152			
153			
154			
155			
156			
157	Total Fiscal Services:		

		2014-2015 Amount:	2015-2016 Amount:
158	Maintenance and Operation:		
	Salaries and Benefits		
	Purchased Services - List Vendors Below		
	INCLUDE UTILITIES		
159	V - MO1		
160	V - MO2		
161	V - MO3		
162	V - MO4		
163	V - MO5		
164	Supplies and Materials		
165	Equipment		
166	Other (List Below)		
167			
168			
169			
170			
171	Total Maintenance and Operation:		
	Pupil Transportation:		
172	Salaries and Benefits		
	Purchased Services - List Vendors Below		
173	V - PT1		
174	V - PT2		
175	V - PT3		
176	V - PT4		
177	V - PT5		
178	Supplies and Materials		
179	Equipment		
180	Other (List Below)		
181			
182			
183			
184			
185	Total Pupil Transportation:		
	Food Services:		
186	Salaries and Benefits		
	Purchased Services - List Vendors Below		
187	V - FD1		
188	V - FD2		
189	V - FD3		
190	V - FD4		
191	V - FD5		
192	Supplies and Materials		
193	Equipment		
194	Other (List Below)		
195			
196			
197			
198			
199	Total Food Services:		

	Data Processing:	2014-2015 Amount:	2015-2016 Amount:
200	Salaries and Benefits		
	Purchased Services - List Vendors Below		
201	V - DP1		
202	V - DP2		
203	V - DP3		
204	V - DP4		
205	V - DP5		
206	Supplies and Materials		
207	Equipment		
	Other (List Below)		
208			
209			
210			
211			
212			
213	Total Data Processing:		
	Substitute Personnel:		
214	Salaries and Benefits		
	Purchased Services - List Vendors Below		
215	V - SB1		
216	V - SB2		
217	V - SB3		
218	V - SB4		
219	V - SB5		
220	Total Substitute Personnel:		
	Facilities:		
221	Lease/Purchase Contract for One Full Year		
	Facility Upgrades - List Upgrades Below		
222			
223			
224			
225			
226			
227			
228			
229	Property Insurance for One Full Year		
230	Content Insurance for One Full Year		
231	Total Facilities:		

Debt Expenditures:2014-2015 Amount:2015-2016 Amount:

List Debts Below

232			
233			
234			
	Total Debts:		

Other Expenditures:

List Other Expenditures Below

235			
236			
237			
238			
239			
240			
241	TOTAL EXPENDITURES:		

Net Revenue over Expenditures:\$0.00\$0.00

Note: If any major area is zero, type explanation where items would be listed. Example: No funds budgeted for GT because of waiver.

**2013 APPLICATION
DISTRICT CONVERSION AND LIMITED
PUBLIC CHARTER SCHOOL
STATEMENT OF ASSURANCES**

The signature of the superintendent of the school district proposing the public charter school certifies that the following statements are and will be addressed through policies adopted by the public charter school; and, if the application is approved, the local board, administration, and staff of the district conversion or limited public school shall abide by them:

1. The information submitted in this application is true to the best of my knowledge and belief.
2. The district conversion or limited public charter school shall be open to all students, on a space-available basis, and shall not discriminate in its admission policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility.
3. In accordance with federal and state laws, the district conversion or limited public charter school hiring and retention policies of administrators, teachers, and other employees shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, or special need.
4. Any educator employed by a school district before the effective date of a charter for a district conversion or limited public charter school operated at a school district facility shall not be transferred to or employed by the public charter school over the educator's objection.
5. The district conversion or limited public charter school shall operate in accordance with federal laws and rules governing public schools; applicable provisions of the Arkansas Constitution; and state statutes or regulations governing public schools not waived by the approved charter.
6. The district conversion or limited public charter school shall ensure that any of its employees who qualify for membership in the Arkansas Teacher Retirement System or the State and Public School Employee Insurance Program shall be covered under those systems to the same extent any other qualified employee of the school district is covered.
7. The district conversion or limited public charter school shall comply with all health and safety laws, rules and regulations of the federal, state, county, region, or community that may apply to the facilities and school property.

8. The employees and volunteers of the district conversion or limited public charter school are held immune from liability to the same extent as other school district employees and volunteers under applicable state laws.
9. The district conversion or limited public charter school shall be reviewed for its potential impact on the efforts of a public school district to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
10. The applicant confirms the understanding that certain provisions of state law shall not be waived. The district conversion or limited public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code Annotated and any rule and regulation approved by the State Board of Education under this title relating to:
 - (a) Monitoring compliance with Arkansas Code Annotated § 6-23-101 *et seq.* as determined by the Commissioner of the Department of Education;
 - (b) Conducting criminal background checks for employees;
 - (c) High school graduation requirements as established by the State Board of Education;
 - (d) Special education programs as provided by this title;
 - (e) Public school accountability under this title;
 - (f) Ethical guidelines and prohibitions as established by Arkansas Code Annotated § 6-24-101 *et seq.*, and any other controlling state or federal law regarding ethics or conflicts of interest; and
 - (g) Health and safety codes as established by the State Board of Education and local governmental entities.
11. The facilities of the public charter school shall comply with all requirements for accessibility for individuals with disabilities in accordance with the ADA and IDEA and all other state and federal laws.

Signature of Superintendent of School District

Date

Printed Name

EMERGENCY CLAUSE

WHEREAS, Act 509 of 2013 revised Arkansas law related to the authorization of public charter schools and becomes effective on or about August 16, 2013; and

WHEREAS, Ark. Code Ann. § 6-23-101 requires the State Board of Education to adopt an application form for those wishing to apply to open a district conversion or limited public charter school; and

WHEREAS, the State Board of Education previously adopted a schedule requiring applications for district conversion or limited public charter schools to be submitted by October 31;

THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, district conversion or limited public charter school applicants, parents and public school districts will result without the immediate promulgation of these rules.

Arkansas Department of Education
Rules Governing the School District Educational Excellence Trust Funds

1.00 ~~Legislative Authority~~ PURPOSE

- 1.01 These ~~regulations~~ rules shall be known as Arkansas Department of Education ~~regulations~~ Rules governing the distribution of School District Educational Excellence Trust Funds to school districts.
- 1.02 These ~~regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. 6-11-105 (Repl. 1993) and 6-20-307 (Supp. 1995).~~ The purpose of these rules is to provide the process and procedures necessary to calculate and allocate the Educational Excellence Trust Fund available to school districts.

2.00 ~~Purpose~~ AUTHORITY

- 2.01 ~~The purpose of these regulations to provide the method for allocation of Education Excellence Trust Funds to school districts, beginning with the 1996-97 school year. The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Ark. Code Ann. §§ 6-11-105, 6-5-301 et seq., 6-20-2301 et seq., 19-5-942, and 25-15-201 et seq., and Acts 1138 and 1278 of 2013.~~

3.00 ~~Definitions~~ DEFINITIONS

As used in these rules:

- 3.01 ~~“Educational Excellence Trust Fund”’s (Trust Funds) are defined as funds~~ means a fund for the Arkansas Department of Education made available to school districts for teacher's teacher salaries as provided for by Ark. Code Ann. § 6-5-3021 et seq.
- 3.02 ~~State Equalization Funding is defined as the total state equalization funding per student provided to school districts as defined by Ark. Code Ann. § 6-5-303 (19) (Enacted by Act 917 of 1995).~~ “State Foundation Funding” means the same as the definition set forth in Ark. Code Ann. §6-20-2303(21) and is the amount of state financial aid provided to a school district under Ark. Code Ann. § 6-20-2305 (a).

4.00 ~~Calculation~~ CALCULATION

- 4.01 ~~Calculate the percent Trust Funds are of State Equalization Funding by dividing~~ Divide the Arkansas Department of Education total educational Trust Funds excellence trust fund available for distribution by the state

total distribution of state foundation funding to determine the percentage of state foundation funding that is the educational excellence trust fund. ~~State Equalization Funding.~~

- 4.02 Calculate each district's ~~Trust Funds~~ educational excellence trust fund amount by multiplying the result of Section 4.01 ~~times~~ by each district's state foundation funding amount. ~~State Equalization Funding.~~
- 4.03 Changes to the total educational excellence trust fund available for distribution or changes to the state foundation funding amount in one or more school districts may result in revised educational excellence trust fund amounts.

5.00 ALLOCATION

5.01 To determine if a “salary increase” is required:

5.01.1 Compare the Trust Fund amount shown on the final State Aid Notice for the current school year with the highest Trust Fund amount since the establishment of the Trust Fund (1991-1992 school year).

5.01.2 If the current school year Trust Fund amount is the highest amount on record since the 1991-1992 school year, subtract the previous highest amount from the current school year amount. The district is obligated to pay this increase in Trust Fund amount in the form of salaries, social security and retirement matching for current licensed personnel positions.

5.01.3 To determine the amount of the increase in Section 5.01.2 to allocate to salaries, social security (FICA), and retirement matching, first determine the current year percentage of social security (FICA) and retirement matching.

5.01.3.1 Using for example, 2012-2013 school year, the social security rate of 7.65% and the retirement matching of 14.00%, the amount of Trust Fund increase to be paid in salaries is the Trust Fund increase less the 7.65% social security and the 14.00% retirement matching. Divide the Trust Fund increase by 1.2165 (1+.0765+.14) to determine the salary obligation, which must be distributed equally to licensed employees.

Example: If Trust Fund increase to be paid in salaries is: \$12,000

12,000 / 1.2165 = \$9,864
FICA 7.65% = 755
RET 14.00% = 1,381
Total obligation: 12,000

5.01.3.2 The difference between the trust fund increase and the calculated salary obligation should be exactly enough to cover the Social Security (FICA) and the retirement obligations.

5.02 If the amount obligated to be paid in salaries is less than the annual increase provided by the district for experience or advanced hours or degrees, there is no obligation to provide an additional salary increase or to change the salary schedule as a result of the Trust Fund increase.

ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING EDUCATOR LICENSURE

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1.0 Regulatory Authority and Purpose

- 1.01 These Rules shall be known as Arkansas Department of Education Rules Governing Educator Licensure.
- 1.02 The State Board of Education enacts these Rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-17-401 et seq., and 25-15-201 et seq.
- 1.03 The purposes of these Rules are to:
 - 1.03.1 Establish requirements and procedures for the issuance, licensure, relicensure, and continuance of licensure of educators in the public schools of this state, as required by Ark. Code Ann. § 6-17-402;
 - 1.03.2 Provide for the acceptance of educator licenses by reciprocity, as required by Ark. Code Ann. § 6-17-403;
 - 1.03.3 Implement as a prerequisite to licensure the requirement of basic-skills, pedagogical, and content-area assessments, as required by Ark. Code Ann. §§ 6-17-402, 6-17-601, & 6-15-1004;
 - 1.03.4 Implement as a prerequisite to licensure the requirement of college coursework in Arkansas History for certain educators, as required by Ark. Code Ann. § 6-17-418; and
 - 1.03.5 Provide for the issuance of provisional licenses, as required by Ark. Code Ann. §§ 6-17-403 & 6-17-418.
- 1.04 These Rules provide three pathways to educator licensure:
 - 1.04.1 Completion of a bachelor's or higher degree from an accredited teacher preparation program at an accredited college or university;
 - 1.04.2 Completion of an accredited speech-language pathology or school psychology program; and
 - 1.04.3 Licensure by reciprocity.
- 1.05 In addition to the pathways contained in these Rules, the Department's Rules Governing the Non-Traditional Licensure Program provide other pathways to licensure for individuals holding a bachelor's degree or higher from an accredited college or university, including without limitation:
 - 1.05.1 Completion of the Arkansas Professional Pathway to Teacher Licensure (APPTL), formerly known as the Non-Traditional Licensure Program;

- 1.05.2 Professional Teaching Permits and Provisional Professional Teaching Licenses for experienced professionals to teach in their areas of expertise;
 - 1.05.3 Acceptance into the Teach for America program; and
 - 1.05.4 Completion of a master's degree in teaching from an accredited teacher preparation program at an accredited college or university.
- 1.06 In addition to the pathways contained in these Rules, the Arkansas Department of Career Education Program Policies and Procedures for Career and Technical Education provide other pathways to licensure for individuals who meet that Department's requirements and who:
- 1.06.1 Hold a bachelor's or higher degree in the career or technical area to be taught; or
 - 1.06.2 Document a minimum of four (4) years of experience in the career or technical area to be taught, and hold a high school diploma or GED credential.

2.0 Definitions

For the purposes of these Rules:

- 2.01 "Accredited College or University" means an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.
- 2.01.1 In addition to any approvals required under these Rules, institutions of higher education may be subject to other applicable laws or regulations, including without limitation Ark. Code Ann. § 6-61-301 et seq. and the Policies, Rules, and Regulations of the Arkansas Higher Education Coordinating Board.
- 2.02 "Accredited Speech-Language Pathology or School Psychology Program" means a speech-language pathology or school psychology program that is offered by an accredited college or university, and the program is:
- 2.02.1 Nationally accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association; or

- 2.02.2 Nationally accredited in school psychology by the Commission on Accreditation of the American Psychological Association; or
 - 2.02.3 Approved by the National Association of School Psychologists; or
 - 2.02.4 Nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.
- 2.03 “Accredited Teacher Preparation Program” means a teacher preparation program that is:
- 2.03.1 Nationally accredited by the National Council for Accreditation of Teacher Education (NCATE), Teacher Education Accreditation Council (TEAC), or Council for Accreditation of Educator Preparation (CAEP); or
 - 2.03.2 Nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation; or
 - 2.03.3 Approved by the licensing authority of a state government.
- 2.04 “Additional Licensure Plan (ALP)” means a plan approved by the Office of Educator Licensure that allows an individual holding a Standard License or Provisional License (by reciprocity only) to accept employment or assignment in an out-of-area position, prior to completion of the requirements for the required endorsement, licensure content area, or level of licensure, for no more than three (3) years dependent on successful progress towards completion.
- 2.05 “Administrator License” means a five (5)-year renewable license, issued by the State Board, which allows the license holder to serve as an administrator in Arkansas public schools. Administrator licenses include:
- 2.05.1 Curriculum/Program Administrator – A school leader who is responsible for program development and administration, and who may be responsible for employment evaluation decisions, in one (1) of the following areas:
 - 2.05.1.1 Special Education;
 - 2.05.1.2 Gifted and Talented Education;
 - 2.05.1.3 Career and Technical Education;
 - 2.05.1.4 Content Area Specialist, in a licensure content area;
 - 2.05.1.5 Curriculum Specialist; or
 - 2.05.1.6 Adult Education;

- 2.05.2 Building-Level Administrator – A Principal, Assistant Principal, or Vice Principal in an Arkansas public school or in the Arkansas Correctional Schools;
- 2.05.3 District-Level Administrator – A superintendent, assistant/associate superintendent, or deputy superintendent.
- 2.06 “Administrator Licensure Completion Plan (ALCP)” means a plan approved by the Office of Educator Licensure that allows an individual holding a Standard License to accept employment as an administrator, prior to completion of the requirements for an Administrator License, for no more than three (3) years dependent on successful progress towards completion.
- 2.07 “Ancillary License” means a five (5)-year renewable license, issued by the State Board, that does not require prior classroom teaching experience, and which allows the license holder to practice in Arkansas public schools as a School Psychology Specialist or Speech Language Pathologist.
- 2.08 “Beginning Administrator” means an individual who:
 - 2.08.1 Holds an Administrator License and has less than one (1) year of public administrative experience, not including student internship; or
 - 2.08.2 Is employed as an administrator under an ALCP and waiver by a public school district, open-enrollment public charter school, or other organization.
- 2.09 “Department” means the Arkansas Department of Education.
- 2.10 “Endorsement” means a teaching or administrative licensure area which may be added only to an existing Standard License and may not be issued as a first-time license.
- 2.11 “Exception Area Endorsement” means an endorsement which may be added to a Standard License only by:
 - 2.11.1 The completion of a program of study; or
 - 2.11.2 Reciprocity recognition of a license endorsement from another state or country.
- 2.12 “Good Standing” means, for the purpose of reciprocity, that:
 - 2.12.1 There are no ethics or similar proceedings pending against a licensee;

- 2.12.2 The licensee has not been sanctioned for ethics or similar charges against the license during the two (2) most recent years of teaching experience, if any; and
- 2.12.3 The license is current in the licensing state or country.
- 2.13 “Highly-Qualified Teacher” means a teacher who is highly qualified as defined by the Department’s Rules Governing Highly Qualified Teachers Promulgated Pursuant to the No Child Left Behind Act of 2001.
- 2.15 “Internship” means a practical administrative or curricular experience within a program of study, which provides the candidate with practice in the specific licensure content area, or in the specific administrative area and level sought.
 - 2.14.1 Internships must take place in a K-12 public or private school, the Arkansas Correctional Schools, or in another setting as approved by the Department.
 - 2.14.2 A separate internship is required for each administrative area and level sought.
- 2.15 “Level of Licensure” means the grade/age level parameter of the teaching license as identified in Appendix A, Areas and Levels of Licensure.
- 2.16 “Licensure Content Area” means a particular content field as recognized by the State Board. Licensure content areas are listed in Appendix A, Areas and Levels of Licensure.
- 2.17 “Novice Teacher” means a licensed teacher employed under an employment contract with a public school or district who:
 - 2.17.1 Has less than one (1) year of public school classroom teaching experience, not including student internship or substitute teaching; and
 - 2.17.2 Has been assigned lead responsibility for a student’s learning in a subject/course with aligned performance measures.
- 2.18 “Out-of-Area Position” means a licensed position requiring a particular license, endorsement, licensure content area, or level of licensure that the employee filling the position does not currently hold.
- 2.19 “Program of Study” means a curriculum that requires a candidate to demonstrate and document competency in the specific knowledge, skills, and dispositions for a particular endorsement, licensure content area, or level of licensure, and is:
 - 2.19.1 Provided by one (1) or more accredited colleges or universities;

2.19.2 Aligned with Arkansas licensure standards; and

2.19.3 Approved by the Department.

- 2.20 “Provisional License” means a temporary one-year license, issued by the State Board, which allows the license holder to teach or work in Arkansas public schools. For the purpose of these Rules, “Provisional License” does not include a provisional license issued pursuant to the Department’s Rules Governing the Non-Traditional Licensure Program.
- 2.21 “Reciprocity” means the recognition of a teaching license from another state or country based on these Rules or the terms of the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement for Educator Licensure.
- 2.22 “School Psychology Specialist” means an individual holding an Ancillary License in School Psychology. A School Psychology Specialist may add a Curriculum/Program Administrator License in Special Education by meeting the criteria of Section 6.02 of these Rules, but is not eligible to add any other licensure content area, endorsement, or level of licensure except by completing a teacher preparation program as required by Section 4.02 of these Rules.
- 2.23 “Speech Language Pathologist” means an individual holding an Ancillary License in Speech Pathology. A Speech Language Pathologist may add a Curriculum/Program Administrator License in Special Education by meeting the criteria of Section 6.02 of these Rules, but is not eligible to add any other licensure content area, endorsement, or level of licensure except by completing a teacher preparation program as required by Section 4.02 of these Rules.
- 2.24 “Standard License” means a five (5)-year renewable license, issued by the State Board, which allows the license holder to teach in Arkansas public schools.
- 2.24.1 “Standard License” includes an Advanced License issued pursuant to the Department’s Rules Governing Initial, Standard/Advanced Level and Provisional Teacher Licensure (eff. July 2010 or July 2007).
- 2.25 “Standard License Equivalent” means a current, unrestricted, non-probationary, non-provisional teaching license that allows an individual to work as a teacher, administrator, counselor, or library media specialist in another state’s public schools and is in good standing with the licensing state.
- 2.26 “State Board” means the Arkansas State Board of Education.
- 2.27 “Successful Completion” means, solely in relation to post-secondary credit-hours taken to add an endorsement or administrator licensure to a license:

- 2.27.1 Maintaining a minimum grade-point average (GPA) of 2.50 for undergraduate-level coursework; and
- 2.27.2 Maintaining a minimum grade-point average (GPA) of 3.00 for graduate-level coursework.
- 2.28 "Waiver" means an approval granted by the Department allowing a public school district or open-enrollment public charter school to employ:
 - 2.28.1 A licensed individual in an out-of-area position for more than thirty (30) days during one (1) school year; or
 - 2.28.2 An unlicensed or non-degreed substitute teacher in an out-of-area position for more than thirty (30) consecutive days during one (1) semester.

3.0 Instructional License Requirements

Standard License – Traditional (Expired or No Previous License)

- 3.01 The Office of Educator Licensure shall issue a Standard License upon receipt of the following from an applicant who does not hold a current, valid educator license from Arkansas or another state or country:
 - 3.01.1 A completed application for licensure, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);
 - 3.01.2 Documentation that the applicant has successfully completed all background checks required by the Department's Rules Governing Background Checks and License Revocation.
 - 3.01.2.1 An unlicensed person admitted to a teacher education program approved by the Department who is disqualified from licensure as a result of the background checks required under Ark. Code Ann. § 6-17-410(c) may apply for a waiver of the disqualification under the Rules Governing Background Checks and License Revocation;
 - 3.01.3 An official score report reflecting passing scores, as approved by the State Board, on the appropriate basic-skills, pedagogical, and content-area assessments as mandated by the State Board;
 - 3.01.4 An official transcript from an accredited college or university documenting an awarded bachelor's degree or higher;

3.01.5 Documentation of successful completion of an accredited teacher preparation program;

3.01.5.1 An awarded education degree from an institution inside of Arkansas shall be recognized for licensure only if the institution's Licensure Officer signs and verifies the application for licensure;

3.01.5.2 An awarded education degree from an institution outside of Arkansas shall be recognized for licensure only if the degree is recognized for licensure in the state where the institution maintains its principal place of business;

3.01.5.3 An applicant who has never been licensed and whose most recent education degree or teacher preparation program was completed more than ten (10) years before the date of application shall be required to complete a program of study as determined by an accredited teacher preparation program;

3.01.6 For an applicant seeking licensure in Early Childhood (P-4), Elementary Education (K-6), Middle School (4-8), or Secondary Social Studies (7-12), documentation of the successful completion of three (3) college credit-hours in Arkansas History at an accredited college or university; ~~and~~

3.01.7 For an applicant holding an expired license from another state or country, a copy of the expired license; and

3.01.8 Documentation of the completion of the following professional development, which may be obtained through the Arkansas IDEAS Portal, the applicant's teacher education program, or other method of delivery approved by the Department under the Rules Governing Professional Development:

3.01.8.1 Two (2) hours of parental involvement;

3.01.8.2 Two (2) hours of child maltreatment training; and

3.01.8.3 Two (2) hours of teen suicide awareness and prevention.

Standard License - Reciprocity

3.02 The Office of Educator Licensure shall issue a Standard License upon receipt of the following from an applicant holding a current, valid educator license from and in good standing with another state or country:

- 3.02.1 A completed application for licensure, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);
- 3.02.2 Documentation that the applicant has successfully completed all background checks required by the Department's Rules Governing Background Checks and License Revocation;
- 3.02.3 A copy of the out-of-state or out-of-country license(s) held by the applicant;
- 3.02.4 An official score report: (a) reflecting passing scores on the appropriate basic-skills, pedagogical, and content-area assessments required by the licensing state; or (b) if the licensing state does not require such assessments, reflecting passing scores, as approved by the State Board, on the appropriate basic-skills, pedagogical, and content-area assessments as mandated by the State Board;
 - ~~3.02.4.1 — This requirement shall be waived upon the receipt of all test scores required for licensing in a licensing state;~~
 - 3.02.4.2 This requirement shall be waived upon the receipt of documentation on school district, agency, or organization letterhead of at least three (3) years of experience in another state as a licensed teacher, administrator, library media specialist, or counselor, or similar licensed experience in a licensure content area or level of licensure;
- 3.02.5 An official transcript documenting an awarded bachelor's degree or higher from an accredited college or university;
- 3.02.6 Documentation of one (1) of the following:
 - 3.02.6.1 Successful completion of a program of teacher education at an accredited college or university, but only if the applicant possesses a Standard License Equivalent;
 - 3.02.6.2 Successful completion of an accredited teacher preparation program; or
 - 3.02.6.3 Current certification from the National Board of Professional Teaching Standards; and
- 3.02.7 For applicants seeking licensure in Early Childhood (P-4), Elementary Education (K-6), Middle School (4-8), or Secondary Social Studies (7-12),

documentation of the successful completion of three (3) college credit-hours in Arkansas History at an accredited college or university; and

3.02.8 Documentation of the completion of the following professional development through the Arkansas IDEAS Portal:

3.02.8.1 Two (2) hours of parental involvement;

3.02.8.2 Two (2) hours of child maltreatment training; and

3.02.8.3 Two (2) hours of teen suicide awareness and prevention.

3.02.~~89~~ An applicant holding an expired license from another state or country may seek licensure by complying with the requirements of Section 3.01 of these Rules.

Provisional License

3.03 The Office of Educator Licensure shall issue a non-renewable, one (1) year Provisional License to an applicant who:

3.03.1 Submits a completed application for Provisional licensure, with payment of any fees (if applicable) as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);

3.03.2 Submits proof of employment with an Arkansas public school district, open-enrollment public charter school, or other agency or organization, in a position that requires an educator license; and

3.03.3 Meets all of the requirements of Sections 3.01 or 3.02 of these Rules except for:

3.03.3.1 Successful completion of Arkansas History coursework required by 3.01.6 or 3.02.7; or

3.03.3.2 Submission of an official score report reflecting passing scores, as approved by the State Board, on the appropriate pedagogical and content-area assessments as mandated by the State Board, as required by 3.01.3 or 3.02.4.

4.0 Ancillary License Requirements

4.01 The Office of Educator Licensure shall issue an Ancillary License in Speech Language Pathology or School Psychology upon receipt of the following from an applicant, whether or not the applicant is licensed in another state:

- 4.01.1 A completed application for licensure, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);
- 4.01.2 Documentation that the applicant has successfully completed all background checks required by the Department's Rules Governing Background Checks and License Revocation;
- 4.01.3 An official score report reflecting passing scores, as approved by the State Board, on the specialty area assessment for Speech Pathology or School Psychology as mandated by the State Board; and
- 4.01.4 Documentation of one (1) of the following:
 - 4.01.4.1 An official transcript documenting an awarded master's or higher degree, from an accredited college or university, in Speech Language Pathology, and either:
 - 4.01.4.1.1 Successful completion of a graduate-level, accredited Speech-Language Pathology program; or
 - 4.01.4.1.2 Certification of Clinical Competence in Speech-Language Pathology from the American Speech-Language-Hearing Association; or
 - 4.01.4.2 An official transcript documenting an awarded master's or higher degree, from an accredited college or university, in School Psychology, Counseling, or Psychology, and successful completion of a graduate-level, accredited School Psychology program.
- 4.02 The Office of Educator Licensure shall add a licensure content area, endorsement, or level of licensure to an Ancillary License only upon receipt of the following from an applicant:
 - 4.02.1 A completed application for licensure, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);
 - 4.02.2 An official transcript documenting the successful completion of:
 - 4.02.2.1 A program of study at an accredited teacher preparation program, to include an internship in the licensure content area to be taught;

- 4.02.2.2 The Arkansas Professional Pathway to Teacher Licensure (APPTL), formerly known as the Non-Traditional Licensure Program; or
 - 4.02.2.3 Any other pathway to licensure permitted by the Department's Rules Governing the Non-Traditional Licensure Program;
 - 4.02.3 An official score report reflecting passing scores, as approved by the State Board, on the appropriate basic-skills, pedagogical, and content-area assessment(s) as mandated by the State Board; and
 - 4.02.4 Documentation of the licensed experience, if any, required by these Rules for the licensure content area, endorsement, or level of licensure sought.
- 4.03 Notwithstanding the requirements of Section 4.02, an individual holding an Ancillary License in Speech Language Pathology or School Psychology may add a Curriculum/Program Administrator License in Special Education by meeting the criteria of Section 6.02 of these Rules.

5.0 Endorsements, Areas and Levels of Licensure

- 5.01 Except as otherwise provided herein, a Standard License shall be issued for and shall reflect only those licensure content areas, endorsements, and levels of licensure that are recognized by the State Board.
 - 5.01.1 Content areas, levels, and endorsements listed on an out-of-state license shall be recognized for licensure through reciprocity, as follows:
 - 5.01.1.1 An applicant from a state with a reciprocity agreement through the National Association of State Directors of Teacher Education and Certification (NASDTEC) shall receive the Arkansas-equivalent licensure content areas, endorsements, or levels of licensure provided all other licensure requirements have been met.
 - 5.01.1.2 An applicant whose content area, endorsement, or level is not recognized by Arkansas shall receive the licensure content area, endorsement, or level of licensure that most closely parallels their out-of-state licensure area, endorsement, or level.
 - 5.01.1.3 If none of the content areas or endorsements listed on an out-of-state license parallel an Arkansas licensure content area, the Office of Educator Licensure shall issue a license reflecting the same content area or endorsement reflected on the out-of-state license, with a notation that the identified content area or

endorsement is by reciprocity and does not conform to an Arkansas-approved licensure content area or endorsement.

- 5.01.2 Content areas, levels, and endorsements listed on an out-of-country license may be recognized for reciprocity in accordance with the credential evaluation required in Section 8.04 of these Rules. An applicant whose content area, endorsement, or level is not recognized by Arkansas shall receive the licensure content area, endorsement, or level of licensure that most closely parallels their out-of-country licensure area, endorsement, or level.
- 5.01.3 For the purpose of reciprocity, the Office of Educator Licensure may reference and utilize any licensure content area, endorsement, or level of licensure that has ever been recognized by the State Board in the past, regardless of whether the area, endorsement or level is current.
- 5.01.4 Only the content areas, levels, or endorsements specifically listed on an out-of-state or out-of-country license shall be recognized for licensure through reciprocity.

Addition of Areas and Endorsements

- 5.02 The Office of Educator Licensure shall add an endorsement, licensure content area, or level of license to a Standard License upon receipt of the following from an applicant:
 - 5.02.1 A completed application for addition of area, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);
 - 5.02.2 If required by Appendix A or by Section 5.03 below, an official transcript from an accredited college or university documenting completion of a Department-approved program of study;
 - 5.02.3 An official score report reflecting passing scores, as approved by the State Board, on the appropriate pedagogical or specialty-area assessment as mandated by the State Board, or as mandated by the state where the program of study was completed if that state requires an assessment; and
 - 5.02.4 For applicants seeking addition of Elementary Education (K-6), Middle School (4-8), or Secondary Social Studies (7-12), documentation of the successful completion of three (3) college credit-hours in Arkansas History at an accredited college or university.

5.02.5 All teacher education coursework must be completed at an accredited teacher preparation program.

5.03 No licensure content area or level of licensure may be added to a license by testing out if the area or level is more than one level above or below that of the initial license held by the licensee. Specifically, a Department-approved program of study at an accredited college or university is a required pre-requisite for:

5.03.1 Adding any exception area endorsement to any license;

5.03.2 Adding any K-6 licensure content area to a license with an initial licensure level of 7-12, or K-12, ~~or P-12~~;

5.03.3 Adding any 4-8 licensure content area to a license with an initial licensure level of B-K, ~~K-12~~, ~~or P-12~~;

5.03.4 Adding any 4-12 licensure content area to a license with an initial licensure level of B-K, P-4, K-6, 1-6, or K-12, ~~or P-12~~;

5.03.5 Adding any 7-12 licensure content area to a license with an initial licensure level of B-K, P-4, K-6, or 1-6, ~~or P-8~~; and

5.03.6 Adding any K-12 licensure content area to a license with an initial licensure level of B-K, P-4, K-6, 1-6, 4-8, 4-12, P-8, or 7-12.

5.04 A licensure content area, endorsement, or level of licensure may be transferred by reciprocity to an existing Arkansas license only by following the requirements of Sections 5.02 and 5.03 above.

5.04.1 All coursework and testing completed for the purpose of adding an additional licensure area or areas for reciprocity shall first be applied to the out-of-state license before adding the new area or areas by reciprocity.

5.05 The Office of Educator Licensure shall add a licensure content area, endorsement, or level of licensure to an adult education license, a school counselor license issued as an initial licensure area, or career- ~~and~~ technical permit that was issued pursuant to regulations established by the Arkansas Department of Career Education, only upon receipt of the following from an applicant:

5.05.1 A completed application for licensure, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);

5.05.2 An official transcript documenting the successful completion of:

- 5.05.2.1 A program of study at an accredited teacher preparation program, to include an internship in the licensure content area to be taught;
 - 5.05.2.2 The Arkansas Professional Pathway to ~~Teacher-Educator~~ Licensure (~~APPTL~~APPEL), formerly known as the Non-Traditional Licensure Program; or
 - 5.05.2.3 Any other pathway to licensure permitted by the Department's Rules Governing the ~~Non-Traditional Licensure Program~~Arkansas Professional Pathway to Educator Licensure; and
- 5.05.3 An official score report reflecting passing scores, as approved by the State Board, on the appropriate basic-skills, pedagogical, and content-area assessment(s) as mandated by the State Board.

5.05.4 Notwithstanding the requirements of Section 5.02, an individual holding school counseling as an initial licensure area may add Building-Level Administrator by meeting the requirements of Section 6.01.

Additional Licensure Plans (ALP)

- 5.06 The Office of Educator Licensure shall issue an Additional Licensure Plan (ALP) to an individual holding a Standard License and employed in an out-of-area position, upon the submission of a completed application for an ALP, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C).
- 5.06.1 An ALP is valid for a maximum of three (3) years and is not renewable.
 - 5.06.2 An ALP requiring a Department-approved program of study shall remain valid only so long as the applicant:
 - 5.06.2.1 Successfully completes in the first year of the ALP any specialty-area assessment required to be designated as a highly-qualified teacher; and
 - 5.06.2.2 Successfully completes a minimum of three (3) hours of program-of-study coursework in the first year of the ALP and a minimum of six (6) hours of Department-approved program-of-study coursework in both the second and third years.
 - 5.06.3 An ALP requiring testing only shall remain valid only so long as the applicant, by the end of each year of the ALP, either:

- 5.06.3.1 Successfully completes the content-knowledge portion(s) of the required specialty-area assessment required to be designated as a highly-qualified teacher; or
- 5.06.3.2 Successfully completes a minimum of six (6) hours of coursework in the content area at an accredited college or university.
- 5.06.4 An individual holding a provisional license issued by reciprocity is eligible for an ALP subject to the remaining requirements of this Section 5.06.
- 5.06.5 Whether or not an ALP is issued, no person shall be employed by a public school in an out-of-area position for more than thirty (30) days without a waiver issued pursuant to Section 9.0 of these Rules.

6.0 Administrator License Requirements

Building-Level Administrator License

- 6.01 The Office of Educator Licensure shall issue a Building-Level Administrator License upon receipt of the following from an applicant holding an existing a current, Arkansas Standard License in a content teaching area, as a school counselor that was issued as an initial licensure area, or in a career and technical area:
 - 6.01.1 A completed application for licensure, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);
 - 6.01.2 Documentation that the applicant has successfully completed any background checks required by the Department's Rules Governing Background Checks and License Revocation;
 - 6.01.3 An official transcript documenting an awarded master's or higher degree from an accredited college or university in education, educational leadership, or a licensure content area;
 - 6.01.3.1 An awarded degree from an institution inside of Arkansas shall be recognized for licensure only if the institution's Licensure Officer and Education Leadership Chairperson sign and verify the application for licensure;

6.01.3.2 An awarded degree from an institution outside of Arkansas shall be recognized for licensure only if the degree is recognized for licensure in the state where the institution maintains its principal place of business;

6.01.4 If the master's degree is not in Educational Leadership, an official transcript documenting successful completion of a Department-approved, graduate-level program of study reflective of the standards for building-level administrator licensure, to include an internship with adequate and substantial experiences at both the K-6 and 7-12 levels;

6.01.4.1 An applicant who has never received an administrator license and whose program of study in Educational Leadership was completed more than ten (10) years before the date of application shall be required to meet all current licensure requirements as determined by either the Department or an accredited educational leadership program;

6.01.5 An official score report reflecting passing scores, as approved by the State Board, on the appropriate administrative licensure assessment as mandated by the State Board; ~~and~~

6.01.6 Documentation of at least four (4) years of P-12 experience as a licensed classroom teacher, school counselor, or library media specialist.

6.01.6.1 One (1) year of experience is defined as a minimum of one hundred twenty (120) days of full-time work in a single school year, with a minimum of fifty percent (50%) of each day spent as a licensed classroom teacher, school counselor, or library media specialist.

6.01.6.2 Experience as an Educational Examiner, Adult Education, Athletic Director/Coaching, School Administrator, Speech Pathologist, or School Psychology Specialist shall not count towards this experience requirement.

6.01.6.3 Up to two (2) years of the experience requirement may be satisfied by equivalent working experience, including without limitation employment with an education service cooperative or the Department.

6.01.6.4 Teaching experience in a career and technical education area as recognized by the State Board may satisfy this requirement only if ~~the area taught is one for which a bachelor's degree is required as a pre-requisite to licensure by the Arkansas~~

Department of Career Education the educator has obtained a bachelor's degree or higher in:

6.01.6.4.1 The career and technical education area taught by the educator; or

6.01.6.4.2 Another licensure content area that is related to the career and technical education area taught by the educator; and

6.01.7 Documentation that the educator has successfully completed the teacher evaluation professional development program.

6.01.7.1 A person who receives an initial Building-Level Administrator's license shall complete the certification assessment for the teacher evaluation professional development program before or after receiving the initial Building-Level Administrator's license.

Curriculum/Program Administrator License

6.02 The Office of Educator Licensure shall issue a Curriculum/Program Administrator License upon receipt of the following from an applicant holding a Standard License in the relevant area, or an Ancillary License in Speech Language Pathology or School Psychology:

6.02.1 A completed application for licensure, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);

6.02.2 Documentation that the applicant has successfully completed any background checks required by the Department's Rules Governing Background Checks and License Revocation;

6.02.3 An official transcript documenting an awarded master's or higher degree from an accredited college or university in education, educational leadership, or a licensure content area, or in a Career and Technical Education area recognized by the Arkansas Department of Career Education;

6.02.3.1 An awarded degree from an institution inside of Arkansas shall be recognized for licensure only if the institution's Licensure Officer and Education Leadership Chairperson sign and verify the application for licensure;

- 6.02.3.2 An awarded degree from an institution outside of Arkansas shall be recognized for licensure only if the degree is recognized for licensure in the state where the institution maintains its principal place of business;
- 6.02.4 An official transcript documenting successful completion of a graduate-level program of study reflective of the standards for curriculum/program administrator licensure, to include an internship;
- 6.02.4.1 An applicant who has never received an administrator license and whose program of study for curriculum/program administrator licensure was completed more than ten (10) years before the date of application shall be required to meet all current licensure requirements as determined by either the Department or an accredited educational leadership program;
- 6.02.5 An official score report reflecting passing scores, as approved by the State Board, on the appropriate administrative licensure assessment as mandated by the State Board;
- 6.02.6 Documentation of at least four (4) years of licensed experience in the relevant area as follows:
- 6.02.6.1 Special Education – Classroom teaching experience in special education, or experience in speech language pathology or school psychology, while employed by a public or private school under the terms of an approved teacher employment contract and not under a purchase-service contract;
- 6.02.6.2 Gifted and Talented Education – Classroom teaching experience in the area of gifted and talented education;
- 6.02.6.3 Career and Technical Education – Classroom teaching experience in one (1) or more career and technical education areas as recognized by the State Board, if the educator has obtained a bachelor's degree or higher in:
- 6.02.6.3.1 The career and technical education area taught by the educator; or
- 6.02.6.3.2 Another licensure content area that is related to the career and technical education area taught by the educator, as determined by the Department; and
- 6.01.7 Documentation that the educator has successfully completed the teacher evaluation professional development program.

6.01.7.1 A person who receives an initial Building-Level Administrator's license shall complete the certification assessment for the teacher evaluation professional development program before or after receiving the initial Building-Level Administrator's license.

~~the area is one for which a bachelor's degree is required as a pre-requisite to licensure by the Arkansas Department of Career Education;~~

6.02.6.4 Content Area Specialist – Classroom teaching experience in a licensure content area;

6.02.6.5 Curriculum Specialist – Experience as a school counselor, library media specialist, or classroom teacher in any licensure content area or level of licensure; or

6.02.6.6 Adult Education – Classroom teaching experience in the area of adult education.

6.02.6.7 One (1) year of experience is defined as a minimum of one hundred twenty (120) days of full-time work in a single school year, with a minimum of fifty percent (50%) of each day spent as a licensed classroom teacher, school counselor, or library media specialist.

6.02.6.8 Up to two (2) years of the experience requirement may be satisfied by equivalent working experience, including without limitation employment with an education service cooperative or the Department.

District-Level Administrator License

6.03 The Office of Educator Licensure shall issue a District-Level Administrator License upon receipt of the following from an applicant holding a Building-Level or Curriculum/Program Administrator License:

6.03.1 A completed application for licensure, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);

6.03.2 Documentation that the applicant has successfully completed any background checks required by the Department's Rules Governing Background Checks and License Revocation;

6.03.3 An official transcript documenting an awarded master's or higher degree from an accredited college or university in education, educational leadership, or a licensure content area;

- 6.03.3.1 An awarded degree from an institution inside of Arkansas shall be recognized for licensure only if the institution's Licensure Officer and Education Leadership Chairperson sign and verify the application for licensure;
- 6.03.3.2 An awarded degree from an institution outside of Arkansas shall be recognized for licensure only if the degree is recognized for licensure in the state where the institution maintains its principal place of business;
- 6.03.4 An official transcript documenting successful completion of a Department-approved, graduate-level program of study, above and beyond a master's degree, reflective of the standards for district-level administrator licensure, to include an internship;
 - 6.03.4.1 An applicant whose program of study for district-level administrator licensure was completed more than ten (10) years before the date of application shall be required to meet all current licensure requirements as determined by either the Department or an accredited educational leadership program;
- 6.03.5 An official score report reflecting passing scores, as approved by the State Board, on the appropriate administrative licensure assessment as mandated by the State Board;
- 6.03.6 Documentation of at least four (4) years of licensed experience as required by Section 6.01.6 or 6.02.6 above, or four (4) years of building-level administrator experience; and
- 6.03.7 Documentation of at least one (1) year of experience as a building-level or curriculum/program administrator.
 - 6.03.7.1 One (1) year of experience is defined as requiring a minimum of one hundred twenty (120) days of full-time work, in a single school year, with a minimum of fifty percent (50%) of each day spent as a building-level or curriculum/program administrator.
 - 6.03.7.2 This one-year experience requirement may be satisfied by experience with an education service cooperative or the Department, if the Department determines that the experience is substantially equivalent to building-level administration experience.

Administrator Licensure Completion Plan (ALCP)

- 6.04 The Office of Educator Licensure shall issue an Administrator Licensure Completion Plan (ALCP) to an individual employed in an out-of-area position who:
 - 6.04.1 Submits a completed application for an ALCP, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);
 - 6.04.1.1 The application must be verified by the Educational Leadership Chairperson of the accredited college or university where the degree or program of study is offered;
 - 6.04.2 Submits proof of employment with an Arkansas public school district, open-enrollment public charter school, or other agency or organization, in a position that requires an Administrator License;
 - 6.04.2.1 Employment must be verified by an authorized representative of the public school district, charter school, agency or organization; and
 - 6.04.3 Meets all of the requirements of Sections 6.01, 6.02, or 6.03 of these Rules except for:
 - 6.04.3.1 Successful completion of an awarded master's or higher degree as required by 6.01.3, 6.02.3, or 6.03.3;
 - 6.04.3.2 Successful completion of a graduate-level program of study as required by 6.01.4, 6.02.4, or 6.03.4; or
 - 6.04.3.3 Submission of an official score report reflecting passing scores on the appropriate administrative licensure assessment, as required by 6.01.5, 6.02.5, or 6.03.5.
 - 6.04.4 An ALCP is valid for a maximum of three (3) years, is not renewable, and shall remain valid so long as the applicant:
 - 6.04.4.1 Remains employed with an Arkansas public school district, open-enrollment public charter school, or other agency or organization, in a position that requires an Administrator License;
 - 6.04.4.2 Holds the degree required by 6.01.3, 6.02.3, or 6.03.3, or remains enrolled and actively participates in the appropriate degree program; and

6.04.4.3 Has completed, or remains enrolled and actively participates in the appropriate program of study required by 6.01.4, 6.02.4, or 6.03.4.

6.04.4.4 Active participation in a degree program or program of study means successful completion of a minimum of three (3) hours of graduate-level coursework in the first year of the ALCP, and a minimum of six (6) hours of graduate-level coursework in both the second and third years of the ALCP.

6.04.5 Whether or not an ALCP is issued, no person shall be employed by a public school in an out-of-area position for more than thirty (30) days without a waiver issued pursuant to Section 9.0 of these Rules.

7.0 License Renewal

Professional Development Requirements for License Renewal

7.01 Except as specifically provided herein, no license issued by the State Board may be renewed unless the following requirements of this Section 7.01 are met.

7.01.1 Every individual holding a license issued by the State Board shall document completion of sixty (60) or more hours of approved professional development each year, as required by the Department's Rules Governing Professional Development.

7.01.2 Professional development completion may be documented by:

7.01.2.1 Submitting verification, by an authorized representative of the school, district, or organization employing the licensee, that the licensee has completed all professional development required during the term of the license; or

7.01.2.2 Submitting proof of completion of professional development hours attended.

7.01.3 Professional development completion shall be waived for a teacher who is retired, as verified by the Arkansas Teacher Retirement System (ATRS).

7.01.4 A retired teacher who returns to licensed employment shall complete ~~sixty (60) hours of the~~ professional development required for the year in which the person applies for license renewal~~within the school year of the return to employment~~ and in each year thereafter while employed in a licensed position.

~~7.01.5 As part of the required professional development hours, a licensee shall document completion, no more than twelve (12) months prior to renewal, of the child maltreatment recognition training required by Ark. Code Ann. § 6-61-133 and the Department's Rules Governing Professional Development.~~

Renewal of Current / Recently Expired Licenses

- 7.02 The Office of Educator Licensure shall renew a Standard, Ancillary, or Administrator License that is current or has been expired for less than one (1) year, upon receipt of the following from a licensee:
- 7.02.1 A completed application for renewal, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);
 - 7.02.2 Documentation that the applicant has successfully completed ~~any~~all background checks required by the Department's Rules Governing Background Checks and License Revocation; and
 - 7.02.3 Documentation of professional development completion, as required by Section 7.01.
 - 7.02.4 An individual unable to document professional development completion may be eligible for a Provisional License by meeting the criteria of Section 7.05 of these Rules.
- 7.03 The Office of Educator Licensure may, in the last effective year of a license, automatically renew a Standard, Ancillary, or Administrator License, if:
- 7.03.1 The licensee is employed, during the last effective year of the license, by an Arkansas public school district, open-enrollment public charter school, education service cooperative, or the Department;
 - 7.03.2 The licensee or the licensee's employer pays any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C); and
 - 7.03.3 The Office of Educator Licensure is able to document from its records that the licensee has satisfied the background check and professional development requirements of Sections 7.01 and 7.02.2.

Renewal of Licenses Expired More Than One (1) Year

- 7.04 The Office of Educator Licensure shall renew a Standard, Ancillary, or Administrator License that has been expired for more than one (1) year, upon receipt of the following from a licensee:
- 7.04.1 A completed application for renewal, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);
 - 7.04.2 Documentation that the applicant has successfully completed ~~any~~all background checks required by the Department's Rules Governing Background Checks and License Revocation; and
 - 7.04.3 Documentation of completion of sixty (60) or more hours of approved professional development.
 - 7.04.4 An individual required to take additional professional development may be eligible for a Provisional License by meeting the criteria of Section 7.05 of these Rules.

Provisional Licenses

- 7.05 The Office of Educator Licensure shall issue a non-renewable, one (1) year Provisional License to a licensee who holds a current or expired Standard, Ancillary, or Administrator License, and who:
- 7.05.1 Submits a completed application for Provisional licensure, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);
 - 7.05.2 Submits proof of employment with an Arkansas public school district, open-enrollment public charter school, or other agency or organization in a position that requires an educator license; and
 - 7.05.3 Meets all of the requirements of Sections 7.02 or 7.04 of these Rules except for verification of professional development as required by 7.01.
 - 7.05.4 The Provisional License may be converted to a Standard, Ancillary, or Administrator License upon the submission of written verification of completion of sixty (60) hours of approved professional development that was completed during the one-year term of the Provisional License.
- 7.06 Applications for license renewal may be submitted to the Office of Educator Licensure no earlier than January 1 of the year of expiration of the license.

8.0 General Provisions for all Licenses

- 8.01 A Standard, Ancillary, or Administrator License shall be a renewable license, valid for a period of five (5) years. Except as provided below, a license shall become effective January 1 of the year it is issued and shall expire December 31 of the fifth year.
 - 8.01.1 Regardless of when it is issued, an Administrator License shall reflect the same beginning and expiration dates as the licensee's Standard License.
 - 8.01.2 The beginning date of a license renewal shall be January 1 of the year following the expiration date of the old license, unless the old license was expired more than one (1) year.
 - 8.01.3 The beginning date of the renewal of a license that had been expired for more than one (1) year shall be January 1 of the year renewed.
 - 8.01.4 Addition of an endorsement, licensure content area, or level of licensure to a license shall not affect the beginning and expiration dates of the license.
- 8.02 A Provisional License shall become effective on the licensee's first contracted day with the public school district, open-enrollment public charter school, or other agency or organization.
- 8.03 A Standard, Ancillary, or Administrator License may reflect the highest earned degree awarded to the licensee in:
 - 8.03.1 Education, if the degree was awarded by an accredited teacher education program;
 - 8.03.2 Educational Leadership, if the degree was awarded by an accredited college or university;
 - 8.03.3 Speech-Language Pathology, if the degree was awarded by an accredited speech-language pathology program;
 - 8.03.4 School Psychology, Psychology, or Counseling, if the degree was awarded by an accredited school psychology program; or
 - 8.03.5 A licensure content area, if the degree was awarded by an accredited college or university.
- 8.04 Notwithstanding any provision to the contrary, an applicant for licensure who holds a teaching license from outside the United States, or whose post-secondary degree is from a non-accredited college or university outside of the United States, may satisfy degree and accredited program requirements as follows:

8.04.1 The applicant shall have his or her credentials evaluated by a Department-approved credential evaluation agency located in the United States.

8.04.2 The credential evaluation agency shall:

8.04.2.1 Complete a course-by-course evaluation of the applicant's transcript;

8.04.2.2 Indicate the applicant's major area of study;

8.04.2.3 Document whether the applicant's out-of-country degree is equivalent to one that would have been completed at an accredited college or university;

8.04.2.4 Document whether the out-of-country professional preparation program is equivalent to one that would have been completed at an accredited teacher preparation program or accredited speech-language pathology or school psychology program;

8.04.2.5 Indicate the areas of licensure represented by the out-of-country license; and

8.04.2.6 Document which areas of licensure on the out-of-country license are equivalent to the areas of licensure approved by the State Board.

8.04.3 The evaluation performed by the credential evaluation agency shall determine eligibility for licensure in Arkansas.

8.05 Every individual holding a license issued by the State Board shall complete the child maltreatment recognition training required by Ark. Code Ann. § 6-61-133, Ark. Code Ann. § 6-17-709, and the Department's Rules Governing Professional Development ~~within twelve (12) months of:~~

~~8.05.1 The individual's first time licensure; and~~

~~8.05.2 All subsequent renewals of a license.~~

8.06 The Office of Educator Licensure may issue a duplicate of a current license upon application of a current license holder, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);

8.07 All information and documentation submitted for an Arkansas teaching license must be accurate, authentic, and unaltered. Any license issued as a result of a violation of this Section 8.07 will be null and void.

- 8.08 The Office of Educator Licensure, as authorized by the State Board, reserves the right to amend or rescind any license that has been issued in error.

Mentoring Requirements for Novice Teachers and Beginning Administrators

- 8.09 Every novice teacher and beginning administrator employed in a public school, open-enrollment public charter school, or other public educational setting shall participate in mentoring for no less than one (1) year.
- 8.09.1 Mentoring for a novice teacher shall consist of a licensed, certified mentor providing support and focused feedback with regard to instructional skills, classroom management, and professional behaviors.
- 8.09.2 Mentoring for a beginning administrator shall consist of a certified mentor providing support and focused feedback with regard to skills, management, and professional behaviors.
- 8.09.3 Mentors, novice teachers, and beginning administrators shall attend all Department-mandated training, orientation, or informational meetings.
- 8.09.4 A beginning administrator working under an ALCP shall participate in mentoring for the duration of the ALCP.
- 8.09.5 A novice teacher in a licensed pre-kindergarten setting may in the alternative participate in mentoring offered pursuant to rules promulgated by the Arkansas Department of Human Services.
- 8.10 Every Arkansas public school district, ~~or~~ open-enrollment public charter school, or other public educational setting that employs a novice teacher or beginning administrator shall:
- 8.10.1 Notify the Office of Educator Effectiveness, no later than ~~August~~ September 1 of each year, of the appointment of an induction project director who will act as the liaison for the program to the Department;
- 8.10.1.1 Induction project directors are responsible for coordination of mentor assignments, oversight of mentor funding appropriations, adherence to state rules and guidelines related to mentoring, and all written and fiscal reporting and communications to the Department;
- 8.10.1.2 Induction project directors must attend the annual Project Director Update meeting sponsored by the Office of Educator Effectiveness, in order to have access to the Department's

online data system and to be qualified to pair a novice teacher or beginning administrator with a certified mentor;

8.10.1.3 As funds are available, induction project directors shall be compensated with a stipend via a sliding scale (not to exceed \$1,000) based on the number of novice teachers and beginning administrators in the school or district;

8.10.2 Submit to the Office of Educator Effectiveness via the Office's online data system:

8.10.2.1 No later than September 30 of each year, a register of all novice teacher/mentor pairs and beginning administrator/mentor pairs employed by the school or district; and

8.10.2.2 No later than September 30 of each year, an assurance statement, signed by the induction project director, district superintendent, or charter-school director, that the school or district is in compliance with these Rules regarding mentoring; and.

~~8.10.2.3 A Professional Growth Plan for each novice teacher and each beginning administrator;~~

8.10.3 Assign to each novice teacher, within three (3) weeks of the novice teacher's first contract day of the school year, a certified, licensed mentor teacher who is located in the same building, and who:

8.10.3.1 Has a compatible background in licensure content area and level of licensure;

8.10.3.2 Is trained and certified in the state-adopted mentoring model; and

8.10.3.3 Has at least three (3) years of successful teaching experience under a non-provisional license;

8.10.3.4 The Office of Educator Effectiveness may grant exceptions to these requirements on a case-by-case basis, including the requirement that the mentor teacher be located in the same building;

8.10.3.5 Only one (1) novice teacher may be assigned to each mentor teacher, except as allowed by the Office of Educator Effectiveness;

8.10.4 Assign to each beginning administrator, within three (3) weeks of the beginning administrator's first contract day of the school year, a certified, licensed administrator mentor who has been certified in the state-adopted mentoring model;

8.10.5 Release the following persons for training, orientation, or informational meetings:

8.10.5.1 ~~mentors, novice teachers, beginning administrators, and the~~ Mentors and induction project ~~director-directors~~ to attend the initial mentor training and any mandatory statewide orientation or informational meetings held by the Department; and

8.10.5.2 Beginning administrators to attend induction training and any mandatory statewide orientation or informational meetings held by the Department;

8.10.6 Provide released time during the contract day for a novice teacher and mentor to work together on the mentoring modules, averaging a minimum of two (2) hours every two (2) weeks;

8.10.7 Assist a novice teacher and mentor to schedule focused observations and professional development activities, and provide activities for mentors and novice teachers, which engage them in collaborative dialogue, problem solving, and professional development;

8.10.7.1 Mentor teachers shall perform a minimum of ~~three (3)~~one (1) formal classroom ~~observations-observation~~ per ~~school-year~~ semester for each novice teacher and shall provide feedback focused on increased professional growth;

8.10.7.2 Novice teachers shall observe the mentor a minimum of one (1) observation during the first semester;

8.10.8 Notify the Office of Educator Effectiveness, via the Office's online data system, within fifteen (15) days of any personnel changes that might affect annual mentoring budget allocations (such as hiring of a novice teacher midyear, or a novice teacher resigning midyear and being replaced by an experienced teacher for whom mentoring is not appropriate); and

8.10.9 Submit, via the Office's online data system, the end-of-year budget report reflecting mentor stipend expenditures, no later than July ~~30-15~~ of each year.

8.10.9.1 Mentor stipends shall be distributed and disbursed within the parameters established by the Department.

8.11 The Office of Educator Effectiveness will monitor the quality of each public school or district's mentoring program by reviewing all mentoring documentation.

8.11.1 All required mentoring and observation documentation shall be ~~collected and retained~~uploaded to the Office's online data system and verified by the induction project director.

~~8.11.2 At the completion of the mentoring cycle, all observation forms shall become the sole possession of the novice teacher.~~

8.11.~~3~~2 Mentoring observational information shall not be utilized in any way for employment or evaluation decisions unless students are at risk, either physically or emotionally.

8.12 School districts or open-enrollment public charter schools that do not comply with these rules shall be placed in accredited-cited status for licensure deficiencies. Licensure deficiencies for this purpose includes without limitation:

8.12.1 Failure to register all mentors, novice teachers, and beginning administrators with the Office of Educator Effectiveness;

8.12.2 Failure to comply with established guidelines for assignment, support, and monitoring of mentors and novice teachers or beginning administrators; and

8.12.3 Failure to submit all appropriate documentation.

9.0 Waivers for Public Schools and School Districts

Contracted Positions (ALP/ALCP)

9.01 Except as specifically allowed by law or regulation, no person shall be employed by a public school in an out-of-area position for more than thirty (30) days without a waiver issued to the school pursuant to this Section 9.0.

9.01.1 Schools shall aggressively seek to employ in licensed positions individuals who are licensed and highly qualified (when required) for the grade level and licensure content areas assigned.

9.01.2 When a school cannot employ a qualified individual licensed at the grade level or for the licensure content area being assigned, the school shall actively recruit a licensed individual who will work under an ALP or ALCP towards becoming licensed and highly qualified (when required)

for the grade level assigned or for the specific licensure content area assigned.

9.01.3 Notwithstanding the other provisions of this Section 9.0, if the State Board or the Commissioner of Education order the suspension or removal of a superintendent or school board under authority granted under Title 6 of the Arkansas Code, the State Board or Commissioner may appoint, subject to state law and for no more than three (3) consecutive school years, one (1) or more individuals in out-of-area positions as district-level administrators for that public school district.

9.01.4 This section 9.01 shall not apply to :

9.01.4.1 Non-degreed vocational-technical teachers; or

9.01.4.2 Those persons approved by the Department to teach the grade level or subject matter of the class in the Department' distance learning program.

9.02 The Office of Educator Licensure may grant a public school, agency, or organization a one (1)-year waiver of the requirements of Section 9.01 if it imposes an undue hardship in that a school is unable to timely fill a vacant position with a qualified individual licensed in the required licensure content area and level of licensure.

9.03 A request for waiver shall be submitted by the superintendent of the public school district or director of the open-enrollment public charter school and shall include:

9.03.1 A listing of all licensed employees employed by the district or charter school, including for each licensed employee:

9.03.1.1 Social Security number;

9.03.1.2 Current licensure area(s);

9.03.1.3 Whether the employee is currently employed in an out-of-area position, and if so, whether the position requires a highly-qualified teacher;

9.03.1.4 Any prior completed Additional Licensure Plan(s) (ALP); and

9.03.1.5 All prior school years in which the employee was employed in an out-of-area position;

9.03.2 A justification for the waiver documenting the efforts of the district or charter school to find a fully licensed, highly qualified employee.

Districts will not have to verify re-advertising for the second and third years for a position, as long as the individual holds a valid ALP or ALCP;

9.03.3 A written plan with timelines for completion of the ALP or ALCP requirements; and

9.03.4 If a waiver was granted for the same position in the prior school year, evidence that the ALP or ALCP plan timelines are being met in accordance with Sections 5.06.2, 5.06.3, or 6.04.4.

9.04 A school, district, agency, or organization shall annually apply for renewal of the waiver each additional year the employee is working under an approved ALP or ALCP. The one (1)-year waiver may be renewed two (2) times, for a maximum of three (3) years of waiver for the same position, so long as the ALP or ALCP issued to the employee remains valid and the employee meets the ALP or ALCP plan timelines.

9.05 The district superintendent or charter school director shall send written notice of the assignment of an employee to an out-of-area position to the parent or guardian of each student in the employee's classroom no later than thirty (30) school days after the date of the assignment.

9.05.1 Parental notice is not required for the out-of-area assignment of a counselor, library media specialist, or administrator.

9.06 The final decision regarding the granting of a waiver rests with the State Board.

Substitute Teachers

9.07 Since it is sometimes necessary to utilize the services of substitute personnel, public schools should select competent individuals who can be entrusted with the instructional responsibilities of the school. As much care should be given to the recruitment, selection and utilization of those who will be used as substitutes as is given to licensed personnel.

9.07.1 A person employed as a temporary substitute for a licensed teacher in a public school shall:

9.07.1.1 Be a high school graduate; or

9.07.1.2 Hold a graduate equivalent degree (G.E.D.).

9.07.2 No class of students in any public school shall be under the instruction of a substitute teacher for more than thirty (30) consecutive school days in the

same class during a school year unless the substitute teacher instructing the class has:

9.07.2.1 A bachelor's or higher degree awarded by an accredited college or university; or

9.07.2.2 An educator license issued by the State of Arkansas.

9.07.3 A public school shall request a waiver to employ a substitute teacher whenever a class of students will be receiving instructions from a substitute teacher or teachers for longer than thirty (30) consecutive days unless the substitute is fully licensed in Arkansas for areas in which the substitute is employed.

9.07.4 A public school may not avoid a waiver request by terminating the services of a substitute teacher(s) prior to the thirty-first (31st) day of instruction.

9.07.5 A substitute teacher or teachers possessing a bachelor's degree shall continue to teach the class from at least the thirty-first (31st) consecutive day after the regular teacher is absent from the class until the return of the regular teacher to that class.

9.07.6 The district superintendent or charter school director shall send written notice of the assignment of a substitute teacher to an out-of-area position to the parent or guardian of each student in the teacher's classroom no later than thirty (30) school days after the date of the assignment.

9.07.7 This section 9.07 shall not apply to non-degreed vocational-technical teachers.

9.08 The superintendent of a public school district or director of an open-enrollment public charter school may apply for a waiver from the Arkansas State Board of Education if the requirements set forth in Section 9.07 impose an undue hardship on the school or district.

9.08.1 A written application for waiver shall be submitted to the Department as soon as an undue hardship is determined by the superintendent or charter school director. The application letter shall include:

9.08.1.1 A justification of need for the waiver;

9.08.1.2 Documentation that a degreed or properly-licensed individual is not available to be employed;

9.08.1.3 Instructional area that will be assigned to the substitute teacher, and

9.08.1.4 The length of time the substitute will be employed.

9.08.2 Waivers for use of a substitute teacher for longer than thirty (30) days may be granted for only one (1) semester but may be renewed for a second (2nd) semester. Such waivers are to be submitted immediately once the substitute has been in the classroom for thirty-one (31) days.

9.08.3 Applications for waivers shall be reviewed by the Department and presented to the State Board of Education for its decision.

9.08.4 The final decision regarding the granting of this waiver will rest with the State Board of Education.

9.08.5 Any school district or open-enrollment public charter school granted this waiver will be reported in the Department's annual school district or school report card.

10.0 Conversion of Existing Initial or Provisional Licenses

10.01 A licensee holding a current Initial Teaching License issued by the State Board pursuant to the Department's Rules Governing Initial, Standard/Advanced Level and Provisional Teacher Licensure (eff. July 2010 or July 2007) may obtain a Standard License upon the submission of the following:

10.01.1 A completed application for conversion, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C); and

10.01.2 Documentation that the applicant has successfully completed all background checks required by the Department's Rules Governing Background Checks and License Revocation.

10.02 A licensee holding an expired Initial Teaching License issued by the State Board pursuant to any of the Department's prior Rules may obtain a Standard License by complying with the provisions of Section 3.01 of these Rules.

10.03 A licensee holding a current Provisional Teaching License issued by the State Board pursuant to the Department's Rules Governing Initial, Standard/Advanced Level and Provisional Teacher Licensure (eff. July 2010 or July 2007) or pursuant to the Department's Rules Governing Teacher Licensure by Reciprocity (eff. Sept. 2009 or June 2012) may obtain a Standard License upon the submission of the following:

- 10.03.1 A completed application for conversion, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);
 - 10.03.2 Documentation that the applicant has successfully completed all background checks required by the Department's Rules Governing Background Checks and License Revocation;
 - 10.03.3 An official score report reflecting passing scores, as approved by the State Board, on the appropriate pedagogical or content-area assessments as mandated by the State Board;
 - 10.03.4 For applicants seeking licensure in Elementary Education (K-6), Middle School (4-8), or Secondary Social Studies (7-12), documentation of the successful completion of three (3) college credit-hours in Arkansas History at an accredited college or university; and
 - 10.03.5 Documentation of the successful completion of any professional development required to meet renewal requirements.
- 10.04 A licensee holding a current Initial Administrator License issued by the State Board pursuant to the Department's Rules Governing Initial and Standard/Advanced Level Administrator and Administrator – Arkansas Correctional School Licensure (eff. August 2003 or November 2010) may obtain a Standard Administrator License upon the submission of the following:
- 10.04.1 A completed application for conversion, with payment of any applicable fees as established by the State Board pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C);
 - 10.04.2 Documentation that the applicant has successfully completed all background checks required by the Department's Rules Governing Background Checks and License Revocation; and
 - 10.04.3 An official score report reflecting passing scores, as approved by the State Board, on the appropriate administrator licensure assessment as mandated by the State Board.
- 10.05 Any licensee who, as of the effective date of these Rules, is working under a current Additional Licensure Plan (ALP) or Administrator Licensure Completion Plan (ALCP) issued pursuant to any prior Department rules, shall continue under and complete the Plan in accordance with the terms of the Plan as approved by the Department, and in accordance with the prior rules under which the Plan was approved.

- 10.06 If an applicant for first-time licensure or administrator licensure or for the addition of a licensure content area, endorsement, or level of licensure, was enrolled in a program of study prior to July 1, 2014, and meets all other requirements for licensure, the Office of Educator Licensure may reference and utilize the licensure content areas, endorsements, or levels of licensure that were recognized by the State Board immediately prior to the effective date of these Rules.

MARKUP

Appendix A: LEVELS AND AREAS OF LICENSURE

CHART FOR TESTING OUT

INITIAL LICENSURE LEVEL	LICENSURE LEVEL TO TEST OUT OF					
	B-K	K-6	4-8	4-12	7-12	K-12
B-K		X				
P-4		X	X			
K-6		X	X			
1-6		X	X			
4-8		X	X	X	X	
SPECIAL ED P-4		X	X			
SPECIAL ED 4-12		X	X	X	X	
7-12			X	X	X	
P-8		X	X	X	X	
K-12			X	X	X	X
P-12					X	X

EDUCATORS WITH AN INITIAL LEVEL OF LICENSURE IDENTIFIED UNDER INITIAL LICENSURE LEVEL MAY TEST OUT OF OTHER STANDARD AREAS AND LEVELS OF LICENSURE MARKED WITH THE "X".

EDUCATORS MAY TEST OUT OF LICENSURE AREAS THAT ARE ONE GRADE LEVEL ABOVE OR BELOW THEIR INITIAL LICENSURE AREA AND LEVEL. AREAS OF LICENSURE BEING ADDED BY TESTING OUT SHALL HAVE A SUBJECT SPECIFIC ASSESSMENT TO BE ELIGIBLE FOR TESTING OUT. AREAS OF LICENSURE TO THE INITIAL LICENSURE AREA CANNOT BE USED TO EXPAND THE LEVELS OF LICENSURE THAT CAN BE ADDED BY TESTING OUT. EDUCATOR LICENSURE WILL ADD THE NEW AREA OF LICENSURE ONCE IT HAS RECEIVED A COMPLETED APPLICATION WITH A COPY OF THE PRAXIS SCORE REPORT REFLECTING A PASSING SCORE.

EXCEPTION AREA ENDORSEMENTS, SPECIAL EDUCATION, EDUCATIONAL LEADERSHIP & SUPERVISION, ANCILLARY LICENSES, AND CAREER AND TECHNICAL AND ADULT EDUCATION CANNOT BE ADDED BY TESTING OUT. THEY CAN BE ADDED ONLY BY COMPLETING COURSEWORK AND THE REQUIRED PRAXIS ASSESSMENT.

EDUCATORS INTERESTED IN ADDING AN ADDITIONAL AREA OF LICENSURE ARE ENCOURAGED TO REFER TO THE RULES GOVERNING EDUCATOR LICENSURE AS ADOPTED BY THE STATE BOARD OF EDUCATION.

WHEN TESTING OUT OF ELEMENTARY K-6 ~~OR MIDDLE CHILDHOOD 4-8~~, THE EDUCATOR ~~MUST SHALL~~ DOCUMENT ~~SIX (6) HOURS OF ENGLISH LANGUAGE ARTS AND THREE (3) HOURS OF ARKANSAS HISTORY ON AN OFFICIAL TRANSCRIPT~~ THREE (3) HOURS OF TEACHING READING, THREE (3) HOURS OF DIAGNOSIS AND CORRECTION OF READING DIFFICULTIES, AND EITHER A 3-HOUR COURSE IN DISCIPLINARY LITERACY OR A 45-HOUR PROFESSIONAL DEVELOPMENT PIECE IN DISCIPLINARY LITERACY THROUGH ARKANSAS IDEAS.

WHEN TESTING OUT OF MIDDLE CHILDHOOD 4-8, THE EDUCATOR SHALL DOCUMENT THE COMPLETION OF EITHER A 3-HOUR COURSE IN DISCIPLINARY LITERACY OR A 45-HOUR PROFESSIONAL DEVELOPMENT PIECE IN DISCIPLINARY LITERACY THROUGH ARKANSAS IDEAS.

NOTE: PROGRAMS OF STUDY RELATED TO NEW/REVISED LEVELS AND AREAS OF LICENSURE WILL BE IMPLEMENTED BEGINNING FALL 2014.

Appendix A: LEVELS AND AREAS OF LICENSURE

EXCEPTION AREA ENDORSEMENTS	ADD-ON TO A STANDARD LICENSE				
	Pre-K	K-6	5-6	8	K-12
LIBRARY MEDIA SPECIALIST					X
READING SPECIALIST					X
GUIDANCE & COUNSELING					X
GIFTED & TALENTED					X
ENGLISH AS A SECOND LANGUAGE					X
EDUCATIONAL EXAMINER					X
COACHING					X
INSTRUCTIONAL FACILITATOR					X
GRADE 5-6 ENDORSEMENT (FOR 7-12 TEACHER LICENSED IN A CORE CONTENT AREA(S) OF MATH, SCIENCE, LANG ARTS OR SOCIAL STUDIES)			X		
ALGEBRA 1 FOR GRADE 8				X	
AGE 3-4 ENDORSEMENT (FOR TEACHERS HOLDING AN ELEMENTARY K-6 LICENSE)	X				
CONTENT SPECIALIST (FOR MATH, SCIENCE AND LITERACY FOR TEACHERS HOLDING A K-6 LICENSE)		X			

EXCEPTION AREA ENDORSEMENTS CANNOT BE ADDED TO A STANDARD TEACHING LICENSE BY TESTING OUT. THESE AREAS OF LICENSURE SHALL BE ADDED TO A STANDARD TEACHING LICENSE BY MEETING ALL REQUIREMENTS AS IDENTIFIED ON THE ADDITIONAL LICENSURE PLAN AND IN THESE RULES FOR THE AREA BEING ADDED. ENDORSEMENTS CANNOT BE USED AS PLATFORMS FOR TESTING OUT OF OTHER AREAS AND LEVELS OF LICENSURE. EDUCATORS ADDING THE GRADE 5-6 ENDORSEMENT TO A 7-12 LICENSURE CONTENT AREA OF MATH, SCIENCE, ENGLISH, OR SOCIAL STUDIES SHALL DOCUMENT THE COMPLETION OF EITHER A 3-HOUR COURSE IN DISCIPLINARY LITERACY OR A 45-HOUR PROFESSIONAL DEVELOPMENT PIECE IN DISCIPLINARY LITERACY THROUGH ARKANSAS IDEAS.

EDUCATIONAL LEADERSHIP & SUPERVISION	P-12
DISTRICT ADMINISTRATOR	X
BUILDING ADMINISTRATOR	X
CURRICULUM PROGRAM ADMINISTRATOR	X

THESE AREAS OF LICENSURE CANNOT BE ADDED TO A STANDARD LICENSE BY TESTING OUT. THESE AREAS OF LICENSE SHALL BE ADDED TO A STANDARD LICENSE BY MEETING ALL REQUIREMENTS AS IDENTIFIED IN THESE RULES AND ON THE ADDITIONAL LICENSURE PLAN FOR THE AREA BEING ADDED.

INITIAL AREA OF LICENSURE OR ADD-ON TO A STANDARD LICENSE	
ANCILLARY STUDENT SERVICES	K-12
SCHOOL PSYCHOLOGY SPECIALIST	X
SPEECH LANGUAGE PATHOLOGY	X

AN ANCILLARY LICENSE MAY BE OBTAINED AS AN INITIAL AREA OF LICENSURE OR MAY BE OBTAINED AS AN ADD-ON TO A STANDARD LICENSE. THESE AREAS OF LICENSURE CANNOT BE ADDED TO A STANDARD LICENSE BY ~~TEST-TESTING~~ OUT.

NO OTHER AREA OF LEVEL OF LICENSURE CAN BE ADDED TO AN ANCILLARY LICENSE BY TESTING OUT.

REQUIREMENTS FOR ANCILLARY LICENSURE CAN BE FOUND IN THE RULES GOVERNING EDUCATOR LICENSURE.

MARKUP

Appendix A: LEVELS AND AREAS OF LICENSURE

LICENSURE CONTENT AREA	AS AN INITIAL LICENSURE AREA							AS AN ADD-ON TO STANDARD LICENSE						
	B-K	K-6	4-8	7-12	K-12	4-12	PS	B-K	K-6	4-8	7-12	K-12	4-12	PS
*ECH/SP.ED INTEGRATED	X							X						
EC ELEMENTARY		X							X					
EC MIDDLE CHILDHOOD (MATH, SCIENCE, LANG ARTS, SOCIAL STUDIES) MUST CHOOSE ANY TWO OF THE FOUR CONTENT AREAS LISTED FOR INITIAL LICENSURE. ANY AREA MAY BE ADDED INDIVIDUALLY TO A STANDARD LICENSE.			X							X				
LIFE SCIENCE				X							X			
PHYSICAL SCIENCE				X							X			
EARTH SCIENCE											X			
ENGLISH LANG ARTS				X							X			
SOCIAL STUDIES				X							X			
PHYSICS/MATHEMATICS				X							X			
MATHEMATICS				X							X			
BUSINESS TECHNOLOGY						X							X	
MARKETING TECHNOLOGY				X							X			
AGRICULTURE SCIENCE & TECH				X							X			
FAMILY & CONSUMER SCIENCE				X							X			
INDUSTRIAL TECHNOLOGY				X							X			
DRAMA				X							X			
SPEECH				X							X			
JOURNALISM											X			
ART					X				X		X			
VOCAL MUSIC					X				X		X			
INSTRUMENTAL MUSIC					X				X		X			
DRAMA / SPEECH					X							X		
PHYSICAL EDU / HEALTH					X				X		X			
* SPECIAL EDUCATION					X							X		
* VISUAL SPECIALIST					X							X		
* HEARING SPECIALIST					X							X		
FOREIGN LANGUAGES					X				X		X			
* LIBRARY MEDIA SPECIALIST												X		
* GUIDANCE & COUNSELING					X							X		
*ADULT EDUCATION							X							X

* THESE AREAS OF LICENSURE CANNOT BE ADDED TO A STANDARD LICENSE BY TESTING OUT.

~~** SIX (6) HOURS OF ENGLISH LANGUAGE ARTS AND THREE (3) HOURS ARKANSAS HISTORY MUST BE DOCUMENTED ON AN OFFICIAL TRANSCRIPT WHEN ADDING THESE AREAS OF LICENSURE BY TESTING OUT.~~

NOTE: B-K=BIRTH TO KINDERGARTEN; ECH=EARLY CHILDHOOD; SP.ED=SPECIAL EDUCATION; PS=POST-SECONDARY

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE CODE OF ETHICS FOR ARKANSAS EDUCATORS
_____, 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 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, unless disclosure serves a professional purpose or is allowed by law.**
- 6.07 **Standard 7: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs or substances 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. 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. 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. 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. Audit reports forwarded to the ADE by the Arkansas Legislative Joint Auditing Committee pursuant to Ark. Code Ann. § 6-17-426.
- e. 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. 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. May impose fees for action taken pertaining to an educator's license as set forth in the attachment *Appendix B*.

- c. Shall use the revenue collected by the State Board of Education from the fees and fines imposed per *Appendix B* of these Rules for the operation of the Professional Licensure Standards Board.
- d. 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. 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. 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. 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. 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:

- i. 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.
- ii. 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) 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) 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.
- c) Automatic Investigation: The following will automatically go to the Ethics Sub-Committee of the PLSB for the opening of an investigation:
 - (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.
 - (2) Audit reports forwarded to the ADE by the Arkansas Joint Auditing Committee pursuant to Ark. Code Ann. § 6-17-426.
- iii. 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 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:
 - (1) A copy of the documents and evidence concerning the investigation of the ethics complaint and,
 - (2) Written notice that the Ethics Subcommittee will consider taking action against the named educator and,
 - (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) A copy of the rules in effect at the time the ethics complaint is filed.
 - (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. 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) 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) 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. 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. 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. Waiver or Request of a Subcommittee Evidentiary Hearing

- i. 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:
 - a. Educator if the time limitation is imposed upon the Ethics Subcommittee; or
 - b. Ethics Subcommittee if the time limitation is imposed upon the educator; or
 - c. A written stipulation between the educator and the PLSB staff attorney with the approval of the Subcommittee.
- ii. 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. 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. Motions

- a. 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. 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.
- c. 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. Evidentiary Hearing Procedures of the PLSB Ethics Subcommittee

- i. The educator and the PLSB may be represented by representatives of their choosing.
- ii. 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.
- iii. 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.
- iv. 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.
- v. The representative of the PLSB shall present its case (and opening statement, if it so chooses) to the Subcommittee first.
- vi. 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.

- vii. After one party has questioned a witness, the other party shall have the same opportunity.
- viii. Members of the hearing Subcommittee shall also have the opportunity to ask questions of any witness or any party at any time.
- ix. 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.
- x. After the educator has presented his/her case, the chairperson may allow each party to present limited rebuttal testimony.
- xi. 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.
- xii. 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.
- xiii. 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.
- xiv. 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.
- xv. 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.
- xvi. The educator shall have fourteen (14) days from the receipt of the final findings and recommendations 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. Subpoena Power:

- i. 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. 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. The subpoena shall:
 - a) Be in the name of either the PLSB, the Ethics Subcommittee, or the State Board;
 - b) State the name of the proceeding; and
 - c) 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) In person;
 - (ii) Before a certified court reporter under oath at the place of the witness' residence or employment;
 - (iii) By video-taped deposition at the place of the witness' residence or employment; or
 - (iv) 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.
 - d) 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. 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. Service of the subpoena shall be in the manner as provided by law or rule for the service of subpoenas in civil cases.
- vi. 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. 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. The court will have the power to punish the disobedient witness for contempt as provided by the Arkansas Rules of Civil Procedure.
- ix. 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. State Board Review

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

- g. 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

Action Taken	Maximum Fine Amount
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	\$100.00 \$75.00
	Renewal	\$100.00 \$75.00
Five-Year Vocational Permit	New	\$100.00 \$75.00
	Renewal	\$100.00 \$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

Appendix C

**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. 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 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 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.

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, gifts, compensation or favor that might impair or appear to influence professional decision 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 refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs or substances 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 while on school property or at school-sponsored activities involving students.

Date	Respondent	Comment	ADE Response
4/15/2013	Mr. Robert Poole, Prescott Public Schools	<p>I would like to comment on the Code of Ethics. I am not sure about all the revisions but I want to voice my issues. For the past several years, I have spent a lot of time trying to justify to the Ethics Board why I was innocent on some things just because someone is mad at our school district. I do not have the time to spend trying to justify myself on issue that are absolutely ridiculous. Here are some examples:</p> <ol style="list-style-type: none"> 1. I was accused of firing a teacher (who was black) who was actually RIF'd. She said I was discriminating against her. So, I had to meet with the investigators, write out all these statements, and provide documentation. Of course I was found innocent in matter. 2. I was accused of allowing one of my teachers to have supposedly been allowed to have an inappropriate relationship with a students [sic] and ethics charges were filed on me. This person was mad at me and the district for not hiring her. So she files ethics charges against me and the school because we didn't hire her. Of course I was found innocent again. I also had to spend district money getting attorneys, spending more time providing documentation, meeting with investigators, and writing out statements. 3. I was accused of knowingly violating rules at a football game, using illegal players, cursing at an opposing teams [sic] players, 	<p>Comment considered. The Arkansas General Assembly has not provided the Professional Licensure Standards Board or the Arkansas State Board of Education with the statutory authority to require a filing fee for persons who file alleged violations of the Code of Ethics.</p>

		<p>and giving them the kill sign. Of course I was found innocent again after months of meeting with investigators, writing out statements, and etc...just to prove my innocence over an opposing school getting mad at us for beating them in a football game.</p> <p>This stuff has to stop and something must be done to stop it. Every time someone gets mad, they get to file an ethics charge and I have to spend hours, days, and months just to prove that I am innocent of something so stupid! I also have to spend money on attorneys. This is taking money and time away from kids. Please come up with a better solution to fixing this problem. It is only going to get worse. Not to mention the stress that it causes on the people who are accused. I am sick of it and will continue to fight until this problem is done with.</p> <p>Yes, I am aware of the fact that the person making the accusations CAN be taken to court. This only prolongs the problems I mentioned above. I think there needs to be a fee attached to whoever files an ethics claim. For example, charge \$100.00 per claim and if the person is found guilty or true, then the people get their money back. But, if the accusation is false, the person loses their money. This would stop a lot of the nonsense accusations and claims that have been submitted.</p> <p>I am sick and tired of spending my time and money just to prove my innocence every time someone gets</p>	
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		mad at me or my school for things not going their way. Please do something about this!	
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ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE ARKANSAS OPPORTUNITY
PUBLIC SCHOOL CHOICE ACT

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Arkansas Opportunity Public School Choice Act.
- 1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Arkansas Opportunity Public School Choice Act as amended.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Ark. Code Ann. §§ 6-11-105, 6-18-227, 6-15-430, 25-15-201 et seq., and Acts 600, 1227 and 1429 of 2013.

3.00 DEFINITIONS

As used in these rules:

- 3.01 “Department” means the Arkansas Department of Education.
- 3.02 “Nonresident or receiving district” means the public school district, or open-enrollment public charter school, to which a student transfers or seeks to transfer under the provisions of Ark. Code Ann. § 6-18-227.
- 3.03 “Nonresident or receiving school” means the public school to which a student transfers or seeks to transfer under the provisions of Ark. Code Ann. § 6-18-227. A nonresident or receiving school may be a public school within the resident district, a public school within a nonresident district, or an open-enrollment public charter school.
- 3.04 “Resident or transferring district” means the public school district in which the student resides and from which the student seeks to transfer under the provisions of Ark. Code Ann. § 6-18-227.
- 3.05 “Resident or transferring school” means the public school in which the student is enrolled at the time of application and from which the student seeks to transfer under the provisions of Ark. Code Ann. § 6-18-227.
- 3.06 “Public school or school district in academic distress” means a public school or school district that has been classified by the State Board of Education as a public school or school district in academic distress.

4.00 GENERAL REQUIREMENTS

- 4.01 Upon the request of a parent or guardian, or the student if the student is over eighteen (18) years of age, a student may transfer from his or her resident district or public school to another school district or public school under these rules if:
- 4.01.1 The resident public school or school district has been classified by the State Board of Education as a public school or school district in academic distress; and
- 4.01.2 The parent or guardian, or the student if the student is over eighteen (18) years of age, has notified the Department of Education and both the transferring and receiving school districts of the request to transfer no later than July 30 of the first year in which the student intends to transfer.
- 4.02 Each school district board of directors shall offer the Opportunity Public School Choice option within the public schools. The Opportunity Public School Choice option shall be offered in addition to other existing choice programs.
- 4.03 The parent or guardian of a student, or the student if the student is over eighteen (18) years of age, enrolled in or assigned to a public school or school district that has been classified by the State Board of Education as a public school or school district in academic distress may choose as an alternative to enroll the student in a legally allowable public school or school district that is not classified as a public school or school district in academic distress and that is nearest to the student's legal residence. That school or school district shall accept the student and report the student for purposes of the funding under applicable state law.
- 4.04 Within thirty (30) days from receipt of an application from a student seeking admission under these rules, the superintendent of the nonresident district shall notify in writing the parent or guardian, or the student if the student is over eighteen (18) years of age, whether the Opportunity Public School Choice application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.
- 4.04.1 If the application is accepted, the *nonresident school/district superintendent of the nonresident district* shall state in the notification letter the deadline by which the student must enroll in the receiving school.
- 4.04.2 If the application is rejected, the *nonresident school/district superintendent of the nonresident district* shall state in the notification letter the specific reasons for the rejection.
- 4.04.3 A school district shall not deny a student the ability to transfer to a nonresident school under these rules unless there is a lack of capacity at the nonresident school.

- 4.04.4 A lack of capacity may be claimed by a school district only if the nonresident school has reached the maximum student-to-teacher ratio allowed under federal law, state law, the rules for standards of accreditation, or other applicable regulations. For the purposes of these rules, a school district may claim a lack of capacity if, as of the date the application for opportunity school choice is made, ninety-five percent (95%) or more of the seats at the grade level at the nonresident school are filled.
- 4.04.5 The race or ethnicity of a student shall not be used to deny a student the ability to attend a nonresident school under these rules.
- 4.04.6 Pursuant to Section 7.00 of these rules, a parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal a school district's decision to deny admission to a nonresident school to the State Board of Education after the student or the student's parent or guardian receives written notice from the nonresident district that admission has been denied.
- 4.04.7 If any provision of these rules conflicts with the provisions of a federal desegregation court order applicable to a school district, the provisions of the federal desegregation order shall govern.
- 4.05 For each student enrolled in or assigned to a public school or school district that has been classified by the State Board of Education as a public school or school district in academic distress, a school district shall:
- 4.05.1 Timely notify the parent or guardian, or the student if the student is over eighteen (18) years of age, as soon as practicable after the designation is made, of all options available under these rules; and
- 4.05.2 Offer the parent or guardian, or the student if the student is over eighteen (18) years of age, an opportunity to enroll the student in any public school or school district that has not been classified by the State Board of Education as a public school or school district in academic distress.
- 4.05.3 The opportunity to continue attending the public school or school district that is not classified as a public school or school district in academic distress shall remain in force until the student graduates from high school.
- 4.06 For the purposes of continuity of educational choice, a transfer under these rules shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until:
- 4.06.1 The student completes high school; or,
- 4.06.2 The parent or guardian, or the student if the student is over eighteen (18) years of age, timely makes application under a provision of law governing

attendance in or transfer to another public school or school district other than the student's assigned school or resident district.

4.07 A transfer under these rules is effective at the beginning of the next academic year.

4.08 Students with disabilities who are eligible to receive services from the transferring school district under federal or state law, including students receiving additional funding through federal title programs specific to the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, and who participate in the Opportunity Public School Choice Act program, shall remain eligible to receive services from the receiving school district as provided by state or federal law. Any funding for the student shall be transferred to the school district to which the student transfers.

4.09 The receiving public school or school district may transport students to and from the transferring public school or school district, and the cost of transporting students shall be the responsibility of the transferring public school or school district except as provided under Sections 4.09.1 and 4.09.2 of these rules.

4.09.1 A transferring public school or school district shall not be required to spend more than four hundred dollars (\$400) per student per school year for transportation required under Section 4.09 of these rules.

4.09.2 Upon the transferring public school or school district's removal from classification as a public school or school district in academic distress, the transportation costs shall no longer be the responsibility of the transferring public school or school district, and the student's transportation and the costs of transportation shall be the responsibility of the parent or guardian or of the receiving public school or school district if the receiving public school or school district agrees to bear the transportation costs.

4.10 Unless excused by the school for illness or other good cause:

4.10.1 Any student participating in the Opportunity Public School Choice option shall remain in attendance throughout the school year and shall comply fully with the receiving school's code of conduct; and

4.10.2 The parent or guardian of each student participating in the Opportunity Public School Choice option shall comply fully with the receiving school's parental involvement requirements.

4.11 The parent or guardian shall ensure that the student participating in the opportunity public school choice option takes all statewide assessments, including, but not limited to, benchmark exams, required pursuant to Ark. Code Ann. § 6-15-433.

4.12 A student failing to comply with the requirements of these rules shall forfeit the Opportunity Public School Choice option.

- 4.13 A receiving district shall accept credits toward graduation that were awarded by another district.
- 4.14 The receiving district shall award a diploma to a student transferred under these rules if the student meets the receiving district's graduation requirements.
- 4.15 A district under this program shall request public service announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.

5.00 REPORTING REQUIREMENTS

- 5.01 The Department of Education shall develop an annual report on the status of school choice and deliver the report to the State Board of Education, the Governor, and the Legislative Council at least ninety (90) days prior to the convening of the regular session of the General Assembly.
- 5.02 Each school district board of directors shall annually report the number of students applying for and attending the various types of public schools of choice in the district, including schools such as magnet schools, according to these rules. The school district board of directors shall report this data through its cycle reports as prescribed by the Commissioner of Education.
- 5.03 All school districts shall report to the Department of Education on an annual basis the race and gender of each student identified in Section 5.02 above, and other pertinent information needed to properly monitor compliance with the provisions of these rules. The reports may be on forms prescribed by the Department of Education, or the data may be submitted electronically by the district using a format authorized by the Department of Education. The school districts shall report this data through its cycle reports as prescribed by the Commissioner of Education.
- 5.03.1 The Department of Education may put on probation the superintendent of any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the Department of Education so long as thirty (30) calendar days are given between the request for the information and the published deadline.
- 5.03.2 A copy of the report shall be provided to the Joint Interim Committee on Education.
- 5.04 The receiving school district shall report all students who transfer from another public school under this program. The students attending public schools pursuant to the Opportunity Public School Choice option shall be reported separately from those students reported for purposes of compliance with applicable state law.

6.00 FUNDING CONSIDERATIONS

- 6.01 For the purposes of determining a school district's state funding, the nonresident student shall be counted as a part of the average daily membership of the receiving district.
- 6.02 The maximum Opportunity Public School Choice funds granted for an eligible student shall be calculated based on applicable state law.
- 6.03 The public school that provides services to students with disabilities shall receive funding as determined by applicable federal and state law.

7.00 APPEAL PROCEDURES

- 7.01 A parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal a school district's decision to deny admission to a nonresident school due to a lack of capacity to the State Board of Education pursuant to this section.
- 7.02 The student or the student's parent or guardian (hereinafter the appealing party) must present a written appeal to the State Board of Education via certified mail, return receipt requested, no later than ten (10) calendar days, excluding weekends and legal holidays, after the appealing party receives notice of rejection from the ~~nonresident school/district~~ superintendent of the nonresident district in accordance with Section 4.04 of these rules.
- 7.02.1 The written appeal should be sent to:
- Office of the Commissioner
ATTN: Opportunity School Choice Appeal
Four Capitol Mall
Little Rock, Arkansas 72201
- 7.02.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the appealing party must also mail a copy of the written appeal to the superintendent of the nonresident school district.
- 7.02.3 In its written appeal, the appealing party shall state his or her basis for appealing the decision of the nonresident district.
- 7.02.4 The appealing party must submit, along with its written appeal, a copy of the rejection letter from the nonresident ~~school~~/district.
- 7.02.5 Any request for a hearing before the State Board of Education must be made in the written appeal.
- 7.03 The nonresident district may submit, in writing, any additional information, evidence or arguments supporting its rejection of the student's application by mailing such response via certified mail, return receipt requested to the State

Board of Education no later than ten (10) days after receiving the appealing party's written appeal.

7.03.1 Any response from the nonresident ~~school~~ district should be sent to:

Office of the Commissioner
ATTN: Opportunity School Choice Appeal
Four Capitol Mall
Little Rock, Arkansas 72201

7.03.2 Contemporaneously with the filing of the written response with the Office of the Commissioner, the nonresident ~~school~~ district must also mail a copy of the written response to the appealing party.

7.03.3 If the appealing party did not request a hearing before the State Board of Education, the nonresident district may request a hearing in its response.

7.04 If a hearing is requested by either party, the State Board of Education shall schedule the hearing for the next regularly scheduled State Board of Education meeting in accordance with its procedures for the submission of agenda items.

7.05 If no hearing is requested by either party, the State Board of Education shall consider the appeal during its next regularly scheduled State Board of Education meeting in accordance with its procedures for the submission of agenda items.

7.06 State Board of Education Hearing Procedures

7.06.1 A staff member of the Department of Education shall introduce the agenda item.

7.06.2 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board of Education.

7.06.3 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident district. The Chairperson of the State Board of Education may, for good cause shown and upon the request of either party, allow either party additional time to present their opening statements.

7.06.4 Each party will be given twenty (20) minutes to present their cases, beginning with the nonresident district. The Chairperson of the State Board of Education may, for good cause shown and upon request of either party, allow either party additional time to present their cases.

7.06.5 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board of Education as a witness during the hearing. The

State Board of Education may accept testimony by affidavit, declaration, or deposition.

7.06.6 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

7.06.7 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1, 2, 3).

7.06.8 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A, B, C).

7.06.9 The nonresident district shall have the burden of proof in proving the basis for the denial of the transfer.

7.06.10 The State Board of Education may sustain the rejection of the nonresident ~~school~~ district or grant the appeal.

7.06.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board of Education shall provide a written decision to the Department of Education, the appealing party, and the nonresident district within fourteen (14) calendar days of announcing its decision under this section.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT SCHOOL
OR SCHOOL DISTRICT UNDER THE ARKANSAS OPPORTUNITY
PUBLIC SCHOOL CHOICE ACT***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male ☐

Female ☐

Grade:

Does the applicant require special needs or programs? Yes ☐ No ☐

Is applicant currently under expulsion? Yes ☐ No ☐

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races ☐

Asian ☐

African-American ☐

Hispanic ☐

Native American/
Native Alaskan ☐

Native Hawaiian/
Pacific Islander ☐

White ☐

RESIDENT SCHOOL AND SCHOOL DISTRICT OF APPLICANT

District and School Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL/SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District and School Name:

County Name:

Address:

Phone:

ATTACHMENT 1

PARENT OR GUARDIAN INFORMATION			
Name:		Home Phone:	
Address:		Work Phone:	
Parent/Guardian Signature		Date:	
<p><u>Note 1:</u> The race or ethnicity of a student shall not be used to deny the student to attend a school district of choice under the Arkansas Opportunity School Choice Act. This information is gathered for district reporting purposes only.</p> <p><u>Note 2:</u> Pursuant to Ark. Code Ann. § 6-18-227, reviewers of this application are hereby notified that a transfer under the Arkansas Opportunity School Choice Act shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until the student completes high school or as otherwise provided by law.</p> <p><u>Note 3:</u> A school district shall not deny a student the ability to attend school in the student's school district of choice unless there is a lack of capacity at the school in the student's school district of choice as defined by Arkansas law and Arkansas Department of Education rules.</p> <p><u>Note 4:</u> Pursuant to Ark. Code Ann. § 6-18-227, a student may only transfer from a public school or school district that has been classified as a public school or school district in academic distress.</p>			
DISTRICT USE ONLY			
Date and Time Received by Nonresident District:			
Resident District LEA #:		Nonresident District LEA#:	
Resident School LEA#:		Nonresident School LEA#:	
Student's State Identification #:			
Application	Accepted	Rejected	
Reason for Rejection (If Applicable):			
Date Notification Sent to Parent/Guardian of Applicant:			

Date	Respondent	Comment	ADE Response
5/28/2013	Ms. Mary Cameron, Bureau of Legislative Research	<p>The new rules for the Arkansas Opportunity Public School Choice Act have omitted the “nonresident school” from many of the rules but not all of the rules. The result makes it confusing to determine which entity (nonresident school or nonresident district or both) is actually making the determination to accept or reject the application for transfer. Which entity issues the decision, & who can submit information when a decision is appealed. Under Rule 4.04, the superintendent of the nonresident district must notify the student concerning whether the request to transfer has been accepted or rejected. Yet in 4.04.1 & 4.04.2, the notification letter can be sent by the “nonresident school/district”. Then in Rule 4.04.6, it once again states that it’s the district’s decision but Rule 7.02 refers to the notice of rejection from the “nonresident school/district”. When appealing, it’s the nonresident school district (7.02.2) to which the student sends the notice and in 7.02.3 it references the decision of the nonresident district. Then in 7.02.4, it again references the rejection letter from the “nonresident school/district”. Rule 7.03 allows only the nonresident district to submit information supporting its rejection but in 7.03.1 & 7.03.2, it refers to the “nonresident school/district”. Rule 7.03.3 only allows the nonresident district to request a hearing or submit documents during the hearing (7.06.7) but the rejection made by the “nonresident school/district” may be sustained by the State Board (7.06.10) but the State Board does not have to send its decision in the matter to the nonresident school.</p>	Comments accepted. The proposed rules will be amended to remove the confusion noted in the comments.

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013
- 1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

- 3.01 „Nonresident District,, means a school district other than a student,,s resident district;
- 3.02 „Parent,, means a student,,s parent, guardian, or other person having custody or care of the student;
- 3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;
- 3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and
- 3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

- 4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.
- 4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student,s transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student,s parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student,s parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

- 5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

- 6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

- 6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

- 7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

- 7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

- 10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.
- 10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.
- 10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).
- 10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).
- 10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.
- 10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.
- 10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”
(Must Be Submitted to Non-Resident and Resident Districts)***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male

☐

Female

☐

Grade:

Does the applicant require special needs or programs? Yes ☐ No ☐

Is applicant currently under expulsion? Yes ☐ No ☐

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races ☐

Asian ☐

African-American ☐

Hispanic ☐

Native American/
Native Alaskan ☐

Native Hawaiian/
Pacific Islander ☐

White ☐

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

PARENT OR GUARDIAN INFORMATION			
Name:		Home Phone:	
Address:		Work Phone:	
Parent/Guardian Signature		Date:	
<p>Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).</p>			
DISTRICT USE ONLY			
Date and Time Received by Resident District:		Date and Time Received by Nonresident District:	
Resident District LEA #:		Nonresident District LEA#:	
Student,s State Identification #:			
Application	Accepted	Rejected	
Reason for Rejection (If Applicable):			
Date Notification Sent to Parent/Guardian of Applicant:			
Date Notification Sent to Resident District :			

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

December 12, 2011

1.00—PURPOSE

- 1.01—These rules shall be known as the Arkansas Department of Education Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Opportunity Public School Choice Act.
- 1.02—The purpose of these rules is to provide enhanced opportunity for students in Arkansas to gain the knowledge and skills necessary for postsecondary education, a technical education, or careers.

2.00—AUTHORITY

- 2.01—The Arkansas State Board of Education's authority for promulgating these rules is pursuant to Ark. Code Ann. §§ 6-11-105, 6-18-227, 25-15-201 et seq., and Acts 1124 and 1147 of 2011.

3.00—DEFINITIONS

- 3.01—Department—the Arkansas Department of Education.
- 3.02—Level 1 school—a school which, according to the classification system established in Ark. Code Ann. § 6-15-2103, is classified by the Arkansas Department of Education as a “school in need of immediate improvement.” Under the classification system established in Ark. Code Ann. § 6-15-2103, Level 1 is the lowest ranking that a school may receive, and Level 5 is the highest ranking.
- 3.03—Level 3 school—a school which, according to the classification system established in Ark. Code Ann. § 6-15-2103, is classified by the Arkansas Department of Education as a “school meeting standards.”
- 3.04—Nonresident or receiving district—the public school district, or open-enrollment public charter school, to which a student transfers or seeks to transfer under the provisions of Ark. Code Ann. § 6-18-227.
- 3.05—Nonresident or receiving school—the public school to which a student transfers or seeks to transfer under the provisions of Ark. Code Ann. § 6-18-227. A nonresident or receiving school may be a public school within the resident district, a public school within a nonresident district, or an open-enrollment public charter school.

~~3.06 Resident or transferring district—the public school district in which the student resides and from which the student seeks to transfer under the provisions of Ark. Code Ann. § 6-18-227.~~

~~3.07 Resident or transferring school—the public school in which the student is enrolled at the time of application and from which the student seeks to transfer under the provisions of Ark. Code Ann. § 6-18-227.~~

~~4.00 EFFECTIVE DATE~~

~~Opportunity Public School Choice under these rules shall take effect with the implementation of the school performance levels found in Ark. Code Ann. § 6-15-2103. The 2012-2013 school year will be the first school year during which student transfers under these rules will be possible.~~

~~5.00 GENERAL REQUIREMENTS~~

~~5.01 Upon the request of a parent or guardian, or the student if the student is over eighteen (18) years of age, a student may transfer from his or her resident school to another public school in accordance with the provisions of these rules if:~~

~~5.01.1 The resident public school has been designated pursuant to Ark. Code Ann. § 6-15-2103 as a Level 1 school for two (2) or more consecutive school years;~~

~~5.01.2 The parent or guardian, or the student if the student is over eighteen (18) years of age, has notified the Department of Education and both the transferring and receiving school districts of the request to transfer no later than July 30 of the first year in which the student intends to transfer; and~~

~~5.01.3 The receiving public school has been designated pursuant to Ark. Code Ann. § 6-15-2103 as a Level 3 school or higher in the most recent annual school classification made by the Department of Education.~~

~~5.02 Each school district board of directors shall offer the Opportunity Public School Choice option within the public schools. The Opportunity Public School Choice option shall be offered in addition to other existing choice options.~~

~~5.03 The parent or guardian of a student, or the student if the student is over eighteen (18) years of age, enrolled in or assigned to a school that has been designated as a school in Level 1 under Ark. Code Ann. § 6-15-2103~~

~~for two (2) or more consecutive school years, may choose as an alternative to enroll the student in the public school nearest to the student's legal residence that has been designated pursuant to Ark. Code Ann. § 6-15-2103 as a Level 3 school or higher in the most recent annual school classification made by the Department of Education. *Subject to the requirements of Sections 5.04.3 and 5.04.4 below,* the school or school district shall accept the student and report the student for purposes of funding pursuant to applicable state law.~~

~~5.04 Within thirty (30) days from receipt of an application from a student seeking admission under these rules, the superintendent of the nonresident district shall notify in writing the parent or guardian, or the student if the student is over eighteen (18) years of age, whether the Opportunity Public School Choice application has been accepted or rejected.~~

~~5.04.1 If the application is accepted, the nonresident school/district shall state in the notification letter the deadline by which the student must enroll in the receiving school.~~

~~5.04.2 If the application is rejected, the nonresident school/district shall state in the notification letter the specific reasons for the rejection.~~

~~5.04.3 A school district shall not deny a student the ability to transfer to a nonresident school under these rules unless there is a lack of capacity at the nonresident school.~~

~~5.04.4 A lack of capacity may be claimed by a school district only if the nonresident school has reached the maximum student-to-teacher ratio allowed under federal law, state law, the rules for standards of accreditation, or other applicable regulations. For the purposes of these rules, a school district may claim a lack of capacity if, as of the date the application for opportunity school choice is made, ninety-five percent (95%) or more of the seats at the grade level at the nonresident school are filled.~~

~~5.04.5 The race or ethnicity of a student shall not be used to deny a student the ability to attend a nonresident school under these rules.~~

~~5.04.6 Pursuant to Section 8.00 of these rules, a parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal a school district's decision to deny admission to a nonresident school to the State Board after the student or the student's parent or guardian receives written notice from the nonresident district that admission has been denied.~~

- ~~5.04.7 The provisions of these rules and all student choice options created under these rules shall comply with Ark. Code Ann. § 6-18-206(d), (e), and (i) and shall not be subject to any other limitation or restriction provided by law.~~
- ~~5.04.8 If any provision of these rules conflicts with the provisions of a federal desegregation court order applicable to a school district, the provisions of the federal desegregation order shall govern.~~
- ~~5.05 For each student enrolled in or assigned to a school that has been designated a Level 1 school for two (2) or more consecutive school years, a school district shall:~~
- ~~5.05.1 Timely notify the parent or guardian, or the student if the student is over eighteen (18) years of age, as soon as practicable after the designation is made, of all options available pursuant to these rules; and~~
- ~~5.05.2 Offer the parent or guardian, or the student if the student is over eighteen (18) years of age, an opportunity to enroll the student in any public school that has been designated by the Department of Education pursuant to Ark. Code Ann. § 6-15-2103 as a Level 3 school or higher in the most recent annual school classification made by the Department of Education. The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.~~
- ~~5.06 For the purposes of continuity of educational choice, a transfer under these Rules shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until:~~
- ~~5.06.1 The student completes high school; or,~~
- ~~5.06.2 The parent or guardian, or the student if the student is over eighteen (18) years of age, makes application *no later than July 30* for attendance or transfer as provided by Ark. Code Ann. §§ 6-18-202, 6-18-206 and 6-18-316. *Such a transfer shall be effective at the beginning of the next academic year.*~~
- ~~5.07 Students with disabilities who are eligible to receive services from the transferring school district under federal or state law, including students receiving additional funding through federal title programs specific to the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 et seq., and who participate in the Opportunity Public School Choice Act program, shall remain eligible to receive services from the receiving~~

~~school district as provided by state or federal law. Any funding for such a student shall be transferred to the receiving district.~~

~~5.08 The receiving district or charter school may transport students to and from the transferring district or charter school, and the cost of transporting students shall be the responsibility of the transferring district or charter school except as provided under Sections 5.08.1 and 5.08.2 of these rules.~~

~~5.08.1 A transferring district or charter school shall not be required to spend more than four hundred dollars (\$400) per student per school year for transportation required under 5.08 of these rules.~~

~~5.08.2 Upon the transferring school's being designated by the Department of Education pursuant to Ark. Code Ann. § 6-15-2103 as a Level 3 school or higher in the most recent annual school classification made by the Department of Education, the transportation costs shall no longer be the responsibility of the transferring district, and the student's transportation and the costs of transportation shall be the responsibility of the parents.~~

~~5.09 Unless excused by the school for illness or other good cause:~~

~~5.09.1 Any student participating in the Opportunity Public School Choice option shall remain in attendance throughout the school year and shall comply fully with the receiving school's code of conduct; and~~

~~5.09.2 The parent or guardian of each student participating in the Opportunity Public School Choice option shall comply fully with the receiving school's parental involvement requirements.~~

~~5.10 A student failing to comply with the requirements of these rules shall forfeit the Opportunity Public School Choice option.~~

~~5.11 A receiving district shall accept credits toward graduation that were awarded by *another* district.~~

~~5.12 The receiving district shall award a diploma to a student transferred under these rules if the student meets the receiving district's graduation requirements.~~

~~5.13 A district under this program shall request public service announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.~~

~~6.00 — REPORTING REQUIREMENTS~~

~~6.01 — The Department of Education shall develop an annual report on the status of school choice and deliver the report to the State Board, the Governor, and the Legislative Council at least ninety (90) days prior to the convening of the regular session of the General Assembly.~~

~~6.02 — Each school district board of directors shall annually report the number of students applying for and attending the various types of public schools of choice in the district, including schools such as magnet schools, according to these rules. The school district board of directors shall report this data through its cycle reports as prescribed by the Commissioner of Education.~~

~~6.03 — All school districts shall report to the Department of Education on an annual basis the race and gender of each student identified in Section 6.02 above, and other pertinent information needed to properly monitor compliance with the provisions of these rules. The reports may be on forms prescribed by the Department of Education, or the data may be submitted electronically by the district using a format authorized by the Department of Education. The school districts shall report this data through its cycle reports as prescribed by the Commissioner of Education.~~

~~6.03.1 — The Department of Education may put on probation the superintendent of any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the Department of Education so long as thirty (30) calendar days are given between the request for the information and the published deadline.~~

~~6.03.2 — A copy of the report shall be provided to the Joint Interim Committee on Education.~~

~~6.04 — The receiving school district shall report all students who transfer from another public school under this program. The students attending public schools pursuant to the Opportunity Public School Choice option shall be reported separately from those students reported for purposes of compliance with applicable state law.~~

~~7.00 — FUNDING CONSIDERATIONS~~

~~7.01 — For the purposes of determining a school district's state funding, the nonresident student shall be counted as a part of the average daily membership of the receiving district.~~

~~7.02 — The maximum Opportunity Public School Choice funds granted for an eligible student shall be calculated based on applicable state law.~~

~~7.03 — The public school that provides services to students with disabilities shall receive funding as determined by applicable federal and state law.~~

~~8.00 — APPEAL PROCEDURES~~

~~8.01 — A parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal a school district's decision to deny admission to a nonresident school due to a lack of capacity to the State Board pursuant to this section.~~

~~8.02 — The student or the student's parent or guardian (hereinafter the appealing party) must present a written appeal to the State Board via certified mail, return receipt requested, no later than ten (10) days after the appealing party receives notice of rejection from the nonresident school/district in accordance with Section 5.04 of these rules.~~

~~8.02.1 The written appeal should be sent to:~~

~~Office of the Commissioner
ATTN: Opportunity School Choice Appeal
Four Capitol Mall
Little Rock, Arkansas 72201~~

~~8.02.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the appealing party must also mail a copy of the written appeal to the superintendent of the nonresident school/district.~~

~~8.02.3 The appealing party shall set forth its arguments and evidence in support of its appeal.~~

~~8.02.4 The appealing party must submit, along with its written appeal, a copy of the rejection letter from the nonresident school/district.~~

~~8.02.5 Any request for a hearing before the State Board must be made in the written appeal.~~

~~8.03 — The nonresident school/district may submit, in writing, any additional information, evidence or arguments supporting its rejection of the student's application by mailing such response via certified mail, return receipt requested to the State Board no later than ten (10) days after receiving the appealing party's written appeal.~~

~~8.03.1 Any response from the nonresident school/district should be sent to:~~

~~Office of the Commissioner
ATTN: Opportunity School Choice Appeal
Four Capitol Mall
Little Rock, Arkansas 72201~~

~~8.03.2 Contemporaneously with the filing of the written response with the Office of the Commissioner, the nonresident school/district must also mail a copy of the written response to the appealing party.~~

~~8.03.3 If the appealing party did not request a hearing before the State Board, the nonresident school/district may request a hearing in its response.~~

~~8.04 If a hearing is requested by either party, the State Board shall schedule the hearing for the next regularly scheduled State Board meeting in accordance with its procedures for the submission of agenda items.~~

~~8.05 If no hearing is requested by either party, the State Board shall consider the appeal during its next regularly scheduled State Board meeting in accordance with its procedures for the submission of agenda items.~~

~~8.06 State Board Hearing Procedures~~

~~8.06.1 A staff member of the Department of Education shall introduce the agenda item.~~

~~8.06.2 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school/district. The Chairperson of the State Board may, only for good cause shown and upon the request of either party, allow either party additional time to present their opening statements.~~

~~8.06.3 Each party will be given thirty (30) minutes to present their cases, beginning with the nonresident school/district. The Chairperson of the State Board may, only for good cause shown and upon request of either party, allow either party additional time to present their cases.~~

~~8.06.4 The State Board, at its discretion, shall have the authority to require any person associated with the application (student, parent, guardian, nonresident school/district employee, or resident district employee) to appear in person before the State Board as a witness~~

~~during the hearing. The State Board, at its discretion, may accept testimony by affidavit, declaration, or deposition.~~

~~8.06.5 Every witness giving oral testimony must be sworn under oath by the court reporter and shall be subject to direct examination, cross examination, and questioning by the State Board.~~

~~8.06.6 For the purposes of the record, documents offered during the hearing by the nonresident school/district shall be clearly marked in sequential, numeric order (1, 2, 3).~~

~~8.06.7 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A, B, C).~~

~~8.06.8 The nonresident/school district shall have the burden of proof in proving the basis for the denial of the transfer.~~

~~8.06.9 The State Board may sustain the rejection of the nonresident school/district or grant the appeal.~~

~~8.06.10 The State Board may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, and the nonresident district within fourteen (14) calendar days of the appeal.~~

ATTACHMENT 1

APPLICATION FOR TRANSFER PURSUANT TO THE ARKANSAS OPPORTUNITY SCHOOL CHOICE ACT

APPLICANT INFORMATION			
Applicant Name: _____			
Date of Birth: _____	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/>		
Grade for Upcoming School Year: _____			
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input type="checkbox"/>			
ETHNIC ORIGIN (CHECK ONE) (See Note 1)			
2 or More Races <input type="checkbox"/>			
African American <input type="checkbox"/>	Asian <input type="checkbox"/>	Hispanic <input type="checkbox"/>	
Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>	White <input type="checkbox"/>	
RESIDENT SCHOOL AND SCHOOL DISTRICT OF APPLICANT			
District Name: _____		School Name: _____	
Address: _____			
Phone: _____			
NON-RESIDENT SCHOOL/ SCHOOL DISTRICT APPLICANT WISHES TO ATTEND			
District Name: _____		School Name: _____	
Address: _____			
Phone: _____			
PARENT OR GUARDIAN INFORMATION			
Name: _____		Home Phone: _____	
Address: _____		Work Phone: _____	
Parent/Guardian Signature _____			Date _____
<p><u>Note 1:</u> The race or ethnicity of a student shall not be used to deny the student to attend a school district of choice under the Arkansas Opportunity School Choice Act. This information is gathered for district reporting purposes only.</p> <p><u>Note 2:</u> Pursuant to Ark. Code Ann. § 6-18-227, reviewers of this application are hereby notified that a transfer under the Arkansas Opportunity School Choice Act shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until the student completes high school or as otherwise provided by law.</p> <p><u>Note 3:</u> A school district shall not deny a student the ability to attend school in the student's school district of choice unless there is a lack of capacity at the school in the student's school district of choice as defined by Arkansas law and Arkansas Department of Education rules.</p> <p><u>Note 4:</u> Pursuant to Ark. Code Ann. § 6-18-227, a student may only transfer from a school that has been designated as a school in Level 1 under Ark. Code Ann. § 6-15-2103 for two (2) or more consecutive school years to a school that is classified as a Level 3 school or higher under Ark. Code Ann. § 6-15-2103 in the most annual school classification made by the Department of Education.</p>			
DISTRICT USE ONLY			
Application: <input type="checkbox"/> Accepted <input type="checkbox"/>		<input type="checkbox"/> Rejected <input type="checkbox"/>	
Date Notification Sent to Parent/Guardian of Applicant: _____			
Date Notification Sent to Resident District (If Applicable): _____			

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

~~1.00 — PURPOSE~~

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

~~2.00 — AUTHORITY~~

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

~~3.00 — DEFINITIONS~~

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

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

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

~~4.02 — Every school district must adopt a resolution setting forth specific standards for acceptance and rejection of applications.~~

~~4.02.1 Such standards may include the capacity of a school program, class, grade level, or school building.~~

~~4.02.2 School districts shall not be required to add teachers, staff, or classrooms or in any way exceed current requirements or standards established by existing law when considering whether to accept an application.~~

~~4.02.3 A school district's standards shall include a statement that priority will be given to applications of siblings or step-siblings residing in the same residence or household of students already attending the district by choice where an application has been filed.~~

~~4.02.4 A school district's standards for acceptance and rejection of applications shall not include a student's previous academic achievement, athletic or extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another school district may be included as a standard.~~

~~4.03 — A district shall make public announcements over the broadcast media and in print media at such times and in such manner so as to inform parents or guardians of students in adjoining districts of the availability of the program, the July 1 application deadline, and the requirements and procedure for nonresident students to participate in the program.~~

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

~~5.01 — Any student may make application to enroll and attend a school in a district in which the student does not reside, subject to the restrictions and procedures contained in this rule and regulation and Arkansas law.~~

~~5.01.1 — Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on the form approved by and provided by the Department (see attached application) to the nonresident district.~~

~~5.01.2 — The application to the nonresident district must be postmarked no later than July 1 of the year the student would begin the fall semester in the nonresident school district.~~

~~5.02 — Any student attending a resident district classified as being in academic distress shall be eligible and entitled to apply to transfer to another geographically contiguous nonresident district not in academic distress during the time period a district is classified as being in academic distress subject to the restrictions allowed in 5.02.1 and 8.00.~~

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

~~5.05.4 The Board, at its sole discretion, may grant a public hearing on the petition for reconsideration or consider without a public hearing the petition, briefs and evidence submitted in writing before issuing its final decision on the petition for reconsideration of the application.~~

~~5.05.5 The Board may require the nonresident district to reconsider its rejection of the student application by a date established by the Board before deciding whether to grant the petition for reconsideration of the application.~~

~~5.05.6 The Board, at its discretion, shall have the authority to require any person associated with the student application (i.e. student, parent, guardian, etc.), the nonresident district or the resident district to appear in person or by pleading before the Board as a witness on the matter of a petition for reconsideration of an application.~~

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

~~6.01 Transportation of a student from the resident district to a nonresident district is the responsibility of the student or the student's parents or guardians.~~

~~6.01.1 When a student transfers under section 5.02, the cost of transportation of a student from the resident district to the nonresident district shall be the responsibility of the resident district.~~

~~6.02 The nonresident district may enter into a written agreement with the student, student's parents or guardians, or resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.~~

~~6.03 A nonresident district shall terminate transportation services to a student upon receipt of written notice (via certified first class United States mail, return receipt requested) from the Department to cease and desist transporting a student from the student's resident district.~~

~~7.00 NONRESIDENT DISTRICT'S RESPONSIBILITIES~~

~~7.01 The nonresident district shall accept all credits toward graduation of a student that were awarded by another district.~~

~~7.02 The nonresident district shall award a diploma to a nonresident student accepted for transfer under the Public School Choice Program if that student meets the nonresident district's graduation requirements.~~

~~7.03 The nonresident student accepted for transfer under the Public School Choice Program shall be counted as a part of the average daily membership of the nonresident district to which the student transferred.~~

~~8.00 — PROVISIONS FOR AND LIMITATIONS ON PUBLIC SCHOOL CHOICE TRANSFERS~~

~~8.01 — No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district, except as provided in 8.01.1 and 8.01.2.~~

~~8.01.1 — A transfer is permitted if (1) the transfer is between districts within the same county; and (2) if the transfer does not result in either district exceeding the acceptable range of variance for representation of minority/majority students. The acceptable range of variance is determined as provided in Section 8.02, or~~

~~8.01.2 — A transfer is permitted if each school district affected by the transfer does not have a critical mass of minority percentages of more than ten percent (10%) of any single.~~

~~8.02 — The Department shall each year compute the minority/majority racial percentage(s) of the public school population for each county from the October Annual School Report. School districts may vary in the under-representation or over-representation of minority/majority students by a maximum of twenty-five percent (25%) of the difference in majority/minority percentages for the county as determined by the Department. For example, when the Department has calculated the county's racial balance for each student race category, each district is allowed an over-representation or under-representation of minority or majority students of a range of up to twenty-five (25%) of the county's racial balance.~~

~~8.03 — No student transfer shall be permitted under the Public School Choice Program when such a transfer would conflict with a district's desegregation court order or a district's court-approved desegregation plan.~~

~~9.00 — REPORTING AND MONITORING OBLIGATIONS~~

~~9.01 — The Department shall monitor school districts for compliance with the Public School Choice law (Ark. Code Ann. § 6-18-206) and these rules.~~

~~9.02 — Each school district shall provide to the Department, within thirty (30) working days of receipt of a written request from the Department, any information or reports the Department deems necessary for review and determination of the school district's compliance with the Public School Choice law and these rules.~~

~~9.03 — All school districts shall report to the Equity Assistance Center of the Department on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.~~

~~9.04 — The reports may be on those forms that are prescribed by the Department, or the data may be submitted electronically by the district using a format authorized by the Department.~~

~~9.05 — The Department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published~~

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

~~10.00—DISPUTES~~

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

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