



Division of Elementary and Secondary Education

Transforming Arkansas to lead the nation in student-focused education

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February 10, 2022

Via Email

Ms. Rebecca Miller-Rice
Rules Administrator
Bureau of Legislative Research
miller-ricer@blr.arkansas.gov

Re: *Proposed Rules Amendments (for Subcommittee Review): Division of Elementary and Secondary Education Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts*

Dear Ms. Miller-Rice:

Attached are proposed amendments to the DESE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts. This filing also contains a markup version of the rules, post-public comment summary, Financial Impact Statement, and public comments/Division responses. The Division respectfully requests that these proposed rules amendments be placed on the ALC Administrative Rules Subcommittee agenda.

On September 9, 2021, the State Board of Education approved these rules amendments for public comment release, with the Governor's Office approving them on December 15, 2021. Following public comment, non-substantive changes were made, which are highlighted on the markup copy. The proposed amendments were presented before the Joint Education Committee on February 8, 2022. On February 10, 2022, the State Board gave its final approval to these rules amendments.

If you have any questions or require further information, please do not hesitate to call me at (501) 682-4234.

Respectfully submitted,

/s/ Lori Freno
General Counsel
Arkansas Department of Education

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ FAX NO. _____ EMAIL: _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;

- b) The reason for adoption of the more costly rule;

- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?
Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

SUMMARY OF AMENDMENTS

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING STANDARDS FOR ACCREDITATION OF ARKANSAS PUBLIC SCHOOLS AND SCHOOL DISTRICTS

Section 1-A.4.1 is amended to incorporate provisions of Act 688 of 2021.

Section 1-A.5 and 1-A.6 are amended to separate class size and teaching load into two standards for purposes of monitoring.

Section 1-B.3 is amended to simplify the standard for purposes of monitoring.

Sections 1-C.2.7 and 4-D.6 are added to incorporate provisions of Act 414 of 2021.

Section 3-A.7, 3-A.10.1, 3-A.10.2, and 3-B.2 are all amended for clarity in monitoring.

POST-PUBLIC COMMENT

Following public comment, the proposed rules were amended to require that a request for a Standards for Accreditation waiver be sent to DESE's Assistant Commissioner for Public School Accountability instead of the Office of the Commissioner of Elementary and Secondary Education. Technical changes also were made.

**ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING STANDARDS FOR ACCREDITATION OF ARKANSAS
PUBLIC SCHOOLS AND SCHOOL DISTRICTS**

Effective Date: ~~July 1, 2020~~_____

1.00 REGULATORY AUTHORITY

- 1.01 These rules shall be known as the Arkansas Division of Elementary and Secondary Education Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts.
- 1.02 These rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-202, 6-15-203, 6-15-207, 6-15-208, 6-15-209, and 25-15-201 et seq.

2.00 PURPOSE

- 2.01 These rules are to set forth the Standards for Accreditation of Arkansas to all public schools and public school districts and to apply the Standards for Accreditation to all public schools and public school districts for the purpose of determining accreditation of the school and district.
- 2.02 These rules describe the minimum requirements and process whereby Arkansas public schools and public school districts are accredited, the process whereby Arkansas public schools and public school districts will be cited or placed in probationary status for failure to meet the Standards for Accreditation, and to set forth the enforcement actions that may be applied to Arkansas public schools and public school districts that fail to meet the Standards for Accreditation.

3.00 DEFINITIONS – For purposes of these Rules, the following terms mean:

- 3.01 “Accredited - Cited” means the status assigned to a public school or public school district that fails to meet any Standard identified by a “C” as being a cited violation in these rules.
- 3.02 “Enforcement action” means the intervention of the State to require compliance of a public school or a public school district that fails to meet the Standards for Accreditation of Arkansas Public Schools and School Districts.
- 3.03 "Accredited - Probation" means the status assigned to a public school or public school district that fails to meet any Standard identified by a “P” as being a probationary violation in these rules or fails to correct a violation by the specified deadline for which it acquired cited status.
- 3.04 "Division" means the Division of Elementary and Secondary Education of the Arkansas Department of Education.

3.05 "Public school" means:

3.05.1 A school operated by a public school district; or

3.05.2 An open-enrollment public charter school, as defined in Ark. Code Ann. § 6-23-103.

3.06 "Public school district" means:

3.06.1 A geographic area that qualifies as a taxing unit for purposes of ad valorem property taxes under Ark. Code Ann. § 26-1-101 et seq. and Arkansas Constitution, Article 14, § 3, and is either:

3.06.1.1 Governed by an elected board of directors; or

3.06.1.2 Under the administrative control of the State Board or the Commissioner of Elementary and Secondary Education in place of an elected board of directors; or

3.06.2 An open-enrollment public charter school, as defined in Ark. Code Ann. § 6-23-103.

3.07 "Standards for Accreditation" means the series of requirements that specify what a public school or public school district shall meet in order to be fully accredited by the Arkansas Division of Elementary and Secondary Education.

3.08 "Written curriculum" includes identified sequences of student learning expectations, pacing, materials and resources used to teach the Arkansas Academic Standards and processes for evaluating mastery of the standards at particular points in time throughout the K–12 educational program.

4.00 BI-ANNUAL REVIEW AND APPROVAL OF THE STANDARDS FOR ACCREDITATION

The Division is responsible for the development of the Standards for Accreditation and shall review these standards at least every two (2) years to ensure alignment with the laws of the State of Arkansas and the rules of the Division.

The review process shall include:

4.01 Public notice of the intent to review the Standards. Public notice may include notice of intent provided at a State Board meeting, on the Division website, by Commissioner's Memo, or Division the Division's social media;

4.02 Organization of a committee consisting of Arkansas educators, administrators, and other stakeholders to review and provide feedback to Division staff regarding

the Standards for Accreditation, particularly the Standards found to have the most violations or in conflict with state law or rules;

- 4.03 Revision, as needed, of the Standards for Accreditation by Division staff;
- 4.04 Submission of the revised Standards for Accreditation for review by the State Board of Education and consideration for release for public comment;
- 4.05 Submission to the Senate and House Education Committees for review and feedback to the State Board of Education; and
- 4.06 Review of the Senate and House Education Committee feedback and make necessary revisions.
- 4.07 Submit Standards for Accreditation to the Board for approval.

5.00 CITED STATUS

- 5.01 A public school district shall be assigned Accredited – Cited status when it is deemed to have failed to meet any standard defined with a district cited status (“D/C”) in the Standards for Accreditation.
- 5.02 A public school shall be assigned Accredited – Cited status when it is deemed to have failed to meet any standard defined with a school cited status (“S/C”) in the Standards for Accreditation.
- 5.03 No public school or public school district shall maintain Accredited – Cited status for violation of any particular standard for a time period greater than two (2) consecutive school years including the year the Accredited – Cited status is assigned, unless provided otherwise in these rules.
- 5.04 Any public school or public school district that fails to remedy itself from Accredited – Cited status for violation of a particular standard after two (2) consecutive school years shall be assigned Accredited – Probation status.

6.00 PROBATIONARY STATUS

- 6.01 A public school district shall be assigned Accredited – Probation status when it is deemed to have failed to meet any standard defined with a district probationary status (“D/P”) in the Standards for Accreditation or was in Accredited – Cited status for the same violation the previous two (2) consecutive school years.
- 6.02 A public school shall be assigned Accredited – Probation status when it is deemed to have failed to meet any standard defined with a school probationary status (“S/P”) in the Standards for Accreditation or was in Accredited – Cited status for the same violation the previous two (2) consecutive school years.

- 6.03 No public school or public school district shall maintain Accredited – Probation status for violation of any standard for more than two (2) consecutive school years including the year the Accredited – Probation status is assigned.
- 6.04 Any public school or public school district that fails to remedy itself from Accredited – Probation status after the two (2) consecutive school years will be subject to mandates of Ark. Code Ann. § 6-15-207 and Section 9.00 of these Rules.

7.00 ACCREDITATION OF PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS

- 7.01 A public school or public school district shall be accredited based on compliance with the Standards for Accreditation and shall be identified as Accredited.
- 7.02 A material and substantial failure to comply with any state or federal law, rule, or regulation that interferes with a public school or public school district's obligation to provide a general, suitable and efficient education may result in a recommendation of Accredited – Cited or Accredited – Probation status.
- 7.03 Any person who knowingly submits or falsifies information requested or required by the Division may be subject to licensure action pursuant to Ark. Code Ann. § 6-17-410 and other relevant state and federal law.

7.04 ACCREDITATION PROCESS

7.04.1 The Division shall annually review all public school and public school district accreditation reports.

7.04.2 The Division shall:

7.04.2.1 Investigate any suspected deficiencies in meeting the Standards for Accreditation.

7.04.2.2 Investigate all written complaints alleging violations of the Standards for Accreditation received by the Division.

7.04.2.3 Conduct additional review of public schools and public school districts identified as being at risk of failing to meet the Standards for Accreditation.

7.04.2.4 Conduct an on-site review of public schools and public school districts whenever the Division or State Board of Education deems necessary.

- 7.04.3 At any time, a public school or public school district which does not meet the Standards for Accreditation, as determined by the Division, shall be notified in writing of the deficiency and the timeline for correction. Any deficiency unresolved shall be reported to the State Board of Education for consideration of action.
- 7.04.4 At any time, but no later than May 1, the Division shall notify the public school district superintendent of the public schools or public school districts recommended accreditation status.
- 7.04.5 The State Board of Education will review the recommendation from the Division and make the final determination of accreditation status for the identified public schools or public school districts as outlined in Section 8.0 of these rules.
- 7.04.6 Public schools and public school districts classified as Accredited – Probation for more than two (2) consecutive school years shall be subject to enforcement actions pursuant to Ark. Code Ann. § 6-15-207 and Section 9.00 of these Rules.

8.00 SPECIFIC TIME FRAME FOR CITATIONS OR PROBATIONS

- 8.01 A public school or public school district may be placed in Accredited – Cited or Accredited – Probation status at any time if any violation of the Standards for Accreditation has not been corrected or the appropriate documentation detailing the public school or public school district’s plan, including necessary timelines, to correct the deficiency is not received by the Division within fifteen ~~calendar~~ (15) calendar days of notification of the violation.
- 8.02 The Division will review the submitted documentation and respond in writing with the length of time that will be allowed for correction of the deficiency.
- 8.03 The recommended accreditation status will be submitted to the State Board of Education for final approval.
- 8.04 After approval by the State Board of Education, the public school or public school district will be identified as Accredited, Accredited - Cited, or Accredited - Probation. An identification as Accredited - Cited or Accredited - Probation shall be considered the first year of identification. The identification will remain in place for the following school year, which shall be considered the second year of identification.

9.00 ENFORCEMENT OF STANDARDS FOR ACCREDITATION

- 9.01 The State Board of Education may, on its own motion or upon petition from the Division, take any number of the following actions, listed in Section 9.03, to

address a public school or public school district which has failed to meet the Standards for Accreditation at any time after a public school or public school district has received notice of being placed in Accredited – Probation status pursuant to Section 7.04.4 of these rules. The Division shall petition the State Board of Education for enforcement action as allowed by these rules when a public school or public school district has failed to remedy all probationary violations within the specified time period for correction.

9.02 The State Board of Education shall take at least one of the actions listed in Section 9.03 to address any public school or public school district that is identified as Accredited - Probation for failing to meet the Standards for Accreditation for two (2) consecutive school years including the year the Accredited – Probation status was issued, unless the State Board of Education, at its discretion, issues written findings supported by a majority of the board, that the public school or public school district could not meet the current Standards in the required time period due to impossibility caused by external forces beyond the public school or public school district's control.

9.03 The State Board of Education shall be allowed to take the following actions to address any public school or public school district on Accredited – Probation status for failing to meet the Standards for Accreditation:

9.03.1 Require a public school district to reorganize, or to reassign the administrative, instructional, or support staff of a public school or public school district;

9.03.2 Require a public school or public school district to institute and fully implement a curriculum that is aligned to the Arkansas Academic Standards, including providing appropriate professional development at the cost of the public school district;

9.03.3 Remove a particular public school from the jurisdiction of a public school district and establish alternative public governance and supervision of such school or schools;

9.03.4 Require a public school district to close down or dissolve a particular public school or schools within a public school district;

9.03.5 Annex a public school district or districts or parts thereof with another receiving public school district or districts pursuant to the authority of Ark. Code Ann. § 6-13-1401 et seq.;

9.03.6 Consolidate a public school district or districts or parts thereof with another public school district or districts or parts thereof to form a resulting district pursuant to the authority of Ark. Code Ann. § 6-13-1401 et seq.;

- 9.03.7 Reconstitute the leadership of a public school district by removing permanently or suspending on a temporary basis the superintendent of the public school district or any particular board members of a public school district. The State Board of Education shall have the authority to appoint an administrator or to call for the election of new school board members to administer the affairs and provide governance of the public school district, or both;
- 9.03.8 Accept a corrective action plan to address the violations of the Standards for Accreditation and designate the public school or public school district as being Accredited –Corrective Action; or
- 9.03.9 Take any other appropriate action allowed by law which is determined by the State Board of Education to assist and address a public school or public school district failing to meet the Standards for Accreditation.

10.00 RIGHT OF APPEAL

In the event a public school or public school district believes the Division has improperly determined that any public school or public school district has failed to meet the Standards for Accreditation, the public school district shall have a right to file its written appeal with the office of the Commissioner of Elementary and Secondary Education.

10.01 Any appeal shall be held at an open hearing, and the decision of the State Board of Education shall be in open session. The appeal must be filed by the school district no later than fifteen (15) calendar days after the district receives notification of the Division's determination.

10.02 The following procedures shall apply to State Board of Education hearings in which the public school district believes the Division improperly determined that the public school or public school district failed to meet the Standards for Accreditation:

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

10.02.2 The Division shall have up to twenty (20) minutes to present its case to the State Board. The Chairperson of the State Board may allow additional time if necessary.

10.02.3 The appealing public school district shall have up to twenty (20) minutes to present its case to the State Board. The Chairperson of the State Board may allow additional time if necessary.

10.02.4 The State Board may pose questions to any party at any time during the hearing.

10.02.5 The State Board shall then discuss, deliberate, and vote upon the matter.

10.02.6 If deemed necessary, the State Board may take the matter under advisement and announce its decision at a later date, provided that all discussions, deliberations, and votes upon the matter take place at a public hearing.

10.02.7 The State Board shall issue a written order concerning the matter.

10.03 The State Board of Education may approve the classification of the public school or public school district accreditation status, as determined by the Division, or it may sustain the appeal of the district.

10.04 Pursuant to Ark. Code Ann. § 6-15-203, an appeal from the ruling of the State Board of Education may be made by a public school district to the Pulaski County Circuit Court provided such appeal is made pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.

11.00 WAIVER AUTHORITY AND PROCESS

11.01 Except as provided by Ark. Code Ann. § 6-15-202(b)(2), the State Board of Education on its own motion, or on petition from the Division or from a district, may, upon a showing of just cause in a public hearing of the State Board of Education, grant a waiver of any Standard for Accreditation for no longer than one (1) school year. However, no curricula, student performance, school performance, or any standard required by law may be waived for any time period.

11.01.1 Unless the timeline is waived by the Commissioner of Elementary and Secondary Education based on emergency circumstances, a petition for waiver of any Standard for Accreditation by a public school district shall be filed in the Office of the Commissioner of Education with the Assistant Commissioner for the Division of Public School Accountability a least thirty (30) calendar days prior to the meeting of the State Board of Education hearing where the waiver petition will be heard.

11.01.2 A hearing of the State Board of Education concerning a waiver of any Standard for Accreditation shall be conducted in a public hearing of a properly announced regular or special meeting of the State Board of Education in accordance with Arkansas law, and following procedures in 10.02 of these rules, no later than May 20.

- 11.02 A waiver of any Standard for Accreditation approved by the State Board of Education shall only apply to the school year in which it was granted. The approved waiver shall not apply to the next school year.

12.00 NOTIFICATION TO THE PUBLIC

When any public school or a public school district is determined by the State Board of Education to be in Accredited – Probation or Accredited – Corrective Action status for failure to meet the Standards for Accreditation, the public school district, after exhausting its rights to appeal, shall publish the accreditation status determination and findings of the State Board of Education to the public and the parents or guardians of each student enrolled in the public school or public school district determined to have failed to meet the Standards for Accreditation.

- 12.01 The public notice shall be in an understandable and uniform format;
- 12.02 Immediately after the State Board of Education’s determination, the public notice shall be published or disseminated:
- 12.02.1 On the website of the public school district; and
 - 12.02.2 Published at least one (1) time a week for two (2) consecutive weeks in a local newspaper of general circulation in the affected public school district.
- 12.03 Documentation of the publication shall be posted on the district website under State – Required Information until the State Board of Education removes the status.

APPENDIX A - THE STANDARDS FOR ACCREDITATION

Standard 1: Academics

The academic system of a public school district ensures all students have access to a guaranteed viable curriculum aligned to the Arkansas Academic Standards for all academic areas.

Standard 1-A Curriculum and Instruction

1-A.1 Each public school district board of directors shall annually adopt and implement written curriculum aligned to the Arkansas Academic Standards for the operation of the school district in accordance with the laws of the State of Arkansas and the rules of the Division. Reading, writing, speaking, and personal success skills shall be incorporated into all curriculum areas. *(D/C)*

1-A.1.1 For Grades K-4, all students shall receive instruction annually in each of the following content areas *(S/P)*:

1-A.1.1.1 English Language Arts;

1-A.1.1.2 Mathematics;

1-A.1.1.3 Social Studies;

1-A.1.1.4 Science;

1-A.1.1.5 Fine Arts; and

1-A.1.1.6 Health and Safety Education and Physical Education.

1-A.1.2 For Grades 5-8, all students shall receive instruction annually in each of the following content areas *(S/P)*:

1-A.1.2.1 English Language Arts;

1-A.1.2.2 Mathematics;

1-A.1.2.3 Science;

1-A.1.2.4 Social Studies;

1-A.1.2.5 Fine Arts;

1-A.1.2.6 Health and Safety and Physical Education; and

1-A.1.2.7 Career and Technical Education.

1-A.1.2.8 A unit of Arkansas history shall be taught as a social studies subject at each elementary grade level in every elementary school in the state with greater emphasis at the fourth (4th) and fifth (5th) grade levels, and at least one (1) full semester of Arkansas history taught to all students at the 7th, 8th, 9th, 10th, 11th, or 12th grade level in every public secondary school in the state. *(S/P)*

1-A.1.2.9 Upon approval by the Division, courses taught in grades 5-8 may be offered for high school graduation credit. Courses shall have the same rigor as those taught in high school, but content

for a single course may be taught over a two-year period. Teachers shall be licensed, or teaching under an approved licensure exception waiver, in the course taught with students participating in appropriate examinations. *(S/P)*

1-A.1.3 For Grades 9-12, the following content areas shall be offered annually for a total of 38 units, except as otherwise allowed by law and these rules. The list of courses, approved by the State Board of Education for each content area, is posted annually on the Division website. *(S/P)*

1-A.1.3.1 English Language Arts - 6 units;

1-A.1.3.2 Science - 5 units;

1-A.1.3.3 Mathematics - 6 units;

1-A.1.3.4 Computer Science - 1 unit;

1-A.1.3.5 Foreign Languages - 2 units of the same language;

1-A.1.3.6 Fine Arts - 3 ½ units;

1-A.1.3.7 Social Studies - 4 units;

1-A.1.3.8 Health and Safety Education and Physical Education - 1 ½ units;
and

1-A.1.3.9 Career and Technical Education - 9 units of sequenced career and technical education courses representing three (3) occupational areas.

1-A.1.3.10 Courses offerings shall include advanced educational courses in accordance with the laws of the State of Arkansas and the rules of the Division. *(S/P)*

1-A.1.4 Following the Course Approval Process, a public school may request to combine or embed the Arkansas Academic Standards from two (2) separate courses into one (1) combined course. The public school must continue to teach the Arkansas Academic Standards for each separate course that is combined. *(S/P)*

1-A.2 A high school unit of credit shall be awarded for a course which meets for a minimum of 120 clock hours unless the public school district awards units of credit based on subject matter competency in compliance with the public school district's approved plan under Ark. Code Ann. § 6-15-216. *(S/P)*

1-A.3 Each public school district shall establish procedures and monitoring processes to ensure that the content of each course offered by the district is consistent with the Arkansas Academic Standards. *(D/C)*

1-A.4 Each public school district shall adopt a school calendar and provide planned instruction per day in accordance with the laws of the State of Arkansas and the rules of the Division. By August 1, the school calendar shall be posted on the district website under State – Required Information. *(D/C)*

1-A.4.1 Each public school shall provide a minimum of 178 days of student-teacher interaction time or the equivalent as allowed by Ark. Code Ann. §§ 6-10-106 or 6-10-117. (S/P)

1-A.4.2 Except where otherwise allowed by law, each public school shall provide a planned instructional day that averages no less than six (6) hours per day or thirty (30) hours per week. Any day in which fewer than six (6) hours of instructional time is provided to students shall be counted as one-half (1/2) of a school day if at least three (3) hours of instructional time is provided to students. Any day in which fewer than three (3) hours of instructional time is provided to students shall not be counted as part of a school day. (S/P)

1-A.4.3 At least forty (40) minutes of instructional time per school day shall be used for recess for students attending public elementary schools, in accordance with the Division's nutrition and physical activity standards. (S/P)

1-A.5 Each public school district shall comply with the laws of the State of Arkansas and the rules of the Division regarding class size ~~and teaching load.~~ (D/P)

~~1-A.6 Each public school district shall comply with the laws of the State of Arkansas and the rules of the Division regarding teaching load.~~ (D/P)

1-A.6~~7~~ Each public school district shall adopt instructional material consistent with the public school district's curriculum and the Arkansas Academic Standards and educational goals established by the State Board of Education in accordance with the laws of the State of Arkansas and the rules of the Division. (D/P)

1-A.7~~8~~ The district shall provide all necessary instructional materials to each student without cost to the student. (D/P)

Standard 1-B Academic Policies

1-B.1 Each public school district shall engage parents, staff, and students in the adoption or review of the written discipline policies, including a code of student behavior, in accordance with the laws of the State of Arkansas and the rules of the Division. The public school district shall notify the parent(s) or guardian and students of the rules and procedures by which the school is governed and require a signed acknowledgement from the parent(s) or guardian that they have received the school's discipline policies. (D/C)

1-B.2 Annually by August 1, each public school district shall post its written discipline policies on the district website under State – Required Information. (D/C)

~~1-B.3 Each public school district shall comply with the laws of the State of Arkansas and the rules of the Division regarding nutrition and physical activity standards. (D/C)~~

~~1-B.3.1 Each public school and public school district shall develop and implement a written health and wellness plan that must be submitted annually to the Division by October 1. (D S/C)~~

1-B.3 Each public school district shall develop and implement a written health and wellness plan that must be submitted annually to the Division by October 1. (D/C)

1-B.4 Each public school district shall comply with any requirements of the Arkansas Educational Support and Accountability Act placed on the public school or public school district. (D/P)

Standard 1-C Student Performance

1-C.1 Each public school district must comply with the laws of the State of Arkansas and the rules of the Division regarding the statewide student assessment system. (D/P)

1-C.1.1 Each public school shall assess at least **ninety-five percent (95%)** ~~95%~~ of its students on the annual statewide student assessment. (S/C)

1-C.1.2 Selected public schools shall participate in any and all components of the National Assessment of Educational Progress (NAEP). (S/C)

1-C.2 Each public school district shall adopt graduation requirements in accordance with the laws of the State of Arkansas and the rules of the Division and include the graduation requirements in the student handbook. (D/P)

1-C.2.1 Each public school district shall maintain accurate student records including graduation requirements. (D/P)

1-C.2.2 For graduation, students must have acquired a minimum of twenty-two (22) units of credit as determined by the State Board of Education. (S/P)

1-C.2.3 All students must pass the Arkansas civics exam with a score of at least **sixty percent (60%)** ~~60%~~ in order to graduate. This requirement shall not apply to those students exempt by law. (S/P)

1-C.2.4 ~~Beginning with the freshman class of 2017-2018, students~~ **Students** in grades nine through twelve (9-12) must earn credit in a course that meets personal and family finance standards to graduate. (S/P)

1-C.2.5 Students in grades nine through twelve (9-12) must complete at least one (1) digital course for credit to graduate. (S/P)

1-C.2.6 Students in grades nine through twelve (9-12) shall be trained in quality psychomotor skill bases in cardiopulmonary resuscitation (CPR) to graduate. (S/P)

1-C.2.7 Beginning with the entering ninth grade class of 2022-2023, a public high school student shall be required to earn one (1) unit of credit in a Division approved high school computer science course before the student graduates.

Standard 2: Student Support Services

The student support system of a public school district ensures that all students have equitable access to opportunities and supports to meet college, career and community readiness.

Standard 2-A Equitable Opportunities

2-A.1 All policies and actions of a school district’s board of directors shall be nondiscriminatory and shall be in accordance with state and federal laws and the rules of the Division. (D/P)

2-A.1.1 Each public school district shall file an accurate and timely Equity Compliance Report by October 15 as part of the cycle 2 submission. (D/P)

2-A.2 The board of directors, administrators, and employees of a public school district shall not knowingly authorize the participation of students in events or activities held at a location where some students would be excluded or not given equal treatment because of the student’s race, national origin, disability, sex, or ethnic background. (D/P)

Standard 2-B Attendance and Enrollment

2-B.1 Each public school district board of directors shall adopt a student attendance policy and include the attendance policy in the student handbook. (D/C)

2-B.2 Each public school shall maintain accurate student attendance records in a format prescribed by the Division. (D/P)

2-B.3 Each public school shall not admit any student who has not been age-appropriately immunized as required by state and federal laws and rules unless the student has an exemption. By December 1, the school must post the required exemption report pursuant to Ark. Code Ann. § 6-18-702 on the district website under State – Required Information. (S/C)

Standard 2-C Comprehensive School Counseling Plan

- 2-C.1 Each public school district shall develop and implement a written plan for providing comprehensive school counseling services to all students in the public school system in accordance with the laws of the State of Arkansas and the rules of the Division. By August 1, the written plan shall be posted on the district website under State – Required Information. *(D/C)*
- 2-C.2 Each public school district shall provide a developmentally appropriate guidance program to aid students in educational, personal/social, and career development. *(D/C)*

Standard 2-D Media Center Resources for Student Support

- 2-D.1 Each public school district shall annually budget and expend sufficient resources to purchase and maintain an appropriate balance of print, non-print, and electronic media that is adequate in quality and quantity to meet the academic standards for all students. *(D/C)*

Standard 2-E Health and Safety Services

- 2-E.1 Each public school district shall provide a health services program under the direction of a licensed registered nurse in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*
- 2-E.2 Each public school and public school district shall maintain appropriate materials and expertise to reasonably ensure the safety of students, employees, and visitors. *(D/C)*

Standard 2-F Special Education Services

- 2-F.1 All public school district personnel, teachers, and administrators must comply with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., its implementing regulations at 34 C.F.R. Part 300, Ark. Code Ann. § 6-41-101 et seq., the laws of the State of Arkansas, and the rules of the Division. *(D/P)*
- 2-F.2 Each public school district shall offer a full continuum of special education services as required by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., its implementing regulations at 34 C.F.R. Part 300, Ark. Code Ann. § 6-41-101 et seq., the laws of the State of Arkansas, and the rules of the Division. *(D/P)*

Standard 2-G Gifted and Talented Services

- 2-G.1 Each public school district shall provide gifted and talented services in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*

Standard 2-H Dyslexia Services

- 2-H.1 Each public school district shall provide screening and intervention for dyslexia in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/P)*
- 2-H.2 Each public school district shall comply with the annual dyslexia reporting as required by Ark. Code Ann. § 6-41-606. *(D/P)*

Standard 2-I Alternative Education Services

- 2-I.1 Each public school district shall provide appropriate alternative programs for students who are identified as requiring such programs to continue their education. *(D/C)*

Standard 2-J English Learner Services

- 2-J.1 Each public school district shall conduct a home language usage survey for each student upon the student's initial enrollment to identify students that need to be screened for English for Speakers of other Language Services. *(D/C)*
- 2-J.2 Each public school district shall offer a Language Instruction Educational Program for identified English Learners in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*

Standard 3: District Operations and Fiscal Governance

The district operations and fiscal governance system of a public school district ensures alignment between resource allocation and meeting the needs of each student's academic success and well-being.

Standard 3-A Operating Policies, Procedures, and Training

- 3-A.1 Each public school district board of directors shall adopt and update written policies for the fiscal operation of the school district in accordance with the laws of the State of Arkansas and the rules of the Division. By August 1, the written policies shall be posted on the district website under State – Required Information. *(D/C)*
- 3-A.2 Each public school district shall adopt written personnel policies, including the salary schedules for the licensed and classified staff. By August 1, the written

policies shall be posted on the district website under State – Required Information. *(D/C)*

- 3-A.3 Each public school district shall submit accurate and timely reports deemed necessary to assure compliance with federal and state law and the rules of the Division, as requested. *(D/C)*
- 3-A.4 Each public school district shall ensure compliance with the Arkansas Public School Computer Network ("APSCN") reporting and annual training requirements required by the laws of the State of Arkansas and the rules of the Division. *(D/C)*
- 3-A.5 Each public school district shall employ a general business manager responsible for the fiscal operations of the school district. *(D/C)*
- 3-A.6 Each member of a public school district board of directors shall receive annual training in accordance with the laws of the State of Arkansas and the rules of the Division. A statement of the hours of training and instruction received by each board member for the preceding year shall be included in the annual school performance report required by the laws of the State of Arkansas. *(D/C)*
- 3-A.7 Each public school district superintendent shall file a written statement of assurance annually by ~~October~~ September 1 in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*
- 3-A.8 Except where otherwise allowed by law, each public school district shall comply with the Standards for Accreditation without using enhanced student achievement funding. *(D/C)*
- 3-A.9 By August 1, each public school district shall post all student handbooks on the district website under State – Required Information. *(D/C)*
- 3-A.10 Each public school district which has not obtained full and complete unitary status and has not been released from court supervised desegregation obligations shall seek to obtain a declaration of full and complete unitary status and release from all court supervision from the federal courts. *(D/P)*
- 3-A.10.1 Beginning September 15 of each year, any public school district identified in Section 3-A.10 shall submit written quarterly reports to the Division detailing the district's outstanding desegregation obligations and the district's efforts towards obtaining full unitary status and release from court supervision. The detailed plan shall include the district's progress towards meeting its obligations and timelines for reaching a determination of full unitary status and release from court supervision. *(D/P)*

3-A.10.2 If the Division is unable to verify the public school district's efforts to comply with the submitted detailed plan required by these Rules, the Division shall recommend to the State Board of Education whether the public school district should be placed on Accredited – Probation status in accordance with these Rules. *(D/P)*

Standard 3-B School-level Improvement Plans and Reporting

3-B.1 Each public school in Arkansas shall develop, with appropriate staff and community participation, a school-level improvement plan. School goals shall be compatible with district, state, and national educational goals and shall address local needs in accordance with the laws of the State of Arkansas and the rules of the Division. The school-level improvement plans must be approved by the district and school board and posted to the district website under State – Required Information by August 1. *(D/C)*

3-B.2 Each public school district board of directors shall systematically and, at least annually, explain its policies, programs, and goals to the community in a public meeting that provides opportunities for parents and other members of the community to ask questions and make suggestions concerning the school program in accordance with the laws of the State of Arkansas and the rules of the Division. The report shall detail the progress of the district and schools toward accomplishing program goals, accreditation standards, and proposals to correct deficiencies. The report shall be made available to the public and the public shall be notified of the meeting. The ~~the~~ most recent report shall be posted to the district website under State – Required Information by August 1. *(D/C)*

~~3-B.2.1 The annual report to the public shall be posted on the district website under State – Required Information no later than 10 days after the public meeting is held.~~ *(D/C)*

Standard 3-C Maintenance of Records and Reports

3-C.1 Each public school and public school district shall develop and implement a records retention policy that retains all reports and records necessary for effective planning, operation, and education in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*

3-C.2 Each public school and public school district shall maintain permanent student records in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*

Standard 3-D Food Service

- 3-D.1 Each public school district shall provide food services in accordance with federal and state laws and the rules of the Division. *(D/C)*

Standard 4: Human Capital

The human capital system of a public school district ensures recruitment, retention, and development of effective educators and support personnel to meet the needs of the whole child.

Standard 4-A Background Checks

- 4-A.1 Each public school district shall not employ personnel, whether licensed or non-licensed, who have not successfully completed background checks in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*

Standard 4-B Superintendent

- 4-B.1 Each public school district shall employ a full-time superintendent to oversee all operations of the public school district. *(D/P)*
- 4-B.2 Each public school district superintendent shall meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the Division unless the public school district has a licensure exception in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*

Standard 4-C Principals and other Building and District Administrators

- 4-C.1 Each public school shall employ at least a half-time principal. A full-time principal shall be employed when a public school's enrollment reaches three hundred (300). A public school district superintendent may be permitted to serve as a half-time principal when district enrollment is less than 300 providing the superintendent is appropriately certified and is not already teaching classes. Schools with an enrollment exceeding five hundred (500) shall employ at least one full-time principal and a half-time assistant principal, instructional supervisor, or curriculum specialist. *(D/P)*
- 4-C.2 Each public school district shall employ public school principals that meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the Division unless the public school district has a licensure exception in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*
- 4-C.3 Each public school district shall register with the Division any building or district level administrator, with the exception of the superintendent, that is in his or her first year of employment as an administrator and ensure these administrators receive mentoring support for their first three **3** years. *(D/C)*

- 4-C.4 At least once every four (4) years, the district shall report in the state approved platform a summative rating for each building and district level administrator, with the exception of the superintendent. (D/C)

Standard 4-D Teachers

- 4-D.1 Each public school district shall employ classroom teachers that meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the Division or are teaching under a licensure exception in accordance with the laws of the State of Arkansas and the rules of the Division. (D/C)
- 4-D.2 Each public school district shall not employ an individual, including as a substitute teacher whether directly employed by the school or through a teaching services contract, whose license has been suspended or revoked by the State Board of Education for a disqualifying offense or those, licensed or unlicensed individuals, who have been sanctioned for an ethical violation in accordance with the laws of the State of Arkansas and the rules of the Division. (D/C)
- 4-D.3 Each public school district must comply with the Right to Read Act, codified in Ark. Code Ann. § 6-17-429, regarding the hiring of teachers who demonstrate proficiency in knowledge and practices of scientific reading instruction. (D/P)
- 4-D.4 Each public school district shall register with the Division any teacher that is in his or her first year of employment as a teacher and ensure these teachers receive mentoring support for their first three (3) years. (D/C)
- 4-D.5 At least once every four (4) years, the district shall report in the state approved platform a summative rating for each teacher. (D/C)
- 4-D.6 Beginning with the 2023-2024 school year, a public school district shall employ a computer science teacher at each high school in the district. (D/C)

Standard 4-E School Counselors

- 4-E.1 Each public school district shall employ school counselors that meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the Division or are working under a licensure exception in accordance with the laws of the State of Arkansas and the rules of the Division. (D/C)
- 4-E.2 Each public school district shall have a student/school counselor ratio of no more than one to 450 students. (D/P)
- 4-E.3 Each public school district shall allot sufficient time for each school counselor to carry out the duties stated in the comprehensive school counseling plan, pursuant to Ark. Code Ann. § 6-18-2004. (D/P)

Standard 4-F Library Media Specialists

- 4-F.1 Each public school district shall employ library media specialists that meet the licensure requirements in accordance with the laws of the State of Arkansas and the rules of the Division or are working under a licensure exception in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*
- 4-F.2 Public schools with fewer than three hundred (300) students shall employ at least one half-time library media specialist. Public schools with three hundred (300) or more students shall employ at least one full-time library media specialist. Schools enrolling fifteen hundred (1,500) or more students shall employ at least two full-time library media specialists. *(S/P)*

Standard 4-G Professional Development

- 4-G.1 Teachers and administrators must comply with the laws of the State of Arkansas and the rules of the Division regarding professional development. *(D/C)*
- 4-G.2 Each public school district shall provide professional development in scientific reading instruction in compliance with the Right to Read Act, codified in Ark. Code Ann. § 6-17-429. *(D/P)*

Standard 5: Stakeholder Communication / Family and Community Engagement

The stakeholder communication / family and community engagement system of a public school district ensures stakeholders are engaged in meaningful communication to provide an effective learning experience for each student.

Standard 5-A Comprehensive Plan for Communication and Engagement

- 5-A.1 Each public school district shall have a written plan for parent, family, and community engagement, including the scheduling of at least two (2) parent-teacher conferences each year, in accordance with the laws of the State of Arkansas and the rules of the Division. By August 1, the plan shall be posted on the district website under State – Required Information. *(D/C)*

Standard 6: Facilities and Transportation

The facilities and transportation system of a public school district ensures a quality learning environment for Arkansas students.

Standard 6-A Facilities and Equipment

- 6-A.1 Each public school district shall plan, construct, and maintain school facilities in accordance with federal laws, the laws of the State of Arkansas, and the rules of the Arkansas Division of Public School Academic Facilities and Transportation. *(D/C)*

6-A.2 Each public school district~~s~~ shall adopt and implement school safety policies and procedures in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/P)*

MARK UP

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING STANDARDS FOR ACCREDITATION OF ARKANSAS PUBLIC
SCHOOLS AND SCHOOL DISTRICTS**

PUBLIC COMMENTS AND RESPONSES

Commenter Name: Kelli Langan, Springdale School District (1/3/2022)

Comment: You have moved the annual report to the public [*See* Standard 3-B.2] to be posted to the district website by August 1. Traditionally, we do not have processed results back from the prior year's state assessment by August 1. Does this indicate that we should NOT include increasing academic achievement and growth in our district goals as we won't be able to show progress toward accomplishing these goals at this time? More succinctly, a deadline of August 1 for the annual report to the public would preclude having academic achievement as measured by the state assessment and growth from district goals.

Division Response: Comment considered. August 1 is merely a deadline for districts to post their annual report to the public. School districts have time throughout the preceding school year to prepare and post its report. Some districts present their annual report to the public in October when the ESSA School Index is posted. Other districts may wait until the School Report Card is accessible to the public (i.e., late December through April 15). August 1 is the date on which the Division of Public School Accountability begins its monitoring. **No changes made.**

Commenter Name: Gregg Grant, Arch Ford Education Service Cooperative (1/4/2022)

Comment: [Concerning Standard 4-D.6, which requires employment of a computer science teacher at each high school by the 2023-2024 school year], my concern is for our small, rural schools being able to find quality licensed computer science teachers. I do appreciate the requirement does not begin until the 2023-2024 school year, allowing districts the opportunity to encourage current staff members to add computer science certification to license but I still feel it may be a shortage area.

Division Response: Comment considered. Although we understand your concern regarding the availability of certified Computer Science teachers, the CSforAR team (which includes the Statewide Computer Science Specialists funded through Arch Ford Education Service Cooperative, as well as our State Director of Computer Science) have and will continue to put the State in a good position to implement this requirement in 2023-2024. When the state first began this initiative in 2015, DESE identified fewer than 50 teachers that had state recognized training and were "certified" to teach certain computer science courses. Since then the CSforAR team has grown the number of certified teachers to over 650, and an additional 48 will attend certification training in spring of 2022. **No changes made.**

Commenter Name: Novella Humphrey, Southside School District (1/5/2022)

Comment: In reviewing the rules and proposed changes, I noticed the change date for website publication of the annual report to the public (3-B.2). This report requires progress of the district/school towards accomplishing goals and correcting deficiencies. While school leaders have student achievement data in time to meet this deadline, it does not allow the leaders to first meet with a school or district's entire staff of teachers before it is published on the website. For example, school will begin August 22, 2022. Teacher in-service and professional development days will be held across schools from August 8-19. During this time, school leaders traditionally share data, progress towards goals, celebrate growth, and collaborate with teachers to plan for continued growth in the upcoming school year. Publishing this report prior to this time when leaders have their entire staff may be counterproductive to the culture of trust and emphasis on growth that so many leaders have worked to cultivate. I recognize the change to August 1 better aligns with other website requirements and the specific requirement to publish school improvement plans. It makes this easier from a compliance standpoint. However, I feel it is critical to allow school leaders time to meet with teachers/staff before publication. Again, thank you for accepting comments on these proposed changes.

Division Response: Comment considered. *See* Division Response to the Comment of Kelli Langan. **No changes made.**

Commenter Name: Lucas Harder, Arkansas School Boards Association (1/7/2022)

Comment (1): Several technical changes were recommended:

<u>Section</u>	<u>Comment</u>
3.06.1.2:	“Commissioner of Education” should be “Commissioner of Elementary and Secondary Education”.
4.00:	I would recommend adding “at least” before “every two years”. The “two” is missing the parenthetical Arabic numeral for consistency. There is a “the” missing from before “Division”.
4.01:	I would recommend changing “or Division” to “or the Division’s”.
7.04:	The language in this subsection is italicized while all others are normal.
7.04.4:	There is a comma missing from between “time” and “but”.
8.01:	“Calendar” is on the wrong side of the parenthetical “(15)”.
8.04	There is a comma missing from between “year” and “which”.
10.00:	“Commissioner of Education” should be “Commissioner of Elementary and Secondary Education”.
10.01:	There seems to be some language missing here. There’s no language indicating what the start of the fifteen days is. I believe the missing language should be

something along the lines of “after the school district’s receipt of the notice of being placed in Accredited – Probation status”.

- 11.01.1: “Commissioner is not previously abbreviated. Also, “Commissioner of Education” should be “Commissioner of Elementary and Secondary Education”. I would recommend adding an “at least” before “thirty”. I would recommend changing “hearing the waiver petition” to “where the waiver petition will be heard”.
- 1-A.1.2.9: I would recommend changing “an approved waiver” to “an approved licensure exception” to more closely match the language and options available under Chapter 7 of the Educator Licensure Rules as well as the language used throughout Standard 4.
- 1-C.1.1: For consistency, 95% is missing the longhand.
- 1-C.2.3: For consistency, 60% is missing the longhand.
- 1-C.2.4: I would recommend removing “with the freshman class of 2017-2018,” as even the super seniors should have graduated by the time the new Standards go into effect.
- 1-C.2.5: “One” is missing a parenthetical Arabic number for consistency.
- 1-C.2.7: The parenthetical “(1)” is missing the longhand for consistency.
- 3-B.1: There is a comma missing between “state” and “and”.
- 3-B.2: “The” is repeated twice in the new language.
- 4-C.3: “Three” here is missing a parenthetical Arabic numeral for consistency.
- 4-C.4: “Four” here is missing a parenthetical Arabic numeral for consistency.
- 4-D.4: “Three” here is missing a parenthetical Arabic numeral for consistency.
- 4-D.5: “Four” here is missing a parenthetical Arabic numeral for consistency.

Division Response: Comments considered. **Non-substantive changes made.**

Comment (2): While I understand that the August 1 deadline for posting the report to the public is intended to align this posting with the deadline for the other postings to the district website, the August 1 deadline in this case is potentially problematic. Most districts wait until after receiving their previous year’s test scores to hold their annual report to the public so as to include those results in the discussion. As a result, that puts their annual report to the public after August 1 so that the report that would be being posted to the website would be a year old rather than for the current school year. Requiring the report to the public be posted by November 1 would provide adequate time for districts to review the previous year’s test data for use in the report as well as reinstate the previous November 1 deadline for holding the public meeting on the report to the public.

Division’s Response: Comment considered. *See* Division Response to the Comment of Kelli Langan. **No changes made.**