

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

**Mark Martin**

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(501) 682-5070

[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Department of Education

Department Legal Services

Contact Jennifer Davis E-mail jennifer.davis@arkansas.gov Phone 501-682-1958

Statutory Authority for Promulgating Rules Ark. Code Ann. §§ 6-11-105, 6-13-629, 25-15-201 et seq., and Act 589 of 2017

**Rule Title:** Arkansas Department of Education Rules Governing Required Training for School Board Members

**Intended Effective Date**  
(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other \_\_\_\_\_  
(Must be more than 10 days after filing date.)

Legal Notice Published .....

Final Date for Public Comment .....

Reviewed by Legislative Council .....

Adopted by State Agency .....

Date

11-24-17

12-27-17

05-18-18

01-11-18

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Jennifer Davis

jennifer.davis@arkansas.gov

May 25, 2018

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Jennifer Davis  
Signature

501-682-1958

jennifer.davis@arkansas.gov

Phone Number

E-mail Address

Staff Attorney

Title

May 25, 2018

Date

MARK MARTIN  
SECRETARY OF STATE  
SMITHSONIAN

MAY 29 AM 11:25

OFFICE OF THE SECRETARY OF STATE  
LITTLE ROCK, ARKANSAS

ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING REQUIRED TRAINING  
FOR SCHOOL BOARD MEMBERS  
July 2018

1.00 REGULATORY AUTHORITY

- 1.01 The State Board of Education promulgates this Rule pursuant to Ark. Code Ann. §§ 6-11-105, 6-13-629, and Act 589 of 2017.
- 1.02 This Rule shall be known as the Arkansas Department of Education (ADE) Rules Governing Required Training for School Board Members

2.00 PURPOSE

The purpose of this Rule is to outline the type and amount of training required for new and continuing local school board members.

3.00 DEFINITIONS

- 3.01 “Annual School Performance Report” means the report required to be posted on the ADE website for each school district annually under Ark. Code Ann. § 6-15-1402.
- 3.02 “Comprehensive School Improvement Plan” means the plan that each local school district must prepare annually under the Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public School and School Districts Section 7.04.1.

4.00 TRAINING HOURS REQUIRED

- 4.01 A member of a local school district board of directors who has served on the board of directors for twelve (12) or more consecutive months shall obtain no less than six (6) hours of training and instruction by December 31 of each calendar year.
- 4.02 A member of a school district board of directors elected for an initial or non-continuous term shall obtain no less than nine (9) hours of training and instruction by December 31 of the calendar year following the year in which the member is elected.
  - 4.02.1 The training or instruction under Section 4.02 of this Rule shall be accomplished within the first fifteen (15) months of service on the board of directors.
- 4.03 Hours of training and instruction obtained in excess of the minimum requirements each year may accumulate and be carried forward through December 31 of the third calendar year following the year in which the hours were obtained.

## 5.00 TRAINING CONTENT

5.01 The training and instruction required under this Rule shall include topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the board of directors, including without limitation:

5.01.1 Legal requirements, including without limitation:

5.01.1.1 The following items listed or required by the Legislative Joint Auditing Committee under Ark. Code Ann. § 6-1-101:

5.01.1.1.1 Audit management letter

5.01.1.1.2 Ethical guidelines

5.01.1.1.3 School elections

5.01.1.1.4 Management of schools

5.01.1.1.5 Revolving loan funds

5.01.1.1.6 School district finances

5.01.1.1.7 School district school bonds

5.01.1.1.8 Teachers and employees

5.01.1.1.9 Teachers' salaries

5.01.1.1.10 Deposit and investments of funds

5.01.1.1.11 Improvement contracts

5.01.1.2 Other financial laws or regulations designated by the Arkansas Department of Education;

5.01.2 Role differentiation;

5.01.3 Financial management, including without limitation how to read and interpret an audit report;

5.01.1.3 The training or instruction on how to read and interpret an audit report shall be conducted by a person who:

5.01.1.3.1 Is licensed to practice accounting by the Arkansas State Board of Public Accountancy and has prior experience conducting school district financial audit.

5.01.1.3.2 The instructor of the audit training must not be an employee of the Division of Legislative Audit unless

the training is conducted for the boards of directors of multiple school districts.

5.01.1.3.3 The instructor must not be the person conducting the annual audit or other financial audit of the school district unless the training or instruction is presented in a large group setting sponsored by a statewide or regional organization that is attended by multiple school districts.

5.01.1.4 Training or instruction shall be conducted under the consultation or supervision of an individual who qualifies under Section 5.01.1.3 of these rules as part of a program that is provided:

5.01.1.4.1 By an institution of higher education located in Arkansas;

5.01.1.4.2 From instruction sponsored or approved by the Department of Education; or

5.01.1.4.3 By an in-service training conducted by or through the Arkansas School Boards Association.

5.01.1.5 The audit training or instruction may be presented by electronic means, in person, or both.

5.01.4 Improving student achievement.

## 6.00 TRAINING PROVIDERS

6.01 This instruction may be provided to board members by an institution of higher learning in this state, by programs sponsored or approved by the ADE, or by an in-service training program conducted by or through the Arkansas School Boards Association

6.02 Any instruction directly provided to board members by either an institution of higher learning in this state, the ADE, or the Arkansas School Boards Association, which instruction meets the training content requirements of Section 5.00 of this Rule, shall not require pre-approval by the ADE. All other instruction must be pre-approved by the ADE in order for the training to count towards the required hours under Section 4.00 of this Rule.

6.03 At least thirty (30) days before a training program meeting the content requirements of Section 5.00 of this Rule is offered to members of a local school district's board of directors, the provider shall provide a detailed description of the entire program including staff qualifications to the ADE.

6.04 The ADE shall promptly review the content of the program for compliance with any and all applicable statutes and department rules to determine if any or all of the

program content shall be deemed to provide training and instruction credit and shall establish the time period the training and instruction provider is approved to offer the program.

- 6.05 Upon notification by the ADE of approval of the program (or a part or parts thereof) for training and instruction credit, the provider may enroll participants in the program and offer the program for training and instruction credit for the set time period.
- 6.06 The provider shall be responsible for the preparation and dissemination of proof of completion of the program (or parts thereof) to all attendees. All such proof, or copies thereof, shall be submitted by the board member attendees to the superintendent of the district whose board they serve.

## 7.00 RECORDS OF TRAINING

- 7.01 A school district shall maintain a record of hours of training and instruction for board members, which may be in the form of an attested, cumulative annual report from the training providers and which shall be subject to verification and inspection during the school district's annual audit
- 7.02 A statement of the hours of training and instruction obtained by each board member in the preceding year shall be:
  - 7.02.1 Part of the school district's comprehensive school improvement plan and goals;
  - 7.02.2 Posted in the same way that other components of the comprehensive school improvement plan and goals are required to be; and
  - 7.02.3 Made a part of the annual school performance report required under Ark. Code Ann. § 6-15-1402.
- 7.03 The superintendent of each school district shall annually prepare a report of the training hours each school board member received the previous calendar year and those carried forward from a previous year that were eligible to be counted towards the previous year to be presented at the board's regular January meeting.
  - 7.03.1 Members who fail to receive or carry forward the required number of training shall be:
    - 7.03.1.1 Permitted thirty (30) days from the date of the January board meeting to complete the deficient training hours; and
    - 7.03.1.2 Suspended from participating in official business, except for board member training, until the board member obtains the deficient hours.

7.03.2 A board member who fails to cure the board member's training hours deficiency within the thirty (30) days allowed in Section 7.03.1.1 shall be removed from the board and the board member's position shall be filled in accordance with Ark. Code Ann. § 6-13-611 unless:

7.03.2.1 The board members' failure to receive the required training was due to military service of the board member; or

7.03.2.2 The board member provides a written sworn statement from the board member's treating physician stating that the board member's failure to receive the required training was due to a serious medical condition.

7.03.3 A board member who provides the necessary documentation under Section 7.03.2 shall have until December 31 of the year following the year the board member failed to receive the required training to receive both the hours of training required for the current year and the hours the board member failed to obtain the previous year.

## 8.00 AUTHORIZATION TO REIMBURSE FOR RELATED EXPENSES

8.01 Local school district boards of directors are authorized to pay a reasonable per diem and other necessary expenses from funds belonging to the school district and to reimburse school board directors for expenses incurred in attending in-service workshops, conferences, and other courses of training and instruction required in completing the training and instruction as required under this Rule.

## 9.00 ENFORCEMENT

9.01 A school district shall demonstrate compliance with the requirements of this Rule in addition to complying with the provisions of Section 7.00 of this Rule by causing its superintendent to file a written statement of assurance with the ADE pursuant to Ark. Code Ann. § 6-15-202.

9.02 A school district which fails to comply with the provisions of Ark. Code Ann. § 6-13-629 and the procedural requirements articulated in this Rule shall be subject to being placed in probationary status pursuant to Section 24.18 of the Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts.

9.03 A vacancy on the school board shall occur if a board member fails to receive the mandatory hours of training within the time frame required by Ark. Code Ann. § 6-13-629 unless the failure was due to military service of the board member or a serious medical condition as demonstrated by a written sworn statement of the board member's treating physician.

9.04 The board shall not appoint the board member who failed to receive the required hours of training to fill the vacant position on the board that resulted from the board member's failure to receive the required hours of training.

Exhibit A

ARKANSAS DEPARTMENT OF EDUCATION  
REQUEST TO PRESENT A TRAINING PROGRAM TO  
SCHOOL BOARD MEMBERS

Please compile the following information and submit it electronically via the Department's website:

**<http://www.arpdsam.org/>**

Pursuant to Section 6.03 of the Department's Rules Governing Required Training for School Board Members (Rule), program providers must submit a detailed description of the entire program, including staff qualification, to the Department to be received at least thirty (30) days prior to the date of the program. This deadline will allow for departmental review of the program to determine whether training and instruction credit pursuant to Ark. Code Ann. § 6-13-629 and this Rule may be awarded.

1.) Name and Address of Provider: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2.) Contact Person for Provider: Name: \_\_\_\_\_

Address \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail \_\_\_\_\_

3.) Title and Detailed Description of Program: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4.) Please indicate how the program content will apply to Section 5.00, Training Content, of the Rules Governing Required Training for School Board Members

5.) Date(s) program is to be presented: \_\_\_\_\_

6.) Members of provider's staff who will provide instruction at the program:

a.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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b.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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c.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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d.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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e.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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f.) Staff Member's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

List qualifications to present program (include relevant educational background, work experience, examples of similar programs presented, etc.):

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- 7.) Please add to this document any other information that you believe would be helpful in assisting the Department in determining whether to grant your request.
- 8.) The ADE shall promptly review the content of the program for compliance with any and all applicable statutes and department rules to determine if any or all of the program content shall be deemed to provide training and instruction credit and shall establish the time period the training and instruction provider is approved to offer the program.
- 9.) Upon notification by the ADE of approval of the program (or parts thereof) for training and instruction credit, the provider may enroll participants in the program and offer the program for training and instruction credit for the set time period.
- 10.) The provider shall be responsible for the preparation and dissemination of proof of completion of the program (or parts thereof) to all attendees. All such proofs, or copies thereof, shall be submitted by the board member attendees to the superintendent of the district whose board they serve.

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

#### FOR ADE USE ONLY

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Date Provider Information Received \_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Request to Present Program: Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

Date of decision: \_\_\_\_\_

Signature of ADE Representative: \_\_\_\_\_

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Education

**DIVISION** Fiscal and Administrative Services

**PERSON COMPLETING THIS STATEMENT** Jennifer Davis

**TELEPHONE** 501-682-1958 **FAX** 501-682-4249 **EMAIL:** Jennifer.davis@arkansas.gov

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

**SHORT TITLE OF THIS RULE** ADE Rules Governing Required Training for School Board Members

- |   |   |  |
|---|---|--|
| 1. Does this proposed, amended, or repealed rule have a financial impact?   | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| 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 <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| 3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered?  | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |

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**

General Revenue \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_

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

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

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

**Current Fiscal Year**

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

**Next Fiscal Year**

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