

Arkansas Department of Education
Rules Governing Professional Development
~~October 2009~~

1.0 Regulatory Authority

- 1.01 These Rules shall be known as the Arkansas Department of Education ~~(ADE)~~ Rules Governing Professional Development.
- 1.02 The State Board of Education (SBE) ~~promulgated~~ enacts these Rules pursuant to its authority as set forth in ~~Act 1185 of 2009, Act 2095 of 2005, Act 2318 of 2005, Act 2007 of 2005, Act 1183 of 2005, §28 of Act 2131 of 2005, Act 496 of 2009, Act 605 of 2009, Act 1309 of 2009, Ark. Code Ann. §§ 6-5-405, 6-10-122, 6-10-123, 6-11-105, 6-15-703, 6-15-1004, 6-17-704, and Ark. Code Ann. § 6-15-201 et seq.~~ 6-17-701 et seq., 6-20-2305, 6-61-133, and 25-15-201 et seq.

2.0 Purposes

- 2.01 ~~To~~ It is the purpose of these Rules to develop a high quality professional development system for all ~~educators-administrators, teachers, and certified instructional support personnel.~~
- 2.02 ~~Professional~~ The purpose of professional development is to improve knowledge and skills in order to facilitate individual, team, school-wide, and district-wide improvements designed to ensure that all students demonstrate proficiency on the state academic standards for the purpose of increasing student achievement.

3.0 Definitions

- 3.01 Professional Development—a coordinated set of planned learning activities that ~~are based on research, are;~~
 - 3.01.1 Improve the knowledge, skills, and effectiveness of teachers;
 - 3.01.2 Address the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies, methods, and skills;
 - 3.01.3 Lead to improved student academic achievement; and
 - 3.01.4 Are research-based, standards-based, and continuous.
- 3.02 Educator – any individual holding a license issued by the State Board of Education, specifically including without limitation teachers, administrators, library media specialists, and counselors.

~~Certified Instructional Support Personnel—individuals other than classroom teachers or administrators who support teaching and learning~~

~~through direct contact with students, such as media specialists and counselors.~~

- 3.03 Arkansas On-line Professional Development Initiative—is a partnership between the ADE and the Arkansas Educational Television Network (AETN) to provide on-line programs, courses, and workshops through the AETN.
- 3.04 Arkansas Comprehensive School Improvement Plan (ACSIP)—a plan developed by a local school team based on an analysis of student performance data and other relevant data that provides a plan of action to address deficiencies in student performance and any academic achievement gap as evidenced in the Arkansas Comprehensive Assessment Program as defined in ADE rules on the grade level benchmark assessments, end of course exams, high school literacy exam, and other appropriate assessment data.
- 3.05 Learning Teams—a group of educators who meet regularly as a team to identify essential and valued student learning, develop common formative assessments, analyze current levels of achievement, set achievement goals, share strategies, and then create lessons to improve upon those levels.
- 3.06 Study Groups - a group of educators who meet to learn, implement, and reflect on research-based techniques in a focus area(s). Members read and discuss current research, examine and reflect on effective instruction, or examine student work.
- 3.07 Professional Development Plan - outlines the professional development program of activities for a district, school, or individual educator that is based on student data and is aligned to the ACSIP.
- 3.08 Approved Professional Development Provider - means any organization which provides content for professional development credit, whether delivered in a face-to-face, televised or internet mode of delivery, whose content has been approved by the ADE to meet the annual professional development credit requirements imposed upon educators licensed teachers and administrators by Arkansas Statutes and ADE Rules. The term “Approved Professional Development Provider” does not apply to an Arkansas public school district which provides a professional development program solely to its own personnel or to an Education Cooperative which provides professional development to districts/schools. The term “Approved Professional Development Provider” does not apply to professional development programs provided by ~~employees of the Arkansas Department of Education, Arkansas Department of Workforce-Career Education, and the or Arkansas Department of Human Services Division of Child Care and Early Childhood Education which provide professional development statewide.~~
- 3.09 Mentoring/coaching – means increasing capacity for coaching and mentoring others to assist in growth of instructional skills and effectiveness of colleagues.

- 3.10 One professional development day is equal to six (6) hours of professional development credit.
- 3.11 Professional Development Program (“Program”) means a course of instruction intended to provide content which fulfills the requirement for professional development credit for educators ~~teachers and administrators licensed by the ADE.~~
- 3.12 Illness – means disorder of health of an educator or an educator’s immediate family (to include a spouse, child, parent, or other relative living in the same household as the educator) ~~(Ark. Code Ann. § 6-17-1202).~~
- 3.13 ADE – means the Arkansas Department of Education.

4.0 Time Requirements

- 4.01 ~~Beginning with the 2005-2006 school year and each school year thereafter, all certified employees of Arkansas public schools~~ All educators shall complete sixty (60) hours of approved professional development each year.
- 4.02 The 60-hours professional development requirement must be fulfilled between July 1 and June 30 or June 1 and May 31 as approved by the local district. The local district shall document the district’s option.
- 4.03 The sixty (60) hours of required professional development shall include:
- 4.03.1 Technology
At least six (6) hours shall be in the area of educational technology.
- 4.03.2 Arkansas History
~~Pursuant to Act 2095 of 2005~~ For each teacher who provides instruction in Arkansas history, the sixty (60) hour professional development requirement shall include two (2) hours of training in Arkansas history. It is the responsibility of the school district to provide this training or make it available through other providers.
- 4.03.3 Parent Involvement
~~Pursuant to Ark. Code Ann. §6-15-1703 each~~ Each teacher shall be required to have ~~no less than two (2)~~ or more hours of professional development designed to enhance understanding of effective parental involvement strategies.
- ~~Pursuant to §6-15-1703 each~~ Each administrator shall be required to have ~~no less than three (3)~~ or more hours of professional development designed to enhance understanding of effective parent involvement

strategies and the importance of administrative leadership in setting expectations and creating a climate conducive to parent participation.

No more than once every five (5) years, an educator may substitute for this parent involvement requirement no more than three (3) hours of the training required under section 4.18.

4.03.4 Administrator

For each administrator, the sixty (60) hour professional development requirement shall include training in data disaggregation, instructional leadership, and fiscal management, including without limitation the Initial, Tier 1, and Tier 2 training required for superintendents and district designees by ADE's Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements.

4.03.5 Arkansas Scholarship Lottery Act

~~Pursuant to Act 605 of 2009 each~~ Each superintendent, assistant superintendent, grades 7-12 principal, grades 7-12 assistant principal and grades 7-12 guidance counselor shall be required to participate in professional development on the availability of, eligibility requirements for, and the process of applying for state-supported student financial assistance. These educators shall:

4.03.05.1 Participate in a three-hour course ~~during the calendar year 2009, or within the first year of employment; and:~~

4.03.05.2 Complete a one-hour course annually.

4.04 College Courses

~~Pursuant to Act 1183 of 2005 a~~ A three-hour undergraduate or graduate-level college credit course from an accredited college or university counts as fifteen (15) hours of professional development, if the college credit:

4.04.1 is related to and enhances the ~~teacher's~~ educator's knowledge of the subject area in which the ~~teacher~~ educator is currently ~~employed-teaching;~~

4.04.2 is part of the requirement for the ~~teacher~~ educator to obtain additional certification in a subject matter that has been designated by the ADE as having a critical shortage of ~~teachers~~ educators; or

4.04.3 is otherwise approved by the ADE as a graduate level course eligible for professional development credit. No more ~~that~~ than half of the required 60-hours of professional development time may be met through college credit hours.

- 4.04.4 Graduate level courses in educational leadership are eligible for professional development credit based on approval by the ADE. The focus of the course must specifically relate to the job assignment as approved by the district.
- 4.05 ~~Pursuant to Act 2131 of 2005, each~~ Advanced Placement Each hour of approved training received by ~~certified personnel educators~~ related to teaching an advance placement class for a subject covered by the College Board and Educational Testing Service shall count as professional development up to a maximum of thirty (30) hours.
- 4.06 Approved professional development activities, which occur during the instructional day or outside the ~~employee's~~ educator's annual contract days may apply toward the 60-hour minimum professional development requirement.
- 4.07 ~~Certified employees~~ Educators in positions not directly related to instructional activities shall be responsible for completing sixty (60) hours of professional development each year. However, the focus of their professional development may be prorated among those areas specifically related to their job assignment as approved by the district.
- 4.08 Any ~~employee~~ educator who misses any part of regularly scheduled professional development activities for any reason (such as sickness) must make up that time in other approved professional development activities so that the 60 required hours of professional development are earned during the approved timeframe required under Section 4.02 of these Rules
- 4.08.1 ~~Pursuant to Act 1309 of 2009 if~~ If the educator is absent because of illness of the educator or the educator's immediate family, the educator shall be allowed to make up the hours missed during the remainder of the current school year or succeeding school year. The educator may earn the professional development hours through Arkansas IDEAS, on-line professional development.
- 4.09 Any ~~certified person~~ educator who provides approved professional development may count two (2) hours professional development credit for each one (1) hour of time spent in presenting professional development content.
- 4.10 ~~Beginning in the 2005-2006 school year, sixty~~ Sixty (60) approved professional development hours annually ~~will be~~ are required to renew a ~~teacher or administrator license issued by the State Board of Education in order to maintain a valid teaching license.~~
- 4.11 ~~Beginning in the 2005-2006 school year, those teachers~~ Those educators who have not maintained a ~~teaching~~ license but who wish to renew their license shall

be required to meet the conditions of the Rules Governing the Requirements and Procedures for Renewing a Standard/Advanced Arkansas Teaching License.

4.12 Adult Education

~~Pursuant to Act 2007 of 2005 certified personnel~~ Educators working solely part time in one of the following settings shall be required to obtain thirty (30) hours of professional development.

- 4.12.01 Adult basic education;
- 4.12.02 General adult education;
- 4.12.03 English as a second language for adults; and
- 4.12.04 General Educational Development Test examiners.

4.13 ~~Beginning in the 2005-2006 school year, thirty~~ Thirty (30) approved professional development hours annually will be required to renew a ~~teacher~~ license for those ~~certified personnel educators~~ working solely part time in a setting described in Section 4.12 of these rules.

4.14 ~~Beginning with the 2005-2006 school year, a teacher~~ An educator meeting the criteria of Section 4.12 of these rules who has not maintained a current ~~teaching~~ license but who wishes to renew his or her license shall be required to meet the conditions of the Rules Governing the Requirements and Procedures for Renewing a Standard/Advanced Arkansas Teaching License.

4.15 All Institutions of Higher Education will be required to maintain documentation for ~~its~~ employees who wish to meet the professional development hours to maintain a ~~teaching and/or administrative~~ license according to, and in compliance with this Rule.

4.16 At least once every three (3) years, each person employed as a coach shall obtain training in recognition and management of the following events or conditions that may be encountered by a student during athletic training and physical activities:

4.16.1 A concussion, dehydration, or other health emergency;

4.16.2 An environmental issue that threatens the health or safety of students; and

4.16.3 A communicable disease.

4.16.4 The training may include a component on best practices for a coach to educate parents of students involved in athletics on sports safety.

4.17 Beginning with the 2012-2013 school year, all educators shall obtain, at least once every five (5) years, two (2) or more hours of training in teen suicide awareness and prevention.

4.17.1 Up to two (2) hours of training, no more than once every five (5) years, may be obtained by self-review of suitable suicide prevention materials approved by ADE.

4.18 All educators shall obtain, within twelve (12) months of initial licensure and within twelve (12) months of any subsequent renewal of a license, at least two (2) hours of training in:

4.18.1 Recognizing the signs and symptoms of child maltreatment;

4.18.2 The legal requirements of the Child Maltreatment Act, Ark. Code Ann. § 12-18-101 et seq., and the duties of mandated reporters under the Act;

4.18.3 Methods for managing disclosures regarding child victims; and

4.18.4 Methods for connecting a victim of child maltreatment to appropriate in-school services and other agencies, programs, and services needed to provide the child with the emotional and educational support the child needs to continue to be successful in school.

4.19 The training required in section 4.18 shall be based on curriculum approved by the Arkansas Child Abuse/Rape/Domestic Violence Commission.

5.0 Professional Development Criteria

5.01 Professional development is the means by which educators acquire or enhance the knowledge, skills, and expectations necessary to increase student learning and must meet the following criteria. All approved professional development shall be aligned to the following Standards developed by the National Staff Development Council:

5.01.1 Context Standards

Requires skillful school and school district leaders who guide continuous instructional improvement;
Organizes educators into learning communities whose goals are aligned with those of the school and school district; and
Requires resources to support educator learning and collaboration.

5.01.2 Process Standards

Uses disaggregated student data to determine educator learning priorities, monitors progress, and help sustain continuous improvements;
Uses multiple sources of information to guide educator improvement and demonstrate its impact;
Prepares educators to apply research to decision making;
Uses learning strategies appropriate to the intended goal;
Applies knowledge about human learning and change; and

Provides educators with the knowledge and skills to collaborate.

5.01.3 Content Standards

Prepares educators to understand and appreciate all students, create safe, orderly and supportive learning environments and hold high expectations for their academic achievement;

Deepens educators' content knowledge, provides them with research-based instructional strategies to assist students in meeting rigorous academic standards, and prepares them to use various types of classroom assessments appropriately; ~~and~~

Provides educators with knowledge and skill to involve families and other stakeholders appropriately;

Provides educators with knowledge and skills needed to teach students with disabilities, including without limitation autism; and

Provides educators with knowledge and skills needed to teach culturally and linguistically diverse students.

5.02 Approved professional development activities shall relate to the following focus areas:

- 5.02.01 Content (K-12);
- 5.02.02 Instructional strategies;
- 5.02.03 Assessment;
- 5.02.04 Advocacy/leadership;
- 5.02.05 Systemic change process;
- 5.02.06 Standards, frameworks, and curriculum alignment;
- 5.02.07 Supervision;
- 5.02.08 Mentoring/coaching;
- 5.02.09 Education technology;
- 5.02.10 Principles of learning/developmental stages;
- 5.02.11 Cognitive research;
- 5.02.12 Parent involvement;
- 5.02.13 Building a collaborative learning community; and
- 5.02.14 Student health and wellness, which may include but not limited to appropriate training for anticipated rescuers in the use of
 - 5.02.14.1 automated external defibrillator; or
 - 5.02.14.2 cardiopulmonary resuscitation.

5.03 All approved professional development, whether designed for the ~~individual~~ educator, school or district, shall be based on the improvement of student achievement on State assessments and increasing student achievement and academic performance.

5.04 Approved professional development takes on many forms and may be earned in the following ways:

- 5.04.01 Conferences/workshops/institutes
- 5.04.02 Mentoring/peer coaching;
- 5.04.03 Study groups/learning teams;
- 5.04.04 National Board for Professional Teaching Standards Certification;
- 5.04.05 Distance learning/on-line opportunities;
- 5.04.06 Internships;
- 5.04.07 State/district/school programs;
- 5.04.08 College/university course work;
- 5.04.09 Action research; or
- 5.04.10 Individually-guided as noted in ~~the~~ an educator's individual professional development plan.

5.05 ~~Pursuant to Act 1185 of 2005 and Act 1309 of 2009 an~~ An individual educator may be entitled to up to twelve (12) hours of professional development credit approved by the district/school which may be applied toward the sixty (60) hour professional development requirement for that time period at the beginning of each school year which is used to plan and prepare curriculum or develop other instructional material provided:

- 5.05.01 The time is spent in his/her instructional classroom, office or media center at the public school;
- 5.05.02 The time is prior to the first student teacher interaction day of the school year; and
- 5.05.03 The time is spent in the focus areas listed in Section 5.02 of these Rules, and may include but are not limited to the following:
 - 5.05.03.1 Grade level and/or vertical team planning to integrate subject areas;
 - 5.05.03.2 Team work to analyze student data;
 - 5.05.03.3 Team work to develop academic improvement plans (AIP) or individual educational programs (IEP);
 - 5.05.03.4 Developing assessments for learning (formative assessments);
 - 5.05.03.5 Professional book studies;
 - 5.05.03.6 Developing student-centered units tied to the State academic standards and student learning expectations;
 - 5.05.03.7 Developing intervention strategies to support remediation;
 - 5.05.03.8 Developing and/or revising the Arkansas Comprehensive School Improvement Plan (ACSIP);
 - 5.05.03.9 Developing and/or revising curricula maps and/or pacing guides;

- 5.05.03.10 Pursuing study as noted in individual professional development plan; and
- 5.05.03.11 Arkansas IDEAS, on-line professional development, related to ACSIP or the educator's professional growth plan.
- 5.05.04 No professional development credit shall be given for activities under Section 5.05 of these Rules unless those activities meet the criteria and standard requirements set out in Sections 5.02 of these Rules. Specific activities which do not qualify include ~~but are not limited to~~ without limitation:
 - 5.05.04.1 Making and putting up bulletin boards;
 - 5.05.04.2 Clerical work associated with documents such as ACSIP, AIP and IEPs; and
 - 5.05.04.3 Administrative faculty or team administrative meetings.
 - 5.05.04.4 ~~Certified public school personnel~~ Educators who meet the requirements of Sections 5.02 and 5.05 of these Rules shall be entitled to earn one (1) hour of professional development for each hour of approved preparation, not to exceed twelve (12) hours.
- 5.06 ~~Pursuant to Act 2318 of 2005 there~~ There is created the Arkansas Online Professional Development Initiative. Requirements for the initiative include:
 - 5.06.1 All professional development delivered by technology shall be aligned to the required focus areas listed in Section 5.02 of these Rules.
 - 5.06.2 The ADE shall determine the content and approve all professional development delivered through the Arkansas On-line Professional Development Initiative that counts toward the required sixty (60) hours.
 - 5.06.3 The ADE shall select courses/products, which are research-based and are available from sources, with expertise in technology delivered professional development courses.
 - 5.06.4 Courses shall align with the Southern Regional Education Board Multi-State Online Professional Development Standards.
 - 5.06.5 Online professional development courses shall include online registration, course evaluation, and attendance and completion documents.

6.0 Professional Development Plan

All school districts, schools and ~~certified personnel~~ educators shall develop and implement a professional development plan.

6.01 The district and school plan shall be included in the ACSIP.

6.02 Individual educator plans (~~certified personnel~~) shall support the district and/or school plans.

6.03 Teachers, administrators, and ~~classified school employees~~ paraprofessionals shall be involved in the design, implementation and evaluation of their respective professional development offerings under the plan.

6.04 School Improvement

6.04.1 ~~Beginning with the 2006-2007 school year, the~~ ADE may require specific professional development programs for the district or the school designated in school improvement or academic distress.

6.04.2 These requirements may become part of the district or school school improvement plan.

6.04.3 In order to receive professional development credit, the district or school ~~certified personnel~~ educators shall participate in, complete, and pass the assessment for the professional development requirements included in the district or school improvement plan.

7.0 Approval Process

7.01 ~~Beginning with the 2006-2007 school year, all~~ All professional development programs must be approved by the Arkansas Department of Education in order to receive credit toward the 60-hour requirement.

7.02 At least thirty (30) days before a program is offered to ~~teachers and/or administrators~~ educators, the professional development provider shall provide a detailed description of the entire program including staff qualifications to the ADE in an electronic format prescribed by ADE.

7.03 The ADE shall promptly review the content of the program for compliance with all applicable statutes and department rules to determine if any or all of the program content shall be deemed to provide professional development credit and shall establish the time period the professional development provider is approved to offer the program.

7.04 Upon notification by the ADE of approval of the program (or a part or parts thereof) for professional development credit, the professional development

provider may enroll participants in the program and offer the program for professional development credit for the set time period.

- 7.05 The program 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 attendees who are employed by an Arkansas school district to the superintendent of the district.
- 7.06 Each school district shall maintain all documents for its employees which reflect completion of professional development programs, whether such programs were provided by an outside organization or by the district itself.
- 7.07 Each school district shall report the amount of all professional development programs completed by its employees to the ADE at the time and in the manner specified by the ADE.
- 7.08 The ADE shall monitor all school districts, and all ~~licensed teachers and administrators~~ educators to whom these Rules apply, for compliance with these requirements, and shall administer appropriate sanctions specified in statute and Rule to any district, ~~teacher and/or educator administrator~~ whom it finds to be in noncompliance.
- 7.09 District and School Providers
School and district professional development plans shall be included in the ACSIP and shall be reviewed annually by the school/district and the ADE.
 - 7.09.1 The ACSIP will include an assurance statement that each ~~faculty/administrator~~ educator in the school/district shall have an individual professional development plan that has been developed in cooperation and collaboration with the ~~employee~~ educator and the school and/or district.

These individual plans shall include:

- 7.09.1.1 Six (6) hours of technology, two (2) hours of parent involvement and two (2) hours of Arkansas History ~~as defined in Act 2095 of 2005~~ may be selected ~~at the discretion of the employee~~ with approval of the district.
- 7.09.1.2 Up to twelve (12) hours may be selected ~~at the discretion of the employee~~ with the approval of the district in keeping with the identified needs of student data as defined in the ACSIP plan or the ~~employees'~~ educator's individual professional development plan.

8.00 Funding

Professional Development Funding provided under ~~Act 59 of the Second Extraordinary Session of 2003~~ Ark. Code Ann. § 6-20-2305 must be directed to activities that meet ~~The~~ the conditions described in these Rules and shall not be used for any other purpose unless otherwise allowed by law or rule.

9.00 Monitoring/Evaluation

- 9.01 Regular monitoring activities of the professional development requirements within these Rules shall occur when the superintendent of the school district provides written assurance to the Commissioner of Education as required by law. However, the ADE may directly monitor the professional development activities of any school or school district to determine compliance with the professional development requirements.
- 9.02 The criteria for evaluating the impact of professional development shall be the improvement of student achievement on State criterion-referenced assessments, State norm-referenced assessments, other related indicators as defined by ACTAAP and the evaluations of the professional development offerings. These data shall be used to revise ACSIP and the district, school and individual professional development plans associated with the local improvement plan.

**~~ARKANSAS DEPARTMENT OF EDUCATION
RULES AND REGULATIONS GOVERNING ATTENDANCE
AT INSTRUCTIONAL PROFESSIONAL DEVELOPMENT SESSIONS
TOWARD FULFILLMENT OF THE FIVE (5) DAYS
OF REQUIRED STAFF DEVELOPMENT~~**

~~1.00 REGULATORY AUTHORITY~~

- ~~1.00 These regulations shall be known as Arkansas Department of Education Regulations Governing Attendance at Certified Instructional Professional Development Sessions.~~
- ~~1.02 These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. 6-17-702, as amended by Act 663 of 1995.~~

~~2.00 PURPOSE~~

- ~~2.01 The purpose of these regulations is to establish the criteria under which teachers may count attendance at approved certified professional instructional staff development sessions as a part of the staff development requirement of the district.~~
- ~~2.02 A further purpose is to clarify the procedures whereby the professional organization may certify teachers' attendance during the approved sessions.~~

~~3.00 DEFINITIONS~~

- ~~3.01 "Instructional Staff Development Sessions" as used in these regulations refer to any professional development sessions conducted by bona fide professional organizations within the State of Arkansas that focus on instruction, curriculum, alternative assessment methods, or sessions related to Act 236 of 1991.~~
- ~~3.02 "Restructuring mandated by Act 236 of 1991" as used in these regulations refers to any staff development programs designed by the local school or school district for the purpose of meeting state and national educational goals.~~
- ~~3.03 Bona fide professional organization is any professional organization which holds annual meetings to provide professional development activities for teachers, administrators, organizations, and policy makers.~~

4.00 ~~CERTIFICATION PROCESS FOR CERTIFIED INSTRUCTIONAL STAFF DEVELOPMENT SESSIONS~~

- 4.01 ~~At least 30 days prior to announcing the sessions, the bona fide professional organization shall present a detailed description of the instructional staff development sessions to be considered as part of the staff development requirements to the Assistant Director for Planning and Curriculum. Approval may be granted by an internal committee of the Arkansas Department of Education.~~
- 4.02 ~~The Assistant Director for Planning and Curriculum shall determine the sessions which qualify as staff development and shall inform the professional organization promptly.~~
- 4.03 ~~Topics for certification will be compatible with the concerns of Act 236, such as: instructional strategies, learner outcomes, interdisciplinary teaching, alternate forms of assessment, teaching in the content areas, curriculum development, teaming and leadership, site-based decision-making and classroom management.~~
- 4.04 ~~One hour of attendance at an instructional staff development session of the professional organization will be equivalent to one hour of staff development credit by the local school district. The professional organization shall certify each teacher's hours of attendance and the specific session attended by mail to the district following the approval session.~~

5.00 ~~CERTIFICATION PROCESS FOR LOCAL SCHOOL DISTRICTS~~

- 5.01 ~~The teacher shall submit a formal request to the Administrator of the school to attend the instructional staff development session at least 30 calendar days in advance of the meeting.~~
- 5.02 ~~The school district cannot require a teacher to take personal leave for attendance at an approved instructional staff development session.~~
- 5.03 ~~Local school employees may not refuse to attend district or school staff development sessions designed to implement restructuring mandated by Act 236 of 1991 even if credit has already been received for attendance at other professional meetings.~~
- 5.04 ~~Attendance at these staff development sessions does not relieve the teacher of their contractual obligations.~~

Arkansas Department of Education
Rules Governing the Distribution of Student Special Needs Funding and the
Determination of Allowable Expenditures of Those Funds

~~July 2010~~

1.00 Authority

- 1.01 The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-11-105, ~~6-18-508, 6-18-509, and 6-20-2301~~ et seq., and 6-48-101 et seq.
- 1.02 These Rules shall be known as the Arkansas Department of Education (ADE) Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds.

2.00 Purpose

- 2.01 The purpose of these Rules is to distribute student special needs funding and define the allowable expenditures of those funds.

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

- 3.01 “Alternative Learning Environment (ALE)” is a student intervention program ~~in compliance with Ark. Code Ann. §§ 6-18-508 and 6-18-509 and the definitions and requirements of Section 4.00 of these Rules that seeks to eliminate traditional barriers to learning for students~~ consisting of an alternate class or school that:
 - 3.01.1 Affords all students an environment that seeks to eliminate traditional barriers to learning for students whose academic and social progress are negatively affected by the student's personal characteristics or situation; and
 - 3.01.2 Is not a punitive environment but is one that is conducive to learning.
- 3.02 “Average Daily Membership (ADM)” is the total number of days of school attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth.
 - 3.02.1 In those instances in which the ADM for fewer than three (3) quarters is specified, the number of days used in the calculation shall be the days in the specified period of time.

3.02.2 As applied to these Rules, students who may be counted for ADM are:

3.02.2.1 Students who reside within the boundaries of the school district, are enrolled in a public school operated by the school district, and are enrolled in a curriculum that fulfills the requirements established by the State Board of Education (State Board) under the Standards for Accreditation of Arkansas Public Schools and School Districts;

3.02.2.2 Legally transferred students living outside the school district, but are attending a public school in the school district under a provision of the Arkansas Code and are enrolled in a curriculum that fulfills the requirements established by the State Board under the Standards for Accreditation of Arkansas Public Schools and School Districts.

3.02.2.3 Open-enrollment public charter school students who are enrolled in a curriculum that fulfills the requirements established by the State Board under the Standards for Accreditation of Arkansas Public Schools and School Districts;

3.02.2.4 Students who are eligible to attend and who reside within the boundaries of a school district and are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program; or

3.02.2.5 Any other circumstance allowed by law.

3.03 “Bonus” is a non-recurring payment to a school district employee, which shall not be considered an addition to the employee’s contractual salary amount.

3.04 “Chronically Underperforming School” is a public school that does not meet adequate yearly progress under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as it existed on July 1, 2009, for three (3) or more consecutive years.

3.05 “Classroom Teacher” is an individual who is required to hold a teaching license from the ADE and who is working directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual’s contracted time; a guidance counselor; or a librarian.

3.06 “Coordinated School Health Coordinator” is an individual that coordinates the implementation or the Coordinated School Health model components, facilitates the Wellness Priority within the Arkansas Comprehensive School Improvement Plan (ACSIP) with a minimum of a bachelor’s degree (Master’s preferred) in either the field of education, nursing, health services administration, social

services, psychology/mental health services or nutrition. The coordinator will be in addition to other school health staff or positions.

3.07 “Coordinated School Health” (CSH) is an effective system designed to connect health (physical, mental/emotional and social) with education. This coordinated approach improves students’ health and their capacity to learn through the support of families, communities and schools working together. The CSH approach consists of eight major components. Although these components are listed separately, it is their composite that allows CSH to have significant impact. The eight components include: health education, physical education/physical activity, health services, nutrition services, health promotion for staff, counseling and psychological services, healthy school environment, and student/parent/community involvement.

3.08 “Department” or “ADE” is the Arkansas Department of Education.

3.09 “English Language Learners (ELL)” are students identified by the State Board as not proficient in the English language based upon approved English proficiency assessment instruments, which measure oral, reading, writing, speaking, listening proficiency in, and comprehension of English in reading, writing, speaking, and listening.

3.109 “Eligible Alternative Learning Environment (ALE)” is an Alternative Learning Environment (ALE) approved by the Department pursuant to Section 4.05 below as being in compliance with Ark. Code Ann. § 6-48-101 *et seq.* and these Rules.

3.11 “Eligible ALE Student” is a student who:

3.11.1 ~~meets~~ Meets the qualifications of Section 4.01,

3.11.2 ~~is~~ Is enrolled in an eligible ALE program that meets the qualifications and requirements of Section 4.02, and

3.11.3 ~~has~~ Has been enrolled in an eligible ALE for a minimum of twenty (20) consecutive days per school year except as provided in Section 4.06.3.3 and meets the requirements outlined in Section 4.00.

3.120 “Excess National School Lunch State Categorical Funds” are current year National School Lunch State Categorical Funds remaining after a district has met the educational needs of students that are to be used to supplement teacher salaries.

3.134 “Experienced-based Field Trip” A student field trip which culminates an academic content unit directly tied to the Arkansas Frameworks that includes research-based activities.

3.142 “Human Service Worker” shall collaborate and provide information, resources,

services, and referrals, to the district, LEA, parents, and students in a variety of activities, trainings, and assessments concerning the physical, mental/emotional, and social health of the child.

3.15 “Intervention Services” are activities within or outside a school that will eliminate traditional barriers to learning.

3.163 “Licensed Mental Health Counselor,” or L.M.H.C., hold a master’s degree from a graduate program in the field. They may render mental health care services to individuals, families or groups. L.M.H.C.s use therapeutic techniques to define goals and develop treatment plans aimed toward prevention, treatment, and resolution of mental and emotional dysfunction. Mental Health Professionals are licensed by the specific state boards corresponding with their licensure (i.e., Board of Examiners [LPCs, LACs], Board of Psychology [PhDs, LPEs], Social Work Licensing Board [LCSW, LMSW, LSW], which also monitors professional conduct).

3.174 “NSLA” – National School Lunch Act.

3.185 “National School Lunch Students” are those students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-price meals under the federal NSLA as determined on October 1 of each previous school year and submitted to the ADE, unless the district participates in the federal NSLA Provision 2 Program.

3.196 “Open Enrollment Public Charter School” is a public school operating under the terms of a charter granted by the State Board of Education pursuant to Ark. Code Ann. §§ 6-23-301 et seq and is a local educational agency under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7801, as it existed on April 10, 2009.

3.2047 “Previous Year” is the school year immediately preceding the school year in which funds are allocated.

3.218 “Professional Development” is a coordinated set of professional development planned learning activities that:

3.21.1 Improve-improve the knowledge, skills, and effectiveness of teachers;:

3.21.2 Address the knowledge and skills of administrators, and paraprofessionals concerning effective instructional strategies, methods, and skills; for improving teaching practices, and for all employees to improve knowledge, awareness, and resources in physical/mental/emotional/social health-related issues for the purpose of improving

3.21.3 Lead to improved student academic achievement; and

3.21.4 ~~Are research-based, standards-based, and continuous.~~

3.21.5 Training activities for school bus drivers may also be included.

~~3.18.1 Professional Development shall result in individual school-wide and district-wide improvement designed to ensure that all students demonstrate proficiency in the state academic standards.~~

~~3.18.2 Professional Development should be based on research, and be standards-based and continuous.~~

3.22~~19~~ “Provision 2 district” is a school district participating in the federal National School Lunch Program under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.

3.23~~0~~ “Provision 2 district base year (base year)” means the last school year for which eligibility determinations were made and meal counts were taken by type.

3.24~~1~~ “Scholastic Audit” is a comprehensive review of the learning environment, organization efficiency, and academic performance of schools and districts.

3.25~~2~~ “School District” or “District” is a geographic area with an elected board of directors that qualifies as a taxing unit for purposes of *ad valorem* property taxes under Title 26 of the Arkansas Code, and whose board conducts the daily affairs of public schools pursuant to the supervisory authority vested in it by the General Assembly and Title 6 of the Arkansas Code. For the purposes of these Rules, all references to “school district” or “district” include open enrollment public charter schools, except as waived by the State Board of Education pursuant to Ark. Code Ann. § 6-23-301 et seq.

3.26~~3~~ “School Resource Officer” (SRO) is a sworn law enforcement officer assigned to a school on a long-term basis. The SRO is specifically trained in and performs three main functions, law enforcement officer, law related counselor, and law related educator. In addition the SRO works in collaboration with the school and the community as a resource.

3.27~~4~~ “School Year” is the year beginning July 1 of one calendar year and ending June 30 of the next calendar year.

3.28~~5~~ “Students at Risk” are those students demonstrating an ongoing persistent lack of attaining proficiency levels in literacy and mathematics.

3.29~~6~~ “Social Workers” have an undergraduate or graduate degree in social work or a related mental health field, and are trained in psychotherapy and social work techniques. Family therapists and employee assistance program counselors are often social workers. Social workers who work in private agencies or independent practice must hold state licenses from the Board of Registration of

Social Workers. An L.C.S.W (Licensed Certified Social Worker) or a L.S.W. (Licensed Social Worker) may practice in an agency setting under proper supervision. Professional conduct is monitored by the State of Arkansas Social Work Licensing Board.

~~3.3027~~ “Supplement to Teacher Salaries” is the use of excess National School Lunch State Categorical Funds to supplement teacher salaries as either a bonus, as defined at 3.03, or to provide an amount of compensation above the amount required by the minimum teacher salary compensation schedule, as defined at Ark. Code Ann. § 6-17-2403.

~~3.3128~~ “Technology” is any equipment for instructional purposes that are electronic in nature including, but not limited to, computer hardware, computer software, internet connectivity, and distance learning.

4.00 Special Needs - Alternative Learning Environment (ALE)

4.01 ALE General Requirements

4.01.1 Every school district shall provide one (1) or more Eligible Alternative Learning Environments (ALE) for all students meeting the criteria of Section 4.02.1 of these Rules, by any of the following methods:

4.01.1.1 A school district may establish and operate an ALE;

4.01.1.2 A school district may cooperate with one (1) or more other school districts in a consortium to establish and operate an ALE, with one school district designated as the lead district; or

4.01.1.3 A school district may use an ALE operated by an education service cooperative established under The Education Service Cooperative Act of 1985, § 6-13-1001 et seq.

4.01.2 An ALE shall provide intervention services designed to address students’ specific educational and behavioral needs.

4.01.2.1 Intervention services shall include, without limitation, access to the services of a school counselor, a mental health professional, a nurse, and support services substantially equivalent to those provided to other students in the regular educational environment.

4.01.2.2 Intervention services shall be coordinated with state and federal student assistance programs.

4.01.3 An ALE shall not be punitive but shall provide the guidance, counseling, and academic support necessary to enable students who are experiencing emotional, social or academic problems to continue to make progress toward educational goals appropriate to each individual student's specific situation, characteristics, abilities, and aspirations.

~~4.01—Eligible ALE Students~~

~~4.01.1 An eligible ALE student shall exhibit two (2) or more of the characteristics identified in Section 4.01.1.1 and Section 4.01.1.2. Students will not be placed in the ALE based on academic problems alone.~~

~~4.01.1.1—Students placed at risk, though intelligent and capable, typically manifest one or more of the following characteristics:~~

- ~~• Disruptive behavior~~
- ~~• Drop out from school~~
- ~~• Personal or family problems or situations~~
- ~~• Recurring absenteeism~~
- ~~• Transition to or from residential programs~~

~~4.01.1.2—Situations that negatively affect the student's academic and social progress may include, but are not limited to:~~

- ~~• Ongoing, persistent lack of attaining proficiency levels in literacy and mathematics~~
- ~~• Abuse: physical, mental, or sexual~~
- ~~• Frequent relocation of residency~~
- ~~• Homelessness~~
- ~~• Inadequate emotional support~~
- ~~• Mental/physical health problems~~
- ~~• Pregnancy~~
- ~~• Single parenting~~

4.02 ALE Student Eligibility and Placement

4.02.1 To be an eligible ALE student, a student must exhibit two (2) or more of the characteristics identified in Section 4.02.1.1 and Section 4.02.1.2. Students will not be placed in the ALE based on academic problems alone.

4.02.1.1 Situations that negatively affect the student's academic and social progress may include, but are not limited to:

4.02.1.1.1 Ongoing, persistent lack of attaining proficiency levels in literacy and mathematics;

4.02.1.1.2 Abuse: physical, mental, or sexual;

4.02.1.1.3 Frequent relocation of residency;

4.02.1.1.4 Homelessness;

4.02.1.1.5 Inadequate emotional support;

4.02.1.1.6 Mental/physical health problems;

4.02.1.1.7 Pregnancy; or

4.02.1.1.8 Single parenting.

4.02.1.2 Students placed at risk, though intelligent and capable, typically manifest one or more of the following characteristics:

4.02.1.2.1 Personal or family problems or situations;

4.02.1.2.2 Recurring absenteeism;

4.02.1.2.3 Drop out from school; or

4.02.1.2.4 Disruptive behavior.

4.02.2 A student may be enrolled in an ALE only on the referral of an Alternative Education Placement Team to be composed of the following individuals:

4.02.2.1 School counselor from the referring school;

4.02.2.2 Building principal or assistant principal from the referring school;

4.02.2.3 One (1) or more of the student's regular classroom teachers;

4.02.2.4 LEA special education or 504 representative, if applicable;

4.02.2.5 Parent or guardian of the student, if they choose to participate;
and

4.02.2.6 ALE administrator and/or ALE teacher.

4.02.2.7 At the option of the school district, the student may be included
as a member of the Alternative Education Placement Team.

4.02.2.8 The school district shall document efforts to contact the parent
or guardian to schedule a meeting or a phone call for a
placement meeting at the parent or guardian's convenience,
and maintain such documentation in the student's Student
Action Plan (SAP).

4.02.3 The ALE program shall:

4.02.3.1 Assess the student either before or upon entry into the
alternative learning environment;

4.02.3.2 Provide intervention services designed to address the student's
specific educational needs; and

4.02.3.3 If the student exhibits one (1) or more of the characteristics
identified in Section 4.02.1.2, provide non-punitive
intervention services designed to address the student's specific
behavioral needs for long-term improvement of the student's
ability to control his or her behavior.

4.02.4 No later than one (1) week after a student begins alternative education
interventions, the Alternative Education Placement Team shall assess the
student's current functioning abilities and all relevant social, emotional,
academic, career, and behavioral information and develop a Student
Action Plan (SAP) outlining the intervention services to be provided to the
student. The Student Action Plan shall contain at a minimum:

4.02.4.1 Plan of intervention services to be provided to address the
student's specific educational needs and, if appropriate, the
student's behavioral needs;

4.02.4.2 Goals and objectives necessary to achieve positive
reintegration into the regular educational environment;

4.02.4.3 Exit criteria on which to base a student's return to the regular
educational environment; and

4.02.4.4 Documentation of the presence of the characteristics listed in Sections 4.02.1.1 and 4.02.1.2 for which the student was referred.

4.02.4.5 The Student Action Plan may be revised from time to time by the Alternative Education Placement Team as circumstances warrant.

4.02.5 No later than one (1) week after a student begins alternative education interventions, the Alternative Education Placement Team shall develop a signed agreement between the ALE, the parent or guardian (if they choose to participate), and the student, outlining the responsibilities of the ALE, parent or guardian, and the student to provide assurance that the plan for each student is successful.

4.02.6 A positive behavior or transitional plan shall be developed and added to the Student Action Plan prior to a student's return to the regular educational environment.

4.03 ALE Personnel Requirements

4.03.1 Administrative, teaching, and other personnel in an ALE shall meet appropriate State licensure and renewal requirements for the positions to which they are assigned.

4.03.2 All direct instruction in core academic subject areas shall be provided by highly qualified teachers, as that term is defined in the ADE Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001.

4.03.3 Every classroom in an ALE program shall maintain student/teacher ratios as follows:

4.03.3.1 For grades kindergarten through six (K-6), no more than ten (10) students to one (1) teacher. If a paraprofessional is employed in addition to a licensed teacher, the student/teacher ratio shall be no more than twelve (12) to one (1).

4.03.3.2 For grades seven through twelve (7-12), no more than fifteen (15) students to one (1) teacher. If a paraprofessional is employed in addition to a licensed teacher, the student/teacher ratio shall be no more than eighteen (18) to one (1).

4.03.3.3 In a middle school where the grade configuration includes grades five (5) and/or six (6), the student/teacher ratios for grades seven through twelve (7-12) may apply.

4.03.4 An ALE shall establish plans for professional development and in-service training for all licensed personnel working in the ALE in a teaching or administrative capacity.

4.03.4.1 Professional development and in-service training for ALE personnel shall include training in classroom management, and training in additional areas related to the specific needs and characteristics of students in alternative education environments.

4.03.4.2 All licensed personnel working in an ALE shall participate in specific alternative education professional development as part of the sixty (60) hours required annually for licensed personnel by the Department's Rules Governing Professional Development.

4.03.4.3 The Department shall award professional development credit for programs provided under this Section 4.03.4 and approved pursuant to the Department's Rules Governing Professional Development.

4.03.5 Wages, salaries or benefits may be paid out of ALE funds only to the extent of the time devoted by an employee to direct supervision of or direct work in an eligible ALE program.

4.04 ALE Curriculum and Program Requirements

4.04.1 An ALE shall assess each ALE student either before or upon entry into the alternative learning environment with effective, research-based assessment tools to determine the student's current academic capability.

4.04.2 An ALE shall provide a curriculum including mathematics, science, social studies, and language arts aligned with the regular classroom instruction. Reading, writing, and mathematics shall be incorporated into all curriculum areas.

4.04.2.1 An ALE shall use the curriculum frameworks adopted by the Department to plan instruction leading to student demonstration of proficiency in the Arkansas content standards.

4.04.3 As an alternative to the curriculum required by Section 4.04.2, an ALE may allow an individual student to instead pursue a curriculum aligned with the standards for General Educational Development (GED) Tests, subject to the following conditions:

4.04.3.1 The student must be sixteen (16) years of age or older;

4.04.3.2 The student must lack sufficient credits to graduate by the time the student turns eighteen (18) years of age; and

4.04.3.2 The student's parent or guardian, or the student if the student is over eighteen (18) years of age, must consent in writing.

4.04.4 Computer-based instruction and distance learning may be used only as a supplement to direct teacher instruction and must constitute less than forty-nine percent (49%) of total instructional time in any one (1) course. This restriction shall not apply to distance learning or computer-based instruction approved by the Department.

4.04.5 All students attending an ALE operated by a consortium of school districts shall follow the lead district's school calendar. All students attending an ALE operated by an education service cooperative shall follow a school calendar designated by the cooperative.

4.04.6 An ALE shall be furnished with the equipment and instructional materials necessary to provide the environment and working conditions appropriate for subjects or activities assigned.

4.04.7 Meals provided at ALE facilities shall follow the Arkansas Child Nutrition guidelines or shall be approved by the Child Nutrition Unit of the Arkansas Department of Education.

4.04.8 An In-School Suspension (ISS) program for a regular educational environment may not be located in an ALE classroom.

4.05 ALE Program Approval, Reporting, and Monitoring

4.05.1 On or before March 31 of each year, each ALE program shall submit to the Department, in electronic format, a program description documenting the program's compliance with Ark. Code Ann. § 6-48-101 et seq. and these Rules.

4.05.1.1 ALE programs operating in separate facilities, even if located within the same school district, are deemed to be separate

individual programs requiring separate approval and separate reporting.

4.05.2 On or before March 31 of each year, each ALE program shall submit to the Department, in electronic format, an assurance statement signed, physically or electronically, by:

4.05.2.1 The superintendent, for an ALE program operated by a single school district;

4.05.2.2 The superintendent of the lead school district, for an ALE program operated by a consortium of school districts; or

4.05.2.3 The director of the education service cooperative, for an ALE program operated by a cooperative.

4.05.3 On or before March 31 of each year, each ALE program operated by a consortium of school districts or by an education service cooperative shall submit to the Department, in electronic format:

4.05.3.1 A list of all school districts participating in the ALE; and

4.05.3.2 A copy of the contract agreement or memorandum of understanding governing the ALE program and entered into by the participating school districts and/or cooperative.

4.05.4 Annually, the Department shall compile annual report data for each ALE program utilizing Arkansas Public School Computer Network student management data. The data compiled shall include:

4.05.4.1 The number of students, subdivided by race, gender, and grade level, enrolled in an ALE program at any time during that school year;

4.05.4.2 The number of students enrolled in an ALE program who returned to the regular educational environment, who dropped out of school, who graduated, or who received a GED;

4.05.4.3 The number of high school graduates for that school year who were enrolled in an ALE for more than twenty (20) days at any time during their K-12 career;

4.05.4.4 The number of students enrolled in an ALE program and participating in Workforce/Secondary Career Centers;

- 4.05.4.5 The number of students enrolled in an ALE program and receiving special education services;
- 4.05.4.6 The number of students enrolled in an ALE program who had previously exited an ALE program in the second or third prior school year;
- 4.05.4.7 The total amount of all funds expended to operate the ALE program for that school year; and
- 4.05.4.8 The total amount of ALE funding received for that school year.
- 4.05.5 After June 15 of each year, the Department may direct a district to provide the annual report data required under section 4.05.4 if the information sought is not readily ascertainable from Arkansas Public School Computer Network student management data.
- 4.05.6 To be eligible for ALE funding under Section 4.06 below, an ALE program shall be approved annually by the Department.
 - 4.05.6.1 Program approval shall be contingent on a satisfactory review of the program description, annual report data, and assurance statement submitted pursuant to this Section 4.05.
 - 4.05.6.2 Program approval shall be for a term of one year, running from July 1 or the date of program approval, whichever is later, through June 30.
 - 4.05.6.3 The Department shall give notice of approval or disapproval of an ALE program no later than July 15 of each year, contingent on the ALE program timely submitting all required information.
- 4.05.7 Each school district shall submit a description of the ALE program(s) utilized by its students in its Arkansas Comprehensive School Improvement Plan (ACSIP).
 - 4.05.7.1 The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and the total amount of ALE funds budgeted.
 - 4.05.7.2 Each school district shall evaluate programs supported by ALE funds annually to ensure that the programs are providing a non-punitive environment that is conducive to learning, that eliminates traditional barriers to learning, and that complies with these Rules.

4.05.7.3 The total ALE funds budgeted in ACSIP shall agree with the total ALE expenditures budgeted in the school district's financial management software.

4.05.8 As part of the Department's accreditation review of each school district under Ark. Code Ann. § 6-15-202, the Department shall evaluate each ALE to ensure that the ALE is:

4.05.8.1 Established and operated in compliance with this chapter; and

4.05.8.2 Effective under the measurements established by the Department.

4.05.9 The Department shall identify a school district's noncompliance on the school district's annual report card.

4.05.10 The Department shall identify information concerning best practices for educating students in alternative learning environments and disseminate that information to teachers and administrators working in alternative learning environments.

4.05.11 On or before September 15 of each year, the Department shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:

4.05.11.1 The information reported to it under Section 4.05; and

4.05.11.2 The effectiveness of ALE programs evaluated by the Department.

~~4.02 — Eligible ALE Programs~~

~~4.02.1 An eligible ALE program shall meet the following guidelines:~~

~~4.02.1.1 — Have students taught by a currently licensed teacher. If course credit is granted, the teacher must be highly qualified. Newly hired teachers in these designated districts will have three years from the date of hire to become highly qualified as required by the federal No Child Left Behind Act of 2001.~~

~~4.02.1.2 — Have a student/teacher ratio in grades Kindergarten through six (K-6) of no more than ten (10) to one (1). If a paraprofessional is employed in addition to a licensed supervisor, the student/teacher ratio shall be no more than twelve (12) to one (1).~~

- ~~4.02.1.3—In a middle school where the grade configuration includes grades five (5) and/or six (6), the fifteen (15) to one (1) student/teacher ratio may be utilized.~~
- ~~4.02.1.4—Have a student/teacher ratio in grades seven through twelve (7-12) of no more than fifteen (15) to one (1). If a paraprofessional is employed in addition to a licensed supervisor, the student/teacher ratio shall be no more than eighteen (18) to one (1).~~
- ~~4.02.1.5—Provide each ALE student with access to the services of a school counselor or a mental health professional, a nurse, and support services provided to other students.~~
- ~~4.02.1.6—Coordinate the ALE with state and federal student assistance programs.~~
- ~~4.02.1.7—Submit a description of the ALE in the districts' Arkansas Comprehensive School Improvement Plan (ACSIP).~~
- ~~4.02.1.8—Have an Alternative Education Placement Team to determine student placement in the ALE. This team shall include the referring school counselor, ALE administrator, building principal, and LEA special education or 504 representative, if applicable. A parent or legal guardian and the student's regular classroom teacher(s) should be included in the student placement determination. The school district shall document efforts of contacting the parent/guardian to schedule a meeting or a phone call for a placement meeting at the parent/guardian's convenience.~~
- ~~4.02.1.9—Maintain documentation of the presence of the characteristics listed in the student's plan.~~
- ~~4.02.1.10—Provide that the ALE shall not be punitive but should provide the guidance, counseling, and academic support to enable students who are experiencing emotional, social or academic problems to continue to make progress toward educational goals either in the traditional educational system or the General Educational Development (GED) Program.~~
- ~~4.02.1.11—Provide that computer programs when used in the ALE setting will supplement teacher instruction.~~
- ~~4.02.1.12—Develop an agreement with the parent or guardian, teacher or ALE director, and student outlining the responsibilities of the school, parent, and the student to provide assurance that the~~

~~plan for each student is successful.~~

~~4.02.1.13 Provide a curriculum including mathematics, science, social studies, and language arts aligned with the regular classroom instruction or with the standards for the tests of the GED.~~

~~4.02.1.14 Develop exit criteria on which to base a student's return to the regular program. A positive behavior or transitional plan shall be in place prior to returning an ALE student to the prior classroom placement.~~

~~4.02.1.15 Require ALE staff to meet the same professional development requirements as other certified staff.~~

~~4.02.1.16 The ADE shall monitor ALEs as required in compliance with Ark. Code Ann. § 6-18-509.~~

~~4.02.1.17 All districts within an agreed upon consortium must submit the contract agreement to ADE by October 1 of each school year.~~

~~4.02.1.18 All students attending a consortium shall follow the lead district's school calendar.~~

~~4.02.1.19 Meals provided at remote ALE facilities shall follow the Arkansas Child Nutrition guidelines or shall be approved by the Arkansas Department of Education's Child Nutrition Section.~~

4.063 ALE Funding

4.063.1 The ALE funding amount shall be the per-student ALE funding dollar amount ~~required~~ authorized by law times the district's eligible ALE students' full time equivalents (FTE) in the previous school year as defined in these Rules.

4.063.2 An ALE student shall be counted as no more than one student for ALE funding purposes.

4.063 An eligible ALE student's FTE shall be calculated as follows: the sum of (the total number of days an eligible ALE student attends an eligible ALE, plus the total number of days absent while enrolled in an eligible ALE program) divided by the number of school days actually taught in the district's school year.

4.06.3.1 If an eligible ALE student has less than six (6) hours per day of student/teacher interaction time in an eligible ALE, the student's FTE shall be calculated as the result of the calculation in Section 4.06.3 multiplied by the number of hours taught in an eligible ALE each day divided by 6 hours.

4.06.3.2 In no case shall an eligible ALE student's FTE be calculated as greater than 1.0.

4.06.3.3 If an eligible ALE student is educated in an eligible ALE for fewer than twenty (20) consecutive days, no ALE funding may be paid for that student, unless:

4.06.3.3.1 The student leaves the school district to transfer to another eligible ALE; or

4.06.3.3.2 The student is placed in a residential treatment program.

~~4.03.3 An eligible ALE student's FTEs shall be determined by the number of hours taught in an eligible ALE each day divided by 6 hours, times the number of days an eligible student attends the ALE, plus the number of days absent, divided by the number of school days actually taught in the school year.~~

~~4.03.3.1 Prior to the 2010-2011 school year, an ALE Student is a student who has been enrolled in an eligible ALE for a minimum of twenty (20) days per school year.~~

~~4.03.3.2 Beginning with the 2010-2011 school year, an ALE Student is a student who has been enrolled in an eligible ALE for a minimum of twenty (20) consecutive days per school year.~~

~~4.03.3.3 Full Time Equivalent (FTE) ALE Student is an ALE student who has at least six (6) hours per day of student/teacher interaction time in the ALE, and attends the ALE for the entire school year.~~

~~4.06.3.4~~ ALE funding is restricted state aid.

~~4.06.3.5~~ ALE funding shall be spent on eligible ALE programs identified in these Rules except as otherwise allowed by law or rule.

~~4.06.3.6~~ ALE funding may be carried over from one fiscal year to the next but these funds shall remain restricted to the priority areas as defined in these Rules except as otherwise allowed by law or rule.

5.00 Special Needs - English Language Learners (ELL)

- 5.01 The ELL funding amount shall be the amount required by law times the district's identified ELL students in the current school year.
 - 5.01.1 The number of identified ELL students shall be a total of all students identified by the State Board as not proficient in the English language based upon approved English proficiency assessment instruments.
 - 5.01.2 Documentation to be used for the calculation of the number of identified ELL students must be submitted to the ADE no later than November 30 of each school year.
 - 5.01.3 An ELL student shall be counted as no more than one student for ELL funding purposes.
- 5.02 School districts shall maintain documentation of each student identified as an ELL.
- 5.03 For ELL funding purposes, State-approved English proficiency assessment instruments include:
 - 5.03.1 LAS (Language Assessment Scales);
 - 5.03.2 ~~Maculitis~~ Maculitis/MAC II Assessment of Competencies; and
 - 5.03.3 English Language Development Assessment English Language Proficiency Screener/TELPA.
- 5.04 ELL funding shall be expended for eligible activities including, but not limited to, the following:
 - 5.04.1 Salaries for ELL-skilled instructional services (not supplanting district financial obligations for providing teachers for ELL students).
 - 5.04.2 Funds for teacher training, consultants, workshops, and ELL course work, including ADE sponsored training programs.
 - 5.04.3 Released-time for ELL program development.
 - 5.04.4 Selection and purchase of language-appropriate instructional and supplemental (enrichment) materials for ELL students (including computer-assisted technology and library materials).

- 5.04.5 Language and cultural skills training for school-based health service providers, counseling service providers, and community liaison staff as needed to serve ELL students.
- 5.04.6 Assessment activities, which include test administration, identification, placement, and review of ELL student academic progress, as well as evaluation activities to determine the effectiveness of the district's ELL program.
- 5.04.7 Funds for the implementation of supplemental instructional services for ELL students.
- 5.05 ELL funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to those priority areas defined in these Rules except as otherwise allowed by law or rule.
- 5.06 A description of ELL activities and funding shall be included in the district's ACSIP. The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and the total amount of ELL funds budgeted.
 - 5.06.1 The total ELL funds budgeted in ACSIP shall agree with the total ELL expenditures budgeted in the school and/or school district's financial management software.

6.00 Special Needs - National School Lunch Act

- 6.01 ~~National~~ Except as provided in Section 6.01.5 of these Rules, national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305 (b) (4) shall be based on the number of national school lunch students for the immediately preceding school year determined under 3.15 of these Rules, divided by the district's total enrolled students for the immediately preceding school year. If the school district is a Provision 2 district, this funding is based on the school district's percentage of national school lunch students submitted in the base year, multiplied by the number of enrolled students for the immediately preceding school year. For determination of the per student amount of national school lunch state categorical funding, the percentage shall be calculated to one tenth of one percent, and rounded up to the nearest whole number from five tenths or down to the nearest whole number from less than five tenths.
 - 6.01.1 For school districts in which ninety percent (90%) or greater of the previous school year's enrolled students are national school lunch students, per student national school lunch state categorical funding shall be the amount required by Ark. Code Ann. § 6-20-2305(b)(4)(A)(i).
 - 6.01.2 For school districts in which less than ninety percent (90%) but at least seventy percent (70%) of the previous school year's enrolled students

are national school lunch students, per student national school lunch state categorical funding shall be the amount required by Ark. Code Ann. § 6-20-2305(b)(4)(A)(ii) .

6.01.3 For school districts in which less than seventy percent (70%) of the previous school year's enrolled students are national school lunch students, per student national school lunch state categorical funding shall be the amount required by Ark. Code Ann. § 6-20-2305(b)(4)(A)(iii).

6.01.4 Districts must participate in the federal NSLA Program to receive national school lunch state categorical funding.

6.01.5 For an open-enrollment public charter school in its initial year of operation, or in any year in which the charter school adds a grade level, national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305 (b) (4) shall be based on the school's current school year enrollment as reported by October 1.

6.02 ~~The~~ Except as provided in Section 6.02.3 of these Rules, the district percentage of NSLA eligible students shall be determined from the Arkansas Public School Computer Network's Cycle 2 report for the previous school year.

6.02.1 The Child Nutrition Unit of the ADE shall verify the Cycle 2 report for accuracy.

6.02.2 Adjustments to the Cycle 2 report shall be made by the ADE based on documentation provided by the school district.

6.02.3 For an open-enrollment public charter school in its initial year of operation, or in any year in which the charter school adds a grade level, the school's percentage of NSLA eligible students shall be determined by the school's free or reduced-price meal eligibility data as reported by October 1.

6.03 National School Lunch State Growth Funding

6.03.1 The ADE shall use the Cycle 2 enrollment data for the previous four years to calculate a three-year trend in district enrollment.

6.03.2 If a district has grown at least one percent for each of the three previous years, it shall qualify for National School Lunch State Growth Funding.

6.03.3 Districts that qualify for funding shall receive National School Lunch State Growth Funding.

6.03.4 The funding shall be calculated as the three year average growth in enrollment multiplied by the district's previous year's percentage of

students eligible for the federal NSLA Program multiplied by the per student funding amount determined in 6.01.

6.04 Transitional National School Lunch State Funding Methods

6.04.1 ~~Beginning with the 2009-2010 school year, if~~ If a school district receives, in the current school year, national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4)(A) that is based on a different per student amount of national school lunch state categorical funding than the school district received in the immediately preceding school year, due to a percentage change in national school lunch students, the ADE shall adjust the funding to the school district in a transitional three-year period.

6.04.2 The amount of national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4)(A) shall be increased or decreased in each year of a three-year transition period by one-third ($\frac{1}{3}$) of the difference between the amount of national school lunch state categorical funding per student for the current year and the amount of national school lunch state categorical funding per student for the immediately preceding year, adjusted for changes to the funding rates in Ark. Code Ann. § 6-20-2305(b)(4)(A).

6.04.3 The method of transition for a school district that experiences a decrease in the amount of national school lunch state categorical funding per student under Ark. Code Ann. § 6-20-2305(b)(4)(A) is detailed using the following example of a decrease in national school lunch state categorical funding per student from \$1,488 in the immediately preceding year to \$992 in the current year:

For illustrative purposes:

- Year one (current year) of transition (decrease $\frac{1}{3}$) – the transitioned amount of national school lunch state categorical funding per student is \$1,322.67 (\$1,488 - \$165.33).
- Year two of transition (decrease $\frac{1}{3}$) – the transitioned amount of national school lunch state categorical funding per student is \$1,157.34 (\$1,322.67 - \$165.33).
- Year three (final year) of transition (decrease $\frac{1}{3}$) – the transitioned amount of national school lunch state categorical funding per student is \$992 (\$1,157.34 - \$165.34).

6.04.4 The method of transition for a school district that experiences an increase in the amount of national school lunch state categorical funding per student under Ark. Code Ann. § 6-20-2305(b)(4)(A) is detailed using the following example of an increase in national school lunch state categorical funding per student from \$992 in the immediately preceding year to \$1,488 in the current year:

For illustrative purposes:

- Year one (current year) of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,157.33 ($\$992 + \165.33).
- Year two of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,322.66 ($\$1,157.33 + \165.33).
- Year three (final year) of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,488 ($\$1,322.66 + \165.34).

6.04.5 The method of transition for a school district that, within a three-year period, experiences both a decrease and an increase in the amount of national school lunch state categorical funding per student under Ark. Code Ann. § 6-20-2305(b)(4)(A) is detailed using the following two examples:

6.04.5.1 In the first example, a school district experiences an *increase* in national school lunch state categorical funding per student from \$992 in the immediately preceding year to \$1,488 in the current year, and a *decrease* to \$992 in the following year. In this instance, the transition is completed in two years rather than three.

For illustrative purposes:

- Year one (current year) of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$1,157.33 ($\$992 + \165.33).
- Year two (final year) of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$992 ($\$1,157.33 - \165.33).

6.04.5.2 In the second example, a school district experiences a decrease in national school lunch state categorical funding per student from \$992 in the immediately preceding year to \$496 in the current year, no change in the second year, and an increase to \$992 in the third year. In this instance, the transition is completed in four years rather than three.

For illustrative purposes:

- Year one (current year) of transition (decrease 1/3) – the transitioned amount of national school lunch state

categorical funding per student is \$826.67 (\$992 - \$165.33).

- Year two of transition (decrease 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$661.34 (\$826.67- \$165.33).
- Year three of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$826.67 (\$661.34 + \$165.33).
- Year four (final year) of transition (increase 1/3) – the transitioned amount of national school lunch state categorical funding per student is \$992 (\$826.67 + \$165.33).

6.05 Each school district receiving national school lunch state categorical funds shall provide a research-based program(s) or purpose(s) for students scoring below proficiency in order to improve instruction and increase academic achievement of those students. This does not prohibit use of funds in performing schools to continue doing those strategies that are sustaining that performance.

6.05.1 ~~Effective July 1, 2010, chronically~~ A chronically underperforming school's shall develop and implement its ACSIP plan and shall provide for the use of national school lunch state categorical funding to include, but not limited to fund without limitation the following:

6.05.1.1 ~~Use of an Arkansas Scholastic Audit in school not meeting adequate yearly progress for three (3) or more consecutive years of School Improvement.~~

6.05.1.2 Use of disaggregated school data to set academic targets in reading, writing, mathematics, and science.

6.05.1.3 Use of improvement targets to define professional development needs related to content, instruction, differentiation, and best practices in educating student subgroups as identified in need.

6.05.1.4 ~~Develop~~ Development of interim building-level assessments to monitor student progress toward proficiency on the state benchmark assessments.

6.05.1.5 ~~Develop~~ Development of a plan to immediately address gaps in learning.

6.05.1.6 ~~Examine and realign~~ Examination and realignment, as needed, of school scheduling, academic support systems, and assignments of personnel to improve student achievement.

- 6.05.1.7 Design of a plan for increasing parental knowledge and skill to support academic objectives.
- 6.05.1.8 ~~Evaluate~~ Evaluation of the impact of the before mentioned educational strategies on student achievement.
- 6.06 National school lunch state categorical funding shall not be used to meet or satisfy the Arkansas Standards for Accreditation of Arkansas Public Schools and School Districts as required by Ark. Code Ann. § 6-15-201 et seq. or the Arkansas Minimum Teacher Salaries required by Ark. Code Ann. § 6-17-2403 except as otherwise allowed herein ~~this section~~.
- 6.06.1 National school lunch state categorical funding shall not be used to augment, replace, or supplement the mandatory requirements of the Arkansas Standards for Accreditation required by Ark. Code Ann. § 6-15-201 et seq. unless the expenditure is for the purposes outlined under Section 6.07 of these Rules.
- 6.06.2 A district may use excess national school lunch state categorical funds as a bonus or to supplement salaries above the minimum salary schedule required by Ark. Code Ann. § 6-17-2403 provided the school district is in compliance with and meets the eligibility provision of these Rules.
- 6.06.3 School districts may use national school lunch state categorical funds to pay the salaries of those teachers ~~which are~~ used to reduce the pupil to teacher ratio below the mandates required by the Arkansas Standards ~~of~~ for Accreditation of Arkansas Public Schools and School Districts under the following conditions:
 - 6.06.3.1 In its ACSIP, the district must designates the specific teacher(s) used to reduce the pupil-to-teacher ratios required by the Standards ~~of~~ for Accreditation; must explain how the district will use national school lunch state categorical funds to ~~only~~ pay only the salaries of those class-size-reduction teachers or other teachers designated by the ADE as bona fide national school lunch state categorical program or purpose expenditures as allowed by Section 6.07 of these Rules; and must explains how the district will use class-size-reduction teachers(s) pursuant to a recognized published research-based program to specifically target an identified academic deficiency or need of the district which aligns with and supports the district's ACSIP;
 - 6.06.3.2 Any district which did not use national school lunch state categorical funds to support the salaries of ~~the~~ class-size-reduction teachers by June 30 in the 2006-2007 school year is limited to using national school lunch state categorical funds

to support the salaries of only those class-size-reduction teachers in kindergarten through the eighth (8th) grade ~~of the school district starting in the 2007-2008 school year and each school year thereafter~~, provided the district submits a detailed written plan as required in § 6.06.3.1 which is approved by the ADE; and

6.06.3.3 Along with any request to expand or increase the use of national school lunch state categorical funds to pay for or support the salaries of class-size-reduction teachers from a previous school year, the district shall submit a written justification showing how the funds are being used to support an increased academic deficiency or need of the district and is not an attempt to avoid or circumvent the general purpose of reducing the amount of national school lunch state categorical funds used to increase teacher salaries as required and mandated by Ark. Code Ann. § 6-20-2305.

6.06.3.4 National school lunch state categorical funds to support the salaries of the class-size reduction teachers shall ~~only~~ be used only to reduce the pupil-to-teacher ratios required by the Standards ~~of~~ for Accreditation for each single grade level.

6.07 National school lunch state categorical funding shall be expended for eligible program(s) or purpose(s) that are research-based and aligned to the Arkansas Content Standards for improving instruction and increasing achievement of students at risk of not meeting challenging academic standards. These programs or purposes include:

6.07.1 Employing Literacy, ~~and/or~~ Mathematics, ~~and/or~~ Science Specialists/Coaches (K-12) and/or instructional facilitators that meet the following requirements:

6.07.1.1 The Specialists/Coaches and/or instructional facilitators are educators who assist in curriculum alignment with state curriculum documents; alignment of classroom assessment with statewide exams; instructional strategies; professional development and implementation of training; ~~choosing~~ choice of standards-based instructional materials; understanding of current research; advantageous arrangement of the instructional day; and integrating technology into instruction.

6.07.1.2 Qualifications for Specialists/Coaches (K-12) and/or Instructional Facilitators):

- At least four years of recent teaching experience in

appropriate content areas within grades K-12

- Knowledge of Arkansas Curriculum Framework
- Knowledge of current research and effective practices in standards-based curriculum, instruction, and assessment
- Experience in adult learning situations and in team problem solving
- A bachelor's degree (a master's degree would be preferred)
- Or completion of the required two-year training and teaching components of the Teach for America Program

6.07.2 Providing research-based professional development in the areas of literacy and/or mathematics and/or science in grades Kindergarten through twelfth grade (K-12) ~~as defined in the Arkansas Department of Education Regulations Governing Attendance at Certified Instructional Professional Development Sessions (Ark. Code Ann. § 6-17-702)~~ subject to the requirements of the Department Rules Governing Professional Development.

6.07.3 Employing highly qualified classroom teachers in grades Kindergarten through twelfth grade (K-12) pursuant to the restrictions set forth in Section 6.06 of this Rule.

6.07.4 Providing research-based before and after-school academic programs, including transportation to and from the programs.

6.07.5 Providing research-based pre-kindergarten programs that meet the program standards as outlined in the Rules Governing the Arkansas Better Chance program.

6.07.6 Employing Tutors:

6.07.6.1 Tutors must be able to demonstrate competency (as determined locally) in each area where instruction is provided.

6.07.6.2 Tutors must work under the supervision of highly qualified classroom teachers.

6.07.7 Employing Teacher's Aides:

6.07.7.1 Teacher's aides must be highly qualified.

6.07.7.2 Teacher's aides must work under the direct supervision of highly qualified teachers.

6.07.8 Employing licensed counselors and nurses above ~~standard~~ the mandates of the Standards for Accreditation of Arkansas Public

Schools and School Districts or other rule or law.

- 6.07.9 Employing coordinated school health coordinator
- 6.07.10 Employing human service workers
- 6.07.11 Employing licensed mental health counselors
- 6.07.12 Employing licensed certified social workers or licensed social workers
- 6.07.13 Employing Curriculum Specialists:
 - 6.07.13.1 The Curriculum Specialists shall meet current licensure requirements that are outlined in the Rules Governing Initial and Standard Administrator Licensure.
- 6.07.14 Employing School Resource Officers (SRO) whose job duties include research-based methods and strategies tied to improving achievement of students at risk.
- 6.07.15 Providing experience-based field trips
- 6.07.16 Providing parent education that addresses the whole child.
- 6.07.17 Providing summer programs that implement research-based methods and strategies targeted at closing the achievement gap, other than programs authorized under section 6.07.28.
- 6.07.18 Providing early intervention programs, to include:
 - 6.07.18.1 ~~Early intervention means short-term~~ Short-term, intensive, focused, individualized, research-based instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is beginning in the initial, kindergarten through grade one (K-1), stages of learning social skills, early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor behavior and problem-solving habits which become difficult to change; and
 - 6.07.18.2 Short-term, intensive, focused, individualized, research-based instruction developed from ongoing, daily, systematic diagnosis in grades three through twelve (3-12) to prevent failure and close the achievement gap.
- 6.07.19 Obtaining materials, supplies, and equipment, including technology, used in approved instructional programs or for approved purposes. The approved programs and or purposes support the local educational

agency's ACSIP.

- 6.07.20 Paying the expenses of federal child nutrition programs to the extent necessary to provide school meals without charge to all students under the United States Department of Agriculture Special Assistance Alternative "Provision 2" program under 42 U.S.C. § 1759a, as it exists on July 1, 2011.
- 6.07.21 Paying the expenses of federal child nutrition programs to the extent necessary to provide school meals without charge to students otherwise eligible for reduced-price meals under the United States Department of Agriculture's National School Lunch Program or School Breakfast Program.
- 6.07.22 Paying expenses directly related to funding a longer school day.
- 6.07.23 Paying expenses directly related to funding a longer school year.
- 6.07.24 Partnering with local institutions of higher education to remediate students while those students are still in high school so that the students are college and career ready upon graduation from high school.
- 6.07.25 Providing Teach For America professional development.
- 6.07.26 Implementing components of the Arkansas Advanced Initiative for Math and Science.
- 6.07.27 Employing College and Career Coaches, as defined by the Department of Career Education.
- 6.07.28 Operating or supporting a postsecondary preparatory program authorized under Ark. Code Ann. § 6-16-601 et seq.
- 6.07.29 Expenditures required under Section 6.05.1 of these Rules.
- 6.07.30 Paying for students in grade eleven (11) to take the ACT Assessment, pursuant to the Voluntary Universal ACT Assessment Program, Ark. Code Ann. § 6-18-1601 et seq.
- 6.07.31 Developing and implementing interim building-level assessments to monitor student progress toward proficiency on the state benchmark assessments.
- 6.07.32 Other activities approved by the ADE that will further the purposes of this Section. Such activities include, but are not limited to, research-based activities and activities directed at chronically under-performing schools.

- 6.08 Use of national school lunch state categorical funds shall be included within the school and/or school district's ACSIP. The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and budget the total amount of NSLA funds budgeted.
- 6.08.1 The district shall evaluate programs supported by national school lunch state categorical funds annually to ensure that the programs are providing intervention/prevention services designed to increase student achievement.
- 6.08.2 The district shall maintain documentation that supports gains in student achievement as measured by the state assessment system.
- 6.08.3 The total NSLA funds budgeted in ACSIP shall agree with the total NSLA expenditures budgeted in the school and/or school district's financial management software.
- 6.09 National school lunch state categorical funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to priority areas as defined in these Rules or law except as otherwise allowed by law or rule.
- 6.10 National school lunch state categorical funding is restricted state aid, except as otherwise allowed by law or Rule.
- 6.11 Use of excess national school lunch state categorical funds to supplement teacher salaries.
- 6.11.1 School districts that have met the needs of students for whom the national school lunch state categorical funds are provided, and that have excess national school lunch state categorical funds, may request to use the excess national school lunch state categorical funds to supplement teacher salaries under the following conditions:
- 6.11.1.1 The school district shall not use any portion of the national school lunch state categorical funds that are carry forward or reserve funds as a supplement to classroom teacher salaries.
- 6.11.1.2 The school district is meeting the minimum teacher salary schedule under Ark. Code Ann. § 6-17-2403 without using national school lunch state categorical funds.
- 6.11.1.3 The school district is in full compliance with the rules and laws governing the Standards for Accreditation of Arkansas Public Schools and School Districts under Ark. Code Ann. § 6-15-201 et seq. and the rules and laws governing the Arkansas Fiscal and Accountability Program under Ark. Code Ann. § 6-20-1901 et seq. without using current year, carry forward or

reserve national school lunch state categorical funds.

- 6.11.1.4 The school district shall not allocate or use any excess national school lunch state categorical funds in any manner except to supplement teacher salaries, unless in accordance with the transfer provisions stated in section 8.00 of this rule.
 - 6.11.1.5 Excess national school lunch state categorical funds used as a bonus to supplement teacher salaries shall not be considered a permanent obligation under the school district's teacher salary schedule.
 - 6.11.1.6 The school district will include the amount and uses of excess national school lunch state categorical funds in its ACSIP.
 - 6.11.1.7 The district has met or is meeting the adequate educational needs of students.
 - 6.11.1.8 The district has prudently managed its resources
 - 6.11.1.9 The district has met all requirements of Section 6.11 of this Rule
 - 6.11.1.10 If the district used excess national school lunch state categorical funds in the prior year to supplement teacher salaries, the district has submitted the required report on prior year expenditures as required by Section 6.11.5.
 - 6.11.1.11 The district has submitted the portion of its ACSIP that described the uses of national school lunch state categorical funds.
 - 6.11.1.12 ~~The district has complied with the mandatory 20% reduction of actual amount of prior year national school lunch state categorical funds used to supplement teacher salaries above the minimum teacher salary schedule until the district has no~~ No more than 20% of the total of current year national school lunch state categorical funds may be used as a supplement to teacher salaries above the minimum teacher salary schedule.
- 6.11.2 A school district requesting to use excess national school lunch state categorical funds as a supplement to the minimum teacher salary schedule under Ark. Code Ann. § 6-17-2403 shall provide the following information to the Commissioner of Education, or designee, by February 15 of the school year for which approval is requested:
- 6.11.2.1 A statement of assurance attesting to compliance with sections

6.11.1 of these Rules

- 6.11.2.2 The actual amount of excess national school lunch state categorical funds used to supplement salaries above the required minimum salary schedule in the previous school year, the actual amount of total national school lunch state categorical funds received in the previous school year, and the actual percentage of national school lunch state categorical funds used as a supplement above the required minimum salary schedule to total national school state categorical funds received.
- 6.11.2.3 The budgeted amount of excess national school lunch state categorical funds used to supplement salaries above the required minimum salary schedule in the current school year, the budgeted amount of total national school lunch state categorical funds received in the current school year, and the calculated percentage of national school lunch state categorical funds used as a supplement above the required minimum salary schedule to total national school lunch state categorical funds received in the current year.
- 6.11.2.4 ~~If the percent of excess national school lunch state categorical funds used as a supplement above the required minimum salary schedule to total national school lunch state categorical funds received is greater than twenty percent (20%), the district shall reduce by twenty percent (20%) the actual amount of prior year national school lunch state categorical funds used to supplement teacher salaries above the minimum teacher salary schedule until the district has no~~ No more than twenty percent (20%) of the total of current year national school lunch state categorical funds may be used as a supplement to teacher salaries above the minimum teacher salary schedule.
- 6.11.2.5 No school district shall use national school lunch state categorical funds to supplement salaries above the required minimum salary schedule without first obtaining the express written approval of the Commissioner of Education of his/her designee.
- 6.11.3 A school district requesting to use excess national school lunch state categorical funds as a supplement in the form of a bonus, shall provide the following information to the Commissioner of Education, or designee, by February 15 of the school year for which approval is requested.
- 6.11.3.1 A statement of assurance attesting to compliance with sections

6.11.1 of this Rule.

6.11.3.2 The information required in Section 6.11.2, and any other information requested by the ADE.

6.11.3.3 The amount of funds to be used as a bonus.

6.11.3.4 The total amount of national school lunch state categorical funds the district will receive in that year.

6.11.3.5 In response to the district's request, the Commissioner shall evaluate the district's test scores against the state averages as one indicator of how the district has met the educational needs of students. Tests may include, but not be limited to, grades three (3) through eight (8) state required benchmark exams in math and literacy and state required end-of-course exams for algebra, biology, geometry, and literacy.

6.11.3.6 As additional assessment data becomes available, it may also be included in the Commissioner's review.

6.11.3.7 No school district shall use national school lunch state categorical funds as a bonus without first obtaining the express written approval of the Commissioner of Education or his/her designee.

6.11.4 Upon review of the information required in Section 6.11.2, 6.11.3, and any other information requested by the ADE, if the Commissioner of Education, or designee, determines the school district has met the needs of students, has prudently managed its resources, and has complied with these Rules and the law, the Commissioner shall give written approval of the use of excess national school lunch state categorical funds to supplement teacher salaries.

6.11.4.1 Such approval is limited to one school year.

6.11.5 By September 15 of each school year, any school district that received written approval to use national school lunch state categorical funds as a supplement to teacher salaries in the previous school year shall issue a written report to the Commissioner of Education listing:

6.11.5.1 Each program upon which national school lunch state categorical funds were expended.

6.11.5.2 The actual amount of national school lunch state categorical funds expended on each program.

6.11.5.3 Information required in Section 6.11.2 and 6.11.3, and any other information requested by the ADE.

6.11.6 Upon review, at any time during a school year, of a school district's Arkansas Comprehensive School Improvement Plan, those reports and information required by these Rules, test or financial data or other indicators of a school district, if the Commissioner of Education or his/her designee determines a school district has not met the needs of students that may be served by national school lunch state categorical funds, has provided false or misleading information or has failed to comply with the provisions of the district's submitted plans without obtaining ADE approval to change the submitted plans required by this rule, the Commissioner of Education may require that any and all national school lunch state categorical funds dedicated for use or application as a bonus shall be removed from and not used as a bonus and may require the school district to redirect the national school lunch state categorical funds to meet other educational needs of the students of that district.

6.11.7 Only those school districts which previously used or applied excess national school lunch state categorical funds to supplement the teacher salary schedule for all classroom teachers in the district as part of a salary obligation may continue to use national school lunch state categorical funds as a salary obligation to the extent the district has received approval from the Commissioner of Education under Section 6.12 and the district is in full compliance with these Rules.

6.12 Monitoring and compliance for use of NSLA funds

6.12.1 At any time during a school year, the Department may review:

6.12.1.1 A school district's Arkansas Comprehensive School Improvement Plan;

6.12.1.2 Reports and information required by these Rules;

6.12.1.3 Test data;

6.12.1.4 Financial data; or

6.12.1.5 Other indicators of a school district's compliance with these rules and with the purpose of meeting the needs of students served by national school lunch state categorical funds.

6.12.2 Upon review, the Commissioner of Education or his/her designee may take one or both actions allowed by Section 6.12.3 if the Commissioner determines that a school district:

6.12.2.1 Has not met the needs of students that may be served by national school lunch state categorical funds;

6.12.2.2 Provided false or misleading information; or

6.12.2.3 Failed to comply with the provisions of the district's submitted plans without obtaining ADE approval.

6.12.3 Upon a determination under Section 6.12.2 above, the Commissioner may:

6.12.3.1 Require that any and all national school lunch state categorical funds dedicated for use or application as a bonus shall be removed from and not used as a bonus; or

6.12.3.2 Require the school district to redirect the national school lunch state categorical funds to meet other educational needs of the students of that district.

6.13 By June 30, 2012, and by June 30 of each year thereafter, a school district shall expend a minimum of eighty-five percent (85%) of the school district's current-year national school lunch state categorical funding allocation in a manner permitted under these Rules.

6.13.1 A school district that on June 30, 2012, has a national school lunch state categorical funding balance in excess of fifteen percent (15%) of the school district's current year national school lunch state categorical funding allocation shall reduce its total national school lunch state categorical funding balance by at least ten percent (10%) each year so that by June 30, 2022, and by June 30 of each year thereafter, the school district has a balance of no more than fifteen percent (15%) of the school district's current year national school lunch state categorical funding allocation.

6.13.2 Under an unusual and limited circumstance, including without limitation an increase in one-time funds or an unexpected decrease in school district revenues during a given year, a school district may request that the Department of Education waive the requirements of this Section 6.13.

6.13.2.1 A school district seeking a waiver shall file a waiver request with the Commissioner of Education, accompanied by a resolution adopted by the school district's board of directors, describing the unusual and limited circumstances.

6.13.2.2 The commissioner may grant a waiver request under this subdivision (b)(4)(F) for up to one (1) year if the commissioner

finds that the request is necessary based upon the unusual and limited circumstances.

6.13.3 The department shall monitor on a yearly basis each school district's compliance with the requirements of this Section 6.13.

6.13.4 If a school district fails to comply with the requirements of this Section 6.13 during a school year, the department may in the following school year withhold from that school district's national school lunch state categorical funding allocation an amount equal to the amount required to be spent by the school district in order to be in compliance with the requirements of this Section 6.13.

6.13.4.1 The department may redistribute amounts withheld under this Section 6.13.4 to other school districts entitled to receive national school lunch state categorical funding allocations.

7.00 Special Needs - Professional Development

7.01 The Professional Development funding amount shall be an amount up to the amount required by law times the district's ADM of the previous school year.

7.02 Professional Development funding shall be expended for:

7.02.1 ~~approved programs and purposes identified in the Rules Governing Professional Development~~ Approved professional development activities and materials, as required by the Teacher Excellence and Support System, Ark. Code Ann. § 6-17-2801 et seq., by other law or rule, or by the school district, that:

7.02.1.1 Improve the knowledge, skills, and effectiveness of teachers;

7.02.1.2 Address the knowledge and skills of administrators, and paraprofessionals concerning effective instructional strategies, methods, and skills; and

7.02.1.3 Lead to improved student academic achievement;

7.02.2 ~~employing~~ Employing literacy, mathematics, or science specialists/coaches (K-12) and/or instructional facilitators as described in these Rules; and

7.02.3 Training for school bus drivers in compliance with rules promulgated by the Commission for Arkansas Public School Academic Facilities and Transportation.

- 7.03 Districts may expend state Professional Development funding to provide the requisite hours of professional development required by Rule or law.
- 7.04 Professional Development funding is restricted state aid. Professional Development funding shall be spent on activities identified in these Rules, except as otherwise allowed by law or Rule.
- 7.05 Professional Development funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to priority areas as defined in these Rules except as otherwise allowed by law or rule.
- 7.06 Professional Development activities and funding shall be included in the district's ACSIP.

7.06.1 Use of Professional Development funds shall be included within the school and/or school district's ACSIP. The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and the total amount of Professional Development funds budgeted.

7.06.2 The district shall annually evaluate professional development implementation supported by Professional Development funds to ensure that:

7.06.2.1 Professional development is implemented as designed in the school and school district's ACSIP; and

7.06.2.2 Professional development as implemented by the school or district provides intervention prevention services designed to increase student achievement.

7.06.3 Evaluation data regarding the implementation and effect of professional development should be utilized in ACSIP to determine future professional development plans.

7.06.4 The total Professional Development funds budgeted in ACSIP shall agree with the total Professional Development expenditures budgeted in the school and/or school district's financial management software.

8.00 Financial Accounting for Special Needs State Funding for ALE, ELL, National School Lunch Students, and Professional Development

- 8.01 After having provided programs designed to meet the needs of students in the respective categorical funding areas, a school district may transfer and expend funds on any of the special needs categories allowed for in these Rules.

- 8.02 Special needs state funding of ALE, ELL, National School Lunch students, and Professional Development may be used for any of the expenditures identified in these Rules.
- 8.03 Districts shall report the funds received under each special needs state funding category.
- 8.04 Districts shall report the expenditures of all special needs state funds as required by law, including, but not limited to, fund balances remaining on June 30 of each year.
- 8.05 The funds received, transferred, expended, and/or carried over shall balance.
- 8.06 If the ADE determines that a district would lose any federal funding due to these explicated expenditure requirements, the special needs state funds may be expended for other academic programs or salaries, as permitted by the ADE.

9.00 Categorical Fund Balances

9.01 As of June 30 of each school year, the total aggregate balance of all state categorical fund sources shall not exceed twenty percent (20%) of the total aggregate annual state categorical fund allocations for the current school year, except as provided herein.

9.01.1 On June 30, 2012, and on June 30 of each school year thereafter, if the total aggregate balance of all state categorical fund sources exceeds twenty percent (20%) of the school district's total aggregate annual state categorical fund allocations for the current school year, the school district shall reduce that total balance by ten percent (10%) each year until the school district's June 30 balance of aggregate annual categorical fund sources is twenty percent (20%) or less of the total aggregate annual state categorical fund allocations for the current school year.

9.01.2 The annual reduction required under section 9.01.1 shall be a minimum of ten percent (10%) of the total excess balances of all state categorical fund sources as of June 30, 2012.

9.02 A school district may transfer funds received from any categorical fund source to another categorical fund source.

9.03 The department shall monitor on a yearly basis each school district's compliance with the requirements of this subsection.

9.03.1 If a school district fails to comply with the requirements of this subsection during a school year, the department may in the following school year withhold from that school district's categorical funding allocation an

amount equal to the amount required to be spent by the school district in order to be in compliance with the requirements of this subsection.

9.03.2 The department may redistribute amounts withheld under this subsection to other school districts entitled to receive categorical funding allocations.