

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
John Thurston  
500 Woodlane Street, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-5070  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



---

Name of Department \_\_\_\_\_

Agency or Division Name \_\_\_\_\_

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact E-mail \_\_\_\_\_

Contact Phone \_\_\_\_\_

---

Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

## Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Arkansas State Board of Education and the Division of Elementary and Secondary Education are considering amendments to the DESE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts.

A public hearing regarding these amended will be held on January 10, 2021, at 1:30 p.m. at the Arkansas Department of Education, Four Capitol Mall, Little Rock, AR, 72201.

Written comments regarding these proposed rules amendments may be mailed to the Office of Legal Services at Four Capitol Mall, Room 301A, Little Rock, AR 72201. Comments also may be emailed to [ADE.RulesComments@ade.arkansas.gov](mailto:ADE.RulesComments@ade.arkansas.gov). A copy of the proposed rules can be found on the Division's website at: <http://www.arkansased.org/divisions/legal/rules/pending>. Copies also may be obtained by contacting ADE's Office of Legal Services at the above address or via phone at (501) 682-4227.

## **SUMMARY OF AMENDMENTS**

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

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

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

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

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

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

**QUESTIONNAIRE**  
**FOR FILING PROPOSED RULES WITH THE**  
**ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY \_\_\_\_\_  
DIVISION \_\_\_\_\_  
DIVISION DIRECTOR \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
PHONE NO. \_\_\_\_\_ FAX NO. \_\_\_\_\_ E-MAIL \_\_\_\_\_  
NAME OF PRESENTER AT COMMITTEE MEETING \_\_\_\_\_  
PRESENTER E-MAIL \_\_\_\_\_

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5th Floor  
Little Rock, AR 72201

\*\*\*\*\*

1. What is the short title of this rule?

2. What is the subject of the proposed rule?

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes No

If yes, what is the effective date of the emergency rule? \_\_\_\_\_

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

**5. Is this a new rule? Yes No If yes, please provide a brief summary explaining the rule.**

**Does this repeal an existing rule? Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.**

**Is this an amendment to an existing rule? Yes No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”**

**6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.**

**7. What is the purpose of this proposed rule? Why is it necessary?**

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

9. Will a public hearing be held on this proposed rule? Yes No If yes, please complete the following:

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

Time: \_\_\_\_\_

Place: \_\_\_\_\_

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

\_\_\_\_\_

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

\_\_\_\_\_

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. \_\_\_\_\_

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). \_\_\_\_\_

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

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

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

### **SHORT TITLE OF THIS RULE**

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

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

- a) How the additional benefits of the more costly rule justify its additional cost;
- b) The reason for adoption of the more costly rule;
- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

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

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

Current Fiscal Year

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

Total \_\_\_\_\_

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

Current Fiscal Year

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

Total \_\_\_\_\_

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

Current Fiscal Year

Next Fiscal Year

\$ \_\_\_\_\_

\$ \_\_\_\_\_

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

Current Fiscal Year

Next Fiscal Year

\$ \_\_\_\_\_

\$ \_\_\_\_\_

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

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

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

**From:** [legalads@arkansasonline.com](mailto:legalads@arkansasonline.com)  
**To:** [Lori Freno \(ADE\)](#)  
**Subject:** Re: Notice of Rulemaking  
**Date:** Tuesday, December 21, 2021 9:34:37 AM

---

**Caution:** This is an external email and may contain a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact [ADE IT Services](#).

Thanks, Lori. Will run Sun 12/26, Mon 12/27, and Tues 12/28.

And I hope you and yours enjoy safe and Happy Holidays, and a Happy New Year as well!

Gregg Sterne, Legal Advertising  
Arkansas Democrat-Gazette

---

**From:** "Lori Freno, ADE" <[Lori.Freno@ade.arkansas.gov](mailto:Lori.Freno@ade.arkansas.gov)>  
**To:** [legalads@arkansasonline.com](mailto:legalads@arkansasonline.com)  
**Sent:** Monday, December 20, 2021 3:02:08 PM  
**Subject:** Notice of Rulemaking

Good afternoon. Would you please publish the attached Notice of Rulemaking for three consecutive days? Would you please let me know via return email the dates on which this Notice will publish?

Thank you so much and have a wonderful Holiday Season!

Lori Freno  
General Counsel  
Arkansas Department of Education  
Ph: (501) 682-4234  
[lori.freno@ade.arkansas.gov](mailto:lori.freno@ade.arkansas.gov)

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

**Effective Date: ~~July 1, 2020~~\_\_\_\_\_**

**1.00 REGULATORY AUTHORITY**

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

**2.00 PURPOSE**

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

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

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

3.05 "Public school" means:

3.05.1 A school operated by a public school district; or

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

3.06 "Public school district" means:

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

3.06.1.1 Governed by an elected board of directors; or

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

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

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

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

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

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

The review process shall include:

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

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

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

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

## **5.00 CITED STATUS**

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

## **6.00 PROBATIONARY STATUS**

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

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

## **7.00 ACCREDITATION OF PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS**

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

### **7.04 ACCREDITATION PROCESS**

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

7.04.2 The Division shall:

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

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

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

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

7.04.3 At any time, a public school or public school district which does not meet the Standards for Accreditation, as determined by the Division, shall be

notified in writing of the deficiency and the timeline for correction. Any deficiency unresolved shall be reported to the State Board of Education for consideration of action.

7.04.4 At any time but no later than May 1, the Division shall notify the public school district superintendent of the public schools or public school districts recommended accreditation status.

7.04.5 The State Board of Education will review the recommendation from the Division and make the final determination of accreditation status for the identified public schools or public school districts as outlined in Section 8.0 of these rules.

7.04.6 Public schools and public school districts classified as Accredited – Probation for more than two (2) consecutive school years shall be subject to enforcement actions pursuant to Ark. Code Ann. § 6-15-207 and Section 9.00 of these Rules.

## **8.00 SPECIFIC TIME FRAME FOR CITATIONS OR PROBATIONS**

8.01 A public school or public school district may be placed in Accredited – Cited or Accredited – Probation status at any time if any violation of the Standards for Accreditation has not been corrected or the appropriate documentation detailing the public school or public school district's plan, including necessary timelines, to correct the deficiency is not received by the Division within fifteen calendar (15) days of notification of the violation.

8.02 The Division will review the submitted documentation and respond in writing with the length of time that will be allowed for correction of the deficiency.

8.03 The recommended accreditation status will be submitted to the State Board of Education for final approval.

8.04 After approval by the State Board of Education, the public school or public school district will be identified as Accredited, Accredited - Cited, or Accredited - Probation. An identification as Accredited - Cited or Accredited - Probation shall be considered the first year of identification. The identification will remain in place for the following school year which shall be considered the second year of identification.

## **9.00 ENFORCEMENT OF STANDARDS FOR ACCREDITATION**

9.01 The State Board of Education may, on its own motion or upon petition from the Division, take any number of the following actions, listed in Section 9.03, to address a public school or public school district which has failed to meet the Standards for Accreditation at any time after a public school or public school

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

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

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

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

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

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

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

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

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

9.03.7 Reconstitute the leadership of a public school district by removing permanently or suspending on a temporary basis the superintendent of the

public school district or any particular board members of a public school district. The State Board of Education shall have the authority to appoint an administrator or to call for the election of new school board members to administer the affairs and provide governance of the public school district, or both;

9.03.8 Accept a corrective action plan to address the violations of the Standards for Accreditation and designate the public school or public school district as being Accredited –Corrective Action; or

9.03.9 Take any other appropriate action allowed by law which is determined by the State Board of Education to assist and address a public school or public school district failing to meet the Standards for Accreditation.

## **10.00 RIGHT OF APPEAL**

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

10.01 Any appeal shall be held at an open hearing, and the decision of the State Board of Education shall be in open session. The appeal must be filed no later than fifteen (15) calendar days.

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

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

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

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

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

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

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

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

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

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

## **11.00 WAIVER AUTHORITY AND PROCESS**

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

11.01.1 Unless the timeline is waived by the Commissioner based on emergency circumstances, a petition for waiver of any Standard for Accreditation by a public school district shall be filed in the Office of the Commissioner of Education thirty (30) calendar days prior to the meeting of the State Board of Education hearing the waiver petition.

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

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

## **12.00 NOTIFICATION TO THE PUBLIC**

When any public school or a public school district is determined by the State Board of Education to be in Accredited – Probation or Accredited – Corrective Action status for failure to meet the Standards for Accreditation, the public school district, after exhausting its rights to appeal, shall

publish the accreditation status determination and findings of the State Board of Education to the public and the parents or guardians of each student enrolled in the public school or public school district determined to have failed to meet the Standards for Accreditation.

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

MARK UP

## **APPENDIX A - THE STANDARDS FOR ACCREDITATION**

### **Standard 1: Academics**

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

### **Standard 1-A Curriculum and Instruction**

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

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

- 1-A.1.1.1 English Language Arts;
- 1-A.1.1.2 Mathematics;
- 1-A.1.1.3 Social Studies;
- 1-A.1.1.4 Science;
- 1-A.1.1.5 Fine Arts; and
- 1-A.1.1.6 Health and Safety Education and Physical Education.

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

- 1-A.1.2.1 English Language Arts;
- 1-A.1.2.2 Mathematics;
- 1-A.1.2.3 Science;
- 1-A.1.2.4 Social Studies;
- 1-A.1.2.5 Fine Arts;
- 1-A.1.2.6 Health and Safety and Physical Education; and
- 1-A.1.2.7 Career and Technical Education.

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

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

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

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

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

1-A.1.3.2 Science - 5 units;

1-A.1.3.3 Mathematics - 6 units;

1-A.1.3.4 Computer Science - 1 unit;

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

1-A.1.3.6 Fine Arts - 3 ½ units;

1-A.1.3.7 Social Studies - 4 units;

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

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

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

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

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

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

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

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

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

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

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

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

1-A.67 Each public school district shall adopt instructional material consistent with the public school district's curriculum and the Arkansas Academic Standards and educational goals established by the State Board of Education in accordance with the laws of the State of Arkansas and the rules of the Division. (D/P)

1-A.78 The district shall provide all necessary instructional materials to each student without cost to the student. (D/P)

## **Standard 1-B Academic Policies**

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

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

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

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

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

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

### Standard 1-C Student Performance

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

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

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

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

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

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

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

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

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

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

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

## **Standard 2: Student Support Services**

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

### **Standard 2-A Equitable Opportunities**

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

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

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

### **Standard 2-B Attendance and Enrollment**

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

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

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

## **Standard 2-C Comprehensive School Counseling Plan**

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

## **Standard 2-D Media Center Resources for Student Support**

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

## **Standard 2-E Health and Safety Services**

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

## **Standard 2-F Special Education Services**

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

## **Standard 2-G Gifted and Talented Services**

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

### **Standard 2-H Dyslexia Services**

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

### **Standard 2-I Alternative Education Services**

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

### **Standard 2-J English Learner Services**

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

### **Standard 3: District Operations and Fiscal Governance**

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

### **Standard 3-A Operating Policies, Procedures, and Training**

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

- 3-A.3 Each public school district shall submit accurate and timely reports deemed necessary to assure compliance with federal and state law and the rules of the Division, as requested. *(D/C)*
- 3-A.4 Each public school district shall ensure compliance with the Arkansas Public School Computer Network ("APSCN") reporting and annual training requirements required by the laws of the State of Arkansas and the rules of the Division. *(D/C)*
- 3-A.5 Each public school district shall employ a general business manager responsible for the fiscal operations of the school district. *(D/C)*
- 3-A.6 Each member of a public school district board of directors shall receive annual training in accordance with the laws of the State of Arkansas and the rules of the Division. A statement of the hours of training and instruction received by each board member for the preceding year shall be included in the annual school performance report required by the laws of the State of Arkansas. *(D/C)*
- 3-A.7 Each public school district superintendent shall file a written statement of assurance annually by ~~October~~ September 1 in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*
- 3-A.8 Except where otherwise allowed by law, each public school district shall comply with the Standards for Accreditation without using enhanced student achievement funding. *(D/C)*
- 3-A.9 By August 1, each public school district shall post all student handbooks on the district website under State – Required Information. *(D/C)*
- 3-A.10 Each public school district which has not obtained full and complete unitary status and has not been released from court supervised desegregation obligations shall seek to obtain a declaration of full and complete unitary status and release from all court supervision from the federal courts. *(D/P)*
- 3-A.10.1 Beginning September 15 of each year, any public school district identified in Section 3-A.10 shall submit written quarterly reports to the Division detailing the district's outstanding desegregation obligations and the district's efforts towards obtaining full unitary status and release from court supervision. The detailed plan shall include the district's progress towards meeting its obligations and timelines for reaching a determination of full unitary status and release from court supervision. *(D/P)*
- 3-A.10.2 If the Division is unable to verify the public school district's efforts to comply with the submitted detailed plan required by these Rules, the Division shall recommend to the State Board of Education whether the public school district should be placed on Accredited – Probation status in accordance with these Rules. *(D/P)*

### Standard 3-B School-level Improvement Plans and Reporting

- 3-B.1 Each public school in Arkansas shall develop, with appropriate staff and community participation, a school-level improvement plan. School goals shall be compatible with district, state and national educational goals and shall address local needs in accordance with the laws of the State of Arkansas and the rules of the Division. The school-level improvement plans must be approved by the district and school board and posted to the district website under State – Required Information by August 1. *(D/C)*
- 3-B.2 Each public school district board of directors shall systematically and, at least annually, explain its policies, programs, and goals to the community in a public meeting that provides opportunities for parents and other members of the community to ask questions and make suggestions concerning the school program in accordance with the laws of the State of Arkansas and the rules of the Division. The report shall detail the progress of the district and schools toward accomplishing program goals, accreditation standards, and proposals to correct deficiencies. The report shall be made available to the public and the public shall be notified of the meeting. The the most recent report shall be posted to the district website under State – Required Information by August 1. *(D/C)*
- ~~3-B.2.1 The annual report to the public shall be posted on the district website under State – Required Information no later than 10 days after the public meeting is held. *(D/C)*~~

### Standard 3-C Maintenance of Records and Reports

- 3-C.1 Each public school and public school district shall develop and implement a records retention policy that retains all reports and records necessary for effective planning, operation, and education in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*
- 3-C.2 Each public school and public school district shall maintain permanent student records in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*

### Standard 3-D Food Service

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

**Standard 4: Human Capital**

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

**Standard 4-A Background Checks**

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

**Standard 4-B Superintendent**

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

**Standard 4-C Principals and other Building and District Administrators**

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

**Standard 4-D Teachers**

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

**Standard 4-E School Counselors**

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

**Standard 4-F Library Media Specialists**

- 4-F.1 Each public school district shall employ library media specialists that meet the licensure requirements in accordance with the laws of the State of Arkansas and the

rules of the Division or are working under a licensure exception in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/C)*

- 4-F.2 Public schools with fewer than three hundred (300) students shall employ at least one half-time library media specialist. Public schools with three hundred (300) or more students shall employ at least one full-time library media specialist. Schools enrolling fifteen hundred (1,500) or more students shall employ at least two full-time library media specialists. *(S/P)*

#### **Standard 4-G Professional Development**

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

#### **Standard 5: Stakeholder Communication / Family and Community Engagement**

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

##### **Standard 5-A Comprehensive Plan for Communication and Engagement**

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

#### **Standard 6: Facilities and Transportation**

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

##### **Standard 6-A Facilities and Equipment**

- 6-A.1 Each public school district shall plan, construct, and maintain school facilities in accordance with federal laws, the laws of the State of Arkansas, and the rules of the Arkansas Division of Public School Academic Facilities and Transportation. *(D/C)*
- 6-A.2 Each public school districts shall adopt and implement school safety policies and procedures in accordance with the laws of the State of Arkansas and the rules of the Division. *(D/P)*