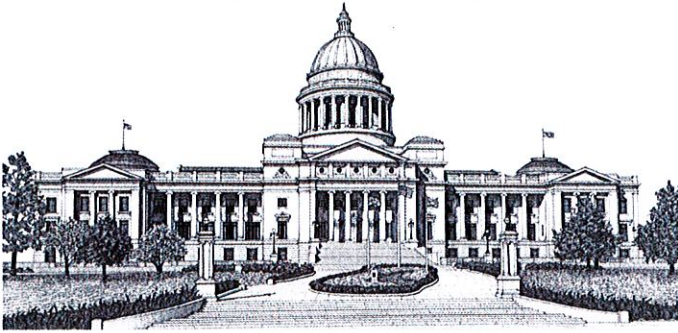


# ARKANSAS REGISTER

## Transmittal Sheet

Use only for FINAL and EMERGENCY RULES



Secretary of State

Mark Martin

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

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For Office

Use Only:

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

Name of Agency Arkansas Department of Education

Department Division of Elementary and Secondary Education

Contact Lori Freno E-mail lori.freno@ade.arkansas.gov Phone 501-682-4234

Statutory Authority for Promulgating Rules 6-10-106, 6-11-105 and 129, 6-11-129, 6-13-619, 6-15-208, 209, 1402, 1704, 2006, 2101, 2202, and 2914, 6-17-201, 1901, and 2301, 6-18-702 and 2005, 6-23-104, 6-41-611

Rule Title: Division of Elementary and Secondary Education Rules Governing Documents Posted to School District and Education Service Cooperative Websites

### Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published .....

1/23, 24, 25, 2022

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

Final Date for Public Comment .....

2/24/22

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

Reviewed by Legislatice Council .....

4/22/22

Adopted by State Agency .....

3/10/22

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

Lori Freno

lori.freno@ade.arkansas.gov

April 22, 2022

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

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

Signature

501-682-4234

lori.freno@ade.arkansas.gov

Phone Number

E-mail Address

General Counsel, Arkansas Department of Education

Title

April 22, 2022

Date

**ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES  
GOVERNING DOCUMENTS POSTED TO SCHOOL DISTRICT AND EDUCATION  
SERVICE COOPERATIVE WEBSITES  
Effective Date: May 2, 2022**

**1.00 REGULATORY AUTHORITY**

- 1.01 These Rules are enacted pursuant to the State Board of Education’s authority under Ark. Code Ann. §§ 6-10-106, 6-11-105, 6-11-129, 6-13-619, 6-15-208, 6-15-209, 6-15-1402, 6-15-1704, 6-15-2006, 6-15-2101, 6-15-2202, 6-15-2914, 6-17-201, 6-17-1901, 6-17-2301, 6-18-702, 6-18-2005, 6-23-104, 6-41-611, and 25-15-201 et seq.

**2.00 PURPOSE**

- 2.01 The purpose of these Rules is to apprise school districts, open-enrollment public charter schools, and education service cooperatives of the requirements for publishing documents mandated to be posted to the district’s website or the education service cooperative’s website.

**3.00 ACCESSIBILITY OF REQUIRED INFORMATION ON WEBSITE**

- 3.01 All information required to be posted on the website shall be easily accessible through the homepage of the district’s website under an easily identifiable direct link titled “State—Required Information” to a page on the district’s website where the information may be found.
- 3.02 On the page, the district shall subdivide the information required by these Rules by the categories of information.

**4.00 POLICY, DATA, AND INFORMATIONAL DOCUMENTS TO BE ACCESSIBLE ON WEBSITE**

- 4.01 By August 1 of each year, the following data and information are required to be posted to the school district’s website:
- 4.01.1 The school-level improvement plans, including the literacy plan required by Ark. Code Ann. § 6-15-2914(b);
  - 4.01.2 The written discipline policies;
  - 4.01.3 All student handbooks;

- 4.01.4 The school calendar;
  - 4.01.4.1 If a school district chooses to implement an alternative calendar based on hours instead of days as authorized under Ark. Code Ann. § 6-10-106, the alternative school calendar;
- 4.01.5 The written bullying policies adopted in accordance with Ark. Code Ann. § 6-18-514, unless the policies are contained in the student handbook;
- 4.01.6 The comprehensive school counseling plan as required by Ark. Code Ann. § 6-18-2005;
- 4.01.7 The plan for parent, family, and community engagement including the scheduling of at least two (2) parent-teacher conferences each year, the parental involvement plan of all public schools in the district, and informational packets required by Ark. Code Ann. § 6-15-1702;
- 4.01.8 The three (3) year teacher and administrator recruitment and retention plan required by Ark. Code Ann. § 6-17-1901; and
- 4.01.9 An open-enrollment charter school shall post the most recent version of its written charter contract.
- 4.02 The district must post the annual school performance report for each school year on the website of the district no later than ten (10) days after it is posted on the Division's website.
- 4.03 A public school district receiving Level 2--Collaborative, Level 3--Coordinated, Level 4--Directed, or Level 5-- Intensive support shall post the public school district support plan as required by Ark. Code Ann. § 6-15-2914(d) no later than ten (10) days after submission to the Division.
- 4.04 When a public school district is receiving Level 5--Intensive support, a school is identified as in need of targeted or comprehensive support, or the public school district is in fiscal distress, the district must post a parent-friendly explanation of why and what the district is doing to be removed from the classification.
- 4.05 By December 1, a public school shall post the vaccination and immunization report required by Ark. Code Ann. § 6-18-702(b) that provides information regarding the:
  - 4.05.1 Number and percentage of students within the public school who have been granted from the Department of Health an

exemption from the requirement to obtain one (1) or more vaccinations as required under Ark. Code Ann. § 6-18-702;

4.05.2 Number and percentage of students within the school who have failed to provide the school proof of the vaccinations required under Ark. Code Ann. § 6-18-702; and

4.05.3 Number and percentage of students who have not obtained an exemption from the Department of Health.

4.06 A district must post all waivers granted under Ark. Code Ann. § 6-15-103 to the district's website within thirty (30) days of the State Board of Education's approval.

**5.00 FINANCIAL DOCUMENTS REQUIRED TO BE POSTED TO THE DISTRICT WEBSITE**

5.01 By August 1, the district must post the following information:

5.01.1 Written policies for the fiscal operation of the district; and

5.01.2 Current comprehensive financial data reports including:

5.01.2.1 Local and state revenue sources;

5.01.2.2 Administrator and teacher salary and benefit expenditure data;

5.01.2.3 School district balances, including legal balances and building fund balances;

5.01.2.4 The district budget for the current year;

5.01.2.4.1 The budget must also be updated on the website within thirty (30) days following the state reporting Cycle 1 deadline (September 30).

5.01.3 A financial breakdown of monthly expenses of the district;

5.01.4 Salary schedules for all employees, including extended contract and supplementary pay amounts;

5.01.5 All current contract information with all district employees, including, but not limited to, salary, benefits, stipends, supplementary income, leave time, and all other contract terms; and

5.01.5.1 Social security numbers, telephone numbers, personal addresses, and signatures shall not be published.

5.01.6 The annual school district statistical report.

5.02 The information required by this Section must consist of actual data for the two previous school years and the projected budgeted information for the current school year.

**6.00 PERSONNEL DOCUMENTS REQUIRED TO BE POSTED TO THE DISTRICT WEBSITE**

6.01 Each district is required to post district licensed and classified personnel policies and salary schedules required under Ark. Code Ann. § 6-17-201 et seq. and Ark. Code Ann. § 6-17-2301 et seq.

6.02 By August 1 of each year, a district must provide the Division with the website where its current personnel policies and salary schedules may be found.

6.02.1 This information is currently collected in state reporting cycles 1-9.

6.02.2 The website address must be entered correctly in each cycle, especially if there are changes to the website address.

6.03 The Division will notify any district that has not posted its personnel policies, or salary schedules, or both, on the district website or provided the Division with the web address in accordance with these Rules.

6.04 A district failing to meet the requirements of this Section by September 15 will not receive in any year any additional state foundation funding from the Public School Fund until the personnel policies and salary schedules are posted to the district's website.

**7.00 DYSLEXIA INFORMATION REQUIRED TO BE POSTED TO THE DISTRICT WEBSITE**

7.01 The superintendent of a district shall annually report the results of the district screening required under Ark. Code Ann. § 6-41-603.

7.02 Before July 15 of each year, a district shall report on the website of the district, or in writing to the parents of each student in the district, the following information:

7.02.1 The dyslexia intervention programs used during the previous school year that were specifically responsive to assisting students exhibiting characteristics of dyslexia;

7.02.2 The number of students during the previous school year who received dyslexia intervention; and

7.02.3 The total number of students identified with dyslexia during the previous school year.

7.02.3.1 For purposes of Section 7.02.3, “identified with dyslexia” means students exhibiting the characteristics of dyslexia through a school-based or outside evaluation and students with a formal dyslexia diagnosis.

7.03 Any district that fails to comply with this Section shall be in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts and may be placed on probationary status.

#### **8.00 PROBATIONARY STATUS REQUIRED TO BE POSTED TO THE DISTRICT WEBSITE**

8.01. When any school of a district, or the 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, that district, after exhausting its rights to appeal, shall:

8.01.1 Immediately after the State Board’s findings, publish the probationary status determination and findings of the State Board on the website of the district in an understandable and uniform format.

8.02 Documentation shall be posted until the State Board removes the status.

#### **9.00 SCHOOL BOARD INFORMATION REQUIRED TO BE POSTED ON THE DISTRICT WEBSITE**

9.01 At least ten (10) days before the date of a regular meeting of its Board of Directors, a district shall publish on the district’s website a notice of the date, time, and place of the meeting.

9.02 At least twenty-four (24) hours before a rescheduled regular meeting, a district shall publish on the district’s website a notice of the change in the date, time, or place of the regular meeting.

- 9.03 The district must post the minutes of regular and special meetings of the school board.

**10.00 DOCUMENTS REQUIRED TO BE POSTED ON THE EDUCATION  
SERVICE COOPERATIVE WEBSITE**

- 10.01 Each education service cooperative shall post the final evaluation, including any self-evaluation, required by Ark. Code Ann. § 6-13-1021, on the website of the education service cooperative.



## **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.

# ARKANSAS STATE LIBRARY



## Agency Certification Form For Depositing Rules At the Arkansas State Library



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<b>Name of Agency:</b>		<b>Division/Department/Office:</b>
<b>Contact Person:</b>		<b>Telephone:</b>
<b>Statutory Authority for Promulgating Rules:</b>		
<b>Title of Rule:</b>		
<b>Rule Status</b>	<b>Date Adopted by Agency</b>	<b>Effective Date</b>
<small>(Use drop down to select different status)</small>	MM/DD/YYYY	<b>10 Days After Filing</b>  <b>Other:</b> _____ <small>(if other, specify date)</small>
<b>Rule above is proposed and will be replaced by final version</b>		
<b>Financial and/or Fiscal Impact Statement Attached</b>		
<b>Certification of Authorized Officer</b>		
I hereby certify that the attached rules were adopted in compliance with Act 434 of 1967 as amended.		
<b>Signature:</b> _____		<b>Date:</b> _____
<b>Title:</b> _____		