ARKANSAS REGISTER

Proposed Rule Cover Sheet

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Name of Department Arkansas Department of Education

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~~ARKANSAS~~ DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING STANDARDS FOR ACCREDITATION OF ARKANSAS PUBLIC SCHOOLS AND <u>PUBLIC</u> SCHOOL DISTRICTS
Effective Date: ~~May 2, 2022~~

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.~~ <u>Arkansas Code</u> §§ 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~~ <u>from which</u> Arkansas public schools and public school districts are accredited, the process ~~whereby~~ <u>to cite</u> Arkansas public schools and public school districts ~~will be cited~~ or ~~placed~~ <u>otherwise place the foregoing</u> 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.

<u>3.04 "Career-ready pathways" means a sequence of courses and activities to prepare students for success after high school that includes the minimum academic core, a</u>

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sequence of career and technical education courses in a program of study aligned with high-wage, high-demand jobs in Arkansas, and the opportunity to earn a credential of value

~~3.04 "Division" means the Division of Elementary and Secondary Education of the Arkansas Department of Education.~~

~~3.05~~ 3.04 "Public school" means:

~~3.05.1~~ 3.04.1 A school operated by a public school district; or

~~3.05.2~~ 3.04.2 An open-enrollment public charter school, as defined in ~~Ark. Code Ann.~~ Arkansas Code § 6-23-103.

~~3.06~~ 3.05 "Public school district" means:

~~3.06.1~~ 3.05.1 A geographic area that qualifies as a taxing unit for purposes of ad valorem property taxes under ~~Ark. Code Ann.~~ Arkansas Code § 26-1-101 et seq. and Arkansas Constitution, Article 14, § 3, and is either:

~~3.06.1.1~~ 3.05.1.1 Governed by an elected board of directors; or

~~3.06.1.2~~ 3.05.1.2 Under the administrative control of the State Board or the Commissioner of Elementary and Secondary Education in place of an elected board of directors; or

~~3.06.2~~ 3.05.2 An open-enrollment public charter school, as defined in ~~Ark. Code Ann.~~ Arkansas Code § 6-23-103.

~~3.07~~ 3.06 "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~~ 3.07 "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

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

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The review process shall include:

4.01.1 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's website, by Commissioner's Memo, or the division's social media;

~~4.02~~ 4.01.2 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~~ 4.01.3 Revision, as needed, of the Standards for Accreditation by division staff;

~~4.04~~ 4.01.4 Submission of the revised Standards for Accreditation for review by the State Board of Education and consideration for release for public comment;

~~4.05~~ 4.01.5 Submission to the Senate and House Education Committees for review and feedback to the State Board of Education; and

~~4.06~~ 4.01.6 Review of the Senate and House Education Committee feedback and ~~make~~ necessary revisions.

~~4.07~~ 4.01.7 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

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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 A public school or school district may be assigned Probation status if the public school or school district is deemed to have failed to meet three (3) or more standards in any one (1) school year, or fails to meet Standards for Accreditation for three (3) consecutive school years.

~~6.03~~ 6.04 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~~ 6.05 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.~~ pursuant to Arkansas Code § 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.~~ Arkansas Code § 6-17-410 and other relevant state and federal law.

7.04 ACCREDITATION PROCESS

7.04.1 The Division of Elementary and Secondary Education shall annually review all public school and public school district accreditation reports.

7.04.2 The division shall:

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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~~ state board 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~~ state board 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 8.00 ~~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.~~ Arkansas Code § 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 of Elementary and Secondary Education within fifteen (15) calendar days of notification of the violation.

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

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

8.04 After approval by the ~~State Board of Education~~ state board, the public school or public school district will be identified as Accredited, ~~Accredited – C~~ited, or ~~Accredited – P~~robation. An identification as ~~Accredited – C~~ited or ~~Accredited – P~~robation 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~~ state board 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~~ state board 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 – P~~robation for failing to meet the Standards for Accreditation for two (2) consecutive school years including the year the ~~Accredited – P~~robation status was issued, unless the ~~State Board of Education~~ state board, 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~~ state board 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~~ with the cost of the professional development to be covered by the public school district;

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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.~~ Arkansas Code § 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.~~ Arkansas Code § 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 – C~~orrective Action; or

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

10.00 RIGHT OF APPEAL

10.01 In the event a public school or public school district believes the Division of Elementary and Secondary Education 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 ~~it's~~ a written appeal with the office of the Commissioner of Elementary and Secondary Education.

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

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10.02 10.01.2 The following procedures shall apply to State Board of Education state board 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 10.01.2.1 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 10.01.2.2 The division shall have up to twenty (20) fifteen (15) minutes to present its case to the state board. The chairperson of the State Board may allow additional time if necessary.

10.02.3 10.01.2.3 The appealing public school district shall have up to twenty (20) fifteen (15) minutes to present its case to the state board. The chairperson of the State Board may allow additional time if necessary.

10.02.4 10.01.2.4 The state board may pose questions to any party at any time during the hearing.

10.02.5 10.01.2.5 The state board shall then discuss, deliberate, and vote upon the matter.

10.02.6 10.01.2.6 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 10.01.2.7 The state board shall issue a written order concerning the matter.

10.03 10.01.3 The State Board of Education state board 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 10.01.4 Pursuant to Ark. Code Ann. Arkansas Code § 6-15-203, an appeal from the ruling of the State Board of Education state board 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. Arkansas Code § 25-15-201 et seq.

11.00 WAIVER AUTHORITY AND PROCESS

11.01 Except as provided by Ark. Code Ann. Arkansas Code § 6-15-202(b)(2), the State Board of Education on its own motion, or on petition from the Division of Elementary and Secondary Education or from a district, may, upon a showing of

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just cause in a public hearing of the State Board of Education state board, grant a waiver of any Standard for Accreditation for no longer than one (1) school year. However, no curricula, student performance, school performance, or any standard required by law may be waived for any time period.

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

11.01.2 A hearing of the State Board of Education concerning a waiver of any Standard for Accreditation shall be conducted in a public hearing of a properly announced regular or special meeting of the State Board of Education in accordance with Arkansas law, and following procedures in 10.02 of these rules, no later than May 20. A petition for a waiver under section 11.01 shall be filed with the division under the procedures outlined in the Division of Elementary and Secondary Education Rule Governing Public School Waivers.

11.02 A waiver of any Standard for Accreditation approved by the State Board of Education state board 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 state board 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 state board'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~~ state board removes the status.

APPENDIX A - THE STANDARDS FOR ACCREDITATION

Standard 1: Academics

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

Standard 1-A Curriculum and Instruction

1-A.1 Each public school district board of directors shall annually adopt and implement written curriculum aligned to the Arkansas Academic Standards for the operation of the school district ~~in accordance with the laws of the State of Arkansas and the rules of the Division~~ pursuant to Arkansas law or Division of Elementary and Secondary Education rules. 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, including career awareness and exploration activities outlined in the Division Of Elementary And Secondary Education Rule Governing Career-Ready Pathways to Diploma.

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

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Arkansas history taught to all students at the 7th, 8th, 9th, 10th, 11th, or 12th grade level in every public secondary school in the state. *(S/P)*

1-A.1.2.9 Upon approval by the division, courses taught in grades 5-8 may be offered for high school graduation credit. Courses shall have the same rigor as those taught in high school, but content for a single course may be taught over a two-year period. Teachers shall be licensed, or teaching under an approved licensure exception, 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~~ programs of study where each program of study represents at least 3 units of sequenced courses.

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~~ pursuant to Arkansas law or division rules. *(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. Arkansas Code § 6-15-216. *(S/P)*

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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~~ pursuant to Arkansas law or division rules. 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 Arkansas Code §§ 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~~ Arkansas law and division rules regarding class size based on enrollment as of October 1 of each school year. *(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~~ Arkansas law and division rules regarding teaching load. *(D/P)*

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

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

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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~~ pursuant to Arkansas law or division rules. 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~~ September 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 develop and implement a written health and wellness plan as part of the district's AR App 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)*

1-B.4.1 Each public school district and open enrollment public charter school shall develop a student success plan for each enrolled student by the end of grade eight (8) and maintain the student success plan through graduation. *(D/C)*

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~~ Arkansas law and division rules regarding the statewide student assessment system. *(D/P)*

1-C.1.1 Each public school shall assess at least ninety-five percent (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~~ pursuant to Arkansas law or division rules 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)*

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

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

1-C.2.4 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 Beginning with the graduating class of 2026-2027, students in grades nine through twelve (9-12) must complete at least ~~one (1) digital course~~ seventy-five (75) clock hours of community service ~~for credit~~ to graduate. *(S/P)*

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

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

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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.~~ Arkansas Code § 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~~ pursuant to Arkansas law or division rules. By ~~August~~ September 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 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~~ pursuant to Arkansas law or division rules. *(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

MARKUP

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.~~ Arkansas Code § 6-41-101 et seq., ~~the laws of the State of Arkansas and the rules of the Division~~ Arkansas law and division rules. *(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.~~ Arkansas Code § 6-41-101 et seq., ~~the laws of the State of Arkansas and the rules of the Division~~ Arkansas law and division rules. *(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~~ pursuant to Arkansas law or division rules. *(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~~ pursuant to Arkansas law or division rules. *(D/P)*

2-H.2 Each public school district shall comply with the annual dyslexia reporting as required by ~~Ark. Code Ann.~~ Arkansas Code § 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~~ pursuant to Arkansas law or division rules. *(D/C)*

Standard 2-K Career and Technical Education

MARKUP

2-K.2 Each public school district shall offer at least one career-ready pathway that is aligned with high-wage, high-demand jobs in Arkansas as determined by the annual list published by the Department of Education. (*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~~ pursuant to Arkansas law or division rules. By ~~August~~ October 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~~ September 15, 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~~ Arkansas law and division rules. *(D/C)*

3-A.5 Each public school district shall employ or contract with 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~~ pursuant to Arkansas law or division rules. 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 law. *(D/C)*

3-A.7 Each public school district superintendent shall file a written statement of assurance annually by September 1 ~~in accordance with the laws of the State of Arkansas and the rules of the Division~~ pursuant to Arkansas law or division rules. *(D/C)*

MARKUP

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~~ September 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.~~ Each public school in Arkansas shall develop, with appropriate staff and community participation, a school-level improvement plan. School improvement plans should be aligned with district goals. Components of the School Improvement Plan shall include: academic achievement and growth, a literacy support plan, family and community engagement, health and wellness, and transitional opportunities for early childhood or post-secondary success including intentional planning of course offerings. The school-level improvement plans shall be approved by the local school board and posted to the district website under State required information by August 1. *(D/C)*

MARKUP

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~~ pursuant to Arkansas law or division rules. 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 most recent report shall be posted to the district website under State – Required Information by ~~August~~ September 1. *(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~~ pursuant to Arkansas law or division rules. *(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~~ pursuant to Arkansas law or division rules. *(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~~ pursuant to Arkansas law or division rules. *(D/C)*

Standard 4-B Superintendent

4-B.1 Each public school district shall employ a full-time superintendent or charter school executive officer to oversee all operations of the public school district. *(D/P)*

MARKUP

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~~ pursuant to Arkansas law or division rules 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~~ pursuant to Arkansas law or division rules. *(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 or charter school campus director. 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, dean of students, 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~~ pursuant to Arkansas law or division rules 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~~ pursuant to Arkansas law or division rules. *(D/C)*

4-C.3 Each public school district shall register with the Division any building or district level administrator, with the exception of the superintendent, that is in his or her first year of employment as an administrator and ensure these administrators receive mentoring support for their first three (3) years. *(D/C)*

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

Standard 4-D Teachers

4-D.1 Each public school district shall employ classroom teachers that meet the licensure requirements ~~in accordance with the laws of the State of Arkansas and the rules of the Division~~ pursuant to Arkansas law or division rules or are teaching under a licensure exception ~~in accordance with the laws of the State of Arkansas and the rules of the Division~~ pursuant to Arkansas law or division rules. *(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~~

MARKUP

~~the laws of the State of Arkansas and the rules of the Division~~ pursuant to Arkansas law or division rules. *(D/C)*

4-D.3 Each public school district must comply with the Right to Read Act, codified in ~~Ark. Code Ann.~~ Arkansas Code § 6-17-429, regarding the hiring of teachers who demonstrate proficiency in knowledge and practices of scientific reading instruction. *(D/P)*

4-D.4 Each public school district shall register with the Division any teacher that is in his or her first year of employment as a teacher and ensure these teachers receive mentoring support for their first three (3) years. *(D/C)*

4-D.5 At least once every four (4) years, the district shall report in the state approved platform a summative rating for each teacher. *(D/C)*

~~4-D.6 Beginning with the 2023-2024 school year, a public school district shall employ a computer science teacher at each high school in the district. *(D/C)*~~

Standard 4-E School Counselors

4-E.1 Each public school district shall employ school counselors that meet the licensure requirements ~~in accordance with the laws of the State of Arkansas and the rules of the Division~~ pursuant to Arkansas law or division rules or are working under a licensure exception ~~in accordance with the laws of the State of Arkansas and the rules of the Division~~ pursuant to Arkansas law or division rules. *(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.~~ Arkansas Code § 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~~ pursuant to Arkansas law or division rules or are working under a licensure exception ~~in accordance with the laws of the State of Arkansas and the rules of the Division~~ pursuant to Arkansas law or division rules. *(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)*

MARK-UP

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~~ Arkansas law or division rules 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.~~ at Arkansas Code § 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~~ pursuant to Arkansas law or Division rule. By ~~August~~ October 1, the plan shall be posted on the district website under State – Required Information, as part of the district's AR App. *(D/C)*

Standard 6: Facilities and Transportation

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

Standard 6-A Facilities and Equipment

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

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

MARKUP

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT Department of Education
BOARD/COMMISSION State Board of Education
BOARD/COMMISSION DIRECTOR Jacob Oliva
CONTACT PERSON Andres Rhodes
ADDRESS Four Capitol Mall, Little Rock AR, 72201
PHONE NO. (501) 682-4234 **EMAIL** andres.rhodes@ade.arkansas.gov
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING
Courtney Salas-Ford
PRESENTER EMAIL(S) courtney.salas-ford@ade.arkansas.gov

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

****

1. What is the official title of this rule?
DESE Rule Governing the Standards for Accreditation of Arkansas Public School and Public School Districts

2. What is the subject of the proposed rule? Public school accountability

3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☑

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☐

4. Is this rule being filed for permanent promulgation? Yes ☑ No ☐

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☑

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire?_____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes ☐ No ☑

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

6. Is this rule required to comply with a *state* statute or rule? Yes ☑ No ☐

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

Arkansas Code 6-16-1801 et seq.; Section 4.00 of this rule.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes ☐ No ☑

If yes, please list the rules being repealed.
If no, please explain.

The Department is unable to identify two rules that can be repealed.

8. Is this a new rule? Yes ☐ No ☑

Does this repeal an existing rule? Yes ☐ No ☑
If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes ☑ No ☐
If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

Arkansas Code 6-11-105; 6-15-202, 6-15-203, 6-15-207, 6-15-208, 6-15-209, and 25-15-201 et seq.

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes ☑ No ☐

If yes, please provide the year of the act(s) and act number(s).

Act 237 of 2023

11. What is the reason for this proposed rule? Why is it necessary?

Act 237 of 2023, otherwise known as the LEARNS Act, requires that school districts offer career-ready pathways to a high school diploma to prepare students to enter a career immediately after high school. LEARNS also requires that students in public schools complete 75 clock hours of community service to graduate. Act 242 of 2023 required that the Department create a process to allow a student to substitute comparable elective coursework pertaining to career and technical education for core academic credit to the student's public school or public school district.
This amendment is necessary because both Acts included several requirements for public schools and public-school districts to provide high quality career-ready education to students in Arkansas and to allow students and parents more flexibility when structuring students' education. The Standards for Accreditation are the enforcement mechanism by which the Department can hold public schools and public-school districts accountable to ensure that the legislative mandate to provide a high-quality career-ready education to students in Arkansas is met.

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

https://dese.ade.arkansas.gov/Offices/legal/rules/pending

13. Will a public hearing be held on this proposed rule? Yes ☑ No ☐

If yes, please complete the following:

Date: 09/20/2024

Time: 10:00 am

Place: ADE Auditorium, Four Capitol Mall, Little Rock AR 72201

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. 10/04/2024

15. What is the proposed effective date for this rule? January 1, 2025

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes ☐ No ☑

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT Arkansas Department of Education
BOARD/COMMISSION State Board of Education
PERSON COMPLETING THIS STATEMENT Stephen Reynolds
TELEPHONE NO. (501) 682-4899 **EMAIL** stephen.reynolds@ade.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE Division of Elementary and Secondary Education Rules Governing Standards for Accreditation o

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 no, please explain:

   (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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

   (d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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

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

Current Fiscal Year

General Revenue_____
Federal Funds_____
Cash Funds_____
Special Revenue_____
Other (Identify)_____

Total $ 0.00

Next Fiscal Year

General Revenue_____
Federal Funds_____
Cash Funds_____
Special Revenue_____
Other (Identify)_____

Total $ 0.00

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

Current Fiscal Year

General Revenue_____
Federal Funds_____
Cash Funds_____
Special Revenue_____
Other (Identify)_____

Total $ 0.00

Next Fiscal Year

General Revenue_____
Federal Funds_____
Cash Funds_____
Special Revenue_____
Other (Identify)_____

Total $ 0.00

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

Current Fiscal Year
$ 0.00

Next Fiscal Year
$ 0.00

6. What is the total estimated cost by fiscal year to a state, county, or 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
$ 0.00

Next Fiscal Year
$ 0.00

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.

Jacob Oliva
Secretary

Stacy Smith
Deputy Commissioner

State Board of Education

Dr. Sarah Moore
Stuttgart
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Little Rock

Ken Bragg
Sheridan

Leigh Keener
Little Rock

August 30, 2024

Proposed Rule Governing the Standards for Accreditation of Arkansas Public School and Public School Districts

PURPOSE

The Division of Elementary and Secondary Education is seeking the Governor's review of a proposed amendment to the Rule Governing the Standards for Accreditation of Arkansas Public School and Public School Districts.

BACKGROUND

Pursuant to Arkansas Code 6-15-202 and this rule, the Division must review the Standards for Accreditation at least once every two years and determine whether the Standards should be amended.

KEY POINTS

- Allows school districts more flexibility when structuring school calendars and class sizes without requesting a waiver from the State Board.
- Establishes a process by which a student may substitute comparable elective coursework for core academic credit.
- Includes several revisions to the Standards to incorporate requirements in the upcoming Rule Governing Career-Ready Pathways to a High School Diploma and Rule Governing Community Service.

DISCUSSION

Act 237 of 2023, otherwise known as the LEARNS Act, requires that school districts offer career-ready pathways to a high school diploma to prepare students to enter a career immediately after high school. LEARNS also requires that students in public schools complete 75 clock hours of community service to graduate. Act 242 of 2023 required that the Department create a process to allow a student to substitute comparable elective coursework pertaining to career and technical education for core academic credit to the student's public school or public school district.

This amendment is necessary because both Acts included several requirements for public schools and public-school districts to provide high quality career-ready education to students in Arkansas and to allow students and parents more flexibility when structuring students' education. The Standards for Accreditation are the enforcement mechanism by which the Department can hold public schools and public-school districts accountable to ensure that the legislative mandate to provide a high-quality career-ready education to students in Arkansas is met.

After a 30-day public comment period, substantive changes were made to the rule, including amending several reporting deadlines and adding a new Standard: 1-B.4.1, which requires public school districts and open-enrollment public charter schools to develop and maintain student success plans.

RECOMMENDATION

The Division of Elementary and Secondary Education recommends Governor's Office approval of this rule.

Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Division of Elementary and Secondary Education is considering new administrative rules. A public comment hearing will be held on September 20, 2024, at 10:00 a.m. on the DESE Rule Governing Documents Posted to School District and Education Service Cooperative Websites; DESE Rule Governing the Standards for Accreditation of Arkansas Public Schools and School Districts and the DESE Rule Governing Career-Ready Pathways.

All hearings will be held at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201. The public comment period for these rules ends on October 4, 2024. Written comments regarding these proposed rules may be mailed to ADE Legal Services, Four Capitol Mall, Room 302A, Little Rock, AR, 72201. Comments also may be emailed to ADE.RulesComments@ade.arkansas.gov. A copy of the proposed rules can be found on the Division of Elementary and Secondary Education's website at: https://dese.ade.arkansas.gov/Offices/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) 683-1390.

From: Legal Ads
To: Stephen Reynolds (ADE)
Subject: Re:
Date: Friday, August 30, 2024 10:25:47 AM
Attachments: image001.png

> **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, Stephen. Will run Sun 9/1, Mon 9/2, and Tues 9/3. Sunday will be billed separately.

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Stephen Reynolds, ADE" <Stephen.Reynolds@ade.arkansas.gov>
To: "legalads" <legalads@arkansasonline.com>
Cc: "Andres Rhodes (ADE)" <Andres.Rhodes@ade.arkansas.gov>, "Daniel Shults, ADE" <Daniel.Shults@ade.arkansas.gov>, "LaBria Brown, ADE" <LaBria.Brown@ade.arkansas.gov>
Sent: Friday, August 30, 2024 9:49:50 AM
Subject: RE:

Thanks for your help Gregg! Please confirm receipt and run the notice for three consecutive days beginning Sunday, September 2, 2024.

Thanks,

Stephen M. Reynolds
Associate Legal Counsel
Arkansas Department of Education
(501) 682-4899

Disclaimer: If you are not an employee of the State of Arkansas, any legal information contained in this email is purely informative. Nothing is intended to be or should be considered as legal advice. This email may contain confidential information. If you are not the intended recipient, please disregard and delete the email.

From: Stephen Reynolds (ADE)
Sent: Friday, August 30, 2024 9:19 AM
To: legalads@arkansasonline.com
Cc: Andres Rhodes (ADE) <Andres.Rhodes@ade.arkansas.gov>; Daniel Shults (ADE) <daniel.shults@ade.arkansas.gov>; LaBria Brown (ADE) <LaBria.Brown@ade.arkansas.gov>
Subject:

Good morning,

Please find attached a notice of rulemaking. Let me know if you have any questions or need anything else from me.

Thanks,

Stephen M. Reynolds
Associate Legal Counsel
Arkansas Department of Education
4 Capitol Mall, Suite 302
Little Rock, Arkansas 72201
Office: (501) 682-4899

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