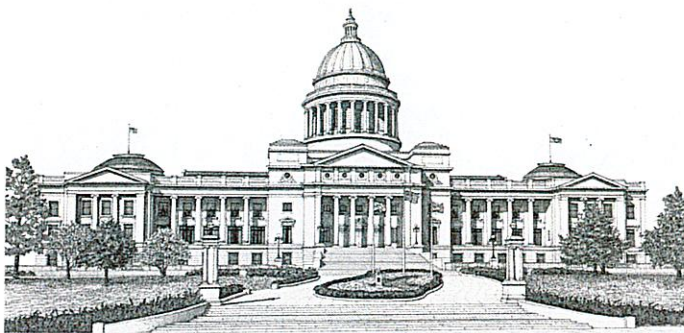


ARKANSAS REGISTER

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

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Education

Department Division of Elementary and Secondary Education

Contact Courtney Salas-Ford E-mail courtney.salas-ford@ade.arkansas.gov Phone (501) 682-4752

Statutory Authority for Promulgating Rules Ark. Code Ann. §§ 6-11-105, 6-11-129

Rule Title: DESE Rules Governing Documents Posted to School District and Education Service Cooperative Websites

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

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

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

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

Sep. 01, 2024

Oct. 04, 2024

Nov. 14, 2024

Oct. 10, 2024

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

Alisha Price

alisha.price@ade.arkansas.gov

Nov. 21, 2024

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) 682-7590

alisha.price@ade.arkansas.gov

Phone Number

E-mail Address

ADE Associate Legal Counsel

Title

Nov. 21, 2024

Date

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING DOCUMENTS POSTED TO SCHOOL DISTRICT AND EDUCATION
SERVICE COOPERATIVE WEBSITES**

Effective Date: December 1, 2024

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 the specified date each year, the following data and information are required to be posted to 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) shall be posted by August 1;
- 4.01.2 The written discipline policies shall be posted by September 1;
- 4.01.3 All student handbooks shall be posted by September 1;
- 4.01.4 The school calendar shall be posted by August 1;

- 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 shall be posted by August 1;
- 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, shall be posted by September 1;
- 4.01.6 The comprehensive school counseling plan as required by Ark. Code Ann. § 6-18-2005, shall be posted by September 1;
- 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, which is found in AR App., of all public schools in the district, and informational packets as required by Ark. Code Ann. § 6-15-1702, shall be posted by the AR App specified deadline;
- 4.01.8 The three (3) year teacher and administrator recruitment and retention plan, found in AR App and required by Ark. Code Ann. § 6-17-1901, shall be posted by the AR App specified deadline; and
- 4.01.9 An open-enrollment charter school shall post the most recent version of its written charter contract by August 1.
- 4.01.10 A written policy, pursuant to Ark. Code Ann. § 6-25-105, for addressing the selection, relocation, retention and challenging of materials that are physically present in the library and available to the public, shall be posted by September 1.
- 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, within fifteen (15) calendar days of status notification and no later than August 1, 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 October 1, the district must post to its website 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, teacher salary and benefit expenditure data;
 - 5.01.2.3 School district balances, including legal and building fund balances;
 - 5.01.2.4 The district budget for the current year;
 - 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 of 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.

5.01.5.2 Superintendent performance targets shall be included with their contracts, pursuant to Ark. Code Ann. § 6-17-123(a).

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 By September 15, 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.

6.01.1 Each district shall post its reduction in force policy pursuant to Ark. Code Ann. § 6-17-2407, which shall include without limitation, an employees:

6.01.1.2 Merit;

6.01.1.3 Ability;

6.01.1.4 Attendance;

6.01.1.5 Performance; and

6.01.1.6 Effectiveness.

6.02 By September 15 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, 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 in a district, or the district, is determined by the State Board of Education to be in Probation or 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 _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

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 _____

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 _____

Next Fiscal Year

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

Total _____

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

Current Fiscal Year

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

Total _____

Next Fiscal Year

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

Total _____

5. What is the total estimated cost by fiscal year to any private individual, 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

\$ _____

Next Fiscal Year

\$ _____

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

\$ _____

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.