

**Joint Adequacy Evaluation Oversight Subcommittee of the House and
Senate Interim Committees on Education
February 2, 2010
1:30 p.m.**

**Presenter: Alice Barnes Rose, EdD
Assistant Commissioner
Arkansas Department of Education**

Arkansas Department of Education
Emergency Rules Governing the
Arkansas Comprehensive Testing, Assessment and Accountability
Program
and the Academic Distress Program
December 14, 2009
(Partial Copy)

10.0 School District Accountability

10.01 The Department annually reviews each district to determine whether it is making AYP in the following way.

10.01.1 Determine the collective status for all the schools within a district within each grade-level grouping (k-5; 6-8 and 9-12)

10.01.2 Determine the district percent of participation across each grade level group

10.01.3 Determine the district status on secondary indicator across each grade-level group.

10.01.4 A district shall be in school improvement when all levels within a district fail to meet performance standards for two consecutive years in the same subject. A district having status of School Improvement shall be removed from that status when any one level meets the performance standard for two consecutive years in that subject.

10.02 Before identifying a district for district improvement, the Department will provide the district with an opportunity to review the data on which the identification is based. The district may appeal the identification, and the Department will decide the appeal within 30 days.

10.03 Each district identified for school improvement shall within three months of identification develop or revise a district improvement plan that complies with the requirements of the No Child Left Behind Act, including the requirement that it spend not less than 10% of its Part A, Title I funds on professional development for each fiscal year in which the district is identified for improvement. The district shall initiate implementation of the plan expeditiously, but not later than the beginning of the next school year after the school year in which the district was identified for improvement. The Department will provide technical assistance to districts in developing and implementing improvement plans under this section.

10.04 Academic Distress – Procedures for Identification, Classification and Appeal of School Districts in Academic Distress

10.04.1 A school district for which 75% or more of the students completing the state's assessments perform at the below basic level shall be designated in Academic Distress. This computation shall collectively include students from each school in the district and from each grade for which a criterion-referenced assessment is given.

10.04.2 Within thirty calendar days (30) after the release of the state assessment results by the Department, the Department shall identify all school districts in Academic Distress and shall notify in writing each school district superintendent and board president via certified mail, return receipt requested.

10.04.3 A school district may appeal a determination of the Department identifying the district as an Academic Distress school district by filing an appeal in writing in the Office of the Commissioner of the Department within (30) calendar days after receiving the notification, justifying why the district should not be identified as being in Academic Distress.

10.04.4 The Board shall render a written decision of a classification on a district's appeal of identification as an Academic Distress school district within sixty (60) calendar days of the district's written request.

10.04.5 The decision of the Board shall be final with no further right of appeal, except a school district may appeal to the

Circuit Court of Pulaski County pursuant to the Administrative Procedures Act, A.C. A. §25-15-201 et seq.

10.05 Time Limitation of Academic Distress Status

- 10.05.1 A public school district identified as in academic distress shall have no more than two (2) consecutive school years beginning on July 1 following the date of notice of identification to be removed from academic distress status.
- 10.05.2 The Board may at any time take enforcement action on any school district in academic distress status including, but not limited to, annexation, consolidation, or reconstitution of a school district pursuant to A.C.A. § 6-13-1401 et seq.
- 10.05.3 If a public school district fails to be removed from academic distress status within the allowed two (2) year time period, the Board shall annex, consolidate or reconstitute the academic distress school district prior to July 1 of the next school year unless the Board, at its discretion, issues a written finding supported by a majority of the board, explaining in detail that the school district could not remove itself from academic distress during the relevant time period due to external forces beyond the school district's control.

10.06 Procedures for assisting school districts in academic distress

- 10.06.1 Within thirty (30) calendar days of classification by the State Board, each Academic Distress school district shall develop and file with the Department a modified Comprehensive School Improvement Plan to target and address any area in which the district is experiencing academic distress.
- 10.06.2 Within fifteen (15) calendar days of classification by the State Board, the Department shall assign a team of educators to evaluate the district and determine the need for on-site technical assistance.
- 10.06.3 The team of educators shall evaluate and make recommendations to the district superintendent within sixty (60) calendar days following the district's classification as an Academic Distress school district.

10.06.4 School districts classified as Academic Distress shall provide access to all district assessment, instruction, personnel and academic records and reports to assist the team in the formulation of the recommendations for improvement.

10.06.5 The Department with assistance from the team of educators shall review the data relative to the academic status and performance of students in the Academic Distress school district.

10.06.6 Following the on-site review, the team of educators will submit a written set of recommendations to the Academic Distress school district.

10.06.7 The Department shall provide relevant technical assistance to each identified school district based upon the needs identified in the Comprehensive School Improvement Plan.

10.08 Procedures for evaluating and removal of school districts from academic distress status

10.08.1 The Department shall review and annually report to the Board the academic conditions existing in each Academic Distress school district and determine whether the district is making progress and has fewer than 75% of the students performing in the below basic performance level.

10.08.2 A school district designated in Academic Distress shall be removed from Academic Distress only if fewer than 75% of the students perform below basic for two consecutive years.

11.0 Board Authority

11.01 The Board shall have the following authority regarding any public school district in academic distress:

11.01.1 Require the superintendent of the school district to relinquish all authority with respect to the district, to appoint an individual to administratively operate the district under the supervision of the Commissioner of the Department, with the cost to be paid from school district funding;

- 11.01.2 Suspend or remove some or all of the current board of directors and call for the election of a new school board for the school district in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law.
- 11.01.3 Allow the school district to operate without the local school board under the supervision of the local school district administration or an administration chosen by the Commissioner of the Department.
- 11.01.4 Waive the application of Arkansas law, with the exception of the Teacher Fair Dismissal Act of 1983, A.C.A. § 6-17-1501 et seq., and the Public school Employee Fair Hearing Act, A.C.A. § 6-17-1701 et seq., or Department Rules.
- 11.01.5 The Board has exclusive jurisdiction to determine the boundary lines of the receiving or resulting school district and to allocate assets and liability of the district.
- 11.01.6 Require the annexation, consolidation, or reconstitution of the public school district.
- 11.01.7 Take any other necessary and proper action as determined by the Board that is allowed by law.
- 11.01.8 After providing thirty (30) calendar days written notice, via certified mail return receipt requested, to a school district, the Department may petition the Board or the Board on its own motion, at any time, may take action pursuant to 11.0 as allowed by Act 1467 of 2003, in order to secure and protect the best interest of students in the public school district or to secure and protect the best interest of the educational resources of the state.
- 11.01.9 The School District shall have a right of appeal to a public hearing before the Board after filing a written notice of appeal with the office of the Commissioner of the Department at least thirty (30) calendar days prior to the appeal hearing.
- 11.01.10 The State Board shall consolidate, annex or reconstitute a school district that fails to remove itself from the

classification of a school district in academic distress within two (2) consecutive school years of receipt of notice of identification unless the Board, at its discretion, issues a written finding supported by a majority of the Board, explaining in detail that the school district could not remove itself from academic distress due to impossibility caused by external forces beyond the school district's control.

11.01.11 After a public hearing, the Board shall consolidate, annex, or reconstitute the school district in academic distress to another non-academic distress school district upon a majority vote of a quorum of the members of the Board as permitted or required by this subchapter.

11.01.12 The Board's classification of a school district in Academic Distress shall be final except that the school district shall have a right of appeal to the Circuit Court of Pulaski County pursuant to the Arkansas Administrative Procedures Act, A.C.A. § 25-15-201 et seq.

12.0 School Choice and Academic Distress

12.01 Any student attending a public school district classified as being in academic distress shall automatically be eligible and entitled pursuant to A.C.A. § 6-18-206, the "Arkansas Public School Choice Act", to transfer to another geographically contiguous school district not in academic distress during the time period a district is classified as being in academic distress, and therefore, not be required to file a petition by July 1 but shall meet all other requirements and conditions of the Arkansas Public School Choice Act.

12.02 The cost of student transportation to the nonresident district shall be borne by the resident district.

12.03 The nonresident district shall count the student for average daily membership purposes.