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LEGISLATIVE RESEARCH

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING STANDARDS FOR ACCREDITATION OF ARKANSAS
PUBLIC SCHOOLS AND SCHOOL DISTRICTS

PUBLIC COMMENTS AND AGENCY RESPONSE

Name: Arkansas Education Association, Cathy Koehler, Tracy-Ann Nelson, Susana O'Daniel

Comment: 9.00 ENFORCEMENT OF STANDARDS FOR ACCREDITATION. This section discusses a variety of actions the State Board of Education could take to enforce standards for accreditation. However, section 9.0.03 is extraordinarily problematic. It reads: "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;" This language appears to allow local school districts to be taken over by non-publicly elected entities. This proposal allows for removal of local governance, thus stripping local taxpayers of their ability to democratically elect and influence a school board. In addition, it does not define the terms "alternative public governance." How can the public ensure accountability under this "alternative public governance?"

Agency Response: Comment considered. No changes made. Language is consistent with Ark. Code Ann. § 6-15-207(c)(3).

Comment: 11.00 WAIVER AUTHORITY AND PROCESS. 11.01 States that the State Board of Education may grant a waiver of any Standards for Accreditation no longer than one school year...Concern: Would this one year standard also apply to charter schools or schools of innovation requesting these waivers? In addition, the rules addressing waivers should include a written, public notification by local school districts to inform and gain approval by a vote of the majority of the school board to seek any and all waivers from accreditation standards from the State Board of Education.

Agency Response: Comment considered. No changes made. Law allows waivers through other mechanisms such as charter school, Act 1240, and school of innovation.

Comment: Section 1-A.3 states that a list of the required courses approved by the State Board of Education is posted annually on the Department website. Concern: This does not state who determines which courses are required and by what date.

Agency Response: Comment considered. No changes made.

Comment: Section 1-A.5.2 Discusses planned instructional days. This appears to have the effect of doing away with Alternative Methods of Instruction days. Concern: Please clarify this language in regards to how this would affect AMI days.

Agency Response: Comment considered. Added "except where otherwise allowed by law" to standard.

Comment: 1-C.2.2 sets forth the number of credits a student must have acquired. We suggest adding the words "a minimum" of twenty-two units of credit as determined by the State Board of Education.

Agency Response: Comment considered. Added "a minimum of" to the standard.

Comment: 2-D.1 states: Each public school district shall provide sufficient resources, budgeted and spent yearly for purchasing and maintaining 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. Our concern: who determines what is “adequate in quality and quantity?” Please clarify this language.

Agency Response: Comment considered. No changes made.

Comment: Standard 2-E Health and Safety Services states that each public school and 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 Department. We suggest: clarify which “Department” is referenced in this case? Is this the Department of Education or the Department of Health or another Department?

Agency Response: Comment considered. No changes made. Department is defined in 1.01 as Department of Education.

Comment: 3-A.10.2 This section allows the Department of Education to place an entire school district under probationary status. Concern: As pointed out earlier in our comments, there are serious concerns about the enforcement mechanism for school districts placed in probationary status. Specifically, under 9.0.03 which allows the Department of Education to “establish alternative public governance and supervision.” We echo those concerns in this section as well.

Agency Response: Comment considered. No changes made. Unitary status applies to districts, not individual schools. Additionally, enforcement language is consistent with Ark. Code Ann. § 6-15-207(c)(3).

Comment: Standard 4-E Guidance Counselors & Standard 4-F Library Media Specialists. The Educational Adequacy Committee’s funding matrix currently provides for guidance counselors and school nurses to be provided for at a ratio of 2.5 positions per 500 students. Similarly, the Educational Adequacy Committee’s funding matrix currently provides for only 0.85 library media specialists per 500 students. The funding matrix does not appear to provide state funding at a level to achieve the ratios set forth in these standards.

Agency Response: Comment considered. No changes made. Staffing ratios unchanged from current standards.

Name: Arkansas Public School Resource Center, Jennifer Wells

Comment: Title: Add “2018”.

Agency Response: Comment considered. No changes made.

Comment: Sec. 1.02: Remove reference to non-existent Ark. Code Ann. § 6-15-272.

Agency Response: Comment considered. Correction made to § 6-15-207 which is the correct statute.

Comment: Secs. 3.04.2 and 3.05.2: The term “open-enrollment public charter school” is contained under the definitions of both “Public School” under Sec. 3.04.2, and “Public School District” under Sec. 3.05.2. It is unworkable to have the term open-enrollment public charter school contained in both sections. Further, by legal definition, an open-enrollment public charter school is not a Public School District and it is *ultra vires* to define it as such. The definition of “open-enrollment public charter school” contained in

Ark. Code Ann. § 6-23-103 (10) does not reference such a school being a part of a “public school district”.

Agency Response: Comment considered. No changes made. As stated, definitions are for purposes of these rules only.

Comment: Sec. 7.02: This language is not a standard and it has no basis in law. Further, the language is too vague, and would violate the legal “void for vagueness” doctrine.

Agency Response: Comment considered. No changes made. Statement is a rule, not a standard and language is consistent with Ark. Code Ann. § 6-17-410(d)(1)(A)(viii).

Comment: Sec 7.03: The language should be changed to reflect the exact language of Ark. Code Ann. § 6-15-202 (e)(1)(A), by changing the words “at risk” to “at a high risk”.

Agency Response: Comment considered. No changes made.

Comment: Sec. 7.04.5: The language should be changed to state that the Public School or Public School District has a responsibility to respond.

Agency Response: Comment considered. No changes made.

Comment: Sec. 8.01: Chang the word “be” in the second line to “been”, and cite the statutory authority for the correction period.

Agency Response: Comment considered. Grammar corrected.

Comment: Sec. 8.02: The current language raises an “impossibility” issue for the Public School or Public School District in question; what if the School or District cannot possibly make the correction within the stated time period?

Agency Response: Comment considered. No changes made.

Comment: Sec. 9.03.8: The status of “Accredited-Corrective Action” does not appear to be part of the State Board of Education’s enumerated powers under Ark. Code Ann. § 6-15-207 (c), nor defined or explained in the rules.

Agency Response: Comment considered. No changes made.

Comment: Appendix A, Standard 1-A.1.1: Why have the specific requirements under each content area been eliminated, and why have the content areas of “Tools for Learning” and “Practical Living Skills/Career Exploration” been eliminated?

Agency Response: Comment considered. No changes made. Skills are embedded throughout the frameworks of all courses.

Comment: Appendix A, Standard 1-A.1.2: Same concern as to elimination of specific requirements as stated in the previous comment, plus what constitutes the requirements for “Career and Technical Education”?

Agency Response: Comment considered. No changes made. Skills are embedded throughout the frameworks of all courses.

Comment: Appendix A, Standard 1-A.1.2.10: The current language needs to be modified to allow for certain circumstances for example, 1st Grade Math could be taught in the 12th Grade.

Agency Response: Comment considered. No changes made.

Comment: Appendix A, Standard 1-A.1.3: 1.) In the second line after the word “units”, add the words “over the entire grade span”, and 2.) the courses that are to be taught or offered under each content area have been eliminated, and 3.) the graduation requirement of completion of at least one (1) digital learning course for credit (Ark. Code Ann. § 6-16-1406) should be included here.

Agency Response: Comment considered. No changes made.

Name: *Arkansas Association of Educational Administrators, Mike Mertens*

Comment: 4.06 Review Senate and House Education Committee feedback and submit to the Board for approval of the Standards for Accreditation.

Comment/Recommendation: Suggested change in text, “Review Senate and House Education Committee feedback and then, following a review of this feedback, submit the Standards for Accreditation to the Board for approval.”

Rationale: It unclear what is exactly to be submitted to the Board for approval, the Committee feedback or the Standards.

Agency Response: Comment considered. Sentence reworded for clarity.

Comment: 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;

Comment/Recommendation: What is the meaning of “alternative public governance and supervision?” This term needs to be further clarified or a definition added under 3.00.

Rationale: The term is vague and need clarifying.

Agency Response: Comment considered. No changes made. Language is consistent with Ark. Code Ann. § 6-15-207(c)(3).

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

Comment/Recommendation: Add “or school” right before the word “district” in the last line.

Rationale: The rules allow for a school to be placed on probation even if the entire district is not.

Agency Response: Comment considered. Addition of “public school” added.

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

Comment/Recommendation: This proposed rule quotes only part of the law. It appears to limit the SBE authority and responsibility under the law when, in fact, the law allows for the SBE to grant waivers longer than one year. We have concerns regarding the potential limitation of waivers for embedded curriculum, Act 1240 waivers, charter school waivers, and Schools of Innovation. A better option would be to quote all of the law that deals with waivers and exceptions.

Rationale: Short-term waivers limit a district's ability for long-term planning in regards to program changes, facilities, and personnel.

Agency Response: Comment considered. No changes made. Law allows waivers through other mechanisms such as charter school, Act 1240, and school of innovation.

Comment: 1-A.3 Each public school district shall ensure that all required courses are taught in accordance with the laws of the State of Arkansas and the rules of the Department. A list of the required courses approved by the State Board of Education is posted annually on the Department website.

Comment/Recommendation: The word "taught" in the first line needs to be clarified so that districts know exactly what they need to do when they have a certified teacher, the class is in the master schedule, but no students sign up for the class.

Rationale: This has been an issue over the years and needs to be clarified up front in these new rules.

Also, the procedure on determining how "a list of the required courses approved by the SBE" needs to be outlined in these rules.

Rationale: Districts need to know who, and how, this list will be determined.

Agency Response: Comment considered. No changes made.

Comment: 1-A.5.2 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.

Comment/Recommendation: This wording appears to repeal the AMI days and early release/late start due to inclement weather, etc. Add terminology such as, "except as allowed by law" to clarify.

Rationale: The flexibility that districts have been given by the Legislature in recent years needs to be maintained.

Agency Response: Comment considered. Added "except where otherwise allowed by law" to standard.

Comment: 1-A.8 Each public school district superintendent shall submit a signed statement of assurance to the Department verifying that the district is providing all necessary instructional materials to each student without cost to the student

Comment/Recommendation: District have developed agreements with institutions of higher education for concurrent credit offerings for students. Some of the agreements require a per student cost that is not paid by the districts. Add the phrase, "except in extenuating circumstances such as concurrent credit class costs."

Rationale: These arrangements are good for students and parents and need to continue.

Agency Response: Comment considered. No changes made.

Comment: 1-C.2.2 For graduation, students must have acquired twenty-two (22) units of credit as determined by the State Board of Education.

Comment/Recommendation: Add the wording, "a minimum of" after the word "acquired."

Rationale: A number of districts require more than 22 units for graduation.

Agency Response: Comment considered. Added "a minimum of" to the standard.

Comment: Each public school district shall provide sufficient resources, budgeted and spent yearly, for purchasing and maintaining 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.

Comment/Recommendation: Remove the wording, "in quality and quantity."

Rationale: Implies some sort of measurement of the condition and number of resources which is not needed in this statement.

Agency Response: Comment considered. No changes made.

Comment: 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 Department.

Comment/Recommendation: Add "of Education" to the end of this sentence.

Rationale: To clarify that it's the rules of the ADE and not some other state department.

Agency Response: Comment considered. No changes made. Department is defined in 1.01 as Department of Education.

Comment: 2-E.2 Each public school and public school district shall maintain appropriate materials and expertise to ensure the safety of students, employees, and visitors

Comment/Recommendation: Add the word "reasonably" before the word "ensure."

Rationale: The existing wording is unreasonable since no one can "ensure" safety.

Agency Response: Comment considered. Clarification of “reasonably” made to the standard.

Comment: 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 Department, as requested.

Comment/Recommendation: Add “by the Commissioner of Education” to the end of this sentence.

Rationale: Requests for reports should be made through an official request, typically in a Commissioner’s Memo.

Agency Response: Comment considered. No changes made.

Comment: 3-A.8 Except where otherwise allowed by law, each public school district shall comply with the Standards for Accreditation without using national school lunch categorical funds.

Comment/Recommendation: Add “or ADE rules” after the word “law” in this section.

Rationale: There would be a major problem not allowing districts to use NSL funds to pay for dyslexia programs, Right to Read, etc.

Agency Response: Comment considered. No changes made.

Comment: 3-D.1 Each public school district shall provide food services in accordance with federal and state laws and the rules of the Department.

Comment/Recommendation: Replace this section with this wording, “Auxiliary services, such as transportation and food services, should be provided in accordance with applicable laws, regulations, and guidelines developed by the Department of Education.”

Rationale: Clarifying language.

Agency Response: Comment considered. No changes made.

Comment: Standard 4: Human Capital. The human capital system of a public school district ensures recruitment, retention, and development of highly effective educators and support personnel to meet the needs of the whole child.

Comment/Recommendation: Add “should reasonably” before the word “ensure.” Or use the term “strives to ensure.”

Rationale: The existing wording is unreasonable in light of current teacher shortages in areas of the state.

Agency Response: Comment considered. No changes made.

Comment: 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 Department.

Comment/Recommendation: Change “non-licensed” to classified.

Rationale: Clarifying change, districts have individuals (i.e. registered nurses) that are licensed but do not have a teaching license.

Agency Response: Comment considered. No changes made.

Comment: 4-B.1 Each public school district shall employ a full-time superintendent to oversee all operations of the public school district.

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 Department unless the public school district has an approved waiver in accordance with the laws of the State of Arkansas and the rules of the Department.

4-C.1 Each public school shall employ at least a half-time principal. A full-time principal shall be employed when a public school's enrollment reaches three hundred (300). A public school district superintendent may be permitted to serve as a half-time principal when district enrollment is less than 300 providing the superintendent is appropriately certified and is not already teaching classes. Schools with an enrollment exceeding five hundred (500) shall employ at least one full-time principal and a half-time assistant principal, instructional supervisor, or curriculum specialist.

Comment/Recommendation: Remove "and is not already teaching classes" from the end of the 2nd paragraph in 4-C.1. Add a new section, 4-B.3, stating "A full-time superintendent may, at the discretion of the local school district, teach no more than two (2) classes per day."

Rationale: Small schools need the flexibility to have superintendents involved in instruction, in addition to administration.

Agency Response: Comment considered. No changes made.

Comment: 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.

Comment/Recommendation: Remove "one full-time" and replace with "the FTE funded in the Foundation Matrix for."

Rationale: These Standards should not require additional staff above what is funded in the Matrix.

Agency Response: Comment considered. No changes made.

Comment: 4-G.2 Each public school district shall provide professional development in scientific reading instruction in compliance with the Right to Read Act, codified in Ark. Code Ann. § 6-17-429.

Comment/Recommendation: Remove 4-G.2 altogether.

Rationale: Section 4-6.1 is broad enough to cover all required professional development.

Agency Response: Comment considered. No changes made.

Name: ForwARd Arkansas, Cory Biggs

Comment: ForwARd Arkansas is supportive of these new Rules, as they are generally consistent with the recommendations made in ForwARd’s 2015 report, A New Vision for Arkansas Education.

Specifically:

- ForwARd supports ADE’s restructuring of the methodology by which ADE will review operations and procedures that occur within a public school district for support, listed as –
 - Academics;
 - Student Support Services;
 - District Operations and Fiscal Governance;
 - Human Capital;
 - Stakeholder Communication / Family and Community Engagement; and
 - Facilities and Transportation.
- The focus on Family and Community Engagement is incredibly important to the success of Arkansas students. We look forward to continued participation in the efforts of the State Board of Education (SBE) and ADE to engage whole communities in support of their educational systems.
- ForwARd is also supportive of the continuing shift toward student-focused learning.
- ForwARd supports the implementation of student success plans for every Arkansas student entering eighth grade.
- ForwARd is supportive of the collaborative process outlined for public school districts as they prepare school-level improvement plans.
- ForwARd supports the flexibility provided the SBE when considering action(s) in support of a district classified as in need of Level 5 - intensive support.

In addition, ForwARd is supportive of the robust and streamlined proposed Standards for Accreditation and sees these updated Standards as complimentary of these Rules.

Finally, ForwARd is pleased to see increased focus on students’ readiness for college and, particularly, for their future careers. This type of support for Arkansas students is vital as all Arkansans work together to ensure success in a vibrant, 21st Century economy. We look forward to seeing the results of this focus in the years ahead and will vigilantly work toward implementation of a collective approach that can achieve ForwARd Arkansas’s vision that every Arkansas student will graduate prepared for success in college and the workplace.

Agency Response: Comment considered. No changes made.

Name: *Tammy Long, former principal*

Comment: As a former principal in Arkansas, I am very concerned about the new proposed standards. I feel they are very poorly written. Quite honestly, if I were a new principal, I would have no idea what the standards actually mean, in many cases!

In the past, as an administrator, the standards were very clear, spelled out, and detailed. The Standards Specialist for our co-op would do summer workshops going over the standards with us, letting us know any new changes we needed to know about and would go over in detail the standards we were required to meet. I had a great rapport with my standards specialist and I felt we worked together for the betterment of our students and community. We had state monitoring every four years where the Standards Unit would come to our school district and check in detail to make sure we were following the standards. I

found this to be very helpful because we knew what was expected and had clear standards to follow. If I have interpreted the proposed standards correctly, the 4 year monitoring visits will be done away with. It is my opinion this is a very wrong move! The schools do need to be held accountable for following standards. We cannot simply take their word they are doing what is best for the students.

As I look over these new proposed standards, I am deeply concerned! If I were a new principal, I would be very upset and confused. I will address my concerns in detail for the remaining of this email.

The Summary of Proposed Changes:

I am wondering about "better monitoring". Who will be providing assistance to districts? On-line and by phone does not work for all situations. Much explanation is needed and should be provided at the co-ops during the summer when districts are available for the training. The standards unit is a well-trained unit and should be the ones providing this training.

After reading the new draft standards, I fear the state is not providing districts with the necessary information for a base line of governance. The standards were the guiding document to help administrators, teachers, students and community to understand the basic requirements. These are just a loose definition of a few requirements. There are other requirements that have been left out. Districts will believe they do not have to answer to those requirements. This is a disservice to everyone! Students will not be receiving a good education!

Regarding 2.02: "describe the minimum requirements and process":

Do the requirements within this draft actually include all of the minimum requirements? There seems to be several missing, and I am unsure if they are completely lined out. So if it is not within the standards, I should not worry about it because it was not addressed? That would be crazy! Districts need a guiding document that aids them with the actual complete minimum. I believe this statement is misleading. Districts could be in serious trouble if they only follow the few that are here.

Regarding 7.03.1 "The Department shall annually review all public school and public school district accreditation reports.":

These new proposed standards removed the 4 year monitoring! Even though the law no longer "requires the on-site monitoring", best practice would demonstrate that to expect means to inspect! If schools are not being reviewed on-site, how will we know if the submitted data is correct?!!!!

Regarding 7.03.2.4 "Conduct an on-site review of public schools and public school districts whenever the Department or State Board of Education deem necessary.":

If we wait to deem it necessary to investigate, we are being reactive to problems instead of heading off issues before they become problems. The state should be proactive and helpful instead of reactive.

Regarding 1-A.6 "Each public school district shall comply with the laws of the State of AR and the rules of the Dept. regarding class size and teaching load.":

Where is this information?!!!! This was included before in the standards and was prescriptive. Districts could refer to the standards and have answers. This seems to be failing districts in providing them the necessary information they need.

Regarding Standard 1-B Academic Policies:

There seems to be no reference to grading nor homework policies. Earlier it stated that "all students shall receive instruction annually in each of the following content areas". How is this achieved in a "measurable way?" Are we requiring districts to have grading policies/procedures and homework policies/procedures? I have personal experience that both of the policies/procedures may cause major

trouble if they are not addressed. Districts should have a baseline to follow from the state. This baseline should be included in the standards.

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

What is the determination whether a citation or a probation will be assigned? This seems to be misleading. Is there an explanation missing? The assignment of status could be considered arbitrary and capricious if there isn't an explanation provided in the standards.

Regarding 1-C.2: "graduation requirements":

Where is this information? This was included before and was prescriptive. Districts could refer to the standards and have the answer. This seems to be failing districts in providing them information.

Regarding 1-C.2.2: "twenty-two (22) units of credit":

Where is this information? This was included before and was prescriptive. Districts could refer to the standards and have the answer. This seems to be failing district in providing them information.

Regarding 2-B.1: "student attendance policy":

The previous standards were lacking some of the attendance laws, and I would have thought the new standards would provide this information. Instead, you have deleted the information that was in the old standards and then did not add the other information to give districts the complete information on attendance. This information should be in the standards. These policies are just a gloss of what districts are required.

Regarding 2-F.1: "...Individuals with Disabilities Education Act..."
and Regarding 2-F.2: "... special education services...":

What is the determination whether a citation or a probation will be assigned? This seems to be misleading. Is there an explanation missing? The assignment of status could be considered arbitrary and capricious if there isn't an explanation provided in the standards.

Regarding 3-A Operating Policies, Procedures and Training:

Do districts not need to have board policies that do not have financial background? Based on the following in Standard 3, it implies that the other policies are not important. The standards should address that board policies adopted by the district are the governance of the district. In fact, it almost seems by this section that the student handbook is the governance of the district! If this section is the Report to the Public referred to in the next section then it should be made very clear! The actual words should be in the section. I am wondering if anyone noticed that this date is changed. Districts had until November 15th to accomplish this. Class schedules and rosters are just actually final on October 15th. The district should have more time to accomplish this goal. I think changing the date is a terrible idea and it should go back to November 15th.

Regarding 4-A.1: "...completed background checks...":

What is the determination whether a citation or a probation will be assigned? This seems to be misleading. Is there an explanation missing? The assignment of status could be considered arbitrary and capricious if there isn't an explanation provided in the standards.

Regarding 4-D.1: "...licensure requirements...":

This no longer reminds districts of ALPs and ALP plans. The standards provided information for districts that helped and kept them out of issues.

Regarding Standard 5: "Stakeholder Communication/Family and Community Engagement": Considering the movement of late, this section seems to be lacking. Most districts will probably gloss over this and not worry about involving the community until it is time for a millage. This is not the message we need to be sending to our communities.

Thank you for giving me this opportunity to address my concerns over these new proposed standards!

Agency Response: Comment considered. No changes made.

Name: *ADE Science Team, Michele Snyder and Catherine Mackey*

Comment: 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.

- Appendix A uses "viable curriculum" - what is the difference and who makes the determination of viability?

Agency Response: Comment considered. No changes made.

Comment: 4.00 BI-ANNUAL REVIEW AND APPROVAL OF THE STANDARDS FOR ACCREDITATION The Department is responsible for the development of the Standards for Accreditation and shall review these standards *every two years* to ensure alignment with the laws of the State of Arkansas and the rules of the Department.

- Like the bi-annual schedule.

The review process shall include:

- Review process is clear but the chronological steps to the process are not made clear.

Agency Response: Comment considered. No changes made.

Comment: 4.02 Organization of a *committee consisting of Arkansas educators, administrators, and other stakeholders* to review and provide feedback to Department staff regarding the Standards of Accreditation, particularly those found to have the most violations or in conflict with state law or rules;

- It is so vague that it lacks assurance of including the voice of current classroom teachers

Agency Response: Comment considered. No changes made.

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

- Curriculum can be *aligned* to the Arkansas Academic Standards but publishers are not going to base curriculum materials on Ar Standards.

Agency Response: Comment considered. Correction made.

Comment: 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 for all academic areas aligned to Arkansas Academic Standards.

- Who/What will be providing the guarantee....Superintendent when he signs off? Who/What determines viability?

Agency Response: Comment considered. No changes made.

Comment: 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 Department. *Reading, writing, speaking, and personal competencies shall be incorporated into all curriculum areas. (D/C)*

- *Where is the list of personal competencies?*

Agency Response: Comment considered. “Competencies” reworded to “success skills.”

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

- Very vague

Agency Response: Comment considered. No changes made.

Comment: 1-A.3 Each public school district shall ensure that all required courses are taught in accordance with the laws of the State of Arkansas and the rules of the Department. *A list of the required courses approved by the State Board of Education is posted annually on the Department website. (D/P)*

- *Posting annually is a good practice*
- *When will the courses for graduation, class size rules, and teaching load requirements be published? Will it be a separate rules document?*

Agency Response: Comment considered. No changes made.

Comment: 1-A.7 Each public school district shall *adopt* instructional material consistent with the curriculum and educational goals established by the State Board of Education. (D/P)

- Should this reference the instructional materials rule?

Agency Response: Comment considered. Added reference to rules of the Department.

Comment: 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 Department regarding professional development. (D-S/C)

- Should it reference the ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING PROFESSIONAL DEVELOPMENT explicitly?

Agency Response: Comment considered. No changes made.

Comment: 4-G.2 Each public school district shall provide professional development in *scientific reading* instruction in compliance with the Right to Read Act, codified in Ark. Code Ann. § 6-17-429. (D/P)

- This should be re-written to say “science of reading” ...scientific reading is referring to science disciplinary literacy.

Agency Response: Comment considered. No changes made. Wording consistent with the law.

Name: *ADE Foreign Language Specialist, David Nance*

Comment: In the current version of the Standards, the social studies requirement for elementary school includes the following statement: “History and culture of Arkansas..., the nation, and the world (including foreign language experiences)” However, the proposed revision includes no mention of foreign languages in elementary school. As the world grows ever more connected, I think it is a movement in the wrong direction to remove any mention of foreign language from the expectations for elementary schools.

Agency Response: Comment considered. No changes made.

Comment: My second comment is simpler and probably less controversial. The current standards state that high schools must offer “two units of the same language.” The proposed Standards change the wording slightly, and the intention is the same but the result is less clear. The proposed wording is “Foreign Languages – 2 units of the same subject.” I think use of the term “subject” in this context can create uncertainty and confusion. Is there any reason not to say “2 units of the same language”?

Agency Response: Comment considered. Corrected to “language” rather than subject.

Name: Arkansas School Board Association, Lucas Harder

Comment: 1.02: 6-15-203 is not included here but is referenced later in the rules.

Agency Response: Comment considered. Included reference.

Comment: 6-15-272 should be 6-15-207.

Agency Response: Comment considered. Correction made.

Comment: 2.01: There appears to either be extra words here or missing words. I would recommend either removing “to set forth” or changing the entire section to read “These rules are to set forth the Standards For Accreditation of Arkansas public schools and school districts and to apply the Standards for Accreditation of Arkansas to all public schools and school districts for the purpose of determining the accreditation status of the school and district.”

Agency Response: Comment considered. Grammar corrected.

Comment: 3.00: It should be either “purposes” or “the purpose”.

Agency Response: Comment considered. Correction made.

Comment: 3.02: A “the” is missing from before “Standards”.

Agency Response: Comment considered. Correction made.

Comment: 4.02: “Standards of” should be “Standards For”.

Agency Response: Comment considered. Correction made.

Comment: 4.06: As written, it’s slightly unclear as to what is intended to be submitted for approval. I would recommend changing to read “Review Senate and House Education Committee feedback and submit the Standards for Accreditation to the Board for approval following the review.”

Agency Response: Comment considered. Sentence reworded.

Comment: 6.02: There is an unnecessary “a” between “same” and “violation”.

Agency Response: Comment considered. Correction made.

Comment: 7.02: There are two 7.02 here, which would increase 7.03 through 7.03.4 to 7.04 through 7.04.4 as 7.04.5 and after are correct.

Agency Response: Comment considered. Correction made and subsequent sections renumbered accordingly.

Comment: 8.01: “has not be corrected” should read “has not been corrected”.

Agency Response: Comment considered. Correction made.

Comment: 8.02: It should read “respond in writing with the length”.

Agency Response: Comment considered. Correction made.

Comment: 9.01: 7.03.4 should be 7.04.4.

Agency Response: Comment considered. Correction made.

Comment: 9.02: 8.03 should be 9.03.

Agency Response: Comment considered. Correction made.

Comment: 10.00: There is a “the” missing from before “Standards”.

Agency Response: Comment considered. Correction made.

Comment: 10.02: I would recommend changing this to read “that the public school or public school district failed to meet the Standards for Accreditation” as the rules allow for a school to be placed on probation even if the entire district is not.

Agency Response: Comment considered. “Public school” added.

Comment: 10.2.4: The “a” is missing from “May”.

Agency Response: Comment considered. Correction made.

Comment: 10.04: The “the” between “to” and “Ark.” Is unnecessary and not used in similar places in the rules.

Agency Response: Comment considered. Correction made.

Comment: “Arkansas Administrative Procedures Act” should be “Arkansas Administrative Procedure Act”.

Agency Response: Comment considered. Correction made.

Comment: 11.01.2: “In accord” should be “in accordance”.

Agency Response: Comment considered. Correction made.

Comment: 1-: I would recommend changing this to read “guaranteed viable curriculum aligned to the Arkansas Academic Standards for all academic areas”.

Agency Response: Comment considered. Sentence reworded.

Comment: 1-A.1.3: It should read “except as otherwise” or “except when otherwise”.

Agency Response: Comment considered. Correction made.

Comment: 1-A.1.3.11: This should be “personal and family finance standards”.

Agency Response: Comment considered. Correction made.

Comment: 1-A.5.2: There is a space instead of a period between the 5 and 2.

Agency Response: Comment considered. Correction made.

Comment: As written, this could be interpreted to conflict with the ability for a district to have a full day be counted up to five times during a school year when releasing early or starting late due to emergency circumstances under 6-10-126.

Agency Response: Comment considered. Added “except where otherwise allowed by law” to standard.

Comment: 1-A.7: Because the school district adopts the curriculum and the State Board adopts the Academic Standards, I would recommend changing this to read “shall adopt instructional materials consistent with the public school district’s curriculum and the Arkansas Academic Standards and educational goals established by the State Board of Education. (D/P)”

Agency Response: Comment considered. Sentence reworded for clarity.

Comment: 1-B.1: It would more closely follow the statutory language and practice to instead have this read “Each public school district shall engage parents, staff, and students in the adoption or review of the school district’s written discipline policies, including a code of student behavior, in accordance with the laws of the State of Arkansas and the rules of the Department. 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)”

Agency Response: Comment considered. Sentence reworded for clarity.

Comment: 1-B.2: This seems potentially duplicative given that the district is required to post the student handbook in the same area under 3-A.9.

Agency Response: Comment considered. No changes made.

Comment: “Policy” should be plural unless the only discipline policy the districts are required to post is the policy setting forth the code of behavior.

Agency Response: Comment considered. Correction made.

Comment: 1-C.2.3: This would read more smoothly if it said “with a score of at least 60%”.

Agency Response: Comment considered. Correction made.

Comment: 2-: I would recommend changing “communities” to be singular.

Agency Response: Comment considered. Correction made.

Comment: 2-A.1: I would recommend changing this to read “All policies and actions of a public school district’s board of directors shall be”.

Agency Response: Comment considered. Sentence reworded for clarity.

Comment: 2-A.3: Because the individuals at the district are the ones who would be doing the authorizing, I would recommend changing this to read “each public school district’s” or “The board of directors, administrators, and employees of a public school district”.

Agency Response: Comment considered. Sentence reworded for clarity.

Comment: 2-B.3: As written, this could be interpreted as having a district in violation of the Standards if they admit a student who has received an immunization waiver under 6-18-702.

Agency Response: Comment considered. No changes made.

Comment: 2-D.1: I would recommend changing to read “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)”

Agency Response: Comment considered. Sentence reworded for clarity.

Comment: 2-E.2: To try and provide some clarity on what is intended to be covered by this standard, I would recommend changing to read something along the lines of “Each public school and public school district shall maintain appropriate materials and equipment along with trained personnel to ensure the health and safety of students, employees, and visitors.”

Agency Response: Comment considered. No changes made.

Comment: 2-F.2: “Regulations” is missing from between “implementing” and “at”.

Agency Response: Comment considered. Correction made.

Comment: 2-J.1: It would sound better if it was phrased “survey for each student upon the student’s initial enrollment”.

Agency Response: Comment considered. Sentence reworded for clarity.

Comment: 3-A.2: As 6-17-2301 requires the same postings for classified employees, I would recommend changing this to specifically require “licensed and classified salary schedules” instead of “teacher salary schedule”.

Agency Response: Comment considered. No changes made.

Comment: 3-A.10.2: There is an unnecessary “of” between “by” and “these”.

Agency Response: Comment considered. Correction made.

Comment: 4-: The “highly” in “highly effective educators” here sounds more like No Child Left Behind than the Every Student Succeeds Act and the transition to tracking of “effective” or “ineffective” educators in TESS/LEADS.

Agency Response: Comment considered. “Highly” removed for clarification.

Comment: 4-A.1: I would recommend changing “non-licensed” to “classified” as you have individuals in a district who have a license for their profession even if it is not an educator’s license.

Agency Response: Comment considered. No changes made.

Comment: 4-B: I would recommend making a 4-B.3 that includes the authority for a superintendent to teach classes and pull out the language from 4-C.1 allowing the superintendent to act as a half-time principal instead of teaching as it would seem more appropriate for these to fall under the superintendent area than the principal.

Agency Response: Comment considered. No changes made.

Comment: 4-D.2: “Offenses” should be singular.

Agency Response: Comment considered. Correction made.

Comment: 6-A.2: “Districts” should be singular.

Agency Response: Comment considered. Correction made.

Name: *Barbara Wilson, Nemo Vista High School*

Comment: What does this mean for accreditation? Are these being replaced with something else or simply struck?

Agency Response: Comment considered. No changes made. The Standards for Accreditation are being replaced with the proposed draft.

Name: *Jonathan Williams, Professional School Counselor, Malvern High School*

Comment: Thank you for removing Drama and Journalism from the required 38 credits. These courses have so few students each year, they take up places on our master schedule that could easily be filled by other ELA courses (such as Creative Writing, Critical Reading, Debate)

Agency Response: Comment considered. No changes made.

Name: *David Woolly, Superintendent, Alma School District*

Comment: This is a dramatic departure from what we currently have. It will take some time to dissect this and think through each paragraph, and others will surely do so, but as an overall view, here some observations:

There are no glaring errors or omissions detected. In general it looks workable.

The phrase "*...in accordance with the laws of the State of Arkansas and the rules of the Department*" appears many, many times. This provides enormous flexibility to districts, since, in many cases, there are no rules that address the issue. While for many districts this provides an opportunity to innovate, it is also a cause for concern. A district that is struggling financially, has weak leadership, or for other reasons is searching for ways to make decisions that will have the result of weakening their programs is afforded increased opportunities to do so. If this turns out to be a trend, sometime in the future the State might find itself in a position that is unfavorable educationally.

Additionally, there is a concern that as education trends and views ebb and flow, these standards are so broadly stated that they would allow for ADE to quickly impose through rule an increased scrutiny of districts and the imposition of more stringent requirements, if a future governor or commissioner were to decide to do so. It could be difficult for districts to appropriately respond and comply.

Agency Response: Comment considered. No changes made.