

EXERPT FROM

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE ARKANSAS EDUCATIONAL SUPPORT AND
ACCOUNTABILITY ACT (AESAA)
Effective October 4, 2024**

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8.00 Levels of Support for Public School Districts

8.01 The Division shall provide differentiated levels of support to all Arkansas public school districts. The levels of support are cumulative and include:

8.01.1 Level 1 – general support

8.01.2 Level 2 – collaborative support

8.01.3 Level 3 – coordinated support

8.01.4 Level 4 – directed support

8.01.5 Level 5 – intensive support

8.02 The Division will determine the level of support the Division will provide to a public school district through a process of communication and consultation with the district to identify areas where support is requested or required for school improvement.

8.02.1 Annually, the Division shall review data for all students and defined subgroup populations to determine the level of support the Division will recommend to address the district's needs, including without limitation:

8.02.1.1 Public schools identified as in need of targeted or comprehensive support as defined by the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as

reauthorized by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95;

- 8.02.1.2 Fidelity of district implementation of school-level improvement plans and district support plans;
- 8.02.1.3 Public school and district data obtained from the Division’s comprehensive information systems; and
- 8.02.1.4 Fidelity of district implementation of directives from the Division or State Board.

8.02.2 After a review of data, the Division, in consultation with the superintendent, school board member(s), or appropriate school district personnel shall identify the level of support appropriate to meet the needs of the district.

8.02.3 At any time, a district may request specific support from the Division in addition to the current level of support being provided.

8.02.4 The Commissioner of Education (“Commissioner”) may, after an initial determination is made, request Division staff to evaluate a district to determine if evidence exists that additional support is needed. The Division may recommend additional support as identified from the evaluation.

8.03 The Division shall provide level 3 – coordinated support, in collaboration with the public school district’s educational service cooperative, to a public school district in which forty percent (40%) or more of the public school district’s students score “in need of support” on the state’s prior year summative assessment for reading.

8.04 The Division shall provide level 4 – directed support to a public school district in which fifty percent (50%) or more of its student score “in need of support” on the state’s prior year summative assessment for reading.

8.05 Annually, a public school shall engage stakeholders to develop or revise the school-level improvement plan. Annually by May 1, a public school shall submit to its public school district, a school-level improvement plan for approval by the public school district and public school district board of directors for implementation in the following school year.

8.05.1 School-level improvement plans shall follow a continuous cycle of inquiry and at a minimum:

- 8.05.1.1 Establish goals or anticipated outcomes based on an analysis of students’ needs;

- 8.05.1.2 Identify student supports and evidence-based interventions and practices to be implemented;
- 8.05.1.3 Describe the professional learning necessary for adults to deliver the supports or interventions;
- 8.05.1.4 Describe the implementation timeline for monitoring of the interventions and practices for effectiveness;
- 8.05.1.5 Describe the timeline and procedures for evaluation of the interventions and practices for effectiveness; and
- 8.05.1.6 Include a literacy plan that includes, without limitation, a curriculum program and a professional development program that are:
 - 8.05.1.6.1 Aligned with the literacy needs of the public school district; and
 - 8.05.1.6.2 Based on the science of reading as defined by Ark. Code Ann. § 6-17-429(k)(1).
- 8.05.2 School-level improvement plans shall be posted on the public school district's website, under state-required information, by August 1 of each year.
- 8.05.3 The public school and public school district shall continuously monitor school-level improvement plans for implementation fidelity and progress throughout the year of implementation.
 - 8.05.3.1 Documentation of the monitoring shall be made available to the public school district board of directors.
- 8.05.4 School-level improvement plans shall be analyzed, evaluated, and revised at least annually by the public school including stakeholder engagement and feedback.
 - 8.05.4.1 Documentation of the annual review shall be included as part of the school-level improvement plan for the following school year.
- 8.06 Annually by September 1, a public school district receiving level 2 – collaborative support shall develop a district support plan.

- 8.06.1 A public school district receiving level 2 – collaborative support shall submit its district support plan to the Division when requested by the Commissioner in order for the Division to provide additional support to the district.
- 8.07 Annually by September 1, a public school district receiving level 3 – coordinated support, level 4 – directed support, or level 5 – intensive support shall develop a district support plan utilizing the form required by the Division and submit the plan to the Division for approval.
 - 8.07.1 A public school district receiving level 4 – directed support shall work with the Division to develop its’ district support plan.
 - 8.07.2 A public school district receiving level 5 – intensive support shall work with the Division to develop its’ district support plan, and shall submit the plan to the State Board for approval.
 - 8.07.3 A district support plan shall follow a continuous cycle of inquiry and at a minimum:
 - 8.07.3.1 Specify the support the public school district will provide to public schools identified pursuant to the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95;
 - 8.07.3.2 Collaboratively establish priorities regarding goals or anticipated outcomes with the school or schools, including feeder schools as applicable;
 - 8.07.3.3 Identify resources to support the established priorities;
 - 8.07.3.4 Describe the time and pace of providing support and monitoring for the established priorities;
 - 8.07.3.5 Describe the measures for analyzing and evaluating that the district support was effective in improving the school performance; and
 - 8.07.3.6 Direct the use of Enhanced Student Achievement funding for strategies to close gaps in academic achievement, if required pursuant to the Division of Elementary and Secondary Education Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of those Funds.

8.07.4 A public school district in which forty percent (40%) or more of the public school district's students scored "in need of support" on the state's prior year summative assessment for reading shall develop a literacy plan as part of its district support plan.

8.07.4.1 The public school district literacy plan shall include, at a minimum:

8.07.4.1.1 Goals for improving reading achievement throughout the public school district; and

8.07.4.1.2 Information regarding the prioritization of funding, including without limitation, Enhanced Student Achievement funding received under Ark. Code Ann. § 6-20-2305, for strategies to improve reading achievement throughout the public school district.

8.07.5 A public school district's support plan shall be posted on the public school district's website, under state-required information, no later than ten (10) days after submission to the Division.

8.07.5.1 The school district shall post on the district's website, with the plan, the date the plan is approved by the Division or State Board, if applicable.

8.07.5.2 Any revision to the approved plan must be submitted to the Division immediately and posted on the district's website in addition to the initial plan. The district shall post the date the revision is approved.

8.08 The Division will develop a written plan of support for each district receiving level 3 – coordinated support, level 4 – directed support, and level 5 – intensive support. The plan will at a minimum:

8.08.1 Identify the support the Division will provide to the district as determined through a process of communication and consultation with the district to identify areas where support is requested, necessary, or required; and

8.08.2 Describe the role of the Division, role of the public school district, and timeline of implementation.

8.09 Classification as in need of level 5 – intensive support:

- 8.09.1 The Division shall notify in writing any public school district superintendent and president of the public school district board of directors of the recommendation to the State Board for classification as in need of level 5 – intensive support.
- 8.09.2 The district shall have the right to appeal to the State Board by filing a written appeal with the Office of the Commissioner via certified mail, return receipt requested, within twenty (20) calendar days of receipt of the written notice prior to being classified as a school district in need of level – 5 intensive support.
- 8.09.3 The State Board shall hear the appeal of the public school district within sixty (60) days of receipt of the written appeal in the Commissioner’s office.
- 8.09.4 The written appeal shall state in clear terms the reason(s) why the public school district should not be classified as in need of level 5 – intensive support.
- 8.09.5 The following procedures shall apply to State Board hearings involving public school districts that appeal the Division’s recommendation to classify the school district in need of level 5 – intensive support:
 - 8.09.5.1 Documentation for consideration by the State Board during the appeal hearing shall be submitted to the Division no later than fifteen (15) days prior to the date of the hearing.
 - 8.09.5.2 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.
 - 8.09.5.3 The Division shall have up to twenty (20) minutes to present its case to the State Board, including rebuttal. The Chairperson of the State Board may allow additional time if necessary.
 - 8.09.5.4 The appealing public school district shall have up to twenty (20) minutes to present its case to the State Board as to why the school district should not be classified as in need of level 5 – intensive support. The Chairperson of the State Board may allow additional time if necessary.
 - 8.09.5.5 The State Board may pose questions to any party at any time during the hearing.

- 8.09.5.6 The State Board shall then discuss, deliberate, and vote upon the matter of the classification.
- 8.09.5.7 If it deems 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.
- 8.09.5.8 The State Board shall issue a written order concerning the matter.
- 8.09.6 A public school district classified as in need of level 5 – intensive support shall receive support upon final determination by the State Board.
- 8.09.7 A public school district may appeal the State Board’s final decision to the Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.
- 8.10 The Division shall develop a district improvement/exit plan for each district classified as in need of level 5 – intensive support.
 - 8.10.1 The district improvement/exit plan shall be developed in collaboration with the governing body of the district including the district leadership team and local public school board, if applicable, and the Division.
 - 8.10.1.1 The plan shall contain, at a minimum, the following elements:
 - 8.10.1.1.1 Identification of each criteria for improvement;
 - 8.10.1.1.2 Specific expectations for exit criteria;
 - 8.10.1.1.3 Specific corrective action steps for each criterion for improvement;
 - 8.10.1.1.4 A timeline for the completion of each corrective action step;
 - 8.10.1.1.5 Specific measurements for review of progress and monitoring of implementation; and
 - 8.10.1.1.6 A specific timeline for review of progress and monitoring of implementation.

- 8.10.1.2 The Division may edit, amend, update, or replace the plan at any time deemed appropriate.
 - 8.10.1.2.1 The district shall be given notice of the edited, amended, updated, or replacement plan criteria.
- 8.10.2 The Division will provide quarterly reports to the State Board regarding progress of the district toward meeting the identified criteria for exiting level 5 – intensive support.
- 8.10.3 The State Board shall review the progress of the district toward improving the issues that caused classification and implementation of the district improvement/exit plan.
- 8.10.4 The State Board may approve that the exit criteria has been met and remove the district from level 5 – intensive support and place the district in level 4 – directed support for one (1) year with monitoring by the Division and quarterly reporting to the State Board.
 - 8.10.4.1 Division monitoring criteria shall include the district’s continued stability and sustainability of previously identified exit criteria.
- 8.11 If a public school district is classified as in need of level 5 – intensive support, the State Board may:
 - 8.11.1 Direct the Commissioner to conduct an analysis of all school district systems and make recommendations for action by the State Board; and
 - 8.11.2 Assume authority of the public school district, with the exception of an open-enrollment charter school, and take one (1) or more of the following actions at any time after classification:
 - 8.11.2.1 Remove permanently, reassign, or suspend on a temporary basis the superintendent of the public school district and;
 - 8.11.2.1.1 Appoint an individual in place of the superintendent of the public school district to administratively operate the public school district under the supervision and approval of the Commissioner;
 - 8.11.2.1.1.1 Authorize the individual to remove, replace, reassign, or suspend public school district

personnel in accordance with state laws; and

8.11.2.1.1.2 Compensate from public school district funds the individual appointed to operate the public school district and other individuals authorized by the Commissioner;

8.11.2.1.2 Remove permanently or suspend on a temporary basis some or all of the current public school district board of directors and either;

8.11.2.1.2.1 Call for the election of a new public school district board of directors, in which case the public school district shall reimburse the county board of election commissioners for election costs as otherwise required by law;

8.11.2.1.2.2 Require the public school district to operate without a board of directors under the supervision of the superintendent of the public school district or an individual or panel appointed by the Commissioner; or

8.11.2.1.2.3 Direct the Commissioner to assume some or all authority of the public school district board of directors as may be necessary to operate ~~the~~ all public school district systems;

8.11.2.1.3 Remove on a temporary basis some or all of the powers and duties granted to the current public school district board of directors under Ark. Code Ann. § 6-13-620 or any

other law but allow the public school district board of directors to continue to operate under the direction and approval of the Commissioner.

8.11.2.1.3.1 The State Board shall define the powers and duties of the public school district board of directors.

8.11.2.1.3.2 The public school district board of directors shall act in an advisory capacity to the Commissioner regarding all other powers and duties maintained by the Commissioner.

8.11.2.1.4 Require the annexation, consolidation, or reconstitution of the public school district under § 6-13-1401 et seq. and applicable rules;

8.11.2.1.5 Waive provisions of Title 6 and corresponding rules with the exception of:

8.11.2.1.5.1 Special education programs;

8.11.2.1.5.2 Conducting criminal background checks for employees; and

8.11.2.1.5.3 Health and safety codes as established by the State Board and local governmental entities;

8.11.2.1.6 Require reassignment of some or all of the administrative, instructional, or support staff of a public school;

8.11.2.1.7 Require a public school to institute and fully implement a student curriculum based on academic standards;

- 8.11.2.1.8 Require a public school to provide professional development for teachers and administrators based on the Division's review of educators' professional growth plans with the cost to be paid by the public school district in which the public school is located;
 - 8.11.2.1.9 Remove one (1) or more public schools from the jurisdiction of the classified school district and establish alternative public governance and supervision of the public school;
 - 8.11.2.10 Require reorganization, closure, or dissolution of one (1) or more of the public schools within the classified district; ~~and~~
 - 8.11.2.11 Take any other necessary and proper action, as determined by the State Board that is allowed by law; and
 - 8.11.2.12 Require a structured system of whole child supports through a community school plan, as defined by § 6-15-3002.
- 8.11.3 If an open-enrollment public charter school is classified as in need of level 5 – intensive support, request that the charter authorizer review the school's charter and determine necessary action.
- 8.12 Public school district under authority of the State Board of Education.
- 8.12.1 For a public school district under the authority of the State Board, the State Board shall review quarterly the progress of the public school district toward improving the issues that caused the classification of the public school district as in need of level 5 – intensive support.
 - 8.12.2 At any time during the second full school year following the assumption of authority or any time thereafter:
 - 8.12.2.1 The State Board may direct the Commissioner to update the analysis of all school district systems to determine if the public school district has demonstrated substantial improvement, as evidenced by progress toward meeting exit criteria, of the issues that caused the classification of the public school district as in need of level 5 – intensive

support;

8.12.2.2 The Commissioner may recommend to the State Board that the State Board:

8.12.2.2.1 Take additional action concerning the public school district under Ark. Code Ann. § 6-15-2916; or

8.12.2.2.2 Return the public school district to local control through the appointment or election of a board of directors; and

8.12.2.3 The State Board may return the public school district to local control through the appointment or election of a newly elected board of directors upon the recommendation of the Commissioner.

8.12.2.3.1 The State Board may limit the powers and duties of the public school district board of directors under Ark. Code Ann. § 6-13-620 or any other law but allow the public school district board of directors to operate under the direction and approval of the Commissioner.

8.12.2.3.2 The State Board shall define the powers and duties of the public school district board of directors if the State Board limits the powers and duties under subsection 8.10.2.3.1.

8.12.2.3.3 The public school district board of directors shall act in an advisory capacity to the Commissioner in regards to all other powers and duties maintained by the Commissioner.

8.12.2.4 The State Board may grant additional powers and duties to the public school district board of directors if the public school district demonstrates progress toward improving the issues that caused the classification of the public school district as in need of level 5 – intensive support.

8.12.2.5 If the state board has not returned a public school district classified as in need of Level 5 — Intensive support to local control as authorized under subsection 8.12.2, then, no later than two (2) years after the assumption of authority

of the public school district, the state board shall establish the criteria, publicly and in writing, by which the public school district may exit Level 5 — Intensive support.

8.12.3 A public school district classified as in need of Level 5 — Intensive support that demonstrates to the state board that the public school district meets the criteria established by the state board under subsection 8.12.2.5 to exit Level 5 — Intensive support shall be returned to full local control as soon as:

8.12.3.1 The state board determines that the public school district meets the criteria established by the state board under subsection 8.12.2.5 to exit Level 5 — Intensive support, but in no case longer than five (5) years after the assumption of authority of the public school district; and

8.12.3.2 A democratically elected public school district board of directors has been elected during a school election.

8.12.4 If a public school district classified as in need of Level 5 — Intensive support has not demonstrated to the state board that the public school district meets the criteria established by the state board under subsection 8.12.2.5 to exit Level 5 — Intensive support within five (5) years of the assumption of authority, then, five (5) years after the assumption of authority, the state board shall either:

8.12.4.1 Return the public school district to full local control; or

8.12.4.2 Annex, consolidate, or reconstitute the public school district under Arkansas Code § 6-13-1401 et seq. and Arkansas Code § 6-15-2901 et seq.

8.12.4.3 If the state board elects to return a public school district classified as in need of Level 5 — Intensive support to full local control under subsection 8.12.4.1, then the state board shall do so no later than five (5) years after its assumption of authority.

8.12.4.4 If the state board elects to annex, consolidate, or reconstitute a public school district under subsection 8.12.4.2, then any portion or form of the public school district remaining following its annexation, consolidation, or reconstitution under subsection 8.12.4.2 shall be returned to full local control no later than five (5) years after the assumption of authority

- 8.13 A student attending a public school district classified as in need of level 5 – intensive support may transfer under the Arkansas Opportunity Public School Choice Act, Ark. Code Ann. § 6-18-227, to another public school district that is not classified as in need of level 5 – intensive support.
 - 8.13.1 All requirements, conditions, and provisions of the Arkansas Opportunity Public School Choice Act, Ark. Code Ann. § 6-18-227, shall apply to transfers pursuant to this section.
- 8.14 A public school district that fails to comply with requirements placed on the public school district by the State Board pursuant to these rules is in probationary violation of the Standards for Accreditation of Arkansas Public Schools and School Districts and subject to action by the State Board.