

ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING SCHOOL DISTRICT REQUIREMENTS FOR PERSONNEL POLICIES, SALARY SCHEDULES, MINIMUM SALARIES, AND DOCUMENTS POSTED TO DISTRICT WEBSITES

PUBLIC COMMENTS AND RESPONSES OF THE ARKANSAS DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND SECONDARY EDUCATION

Commenter Name: Rebecca Miller-Rice, Bureau of Legislative Research (3/17/20)

Comment (1): Section 4.01.4 – What is the authority requiring the posting of the school calendar?

Division Response: Ark. Code Ann. § 6-10-106(f) requires districts to adopt an academic calendar and that requirement is echoed in Standard 1-A.5 of the Standards for Accreditation. The school calendar is required to be included in personnel policies that are required to be posted to the district's website under State-- Required Information by Ark. Code Ann. §§ 6-17-2301 and 6-17-201. In the interest of being able to better monitor Standard 1-A.5, the posting of the school calendar has been added to these Rules. It is also included in the proposed changes to the Standards for Accreditation that are pending review by ALC. **No change made.**

Comment (2): Section 4.06 – What is the authority requiring the posting of any waivers?

Division Response: Ark. Code Ann. § 6-15-103(d) gives the Division broad authority to promulgate rules to implement the section. This requirement is a rule that implements § 6-15-103(a). The requirement is also reiterated in the Division's proposed Rules Governing Act 1240 waivers, promulgated under the same authority. **No change made.**

Comment (3): Section 5.01 – What is the basis for the August 1 deadline?

Division Response: Ark. Code Ann. § 6-11-129 is the authority for this section, and although the statute mandates the posting of this information, it does not contain a deadline. Standard 3-A.1 requires each public school district board of directors to adopt and update written policies for the fiscal operation of the district and post them to the district's website by August 1. In an effort to coordinate the deadlines of information to be posted to the website, and in an effort to make monitoring the website efficient, the deadline for Section 5.01 is August 1. **No change made.**

Comment (4): Section 6.02 – What is the basis for the August 1 deadline set forth in the rule, when both Ark. Code Ann. § 6-17-201(d)(2)(A) and § 6-17-2301(d)(2) provide that “[b]y September 15 of each year” the website address shall be provided?

Division Response: Ark. Code Ann. § 6-17-201(a)(2)(A) and § 6-17-2301(d)(2) state that by September 15 of each year a school district shall provide the Division of Elementary and

Secondary Education with the web address at which its current personnel policies...may be found. The deadline in statute is the deadline by which the district must provide the web address to the Division, not the deadline by which the district must post the information. Section 6.02 requires the district to post those policies by August 1. The two can be read consistently-- the policies must be posted by August 1, but the districts are not required to provide the web address to the Division until September 1. Additionally, Standard 3-A.1 of the Standards for Accreditation requires the policies to be posted by August 1. Teachers and the community have an interest in accessing these policies prior to September 15, when the school year has been in session for nearly a month. **No change made.**

Comment (5): Additionally, could you please direct to me to the specific sections that were premised upon each of the Acts mentioned in the summary, Acts 1039 and 869 of 2017, and Acts 190, 83, 676, and 757 of 2019?

Division Response: Act 1039 of 2017 is addressed in Section 7.02. Act 869 of 2017 is addressed in Section 4.02. Act 757 of 2019 made changes to the same law that Act 869 of 2017 did. Both Acts are addressed in Section 4.02. Act 676 of 2019 is addressed in Section 4.05. Act 190 of 2019 is addressed in Section 4.01.6. Act 83 of 2019 is addressed in Section 4.01.1. **No change made.**

Commenter Name: Lucas Harder, Arkansas School Boards Association (10/3/20)

Comment(1): In the Title, "Secondary" has an extra "e" before the final "r". In Section 4.05: There appears to be a "a" missing from before "public school". In Section 5.01.5.1: I would recommend adding "Employee" to the start of this section.

Division Response: The title is changed to correct the typo. Section 4.05 is changed to add the missing "a" before "public school". No change made to Section 5.01.5.1. **Non-substantive changes made.**

Comment(2): In 1.02, now 1.01, ACA § 6-15-209 should probably be 6-15-208. ACA § 6-18-702 and ACA § 6-18-2005 appear to be missing from the list.

Division Response: Ark. Code Ann. §§ 6-15-208, 6-18-702, and 6-18-2005 are added to the regulatory authority. **Non-substantive change made.**

Comment(3): Section 2.01: I recommend adding "school" in front of "district" where necessary here. Section 3.00: For clarification for the average reader, I would recommend making this section be a definition for "school district" to note that it also applies to an open-enrollment charter school to the extent that the charter school does not have a wavier. Also, there are places in the document that just use "district", others that use "school district" and still others that use "public school district".

Division Response: Section 2.01 is changed to add "school" before "district". Section 2.01 is also changed to include "open-enrollment public charter schools" before "education service cooperatives" to clarify that these rules also apply to charter schools to the extent that the school does not have a waiver. Changes made throughout to change "school district" to "district". **Non-substantive changes made.**

Comment(4): Section 3.01: For clarity, I would recommend changing this to read "All information required to be posted on the school district's website shall be easily accessible from the school district's website homepage through an easily identifiable direct link titled "State--Required Information" that directs to a page on the school district's website where the information may be found."

Division Response: Comment considered. **No change made.**

Comment(5): Section 3.02: I would recommend changing this to read "The school district shall subdivide the information required by these Rules on the district's State--Required Information page by the categories of information."

Division Response: Comment considered. **No change made.**

Commenter Name: Shelley Smith, Mountain View School District (4/27/20)

Comment(1): I wish to express my opposition to the changes. This information needs to remain PUBLIC. Personnel policies and financial statements should be clearly visible for anyone to view for a number of reasons: (1) the public should be able to freely research this as it is their tax money funding public schools, (2) parents of students and prospective students should know the rules that govern staff in every school, (3) teachers and staff should be able to view the personnel policies and finances of other schools so that they can research them when they need to, either to compare to their own or under a circumstance such as if they are applying for employment in that district, I am thinking of teachers moving from another state who will want to know in advance what kinds of policies we have at our schools and in Arkansas, (4) personnel need a simple and direct way to access policies at their own schools also, how will this information be made available to them if it is not on the website, and (5) removing transparency appears to be, at the very least, bad optics.

Division Response: The following information is still required to be posted on the website: student handbooks (4.01.3), school calendar (4.01.4), written policies for the fiscal operation of the district (5.01.1), current comprehensive financial data reports including local and state revenue sources, administrator and teacher salary and benefit expenditure data, district balances, and the district budget (5.01.2), a financial breakdown of the monthly expenses of the district (5.01.3), salary schedules for all employees, including extended contract and supplementary pay amounts (5.01.4), all current contract information with district employees (5.01.5), the annual budget (5.01.6), and

licensed and classified personnel policies and salary schedules (6.01). Further, the detailed information on personnel policies, salary schedules, and minimum salaries still in law (Ark. Code Ann. 6-17-201 et seq., § 6-17-2301 et seq., § 6-17-2401 et seq, and § 6-17-2201 et seq.) and districts must still follow the law, even though the detailed portions are being removed from the Rules. **No change made.**

Commenter Name: Charles Warren, Fort Smith Public Schools (4/27/20)

Comment(1): It appears 5.01.6 is a duplication of 5.01.2.4 (and 5.01.2.4.1). Districts won't have a current budget by August 1st. The 5.01.6 is not necessary and contrary to the current statute. The issue is resolved with 5.01.2.4 so 5.01.6 should be stricken.

Division Response: Section 5.01.6 is duplicate of Section 5.01.2.4, so it has been stricken. Section 5.01.7 has been changed to reflect a change in numbering. **Non-substantive change made.**