

ARKANSAS STATE BOARD OF EDUCATION  
EMERGENCY AMENDMENT TO RULES AND REGULATIONS  
GOVERNING THE STANDARDS OF ACCREDITATION

April 2003

1.00 REGULATORY AUTHORITY

- 1.01 These regulations shall be known as the Arkansas State Board of Education Emergency Amendment to Rules and Regulations Governing Standards for Accreditation of Arkansas Public Schools.
- 1.02 These rules and regulations are enacted pursuant to the authority granted to the State Board of Education in Ark. Code Ann. § 6-11-105 (Repl. 1999), Ark. Code Ann. § 6-15-202 (Repl. 1999) and Ark. Code Ann. § 25-15-204 (Supp. 1999).

2.00 PURPOSE

- 2.01 These rules and regulations are enacted to allow the Arkansas State Board of Education to waive certain terms and conditions required in the Standards for Accreditation of Arkansas Public Schools when it is established that a public school cannot meet a required term or condition in the Standards for Accreditation due to impossibility or without creating imminent danger to the health or safety of students or school personnel in the public school.

3.00 DEFINITIONS

- 3.01 "State Board of Education" means the Arkansas State Board of Education.
- 3.02 "School district" means an Arkansas public school district or charter school.
- 3.03 "Superintendent" means the superintendent of an Arkansas public school district.

4.00 AMENDMENT TO REQUIRED TIME FOR INSTRUCTION AND SCHOOL CALENDAR, SECTION V (A)(1) and (2) OF THE STANDARDS FOR ACCREDITATION OF ARKANSAS PUBLIC SCHOOLS

- 4.01 Student-teacher interaction time shall be a minimum of 178 days, except as waived by the State Board of Education for purposes of the following:
  - a. Professional development; or
  - b. Natural necessity due to inclement weather, fire, natural disaster or other catastrophic event which makes conducting required student-

teacher interaction time impossible or would create imminent danger to the health or safety of students or school personnel.

4.02 All public school teacher/administrator contracts (elementary, secondary, vocational -- exception vocational agriculture) shall be a minimum of 185 days except as waived by the State Board of Education for purposes of the following:

- a. Natural necessity due to inclement weather, fire, natural disaster or other catastrophic event which makes conducting required student-teacher interaction time impossible or would create imminent danger to the health or safety of students or school personnel.

## 5.00 PROCEDURE

5.01 To request a waiver, the superintendent of a school district shall submit a written request to the State Board of Education on or before May 1, 2003 certifying that the school district cannot meet the required 178 day student-teacher interaction time or the 185 day minimum contract time (or any combination thereof) due to impossibility or without creating imminent danger to the health and safety of the students or school personnel of the public school as a result of natural necessity pursuant to Section 4.01(b) or Section 4.02(a).

5.02 Upon receipt of a written request for a waiver from a superintendent of an Arkansas public school district stating the school district cannot meet the required number of days, the State Board of Education may grant the school district a waiver of days the number of which the State Board of Education determines is appropriate. Any contract days waived shall not cause a reduction in the certified or the non-certified employees' contract salary.

5.03 The State Board of Education shall use its discretion in determining whether any written report or request for waiver submitted by a superintendent of a public school district to the State Board of Education meets the natural necessity requirements of Section 4.01(b) or Section 4.02(a) or whether additional information is required from the superintendent before granting a school district a waiver.

## 6.00 EFFECTIVE DATES

6.01 This regulation shall go into effect on April 14, 2003.

6.02 This regulation shall become null and void on August 10, 2003.

## 7.00 EMERGENCY CLAUSE

7.01 WHEREAS, many Arkansas public school districts suffered severe winter storms and inclement weather conditions during the 2002-2003 school year, and whereas, such weather conditions or results thereof made it impossible or created the risk of imminent danger to the health or safety of students or school personnel to maintain the 178 days of student-teacher interaction time or 185 day contract time, and whereas, the current rules and regulations do not allow for a waiver of the required standard of 178 days of student-teacher interaction time or 185 day contract time for natural necessity, the Arkansas State Board of Education promulgates this Emergency Amendment to Rules and Regulations pursuant to Ark. Code Ann. § 25-15-204 and the State Board of Education hereby determines that imminent peril to many of the school districts of this state will exist if school districts are not allowed to request and be granted a waiver of the 178 day student-teacher interaction time and/or the 185 day contract time requirement and Standard of Accreditation. As a result of the imminent peril facing many school districts, this rule and regulation is to take effect immediately upon passage by the State Board of Education as an emergency rule and regulation pursuant to Ark. Code Ann. § 25-15-204.