

Arkansas Department of Education
Rules Governing the Distribution of Student Special Needs Funding
for School Year 2004-2005 and Additional Teacher Pay

June 14, 2004

1.00 Authority

- 1.01 The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code Ann. § 6-11-105, and Acts 59 and 74 of the Second Extraordinary Session of 2003 of the 84th General Assembly.
- 1.02 These Rules shall be known as the Arkansas Department of Education Rules Governing the Distribution of student special needs funding for school year 2004-2005, and Additional Teacher Pay.

2.00 Purpose

- 2.01 The purpose of these Rules is to establish how the Arkansas Department of Education (Department) will distribute student special needs funding and the allowable expenditures of these funds in the 2004-2005 school year.
- 2.02 The corollary purpose of these Rules is to clearly set forth how a school district is to determine and calculate additional teacher pay for additional contract days required under Ark. Code Ann. § 6-17-2403(d).

3.00 Definitions—For purposes of these Rules, the following terms mean:

- 3.01 "Alternative Learning Environment (ALE)"—a student intervention program in compliance with Ark. Code Ann. §§ 6-18-508 and 6-18-509 that seeks to eliminate traditional barriers to student learning.
- 3.02 "Average Daily Membership (ADM)"—the total number of days of school attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth.
 - 3.02.1 In those instances in which the ADM for less than three (3) quarters is specified, the number of days used in the calculation shall be the days in the specified period of time.
 - 3.02.2 As applied to this Rule, students who may be counted for ADM are:

- 3.02.2.1 Students who reside within the boundaries of the school district and who are enrolled in a public school operated by the school district or a private school for special education students, with their attendance resulting from a written tuition agreement approved by the Department;
 - 3.02.2.2 Legally transferred students living outside the school district but attending a public school in the school district; and,
 - 3.02.2.3 Students who are eligible to attend and reside within the boundaries of a school district and who are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program.
- 3.03 “Classroom Teacher”—an individual who is required to hold a teaching license from the Department and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time; a guidance counselor; or a librarian.
- 3.04 “English Language Learners”—students identified by the State Board of Education (State Board) as not proficient in the English language based upon approved English proficiency assessment instruments administered annually in the fall of the current school year, which assessments measure oral, reading, and writing proficiency.
- 3.05 “Identified Alternative Learning Students FTE”— For purposes of ALE funding in the 2004-2005 school year, identified alternative learning students means those students identified as alternative learning students during the 2003-2004 school year pursuant to the Rules and Regulations Governing the Funding of Alternative Learning Environments in effect during the 2003-2004 school year. For purposes of ALE funding in the 2005 –2006 school year and each year thereafter, the number of hours taught in an eligible ALE each day divided by the minimum number of hours in the school day (6) at the school where the ALE is located, times the number of days a student attends the ALE, plus the number of days absent, divided by the number of school days actually taught in the school year.

- 3.05.1 Alternative Learning Student. A student who has attended an eligible ALE for a minimum of twenty (20) days per school year.
- 3.05.2 Full Time Equivalent (FTE) Alternative Learning Student. An alternative learning student who has at least six (6) hours per day of student/teacher interaction time in the ALE, and attends the ALE for the entire school year.
- 3.05.3 Half Time Equivalent Alternative Learning Student. An alternative learning student who has at least three (3) hours per day of student/teacher interaction time in the ALE, and attends the ALE for the entire school year.
- 3.05.4 Quarter Time Equivalent Alternative Learning Student. An alternative learning student in Kindergarten through Grade 6 who has at least one and one-half (1 ½) hours per day of student/teacher interaction time in the ALE, and attends the ALE for the entire school year.
- 3.06 “NSLA Program”-National School Lunch Act free and/or reduced-priced meals program.
- 3.07 “National School Lunch Students”-those students from low socio-economic backgrounds as indicated by eligibility for free or reduced-priced meals under the National School Lunch Act as calculated on October 1 of each year.
- 3.08 “Previous Year”-the school year immediately preceding the school year in which funds are allocated.
- 3.09 “Professional Development”-a coordinated set of planned learning activities for teachers and administrators that are standards-based.
- 3.09.1 Professional development shall result in individual, school-wide, and system-wide improvement designed to ensure that all students demonstrate proficiency in the state academic standards.
- 3.10 “School District”-a geographic area with an elected board of directors that qualifies as a taxing unit for purposes of ad valorem property taxes under Ark. Code. Ann. § 26-1-101 et seq. and which board conducts the daily affairs of public schools pursuant to the supervisory authority vested in it by the General Assembly and Title 6 of the Arkansas Code.

- 3.11 “School Year”—the year beginning July 1 of one calendar year and ending June 30 of the next calendar year.
- 3.12 “Technology”—any equipment for instructional purposes that is electronic in nature, including, but not limited to, computer hardware, computer software, internet connectivity, and distance learning.

4.00 Special Needs Funding-Alternative Learning Environment (ALE) Funding

- 4.01 For the 2004-2005 school year, the ALE funding amount shall be three thousand two hundred fifty dollars (\$3,250) times the district’s Identified Alternative Learning Students FTE in the previous school year as defined in this Rule.

- 4.01.1 An ALE student shall be counted as no more than one student for ALE funding purposes.

- 4.02 To receive ALE funding, an eligible ALE must meet the following guidelines:

- 4.02.1 Have students taught by a currently licensed teacher. If course credit is granted, the teacher must be highly qualified by the 2005-2006 school year or in districts recognized in the Rural Education Achievement Program’s (REAP) Small, Rural School Achievement Program (SRSA) by the end of the 2006-2007 school year. Newly hired teachers in these designated districts will have three years from the date of hire to become highly qualified as required by the Federal No Child Left Behind Act of 2001.

- 4.02.2 Have a student/teacher ratio in grades K-6 of no more than ten (10) to one (1). If a paraprofessional is employed in addition to a licensed supervisor, the student/teacher ratio shall be no more than twelve (12) to one (1).

- 4.02.3 Have a student/teacher ratio in grades 7-12, of no more than fifteen (15) to one (1). If a paraprofessional is employed in addition to a licensed supervisor, the student/teacher ration shall be no more than eighteen (18) to one (1).

- 4.02.4 Provide each alternative learning student with access to the services of a school counselor or a mental health professional, a nurse, and support services provided to other students.
- 4.02.5 Coordinate the ALE with state and federal student assistance programs.
- 4.02.6 Submit a description of the ALE on a form developed by the Department. This description shall be included in the districts' Arkansas Comprehensive School Improvement Plan (ASCIP).
- 4.02.7 Have an Alternative Education Placement Team determine student placement in the ALE. This team should include the school counselor, the ALE director or principal, a parent or legal guardian and a regular classroom teacher.
- 4.02.8 Have qualifying students under this section exhibit two(2) or more of the characteristics allowed in 4.02.8.1 and 4.02.8.2. Students will not be placed in the ALE based on academic problems alone.
- 4.02.8.1 Students placed at risk, though intelligent and capable, typically manifest one or more of the following characteristics:
- Disruptive behavior
 - Drop out from school
 - Personal or family problems or situations
 - Recurring absenteeism
 - Transition to or from residential programs
- 4.02.8.2 Personal and family problems or situations are conditions that negatively affect the student's academic and social progress. These may include, but are not limited to:
- Abuse: physical, mental, sexual
 - Frequent relocation of residency
 - Homelessness
 - Inadequate emotional support
 - Mental/physical health problems
 - Pregnancy
 - Single parenting

- 4.02.9 Maintain documentation of the presence of these characteristics listed in 4.02.8.1 and 4.02.8.2.
 - 4.02.10 Provide that the ALE shall not be punitive but should provide the guidance, counseling, and academic support to enable students who are experiencing emotional, social or academic problems to continue to make progress toward educational goals either in the traditional educational system or the GED Program.
 - 4.02.11 Provide that computer programs when used in the ALE setting will supplement teacher instruction.
 - 4.02.12 Develop an agreement with the parent or guardian, teacher or ALE Director, and student outlining the responsibilities of the school, parent, and the student to provide assurance that the plan for each student is successful.
 - 4.02.13 Provide a curriculum including mathematics, science, social studies, and language arts aligned with the regular classroom instruction or with the standards for the tests of the GED.
 - 4.02.14 Develop exit criteria on which to base a student's return to the regular program.
 - 4.02.15 Require ALE staff to meet the same professional development requirements as other certified staff.
- 4.03 The Department shall monitor ALEs in compliance with Ark. Code Ann. § 6-18-509.
- 4.04 ALE funding is restricted state aid.
- 4.04.1 ALE funding shall be spent on eligible activities identified in this Rule except as otherwise allowed by law or rule.
- 4.05 ALE funding may be carried over, but shall remain restricted to priority areas as defined in this Rule.

5.0 Special Needs Funding-English Language Learners (ELL) Funding

5.01 For the 2004-2005 school year, the ELL funding amount shall be one hundred ninety-five dollars (\$195) times the district's identified English language learners in the current school year.

5.01.1 The number of identified ELL students shall be a total of all identified by the State Board as not proficient in the English language based upon approved English proficiency assessment instruments.

5.01.2 An ELL student shall be counted as no more than one student for ELL funding purposes.

5.02 Districts shall maintain documentation of each student identified as an ELL.

5.03 For ELL funding purposes, State-approved English proficiency assessment instruments include:

5.03.1 LAS (Language Assessment Scales)

5.03.2 IDEA (IPT-Idea Proficiency Test)

5.03.3 Woodcock-Munoz

5.03.4 Maculaitis Assessment of Competencies

5.03.5 Language Assessment Battery

5.04 ELL funding shall be expended for the following eligible activities:

5.04.1 Salaries for ELL-skilled instructional services (not supplanting district financial obligations for providing teachers for ELL students).

5.04.2 Funds for teacher training, consultants, workshops, ELL course work, including Department sponsored training programs.

5.04.3 Released-time for planning program selection, and ELL program development.

5.04.4 Selection and purchase of language-appropriate instructional and supplemental (enrichment) materials for ELL students (including computer-assisted technology and library materials).

5.04.5 Counseling services, community liaison staff with language and cultural skills appropriate to the ELL population.

5.04.6 Assessment activities, which address identification, placement, and review of ELL student academic progress, as well as evaluation activities to determine the effectiveness of the district's ELL program.

5.05 ELL funding may be carried over, but shall remain restricted to priority areas as defined in this Rule.

6.00 Special Needs Funding-National School Lunch Act (NSLA) Funding

6.01 For the 2004-2005 school year, the NSLA funding amount shall be determined by the district's total students identified as eligible to participate in the NSLA Program divided by the district's total enrolled students.

6.01.1 Districts with ninety percent (90%) or greater of the enrolled students eligible for the NSLA Program shall receive one thousand four hundred forty dollars (\$1,440) for each student eligible for the NSLA Program.

6.01.2 Districts with less than ninety percent (90%) and at least seventy percent (70%) of the enrolled students eligible for the NSLA Program shall receive nine hundred sixty dollars (\$960) for each student eligible for the NSLA Program.

6.01.3 Districts with less than seventy percent (70%) of the enrolled students eligible for the NSLA Program shall receive four hundred eighty dollars (\$480) for each student eligible for the NSLA Program.

6.02 The district percentage of NSLA eligible students shall be determined from the Arkansas Public School Computer Network's Cycle 2 report for the current school year.

6.02.1 The Child Nutrition Unit of the Department shall verify the Cycle 2 report for accuracy.

6.02.2 Adjustments to the Cycle 2 report shall be made by the Department based on documentation provided by the school district.

- 6.03 Each school district with NSLA students shall provide a research based program(s) or purpose(s) for students eligible for NSLA funding for improving instruction and increasing academic achievement of those students.
- 6.04 NSLA funding shall not be used to meet or satisfy the Arkansas Standards for Accreditation required by Ark Code Ann. § 6-15-201 et. seq. and the Arkansas Minimum Teacher Salaries required by Ark. Code Ann. § 6-17-2403.
- 6.04.1 NSLA Funding may be used to augment or supplement the requirements of the Arkansas Standards for Accreditation required by Ark. Code Ann. § 6-15-201 et. Seq. and the Arkansas Minimum Teacher Salaries required by Ark. Code Ann. § 6-17-2403.
- 6.05 NSLA funding shall be expended for eligible program(s) or purpose(s) that are research-based and aligned to the Arkansas Content Standards for improving instruction and increasing achievement of NSLA identified students at risk of not meeting challenging academic standards either existing or new. These programs or purposes include:
- 6.05.1 Employing Literacy and/or Mathematics and/or Science Specialists/Coaches (K-12):
- The Specialists/Coaches are educators who assist in curriculum alignment with state curriculum documents; alignment of classroom assessment with statewide exams; instructional strategies; professional development and implementation of training; choosing standards-based instructional materials; understanding of current research; advantageous arrangement of the instructional day; and integrating technology into instruction.
- Qualifications for Specialists/Coaches (K-12):
- at least three years of recent teaching experience in appropriate content areas within grades Kindergarten through Twelve;
 - knowledge of Arkansas Curriculum Framework;
 - knowledge of current research and effective practices in standards-based curriculum, instruction, and assessment;
 - experience in adult learning situations and in team problem solving;
 - a bachelor's degree (a master's degree would be preferred).

- 6.05.2 Providing research based professional development in the areas of Literacy and/or Mathematics and/or Science (K-12) as defined in the Arkansas Department of Education Regulations Governing Attendance at Certified Instructional Professional Development Sessions (Ark. Code Ann. § 6-17-702).
- 6.05.3 Employing highly qualified classroom teachers (K-12).
 - 6.05.3.1 The salary of an employee in an eligible program exceeding the Standards for Accreditation may be paid with NSLA funding.
 - 6.05.3.2 Districts may use NSLA funds as an incentive to increase salaries above the minimum salary schedule required by Ark. Code Ann. § 6-17-2403.
 - 6.05.3.3 NSLA funds may be used to pay salaries of teachers to reduce the pupil to teacher ratio below the mandates specified in the Arkansas Standards of Accreditation.
- 6.05.4 Providing research-based before and after-school academic programs, including transportation to and from the programs.
- 6.05.5 Providing research-based pre-kindergarten programs coordinated by the Division of Childcare and Early Childhood Education, Department of Human Services.
- 6.05.6 Employing Tutors:
 - 6.05.6.1 Tutors must be able to demonstrate competency (as determined locally) in each area where instruction is provided.
 - 6.05.6.2 Tutors must work under the supervision of highly qualified teachers
- 6.05.7 Employing Teacher's aides:
 - 6.05.7.1 Teacher's aides must be highly

qualified

- 6.05.7.2 Teacher's aides must work under the direct supervision of highly qualified teachers
- 6.05.8 Employing certified counselors, licensed social workers and/or nurses
- 6.05.9 Employing Curriculum Specialists:
 - 6.05.9.1 The Curriculum Specialists shall meet current licensure requirements. Other job-related education and/or experience may be substituted for part of these basic requirements as determined by the local education agency.
- 6.05.10 Providing parent education.
- 6.05.11 Providing summer programs that employ research-based methods and strategies.
- 6.05.12 Providing early intervention programs:
 - 6.05.12.1 Early intervention means short-term, intensive, focused, individualized instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is in the initial, kindergarten through grade one (K-1), stages of learning early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor problem-solving habits which become difficult to change.
- 6.05.13 Obtaining materials, supplies, and equipment, including technology, used in approved instructional programs or for approved purposes. The approved programs and or purposes support the local educational agency's school improvement plan, or
- 6.05.14 Other activities approved by the Department of Education.
- 6.06 Use of these funds shall be included within the school and/or district's ACSIP. The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and budget.

6.06.1 The district shall evaluate programs supported by NSLA funds annually to ensure that the programs are providing intervention/prevention services designed to increase student achievement.

6.06.2 The district shall maintain documentation that supports gains in student achievement as measured by the state assessment system.

6.07 NSLA funding may be carried over, but shall remain restricted to priority areas as defined in this Rule.

6.08 NSLA funding is restricted state aid, except as otherwise allowed by law or Rule.

7.0 Special Needs Funding-Professional Development Funding

7.01 For the 2004-2005 school year, the Professional Development funding amount shall be fifty dollars (\$50) times the district's ADM of the previous school year.

7.02 Professional Development funding shall be expended for approved programs and purposes identified in the Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program and the Academic Distress Program, section 5.0 "Professional Development" and employing literacy, mathematics, or science coaches as described in this Rule.

7.03 Districts may expend state Professional Development funding to provide the requisite hours of professional development required by Rule or law.

7.04 Professional Development funding is restricted state aid. Professional Development funding shall be spent on activities identified in this Rule, except as otherwise allowed by law or Rule.

7.05 Professional Development funding may be carried over, but shall remain restricted to priority areas as defined in this Rule.

8.0 Financial Accounting for Special Needs Funding for ALE, ELL, NSLA, and Professional Development

8.01 After having provided programs designed to meet the needs of students in the respective categorical funding areas, a district may

transfer and expend funds on any of the special needs categories allowed for in this Rule.

- 8.02 Special needs funding of ALE, ELL, NSLA, and Professional Development may be used for any of the expenditures identified in this Rule.
- 8.03 Districts shall report the funds received under each special needs funding category.
- 8.04 Districts shall report the expenditures of all special needs funds, including fund balances remaining on June 30 of each year.
- 8.05 The funds received, transferred, expended, and/or carried over shall balance.
- 8.06 If the Department determines that a district would lose any federal funding due to expenditure requirements, the special needs funds may be expended for other academic programs or salaries, as permitted by the Department.

9.00 Determination of Additional Teacher Pay for Additional Contract Days Under Ark. Code Ann. § 6-17-2403

9.01 Definitions:

- 9.01.1 “Daily Rate of Pay” shall mean a teacher’s contracted salary, exclusive of any stipend, divided by the teacher’s Total Contracted Days.
- 9.01.2 “2003-2004 Contracted Pay” shall mean a teacher’s contracted pay, exclusive of any stipend, for the 2003-2004 school year. A district’s final salary schedule must reflect the actual pay practices of the district under Ark. Code Ann. § 6-20-319(4) and therefore the contracted pay will be tied to the district’s 2003-2004 final salary schedule.
- 9.01.3 “2003-2004 Comparative Contracted Pay” shall mean the amount the teacher would have received under the Minimum Salary Schedule had that Minimum Salary Schedule been in place in the 2003-2004 school year using the teacher’s experience as of August 2003 to select the salary from the Minimum Salary Schedule.
- 9.01.4 “Minimum Salary Schedule” shall mean the numerical salary schedule in Ark. Code Ann. § 6-17-2403(b)

- 9.01.5 “Total Contracted Days” shall mean the total number of days a teacher is under contract to work.
- 9.01.6 “Total for Additional Days” shall mean the teacher’s 2003-2004 Daily Rate of Pay times the increase in Total Contracted Days from 2003-2004 to 2004-2005.
- 9.01.7 “Difference in Contracted Pay” shall mean the difference between the 2003-2004 Contracted Pay and the 2003-2004 Comparative Contracted Pay.
- 9.02 Under Ark. Code Ann. § 6-17-2403(d), some teachers may be entitled to additional pay in the 2004-2005 school year if their Total Contracted Days are increased from the previous year. Each district shall determine whether a teacher is entitled to additional pay in 2004-2005 for additional days by using the attached worksheet (marked Exhibit A) and these regulations.
- 9.03 Step One: A district must determine whether the teacher’s Total Contracted Days for 2004-2005 is greater than the Total Contracted Days for 2003-2004.
 - 9.03.1 If the number of Contracted Days is not greater, the teacher is not entitled to additional pay for the additional contracted days.
 - 9.03.2 If the number of Contracted Days is greater the district must proceed to step two.
- 9.04 Step Two: Assuming step one results in a determination that the Contracted Days are greater, the district shall calculate the difference in the teacher’s 2003-2004 Contracted Pay and the teacher’s 2003-2004 Comparative Contracted Pay.
 - 9.04.1 If the amount of the 2003-2004 Contracted Pay is greater or equal to the amount of the 2003-2004 Comparative Contracted Pay then the teacher is not entitled to additional pay for additional days.
 - 9.04.2 If the amount of the 2003-2004 Contracted Pay is less than the 2003-2004 Comparative Contracted Pay, then the district must proceed to step three.

- 9.05 Step Three: Assuming Step Two results in a determination that the 2003-2004 Comparative Contracted Pay is greater, the district shall calculate the difference in the teacher's Total for Additional Days and the teacher's Difference in Contracted Pay.
 - 9.05.1 The district shall calculate the teacher's Total for Additional Days.
 - 9.05.2 The district shall calculate the Difference in Contracted Pay.
 - 9.05.3 If the Total for Additional Days is not greater than the Difference in Contracted Pay, the teacher is not entitled to additional pay.
 - 9.05.4 If the Total for Additional Days is greater than the Difference in Contracted Pay, then the teacher is entitled to additional pay and the district shall proceed to Step Four.

- 9.06 Step Four: Assuming Step Three results in a determination that the Total for Additional Days is greater, the district shall adjust its salary schedule as follows:
 - 9.06.1 The difference between the Total for Additional Days and the Difference in Contracted Pay shall be added to the amount the teacher is entitled to under Ark. Code Ann. § 6-17-2403(b).
 - 9.06.2 This same amount shall be added to the district's salary schedule so that the salary schedule will reflect the actual pay practices of the district.

WORKSHEET FOR REGULATIONS ON ADDITIONAL PAY Exhibit A
UNDER ARK. CODE ANN. § 6-17-2403 FOR ADDITIONAL DAYS

Teacher: _____

Step One:

1. Enter the Total Contracted Days for 2004-2005 _____
2. Enter the Total Contracted Days for 2003-2004 _____
- 2(a) Difference (Line 1 – Line 2) _____

Is the amount on Line 1 greater than the amount on Line 2?

NO – Stop here. *Teacher is not entitled to any additional pay.*

YES – Go to Step 2.

Step Two:

3. Enter the teacher's 2003-2004 Comparative Contracted Pay \$ _____
(This is the amount the teacher would have received under the Minimum Salary Schedule had that Minimum Salary Schedule been in place in the 2003-2004 school year using the teacher's experience as of August 2003 to select the salary from the Minimum Salary Schedule.)
4. Enter the teacher's 2003-2004 Contracted Pay \$ _____
(This is the teacher's Contracted Pay for 2003-2004, exclusive of any stipend.)

Is the amount on Line 3 greater than the amount on Line 4?

NO – Stop here. *Teacher is not entitled to any additional pay.*

YES – Go to Step 3.

Step Three:

5. Calculate the teacher's Total for Additional Days \$ _____
(Line 4 ÷ Line 2) x Line 2(a)
6. Calculate the teacher's Difference in Contracted Pay \$ _____
(Line 3 – Line 4)

Is the amount in Line 5 greater than the amount in Line 6?

NO – Stop here. *Teacher is not entitled to any additional pay.*

YES – Go to Step 4.

Step Four:

7. Take the difference between Total for Additional Days and Difference in Contracted Pay (Line 5 – Line 6) and add it to the amount the teacher is entitled to under Ark. Code Ann. § 6-17-2403(b). \$ _____
8. Add that same amount to the district’s salary schedule so that the schedule will reflect the actual pay practices of the district.