

## **Title 6. Education**

### **Chapter I. Division of Elementary and Secondary Education**

#### **Subchapter H. School Districts**

#### **Part 239. Rules Governing Required Training for School Board Members**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"1.00 REGULATORY AUTHORITY

1.01 The State Board of Education promulgates these Rules pursuant to Ark. Code Ann. §6-13-629.

1.02 This Rule shall be known as the Division of Elementary and Secondary Education (DESE) Rules Governing Required Training for School Board Members."

"June 5, 2022"

#### **Subpart 1. Generally**

##### **6 CAR § 239-101. Purpose.**

The purpose of this part is to outline the type and amount of training required for new and continuing local school board members.

**Authority.** Arkansas Code § 6-13-629.

##### **6 CAR § 239-102. Definitions.**

As used in this part:

(1) "Annual school performance report" means the report required to be posted on the Division of Elementary and Secondary Education's website for each school district annually under Arkansas Code § 6-15-1402; and

(2) "Comprehensive school improvement plan" means the plan that each local school district must prepare annually under 6 CAR § 61-602(a) of the Division of Elementary and Secondary Education's Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts.

**Authority.** Arkansas Code § 6-13-629.

**6 CAR § 239-103. Training hours required.**

(a) A member of a local school district board of directors who has served on the board of directors for twelve (12) or more consecutive months shall obtain no less than six (6) hours of training and instruction by December 31 of each calendar year.

(b)(1) A member of a school district board of directors elected for an initial or noncontinuous term shall obtain no less than nine (9) hours of training and instruction by December 31 of the calendar year following the year in which the member is elected.

(2) The training or instruction under this subsection shall include:

(A) Training or instruction on how to read and interpret an audit report;  
and

(B) Information regarding school safety and student discipline.

(c) Hours of training and instruction obtained in excess of the minimum requirements each year may accumulate and be carried forward through December 31 of the third calendar year following the year in which the hours were obtained.

**Authority.** Arkansas Code § 6-13-629.

**6 CAR § 239-104. Training content.**

The training and instruction required under this part shall include topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the boards of directors, including without limitation:

(1) Legal requirements, including without limitation:

(A) The following items listed or required by the Legislative Joint Auditing Committee under Arkansas Code § 6-1-101:

- (i) Audit management letter;
- (ii) Ethical guidelines;
- (iii) School elections;
- (iv) Management of schools;
- (v) Revolving loan funds;
- (vi) School district finances;
- (vii) School district school bonds;
- (viii) Teachers and employees;
- (ix) Teachers' salaries;
- (x) Deposit and investments of funds; and
- (xi) Improvement contracts; and

(B) Other financial laws or rules designated by the Division of Elementary and Secondary Education;

(2) Role differentiation;

(3)(A) Financial management, including without limitation how to read and interpret an audit report.

(B)(i) The training or instruction on how to read and interpret an audit report shall be conducted by a person who:

(a) Is licensed to practice accounting by the Arkansas State Board of Public Accountancy; and

(b) Has prior experience conducting school district financial audits.

(ii) The instructor of the audit training must not be an employee of Arkansas Legislative Audit unless the training is conducted for the boards of directors of multiple school districts.

(iii) The instructor must not be the person conducting the annual audit or other financial audit of the school district unless the training or instruction is

presented in a large group setting sponsored by a statewide or regional organization that is attended by multiple school districts.

(C) Training or instruction shall be conducted under the consultation or supervision of an individual who qualifies under subdivision (3)(B) of this section as part of a program that is provided:

- (i) By an institution of higher education located in Arkansas;
- (ii) From instruction sponsored or approved by the division; or
- (iii) By an in-service training conducted by or through the Arkansas

School Boards Association.

(D) The audit training or instruction may be presented:

- (i) By electronic means;
- (ii) In person; or
- (iii) Both;

(4) Improving student achievement; and

(5) Information regarding school safety and student discipline.

**Authority.** Arkansas Code § 6-13-629.

**6 CAR § 239-105. Training providers.**

(a) This instruction may be provided to board members by:

- (1) An institution of higher learning in this state;
- (2) Programs sponsored or approved by the Division of Elementary and

Secondary Education; or

(3) An in-service training program conducted by or through the Arkansas School Boards Association.

(b)(1) Any instruction directly provided to board members by either an institution of higher learning in this state, the division, or the association, which instruction meets the training content requirements of 6 CAR § 239-104, shall not require preapproval by the division.

(2) All other instruction must be preapproved by the division in order for the training to count towards the required hours under 6 CAR § 239-103.

(c) At least thirty (30) days before a training program meeting the content requirements of 6 CAR § 239-104 is offered to members of a local school district's board of directors, the provider shall provide a detailed description of the entire program, including staff qualifications, to the division.

(d) The division shall:

(1) Promptly review the content of the program for compliance with any and all applicable statutes and division rules to determine if any or all of the program content shall be deemed to provide training and instruction credit; and

(2) Establish the time period the training and instruction provider is approved to offer the program.

(e) Upon notification by the division of approval of the program or a part or parts thereof for training and instruction credit, the provider may:

(1) Enroll participants in the program; and

(2) Offer the program for training and instruction credit for the set time period.

(f)(1) The provider shall be responsible for the preparation and dissemination of proof of completion of the program or parts thereof to all attendees.

(2) All such proof or copies thereof shall be submitted by the board member attendees to the superintendent of the district whose board they serve.

**Authority.** Arkansas Code § 6-13-629.

**6 CAR § 239-106. Records of training.**

(a) A school district shall maintain a record of hours of training and instruction for board members, which:

(1) May be in the form of an attested, cumulative annual report from the training providers; and

(2) Shall be subject to verification and inspection during the school district's annual audit.

(b) A statement of the hours of training and instruction obtained by each board member in the preceding year shall be:

(1) Part of the school district's comprehensive school improvement plan and goals;

(2) Posted in the same way that other components of the comprehensive school improvement plan and goals are required to be; and

(3) Made a part of the annual school performance report required under Arkansas Code § 6-15-1402.

(c)(1) The superintendent of each school district shall annually prepare a report of the training hours each individual school board member received to be presented at the board's regular January meeting.

(2) The superintendent's report shall be presented in a table format with a row for each individual school board member that is followed by individual columns containing the following information:

(A) The number of training hours the school board member received between January 1 and December 31 of the previous year;

(B) The number of training hours carried forward from the previous year that were eligible to be counted towards the previous year;

(C) The sum of the number of training hours the school board member received under subdivisions (c)(2)(A) and (c)(2)(B) of this section; and

(D) The total number of training hours the board member is required to receive under 6 CAR § 239-103.

(3) The superintendent's report shall not include:

(A) Any training hours a board member receives after December 31 of the previous year; or

(B) The training hours the board member accrues under subdivision (c)(4)(A) of this section.

(4) Members who fail to receive or carry forward the required number of training shall be:

(A) Permitted from January 1 through thirty (30) days following the date of the January board meeting to complete the deficient training hours; and

(B) Suspended from participating in official business, except for board member training, until the board member obtains the deficient hours.

(5) A board member who fails to cure the board member's training hours deficiency during the time provided under subdivision (c)(4)(A) of this section shall be removed from the board and the board member's position shall be filled in accordance with Arkansas Code § 6-13-611 unless:

(A) The board member's failure to receive the required training during the time provided under subdivision (c)(4)(A) of this section was due to military service of the board member; or

(B) The board member provides a written sworn statement from the board member's treating physician stating that the board member's failure to receive the required training during the time provided under subdivision (c)(4)(A) of this section was due to a serious medical condition.

(6) A board member who provides the necessary documentation under subdivision (c)(5) of this section shall have until December 31 of the year following the year the board member failed to receive the required training to receive both the:

(A) Hours of training required for the current year; and

(B) Hours the board member failed to obtain the previous year.

**Authority.** Arkansas Code § 6-13-629.

**6 CAR § 239-107. Authorization to reimburse for related expenses.**

Local school district boards of directors are authorized to:

(1) Pay a reasonable per diem and other necessary expenses from funds belonging to the school district; and

(2) Reimburse school board directors for expenses incurred in attending in-service workshops, conferences, and other courses of training and instruction required in completing the training and instruction as required under this part.

**Authority.** Arkansas Code § 6-13-629.

**6 CAR § 239-108. Enforcement.**

(a) A school district shall demonstrate compliance with the requirements of this part in addition to complying with the provisions of 6 CAR § 239-106 by causing its superintendent to file a written statement of assurance with the Division of Elementary and Secondary Education pursuant to Arkansas Code § 6-15-202.

(b) A school district that fails to comply with the provisions of Arkansas Code § 6-13-629 and the procedural requirements articulated in this part shall be subject to being placed in probationary status pursuant to 6 CAR § 61-105 of the division's Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts, 6 CAR pt. 61.

(c) A vacancy on the school board shall occur if a board member fails to receive the mandatory hours of training within the time frame required by Arkansas Code § 6-13-629 unless the failure was due to military service of the board member or a serious medical condition as demonstrated by a written sworn statement of the board member's treating physician.

(d) The board shall not appoint the board member who failed to receive the required hours of training to fill the vacant position on the board that resulted from the board member's failure to receive the required hours of training.

**Authority.** Arkansas Code § 6-13-629.

**Appendix A. Division of Elementary and Secondary Education Request to Present a Training Program to School Board Members**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/154/6CARpt.239ExhibitA.pdf>