

**ARKANSAS DEPARTMENT OF EDUCATION
PROPOSED RULES AND REGULATIONS
GOVERNING THE PURCHASE OF INSTRUCTIONAL MATERIALS BY
ARKANSAS SCHOOL DISTRICTS**

Proposed Revision March 2008

1.00 Regulatory Authority

- 1.01 These regulations shall be known as the Arkansas Department of Education's regulations implementing Ark. Code Ann. §§ 6-21-402 through 6-21-413.
- 1.02 These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. § 6-21-404 (Repl. 1993), as amended by Acts 280 and 605 of 1995.

2.00 Purpose

- 2.01 The purpose of these regulations is to describe how the Arkansas Department of Education (ADE) will implement Ark. Code Ann. §§ 6-21-402 through 6-21-413.
- 2.02 These regulations shall establish the general guidelines for the use of state funds for the purchase of instructional materials for Arkansas school districts for grades kindergarten through twelve (K-12) for the school year 1995-96.

3.00 Definitions

- 3.01 Instructional materials: Traditional books and trade books in printed and bound form; activity-oriented programs; manipulatives; handheld calculators; hands-on materials; and technology-based materials that require the use of electronic equipment in order to be used in the learning process.
- 3.02 Arkansas Textbooks/Instructional Materials List (State Recommended List): Those textbooks and other instructional materials that have been recommended by the state textbook committee.
- 3.03 State Textbooks/Instructional Materials Selecting Committee (state committee): Individuals recommended by the ~~Director~~ Commissioner of General Education and approved by the State Board to examine textbooks and other instructional materials and make recommendations for the State Recommended List.

4.00 Distribution of Textbooks/Instructional Materials Funds

- 4.01 For the 1995-96 school year, the State Board of Education shall allocate \$44.50 per ADM for the purchase of instructional materials in grades K-12.
- 4.02 The calculation of textbook aid shall be based on the previous year's first three quarter average ADM.
- 4.03 After the end of the first quarter of attendance, districts will receive instructional materials funding based upon actual student growth.
- 4.04 The amount funded per pupil will be the same for grades K-12. There will be no specific allocation amounts for the various grade levels.
- 4.05 Local school districts shall maintain documentation of expenditures for instructional materials to satisfy audit requirements.

5.00 General Requirements

- 5.01 The State Board will adopt a State Recommended List of Instructional Materials for each instructional level on all subject matter required by the Arkansas Standards for Accreditation.
- 5.02 The State Board shall make and execute state contracts with publishers who wish to provide instructional materials to be used in grades K-12 and who meet the pricing requirements of Ark. Code Ann. § 6-21-406.
- 5.03 Any instructional materials purchased with state funds must be consistent with the curriculum and educational goals established by the State Board of Education. If a district is denied purchase of instructional materials with state funds as a result of those items being declared inconsistent with the curriculum and educational goals established by the State Board of Education, that district may appeal the decision to the State Board of Education.
- 5.04 The Department of Education on an annual basis shall prepare and distribute to school districts a State Recommended List of Instructional Materials for all subjects that fall within the year's subject area selecting cycle.
- 5.05 School districts may select instructional materials from the State Recommended List or may purchase other instructional materials not on the recommended listing.
- 5.06 School districts must notify the Department of Education by May 1 each year regarding the instructional materials the district wishes to purchase by state contract from the State Recommended List.

- 5.07 School districts desiring to purchase instructional materials not on the State Recommended List must contact the Department of Education and identify those instructional materials which they desire to purchase with state funds. Districts desiring to use state funds to purchase instructional materials not on the State Recommended List must provide a justification for their specific request assuring that the materials requested are consistent with the curriculum and educational goals established by the State Board of Education. The request must also include an explanation of why the instructional materials on the State Recommended List were not considered appropriate for use by the district. The Department of Education will immediately seek to procure the required state contracts for these items. Districts should specifically identify these instructional materials and notify the Instructional Materials Unit of the ADE in writing by June 30 of each year.

6.00 State Selecting Committee

- 6.01 The State Department of Education shall select statewide selection committees no later than June 15 of each school year. Each state committee shall be composed of members representative of the subject areas and grades being adopted and from the state at large. The committee shall include certified personnel from public schools and shall include a majority of classroom teachers.
- 6.02 The state committee shall recommend a list of instructional materials consistent with the curriculum and educational goals established by the State Board.

7.00 Purchasing Procedures

- 7.01 After the state contracts have been entered into by the publishers to provide instructional materials and each district has selected its own instructional materials, then each local school district shall procure the selected instructional materials from an appropriate book depository in the State of Arkansas or from another entity having a state contract for those specific instructional materials.
- 7.02 No invoices for the purchase of instructional materials by local school districts shall be processed by the Arkansas Department of Education.

- 7.03 School districts shall maintain appropriate invoices and/or documentation of expenditures to demonstrate that the district has properly expended state funds allocated for instructional materials.

8.00 Department Monitoring and Reporting

8.01 The Arkansas Department of Education shall monitor to ensure that all districts in Arkansas comply with the provisions of Ark. Code Ann. § 6-21-401 through 6-21-413 ("The Free Textbook Act of 1975"). The primary methods of compliance shall be the Reports of Local Adoptions filed with the Arkansas Department of Education, and the inclusion of compliance with the provisions of Ark. Code Ann. §§ 6-21-401 through 6-21-413 within the list of items covered by a school district's Statement of Assurance which is filed with the Arkansas Department of Education, as set forth in Ark. Code Ann. § 6-15-202(f)(50).

8.02 Any school district failing to provide textbooks and other instructional materials to its students as provided for in Ark. Code Ann. § 6-21-403 shall be reported by the Arkansas Department of Education in its Annual School Performance Report.

8.03 The Arkansas State Board of Education, through the Arkansas Department of Education, shall report to the members of the House Education and Senate Education Committees annually any school district out of compliance by November 1, 2007, and each year thereafter.