

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUN 30 2010

JAMES W. McCORMACK, CLERK
By: *[Signature]*
DEP CLERK

UNITED STATES DISTRICT COURT
of the
Eastern District of Arkansas
Jonesboro Division

FRIENDS OF THE WEINER SCHOOL DISTRICT)
Plaintiff)
UNITED STATES DEPARTMENT OF AGRICULTURE,)
Involuntary/Third-Party Plaintiff)
WEINER SCHOOL DISTRICT)
Involuntary/Third-Party Plaintiff)

V.)

3-10-CV-0138 JMM
Civil Action No. _____

THE STATE OF ARKANSAS, GOVERNOR, Mike Beebe)
In his official capacity; ARKANSAS DEPARTMENT OF)
EMERGENCY MANAGEMENT, David Maxwell in his)
official capacity; ARKANSAS STATE BOARD OF)
EDUCATION, Dr. Naccaman Williams, Dr. Ben Mays,)
Dr. Ben Mays, Sherry Burrow, Jim Cooper, Brenda Gullet,)
Samuel Ledbetter, Alice Williams Mahony, Toyce Newton,)
and Vickie Saviers, in their official capacities)
ARKANSAS DEPARTMENT OF EDUCATION;)
HARRISBURG SCHOOL DISTRICT)
Defendants

**MEMORANDUM BRIEF IN SUPPORT OF MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

STATEMENT OF THE CASE

The motion is brought pursuant to Rule 65 of the Federal Rules of Procedure by Plaintiff, Friends of the Weiner School District, a non-profit citizens group formed under the laws of the State of Arkansas, to prevent violations of the United States and Arkansas Constitutions and to prevent the Arkansas Governor and the other Defendants from taking action that violates federal law and policy regarding national security -- specifically laws and regulations designed to protect the critical infrastructure and key resources of agriculture, food, and water. It is also brought to

remedy violations of the Arkansas Constitution that result in the violation of federal law and policy.

These injunctions are necessary to prevent immediate and irreparable harm not only to the community and its citizens through the closing of the school, loss of farms, jobs, businesses, and the deterioration of the community that will naturally follow the close of their school, but also to prevent harm to the state and national security and interstate commerce. An issuance of an injunction will maintain the status quo that will not harm the adverse parties and is consistent with public policy. Furthermore, the current statutory scheme in Arkansas closing schools in agricultural districts of the state has the potential to have a catastrophic effect on the national commerce. Therefore, this Court has jurisdiction to evaluate the statutory scheme requiring the closure of schools in agricultural districts, as written and applied specifically to the Weiner School District, in relationship to the public health, laws and regulations established to further Homeland Security Presidential Directives 7 & 9, and the Commerce Clause of the United States Constitution.

“The Congress shall have Power ... To regulate Commerce ... among the several States.” U.S. CONST. art. I, § 8, cl. 3. The Commerce Clause has long been held to provide Congress the authority to regulate interstate commerce. *See generally Solid Waste Agency of N. Cook County v. U.S. Army Corps of Eng'rs*, 531 U.S. 159 (2001); *Wickard v. Filburn*, 317 U.S. 111 (1942); *Gibbons v. Ogden*, 22 U.S. (9 Wheat) 1 (1824). Moreover, the Supreme Court has consistently interpreted the Commerce Clause to provide a degree of limitation on a state's ability to regulate interstate commerce. *See, e.g., Or. Waste Sys., Inc. v. Or. Dep't of Envtl. Quality*, 511 U.S. 93 (1994); *Pennsylvania v. West Virginia*, 262 U.S. 553 (1923); *Cooley v. Bd. of Wardens*, 53 U.S. (12 How.) 299 (1852). While most of the analysis related to the Commerce

Clause and its dormant counterpart provides for a balance between the prevention of economic protectionism and the promotion of a state's sovereignty manifested through the exercise of its police power, the United States Supreme Court has recognized that resource protection can trigger application of the Commerce Clause.

The United States Supreme Court has consistently recognized that resource protection is not a sufficiently legitimate state concern that would justify overt interference with interstate commerce. *See, e.g., Sporhase v. Nebraska*, 458 U.S. 941, 957-58 (1982) (recognizing that protection of ground water is a legitimate and important state interest, but concluding that reciprocity provision effectively prohibiting interstate transportation of ground water was violative of the dormant Commerce Clause); *Douglas v. Seacoast Products, Inc.*, 431 U.S. 265, 286-87 (1977) (striking down Virginia law that prohibited nonresidents from fishing in Chesapeake Bay); *Pennsylvania v. West Virginia*, 262 U.S. 553, 599-600 (1923) (concluding that state statute prohibiting interstate transportation of natural gas was unconstitutional); *West v. Kan. Natural Gas Co.*, 221 U.S. 229, 262 (1911) (enjoining enforcement of state statute prohibiting interstate transportation of natural gas).

The United States Supreme Court's conclusion has been focused on the awareness that resource protection would likely amount to the same balkanization of the states about which the Framers were concerned. In *West v. Kansas Natural Gas Co.*, 221 U.S. 229 (1911), the Court stated the following proposition:

In other words, the purpose of [natural gas's] conservation is in a sense commercial,--the business welfare of the state, as coal might be, or timber. Both of those products may be limited in amount, and the same consideration of the public welfare which would confine gas to the use of the inhabitants of a state would confine them to the inhabitants of the state. If the states have such power, a singular situation might result. Pennsylvania might keep its coal, the Northwest its timber, the mining states their minerals If one state has

[such power], all states have it; embargo may be retaliated by embargo, and commerce will be halted at state lines.”

Id. at 255.

The Court concluded that the welfare of each state depends upon access to natural resources of other states. “[T]his was the purpose, as it is the result, of the interstate commerce clause.” *Id.* The Court, nearly a century ago, recognized that a state’s hoarding of its resources would not be tolerated because it went against the goal of a national economy.

Applying this same reasoning by analogy, in today’s current heightened concern of protection of our critical infrastructures and key resources, as demonstrated by Homeland Security Presidential Directives 7 & 9, (Exhibits 1 & 2 to Michelle Cadle’s affidavit, Exhibit H) a state’s regulations that fail to properly protect its resources, making those resources available in this time of increased concerns for protection of those resources, cannot be tolerated. Regulation that fails to protect and, in this case foster and aid agriculture in the State of Arkansas, goes against the goal of our national economy and security. Under these facts, this Court must take action to protect the Commerce Clause of the United States while simultaneously fulfilling our national policies for protection of critical infrastructures and key resources.

Homeland Security Presidential Directive 7 states that terrorists “seek to destroy, incapacitate, or exploit critical infrastructure and key resources across the United States to threaten national security, cause mass casualties, weaken our economy, and damage public morale and confidence.” The Directive further explained that the exploitation or destruction of key resources and critical infrastructures “could cause catastrophic health effects or mass casualties comparable to those from the use of weapons of mass destruction, or could profoundly

affect our national prestige and morale.” Directive 7 also acknowledges the potentially debilitating effect of a terrorist attack on security and economic well-being.

Homeland Security Presidential Directive 9 specifically establishes a national policy to defend the agriculture and food system against terrorist attacks, major disasters, and other emergencies. The Directive acknowledges that “America’s agriculture and food system is an extensive, open, interconnected, diverse, and complex structure providing potential targets for terrorist attacks.” Directive 9 reiterates the conclusion that a successful attack on the United States agriculture and food system “could have catastrophic health and economic effects.”

Plaintiff, Friends of Weiner School District, are citizens of various States who live in America and other countries; many of them are farmers, small business owners, grandparents, parents, and children who have graduated from, are attending, or will attend Weiner schools. Involuntary Plaintiff, Weiner School District, is a school district formed and operated under the laws of the State of Arkansas, located in Poinsett County, Arkansas. Involuntary Plaintiff, the United States Department of Agriculture (USDA), is a department of the United States government that is charged with the duty of ensuring that Americans have a plentiful and safe food supply.

The USDA also has Sector-Specific Agency (SSA) responsibility for production agriculture and shares SSA responsibilities for food safety and defense with other agencies. (See Exhibit A). The Executive Summary of the 2007 USDA interagency report for planning protection of our agriculture and food recognized the challenges of securing our food supply:

Protecting the Nation’s agriculture and food critical infrastructure and key resources (CI/KR) is an important responsibility shared by Federal, State, local, and tribal governments and private industry. Because of the open nature of many portions of the Food and Agriculture Sector, attacks against the Nation by using food or agricultural infrastructure or resources as weapons could have a devastating impact on public health and the economy. Traditional physical security

practices alone cannot protect the sector. A protection plan for food and agriculture infrastructure and resources must focus on planning and preparedness, as well as early awareness of an attack.

(Exhibit A). (See Exhibit B, Affidavit of Gary Sitzer, owner and operator of Sitzer Farms, Inc. in Poinsett County stating that in his observations and experience, “farmers are the first individuals to recognize and know that his or her crop is, or may be, infected with a disease.”; see also Exhibit C, Affidavit of Mike McDermott stating that agroterrorism is a real threat.)

Farmers, and those who work the farms, are this state’s and country’s first line of defense in protecting our food and agricultural infrastructure and resources. To ensure that this first line of defense is strong and capable of performing this critical function, the rural communities in which our agriculture and food supplies are produced must be livable. Our federal government has recognized the necessity of livable communities for our farming communities and identified schools as one of the critical facilities for the communities responsible for our food production. This principle is embodied in the strategic plan for years 2010-2015 of the United States Department of Agriculture (USDA) recently released. The introductory message for this strategic plan, from the Secretary of Agriculture, Thomas J. Vilsack, includes the following statement:

Now more than ever, America’s agricultural and rural communities face challenges that jeopardize the livelihoods and well-being of people working the land or living in rural areas. ... More Americans are hungry than at any time in the past 15 years At the same time, these challenges create more opportunities for farmers, ranchers, forest landowners, public land managers, and families in rural communities to generate prosperity in new ways while conserving the Nation’s natural resources and providing a safe, sufficient and nutritious food supply for the country and the world. ... Because USDA programs touch almost every American every day, the Department is well positioned to support its constituents in taking advantage of these new opportunities. ... This strategic plan represents the dynamic process within USDA to ensure the best results for America.

(Exhibit D).

To reach its strategic goals of the next five years, the USDA specifically identified schools in rural communities as critical community facilities necessary, not only for the prosperity of rural America, but to ensure the adequacy of our food supply:

The common goal is to help create thriving rural communities where people want to live and raise families, and where the children have economic opportunities and a bright future. ... USDA is working to enhance the livability of rural communities. The Department uses 21st century technology to rebuild the infrastructure, ensure that rural residents have decent housing and and...critical community facilities including ... schools...The country's farmers help ensure that all of America and many other parts of the world have nutritious and safe food, adequate energy sources, and fiber products sufficient to meet the needs of our rapidly growing population.

USDA Strategy Plan FY 2010-2015, p.1. (Attached as Exhibit 5 to Michelle Cadle's affidavit).

The State of Arkansas has similarly recognized the loss of schools through consolidation as a threat to the rural communities. In Research Project No. 06- 137, entitled "Educating Rural Arkansas: Issues of Declining Enrollment, Isolated Schools, and High Poverty Districts," the Bureau of Legislative Research concluded that "[i]solated schools and strategies for meeting the needs of their students are being affected by the consolidation of schools with declining enrollment. Rules governing the closing of isolated schools in the state should be reevaluated." (Attached as Exhibit E, Title Page and p.2 of research project).

The systematic closing of schools in agricultural districts, when that closing fails to promote and aid the agricultural industry, violates Article 10 of the Arkansas Constitution. Article 10 requires the General Assembly to pass laws to "foster and aid" agricultural interests. (Attached as Exhibit F). This constitutional mandate is understandable. The people in a government of the people, by the people, and for the people, would be and are naturally concerned with the food supply necessary for their survival and the stability of society. The systematic closing of these schools also violates Article 14 of the Arkansas Constitution that

guarantees a free school system. "Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable and efficient system of free public schools and shall adopt all suitable means to secure to the people the advantages and opportunities of education." (Attached as Exhibit G).

Arkansas's systematic closing of schools in agricultural districts violates both Articles 10 and 14 of the Arkansas Constitution.¹ The systematic closing of the schools harms the agricultural industries, harms the communities by devastating the school which is a critical community facility necessary to the prosperity of the community, and threatens the continued existence of the community. (In addition to the previous Exhibits, also see Affidavit of Michelle Cadle and the Exhibits attached to her affidavit). This harm is irreparable to the community of Weiner. This harm also has the potential to irreparably harm the nation. Arkansas is the largest producer of rice in the nation, and Poinsett County, where Weiner is located, is consistently the top producer of rice in the State of Arkansas. (Exhibit 12 to Michelle Cadle's affidavit). Arkansas produces approximately one-half of the rice for the United States. (Michelle Cadle's affidavit). Regulations that negatively impact the agricultural production in the Weiner community naturally and logically negatively impact the interstate commerce of our food supply.

¹ In *Walker v. Arkansas State Board of Education*, 2010 Ark 277, ___ S.W.3d ___, the Arkansas State Supreme Court concluded that as it currently stands, our educational system is constitutionally firm, see *Lake View School District No. 25 v. Huckabee*, 370 Ark. 139, 257 S.W.3d 879 (2007). However, until now, no one has ever challenged the system as violating Article 10 of the Arkansas Constitution. Furthermore, the *Lakeview* cases involving the special masters are void. Section 8 of Amendment 80 to the Arkansas Constitution provides for the appointment of masters for trial courts. Nothing in the amendment authorizes the Supreme Court to appoint masters. (See Exhibit 16 to Michelle Cadle's affidavit). A decision resulting from a court acting without authority is void. *Howell v. Howell*, 213 Ark.298, 208 S.W.2d 22 (1948). The underlying motivation of the passage of Act 60 was to avoid more litigation regarding discrimination in the school system. The effect on agriculture was not considered. The masters' effect on the legislative process further hindered and flawed the legislative process.

Furthermore, the consolidation into bigger districts provides no benefit to the people, the educational structure of the State, or rural communities. Former Governor Mike Huckabee invited Stanford University's Hoover Institution to ask its Koret Task Force on K-12 Education, a group of well known education scholars, to study and provide ideas for improving Arkansas' education system. The result is a 2005 study called *Reforming Education in Arkansas*. Chapter 7 of that study is titled "Consolidate Districts, Not Schools."

According to the Koret study:

In recent years, researchers have found evidence that the educational impact of district consolidation is quite different from that of school consolidation. The first step is probably laudable, if not taken too far, while the second appears not to be.

Koret study, p. 109 . The benefits of smaller high schools have been demonstrated in Arkansas:

Unfortunately, the traditional enthusiasm for larger schools is not well supported by empirical evidence that they are more effective. According to a University of Arkansas research team, there is no strong correlation between the number of students attending an Arkansas high school and the performance of tenth grade students on the Stanford 9 achievement tests, after controlling for poverty. Other studies also find little systematic evidence that larger schools are more effective. On the contrary, small schools were found to be more educationally beneficial – or, at least, no less – by all but one of seven of the higher-quality econometric studies reviewed by Matthew Andrews and his colleagues in 2002. Two studies indicate that the benefits of small schools are the greatest for disadvantaged students, and, most especially, African-Americans.

Koret study, pp. 112-13. The authors of the Koret study made the following recommendations:

1. Given the benefits small schools provide in some contexts, district consolidation should be monitored so as not to encourage consolidations that sacrifice high-performing small schools that are successfully delivering all the necessary course work and required academic units to their students.

2. Arkansas should deploy multiple strategies for addressing the challenges of high-quality rural education, including the delivery of instruction (and options) via technology and incentive pay for teachers and principals.

Koret, p. 116.

The Weiner School District proposed a plan for it to achieve an administrative annexation with the Delight School District which would have used 21st century technology to maintain two isolated district campuses. (See Exhibit 13 to Michelle Cadle's affidavit). However, the State Board of Education rejected the plan entitled Arcadia School District Plan which would have raised the district enrollment above Act 60's 350 minimum enrollment. (See Exhibit 14 to Michelle Cadle's affidavit); See Ark. Code Ann Section 6-13-1405. The Weiner School District excels academically and financially and the only reason for the State's forced closure of the school is its size. (See generally Michelle Cadle's affidavit). The Arcadia Plan, the financial success and academic success of the school and community of Weiner, are consistent with the USDA's five-year strategy plan. The Community of Weiner and its school are examples of agricultural success. Closing the school which will lead to the eventual deterioration of the community irreparably harms the community and leads to the irreparable harm of our national interests. Furthermore, the receiving district of Harrisburg intends to close the Weiner campus.

The continued closing of schools in agricultural communities increases the risk of harm to our country's food supply through decreased production and to an increased risk of agroterrorism, a subcategory of bioterrorism. (See Exhibit 4 to Michelle Cadle's affidavit). On April 21, 2010, in testimony to the U.S. House of Representatives, Committee on Homeland Security, The Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism presented testimony assessing the risk of WMD terrorism. (Exhibit 9 to Michelle

Cadle's affidavit). The statements included the unanimous conclusion that a biological weapon was the most likely WMD threat and was more likely than not to occur by 2013:

The Commission's Report assessed both nuclear and biological threats, and provided 13 recommendations and 49 action items. The Commissioners unanimously concluded that unless we act urgently and decisively, it was more likely than not that terrorists would attack a major city somewhere in the world with a weapon of mass destruction by 2013. Furthermore, we determined that terrorists are more likely to obtain and use a biological weapon than a nuclear weapon. Shortly thereafter, this conclusion was publicly affirmed by then Director of National Intelligence (DNI) Mike McConnell.

There are several reasons for our conclusion that a bioattack is actually more likely than a nuclear attack. Many pathogens suitable for use in a biological attack are found in the natural environment, all over the globe. The lethality of an effectively dispersed biological weapon could rival or exceed that of an improvised nuclear device. The equipment required to produce a large quantity from a small seed stock, and then "weaponize" the material--that is, to make it into a form that could be effectively dispersed--is of a dual-use nature and readily available on the Internet. The most effective delivery methods are well known in the pharmaceutical, agricultural, and insect-control industries. It is much more straightforward to stockpile weaponized pathogens than nuclear material, raising the terrible specter that terrorists could attack an American city using a bioweapon, then quickly "reload" and attack again within a matter of days or weeks.

...

We strongly believe that a well-informed, organized and mobilized citizenry has long been one of the United States' greatest resources. An engaged citizenry is, in fact, the foundation for national resilience in the event of a natural disaster or a WMD attack.

...

We cannot overstate the urgency of this crisis, and the need for action, now. The international situation is fragile, with Israel and its neighbors, on the India-Pakistan border, and this fragility substantially increases the risk of terrorism with a WMD. While there are issues at stake that have gone unresolved for over 60 years, we may have only three more years of procrastination before the consequences reveal not a *World at Risk*, but a world immobilized by crisis.

(Exhibit 9 to Michelle Cadle's affidavit).

As discussed earlier, farmers are our first line of defense in identifying a potential agroterrorism event. The State of Arkansas recognizes the need for interaction with federal and state agencies to protect the public. See Ark. Code Ann. § 12-75-132 (creating the Arkansas Homeland Security Advisory Group). For the year 2010 alone, the State of Arkansas is

receiving almost \$27 million in grants from the U.S. Department of Homeland Security Preparedness Grant Program from a total distribution of \$2,714,879,947. (Exhibit 3 to Michelle Cadle's affidavit). Our federal government allocated almost \$3 billion in state preparedness grants for the year of 2010. See also 6 U.S.C.A. § 811, Authorization of appropriations; 6 U.S.C.A. § 743, National preparedness goal.

To effect national preparedness, 6 U.S.C.A. § 742, subtitled "National preparedness" provides as follows:"

In order to prepare the Nation for all hazards, including natural disasters, acts of terrorism, and other man-made disasters, the President, consistent with the declaration of policy under section 5195 of Title 42 and Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by this Act, shall develop a national preparedness goal and a national preparedness system.

42 U.S.C.A. § 5195 states the following Declaration of policy regarding the cooperation of federal, state, and local governments regarding emergency preparedness:

The purpose of this subchapter is to provide a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the Federal Government and the States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the States and their political subdivisions for emergency preparedness purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance, and shall provide necessary assistance, as authorized in this subchapter so that a comprehensive emergency preparedness system exists for all hazards.

Defendants the State of Arkansas, Governor Mike Beebe in his official capacity, and the Arkansas Department of Emergency Management have the duty to ensure the safety, welfare, and peace of the people of Arkansas. The Arkansas State Board of Education and the Arkansas

Department of Education have the duty to ensure that the citizens of the State of Arkansas are educated according to Article 14 of the Arkansas Constitution. They each have a duty to perform these functions consistent with the Arkansas Constitution and the United State Constitution. The Harrisburg School District is the receiving district in the pending annexation. With the threat of agroterrorism, prevention is worth much more than the cure.


Plaintiff asks this court to provide prospective injunctive relief against each of the Defendants to prevent the annexation, consolidation, or any other method of closing the Weiner School District or campuses. An annexation of the school districts of Weiner and Harrisburg is scheduled for July 1, 2010. Plaintiff asks this Court to enter a temporary restraining order until such time as a hearing can be held, and then to enter preliminary and permanent injunctions.

These injunctions are necessary to prevent irreparable harm not only to the community and its citizens through the loss of farms, jobs, businesses, and the deterioration of the community that will naturally follow the close of their school, but also to the state and national security and interstate commerce. Furthermore, the systematic closure of schools in agricultural areas through state regulation negatively impacts interstate commerce. An issuance of an injunction will maintain the status quo that will not harm the adverse parties and is consistent with public policy.

In addition, the closure of the Weiner School District is in violation of the Arkansas Constitution. The Weiner School District is being closed through the implementation of Act 60 of 2003, through the Act's requirement that any school whose student attendance falls below 350 must be closed. Act 60 is unconstitutional in that it violates Articles 10 and 14 of the Arkansas Constitution. Article 10 of the Arkansas Constitution mandates that our "General Assembly shall pass laws as shall foster and aid agriculture...." Our national security interests, and the federal

laws and policies promulgated to protect our national interests have become inextricably intertwined with the protection of our country's critical infrastructures and key resources. Agroterrorism, a subcategory of bioterrorism, is a threat to our national security. The Defendants must be enjoined from continuing their systematic closure of schools in agricultural areas without evaluating the effect those closures have on the agricultural and educational effects on the communities, state and national security, and interstate commerce. Particularly, Plaintiff asks this Court to enter temporary, preliminary and permanent injunctions ordering the Defendants to take affirmative steps to keep the Weiner School District and its campuses open and in existence, maintain the District status and to be enjoined from closing, annexing or consolidating the District.

Respectfully submitted,



Kim Kelley, Ark. Bar No: 92817
P.O. Box 1321
Heber Springs, AR 72543



Agriculture and Food

Critical Infrastructure and Key Resources
Sector-Specific Plan* as input to the
National Infrastructure Protection Plan

May 2007

*Contains both the U.S. Department of Agriculture and the U.S. Department of Health and Human Services/Food and Drug Administration portions of the plan



Homeland
Security



Department
of Agriculture



Food and Drug
Administration

Executive Summary

Protecting the Nation's agriculture and food critical infrastructure and key resources (CI/KR) is an important responsibility shared by Federal, State, local, and tribal governments and private industry. Because of the open nature of many portions of the Food and Agriculture Sector, attacks against the Nation by using food or agricultural infrastructure or resources as weapons could have a devastating impact on public health and the economy. Traditional physical security practices alone cannot protect the sector. A protection plan for food and agriculture infrastructure and resources must focus on planning and preparedness, as well as early awareness of an attack. Science-based surveillance measures are essential to recognizing a possible attack on the sector so that rapid response and recovery efforts can be implemented to mitigate the impact of an attack. A protection plan must also be coordinated closely with response and recovery plans.

The National Infrastructure Protection Plan (NIPP) provides the unifying structure for the integration of existing and future CI/KR protection efforts into a single national program. The cornerstone of the NIPP is its risk management framework. Risk, in the context of the NIPP, is defined as the potential for loss, damage, or disruption to the Nation's CI/KR resulting from destruction, incapacitation, or exploitation during some future manmade or naturally occurring event. The framework applies to the general threat environment, as well as to specific threats or incident situations.

1. Sector Profile and Goals

The U.S. Food and Agriculture Sector with its complex production, processing, and delivery systems has the capacity to feed people beyond the boundaries of the Nation. The sector comprises more than 2 million farms, approximately 900,000 firms, and 1.1 million facilities. Almost entirely under private ownership, it operates in highly competitive global markets, strives to operate in harmony with the environment, and provides economic opportunities and improved quality of life for rural and urban Americans. The sector accounts for roughly one-fifth of the Nation's economic activity when measured from inputs to tables of consumers at home and away from home.

The U.S. Department of Agriculture (USDA) has Sector-Specific Agency (SSA) responsibility for production agriculture and shares SSA responsibilities for food safety and defense with the Department of Health and Human Services (HHS) Food and Drug Administration (FDA). Specifically, FDA is responsible for the safety of 80 percent of all food consumed in the United States, including the entire domestic and imported food supply; however, meat; poultry; and frozen, dried, and liquid eggs are under the authority of USDA.

This Sector-Specific Plan (SSP) for CI/KR protection focuses on a portion of the U.S Food and Agriculture Sector as defined in the February 2003 *National Strategy for Physical Protection of Critical Infrastructures and Key Assets (the National Strategy)*. The National Strategy defines the Food and Agriculture Sector as the supply chains for feed, animals, and animal products; crop production and the supply chains of seed, fertilizer, and other necessary related materials; and the post-harvesting components of the food

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

FRIENDS OF WEINER SCHOOL DISTRICT; PLAINTIFF
UNITED STATES DEPARTMENT OF AGRICULTURE; INVOLUNTARY PLAINTIFF
WEINER SCHOOL DISTRICT INVOLUNTARY PLAINTIFF

V.

THE STATE OF ARKANSAS, GOVERNOR MIKE BEEBE,
In his official capacity; et. al. DEFENDANTS

AFFIDAVIT IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION – GARY SITZER

I, Gary Sitzer, being duly sworn, hereby state that:

1. I am a member of the Friends of the Weiner School District who is the plaintiff in this action, and I make this affidavit in support of the motion for a Temporary Restraining Order and Preliminary Injunction filed pursuant to Rule 65 of the Rules of Federal Procedure.
2. I have personal knowledge of the facts stated in this affidavit and, if called as a witness, I could testify competently to them.
3. I am the owner and operator of Sitzer Farms, Inc. located in Poinsett County.
4. I also serve on the following Boards: Farm Credit Midsouth, Arkansas Soybean Promotion, Arkansas Soybean Association, St. Bernards Regional Medical Center Advisory, Poinsett County Emergency Food & Shelter, and Poinsett County Farm Bureau.
5. In my observations and experience, I have seen that farmers are the first individuals to recognize and know that his or her crop is, or may be, infected with a disease.
6. As described in the complaint, agroterrorism is a real threat to our agriculture, food, and water supplies that can cause catastrophic health effects and have a negative effect on the economy through disruption of our food supply.
7. The disruption of our agriculture, food, and water supplies would undermine the public's morale and confidence in our national economic and political institutions.

Exhibit B pg. 1 of 2

8. In order for farmers in our community to be able to properly monitor their crops and recognize a threat to the safety of the crops, farmers must have communities that provide critical facilities that will allow the farmers to maintain close access and inspection of their crops.

9. One of the critical community facilities that farmers must have in their community is a school.

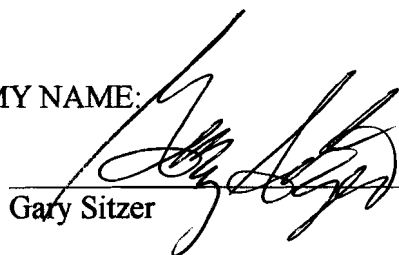
10. The Weiner School District is a critical community facility for the community of Weiner, Arkansas.

11. The closure of the Weiner School District threatens the viability and safety of the farms' crops by the likely reduction of workers available, residents leaving the community, businesses shutting down, and other effects that lead to the eventual demise of the community.

12. If relief is not granted, the closure of the Weiner School District threatens not only my livelihood which could result in the loss of my property, but the state, national, and international food supply with the potential for catastrophic effects.

13. Maintaining the status quo will cause no harm while simultaneously preventing, deterring, and mitigating the effects of deliberate efforts to destroy, incapacitate, or exploit our farming community and the food it produces.


IN WITNESS WHEREOF I DO HEREBY SIGN MY NAME:



Gary Sitzer

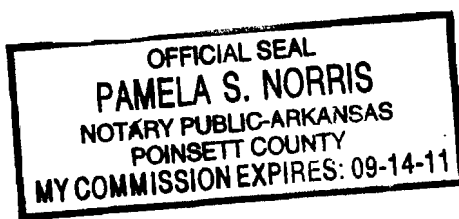
STATE OF ARKANSAS)
COUNTY OF POINSETT)

Subscribed and sworn to before me on the 27th day of June, 2010, at Weiner, Arkansas.



Notary Public

My Commission Expires:
9-14-11



UNITED STATES DISTRICT COURT
for the
Eastern District of Arkansas

FRIENDS OF WEINER SCHOOL DISTRICT
UNITED STATES DEPARTMENT OF AGRICULTURE
WEINER SCHOOL DISTRICT

PLAINTIFF
INVOLUNTARY PLAINTIFF
INVOLUNTARY PLAINTIFF

V.

THE STATE OF ARKANSAS, GOVERNOR MIKE BEEBE,

In his official capacity; et. al.

DEFENDANTS

AFFIDAVIT IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION – MIKE MCDERMOTT

I, Mike McDermott, being duly sworn, hereby state that:

1. I am a member of the Friends of the Weiner School District, who is the plaintiff in this action, and I make this affidavit in support of the motion for a Temporary Restraining Order and Preliminary Injunction filed pursuant to Rule 65 of the Rules of Federal Procedure.
2. I have personal knowledge of the facts stated in this affidavit and, if called as a witness, I could testify competently to them.
3. I am the owner and operator of a farm located in Poinsett County. My residence is in Weiner. I am also the manager of Cart Well, Inc., which drill and repair underground water wells.

Exhibit 3 (c) Pg. 1 of 3

4. I also serve on the Arkansas Well Water Construction Commission. The Commission consists of seven commissioners, and appointed by the Governor. While members serve many hours administering the programs, we serve without pay. It is necessary that the construction of water wells protect the general health, safety, and welfare of the public. By providing a means of proper development of the natural resource of underground water in an orderly, sanitary, reasonable, and safe manner as well as without waste. In order that potable supplies for the continued economic growth of our state is assured.

5. In my observations and experience, I have seen that farmers and those who serve the industry are the first individuals to recognize and know that his or her crop is, or may be, infected with a disease.

6. As described in the complaint, agroterrorism is a real threat to our agriculture, food, and water supplies that can cause catastrophic health effects and have a negative effect on the economy through disruption of our food supply.

7. The disruption of our agriculture, food, and water supplies would undermine the public's morale and confidence in our national economic and political institutions.

8. In order for farmers in our community to be able to properly monitor their crops and recognize a threat to the safety of the crops, farmers must have communities that provide critical facilities. These facilities allow the farmers to maintain residences close to the farms that promote ready access and inspection of their crops.

9. One of the critical community facilities that farmers must have in their community is a school.

10. The Weiner School District is a critical community facility for the community of Weiner, Arkansas.

11. The closure of the Weiner School District threatens the viability and safety of the farms' crops by the likely reduction of workers available, residents leaving the community, businesses shutting down, and other effects that lead to the eventual demise of the community.

12. If relief is not granted, the closure of the Weiner School District threatens not only my livelihood which could result in the loss of my property, but the state, national, and international food supply with the potential for catastrophic effects.

13. Maintaining the status quo will cause no harm while simultaneously preventing, deterring, and mitigating the effects of deliberate efforts to destroy, incapacitate, or exploit our farming community and the food it produces.

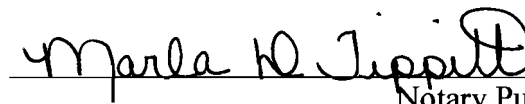
IN WITNESS WHEREOF I DO HEREBY SIGN MY NAME:


Mike McDermott

STATE OF ARKANSAS)

COUNTY OF POINSETT)

Subscribed and sworn to before me on the 29th day of June, 2010, at
Weiner, Ar 72479.

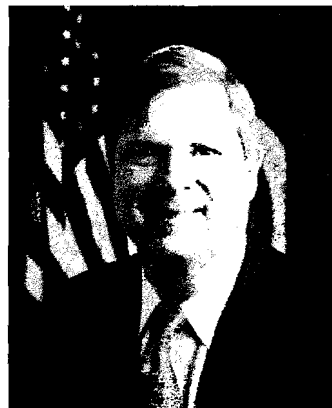

Notary Public

My Commission Expires:

10-15-15

Message from the Secretary

Now more than ever, America's agricultural and rural communities face challenges that jeopardize the livelihoods and well-being of people working the land or living in rural areas. As this strategic plan was being written, the Nation was working to pull itself out of the worst recession since the Great Depression. These economic circumstances have led to unpredictable input costs and unsteady demands for agricultural products in a rapidly evolving global marketplace. More Americans are hungry than at any time in the past 15 years, and our children are increasingly at risk of growing up overweight or obese. In the longer term, a changing global climate brings increased uncertainties about the effect of weather patterns on crop production and the conservation of our natural resources, and puts a premium on improving energy efficiency and producing a renewable energy supply at home. The Department is committed to a strong safety net for production of agriculture.



These challenges and others will require USDA to not only provide a reliable safety net for farmers and ranchers, but also help communities and businesses to innovate by implementing new technologies and modernizing their infrastructure to ensure access to new markets, increased competitiveness, and greater resilience of their productive resources.

At the same time, these challenges create many opportunities for farmers, ranchers, forest landowners, public land managers, and families in rural communities to generate prosperity in new ways while conserving the Nation's natural resources and providing a safe, sufficient, and nutritious food supply for the country and the world.

Because USDA programs touch almost every American every day, the Department is well positioned to support its constituents in taking advantage of these new opportunities. To ensure the Department's programs deliver results effectively and efficiently, USDA's Strategic Plan for fiscal years (FY) 2010-2015 lays out key policy priorities and the strategies to achieve them. Over the next 5 years, USDA will use this plan to manage its resources in a way that delivers the best outcomes for everyone affected by its diverse program portfolio.

The USDA Strategic Plan for FY 2010-2015 differs from previous plans by striving to break down organizational barriers to maximize the Department's available resources. Key priorities and desired outcomes have been identified, as well as the best means and strategies to achieve them. In the pursuit of these outcomes, agencies and offices of USDA will be encouraged to collaborate more effectively to achieve the shared goals of rural prosperity, preservation and maintenance of forests and working lands, sustainable agricultural production, global food security, and safe and nutritious foods for Americans.

This strategic plan represents the dynamic process within USDA to ensure the best results for America. Through this process, the Department is able to continually assess the quality of its provision of services to the public. This close attention to performance outcomes and results will allow USDA to better support its constituents as they strive to take advantage of today's new opportunities.

A handwritten signature in black ink that reads "Thomas J. Vilsack". The signature is fluid and cursive.

Thomas J. Vilsack
Secretary of Agriculture



Research Report

Research Project 06-137

Educating Rural Arkansas: Issues of Declining Enrollment, Isolated Schools, and High-Poverty Districts

Prepared for
Adequacy Study Oversight Subcommittee
of the
Senate Committee on Education
and the
Adequacy Study Oversight Subcommittee
of the
House Committee on Education

August 22, 2006

BUREAU OF LEGISLATIVE RESEARCH

315 State Capitol Little Rock, Arkansas 72201 (501) 682-1937 www.arkleg.state.ar.us

Exhibit E pg. 1 of 2

Isolated Schools

Isolated schools and strategies for meeting the needs of their students are being effected by the consolidation of districts with declining enrollments. Rules governing the closing of isolated schools in the state should be reevaluated. Funding provisions for the schools need to be redrafted. Currently isolated schools funded prior to 2004-05 are funded at levels prescribed by law and the original qualifications for that funding are no longer considered for that group of schools. Special needs funding for a more restricted group of schools is now available. The requirements for this funding partially include some of the requirements from the original isolated school funding. Some other states have a variety of programs using measures ranging from distance to the nearest school, to school size, to sparsity of population for the determination of funding.

High-Poverty Districts

Raising achievement in districts with high concentrations of poverty has been shown by research to be more difficult than in districts with lower concentrations (Gewertz, 2005). Arkansas has chosen to approach this issue by providing increased funding at three distinct levels of percentages of students eligible for the National School Lunch Act. Other states provide funding for this purpose in a wide assortment of ways; for example, different measures of poverty are used in some states. The states also range in the level of funding provided. Some states, such as Arkansas, provide this funding through a separate funding mechanism, whereas other states include weights or other formula adjustments to their basic foundation funding. Issues facing Arkansas include whether to target existing poverty funding more specifically or to provide increased poverty funding for a more targeted group of districts, and whether to formulate a funding formula that has a linear, smoothed function instead of the three distinct levels currently funded. Arkansas must also consider whether to change the focus of the funding or to restrict it in any way for certain purposes.

Conclusion

Education policy leaders in the state will need to consider which options will best provide an adequate education for students in districts with declining enrollment, isolated schools and high-poverty. Issues to review include further consolidation including county-wide districts, transportation, distance learning and funding for poverty-stricken areas of the state. Challenges ahead include staffing the remaining schools to meet and exceed standards, providing educational leadership, complying with NCLB requirements, transporting students and facilitating student, parent and community involvement with these schools.

Article 10.

Agriculture, Mining and Manufacture.

Section:

1. Mining, manufacturing and agricultural bureau - State aid.
2. State geologist - Creation of office - Appointment and removal.
3. Exemption of mines and manufactures from taxation.

1. Mining, manufacturing and agricultural bureau - State aid.

The General Assembly shall pass such laws as will foster and aid the agricultural, mining and manufacturing interests of the State, and may create a bureau, to be known as the Mining, Manufacturing and Agricultural Bureau.

2. State geologist - Creation of office - Appointment and removal.

The General Assembly, when deemed expedient, may create the office of State Geologist, to be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office for such time, and perform such duties, and receive such compensation as may be prescribed by law; Provided: That he shall be at all times subject to removal by the Governor, for incompetency or gross neglect of duty.

3. Exemption of mines and manufactures from taxation.

The General Assembly may, by general law, exempt from taxation for the term of seven years from the ratification of this Constitution, the capital invested in any or all kinds of mining and manufacturing business in this State, under such regulations and restrictions as may be prescribed by law.

Article 14.

Education.

Section:

1. Free school system.
2. School fund - Use - Purposes.
3. School tax - Budget - Approval of tax rate (Const., Art. 14, § 3, as amended by Const. Amend. 11, Const. Amend. 40, amended, and Const. Amend. 74).
4. Supervision of schools.

1. Free school system.

Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable and efficient system of free public schools and shall adopt all suitable means to secure to the people the advantages and opportunities of education. The specific intention of this amendment is to authorize that in addition to existing constitutional or statutory provisions the General Assembly and/or public school districts may spend public funds for the education of persons over twenty-one (21) years of age and under six (6) years of age, as may be provided by law, and no other interpretation shall be given to it. [As amended by Const. Amend. 53.]

2. School fund - Use - Purposes.

No money or property belonging to the public school fund, or to this State, for the benefit of schools or universities, shall ever be used for any other than for the respective purposes to which it belongs.

3. School tax - Budget - Approval of tax rate (Const., Art. 14, § 3, as amended by Const. Amend. 11, Const. Amend. 40, amended, and Const. Amend. 74).

(a) The General Assembly shall provide for the support of common schools by general law. In order to provide quality education, it is the goal of this state to provide a fair system for the distribution of funds. It is recognized that, in providing such a system, some funding variations may be necessary. The primary reason for allowing such variations is to allow school districts, to the extent permissible, to raise additional funds to enhance the educational system within the school district. It is further recognized that funding variations or restrictions thereon may be necessary in order to comply with, or due to, other provisions of this Constitution, the United States Constitution, state or federal laws, or court orders.

(b)(1) There is established a uniform rate of ad valorem property tax of twenty-five (25) mills to be levied on the assessed value of all taxable real, personal, and utility property in the state to be used solely for maintenance and operation of the schools.

(2) Except as provided in this subsection the uniform rate of tax shall not be an additional levy for maintenance and operation of the schools but shall replace a portion of the existing rate of tax

levied by each school district available for maintenance and operation of schools in the school district. The rate of tax available for maintenance and operation levied by each school district on the effective date of this amendment shall be reduced to reflect the levy of the uniform rate of tax. If the rate of tax available for maintenance and operation levied by a school district on the effective date of this amendment exceeds the uniform rate of tax, the excess rate of tax shall continue to be levied by the school district until changed as provided in subsection (c)(1). If the rate of tax available for maintenance and operation levied by a school district on the effective date of this amendment is less than the uniform rate of tax, the uniform rate of tax shall nevertheless be levied in the district.

(3) The uniform rate of tax shall be assessed and collected in the same manner as other school property taxes, but the net revenues from the uniform rate of tax shall be remitted to the State Treasurer and distributed by the state to the school districts as provided by law. No portion of the revenues from the uniform rate of tax shall be retained by the state. The revenues so distributed shall be used by the school districts solely for maintenance and operation of schools.

(4) The General Assembly may by law propose an increase or decrease in the uniform rate of tax and submit the question to the electors of the state at the next general election. If a majority of the electors of the state voting on the issue vote **For** the proposed increase or decrease in the uniform rate of tax, the uniform rate of tax shall be increased or decreased as approved. If a majority of the electors of the state voting on the issue vote **Against** the proposed increase or decrease in the uniform rate of tax, the uniform rate of tax shall continue to be levied at the rate for the year in which the election is held.

(c)(1) In addition to the uniform rate of tax provided in subsection (b), school districts are authorized to levy, by a vote of the qualified electors respectively thereof, an annual ad valorem property tax on the assessed value of taxable real, personal, and utility property for the maintenance and operation of schools and the retirement of indebtedness. The Board of Directors of each school district shall prepare, approve and make public not less than sixty (60) days in advance of the annual school election a proposed budget of expenditures deemed necessary to provide for the foregoing purposes, together with a rate of tax levy sufficient to provide the funds therefor, including the rate under any continuing levy for the retirement of indebtedness. The Board of Directors shall submit the tax at the annual school election or at such other time as may be provided by law. If a majority of the qualified voters in the school district voting in the school election approve the rate of tax proposed by the Board of Directors, then the tax at the rate approved shall be collected as provided by law. In the event a majority of the qualified electors voting in the school election disapprove the proposed rate of tax, then the tax shall be collected at the rate approved in the last preceding school election. However, if the rate last approved has been modified pursuant to subsection (b) or (c)(2) of this section, then the tax shall be collected at the modified rate until another rate is approved.

(2) The tax levied by a school district pursuant to subsection (c)(1) of this section may be reduced pursuant to procedures provided by law if the tax would cause the state or district to be out of compliance with any other provision of this Constitution, the United States Constitution, state or federal law, or court order.

(3) No tax levied pursuant to subsection (c)(1) of this section shall be appropriated to any other district than that for which it is levied.

(d) For the purposes of this section, "maintenance and operation" means such expenses for the general maintenance and operation of schools as may be defined by law. [As amended by Const. Amends 11, 40 and 74.]

4. Supervision of schools.

The supervision of public schools, and the execution of the laws regulating the same, shall be vested in and confided to, such officers as may be provided for by the General Assembly.

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

FRIENDS OF WEINER SCHOOL DISTRICT; PLAINTIFF
UNITED STATES DEPARTMENT OF AGRICULTURE; INVOLUNTARY PLAINTIFF
WEINER SCHOOL DISTRICT INVOLUNTARY PLAINTIFF

V.

THE STATE OF ARKANSAS, GOVERNOR MIKE BEEBE,
In his official capacity; ARKANSAS DEPARTMENT OF
EMERGENCY MANAGEMENT; ARKANSAS STATE BOARD
OF ARKANSAS DEPARTMENT OF EDUCATION;
HARRISBURG SCHOOL DISTRICT DEFENDANTS

AFFIDAVIT IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION – MICHELLE CADLE

I, Michelle Cadle, being duly sworn, hereby state that:

1. I am a member of the Friends of Weiner School District, a community or volunteer group, who is the plaintiff in this action, and I make this affidavit in support of the motion for a Temporary Restraining Order and Preliminary Injunction filed pursuant to Rule 65 of the Rules of Federal Procedure.
2. I have personal knowledge of the facts stated in this affidavit and, if called as a witness, I could testify competently to them.
3. I am a citizen of the City of Weiner, Arkansas.
4. My husband, Elijah Cadle, is a farm manager for one of the family-owned farms in the area that has been in the family for generations.
5. My husband's family has worked farms for generations.
6. My husband and I have two children; one is currently a student in the Weiner School District and the other is two years old.
7. The closing of the school will lead to the deterioration of our community and eventually will force families to abandon the community to be closer to school facilities for their children.

Exhibit H

8. Caregivers for children cannot reasonably choose between long bus rides for their children and continuing to raise crops.

9. In addition, our school students include those raised by many grandparents and disabled parents, including those from former school districts that have already been consolidated into our district.

10. Many farmers in our district work their farms without additional farm help. These farmers also are raising children who attend our school.

11. One of our children attending our school this year is raised by a farmer who works the farm without hired help and cares for a child with special needs; these needs include catheterization twice a day.

12. The closing of the school, and the consequential erosion of the community, threatens to cause a loss of generational knowledge of farming. Generally, rural schools are a large employer, offer social activities for the residents, increase the value of the property tax base, and contribute to the local economy.

13. This loss of farming knowledge and skills was recognized in the 1998 USDA Report, "A Time to Act:" Farms, particularly family farms, can be nurturing places for children to grow up and acquire the values of responsibility and hard work. The skills of farming are passed from one generation to another under family ownership structures. When farm children do not return to farming because of their desire for more financially secure careers, a generation of farming knowledge, skills, and experience is lost."

14. The annexation of our district is a result of fear and intimidation by the Arkansas Board of Education following its rejection of the Arcadia, a plan that was technologically innovative for the 21st Century. Our local board voluntarily annexed, to ensure one (1) board member from Weiner. Our local board was reminded often through the ADE to do this voluntarily, or they would star burst our district – a technique used to place children in MANY adjoining districts that would further destroy the community.

15. In 127 years of the history of Weiner School District, it has NEVER been on academic or fiscal distress. Last year's carry over was approximately \$900,000.00, and we are around \$500,000 under budget this year. We have some of the highest ACT scores in the state. We have higher than state average test scores (SAT-10, Benchmark Exam). We have a 96% graduation rate, compared to the state's 31% drop-out rate.

16. Our Gifted/Talented teacher, Mrs. Patricia Hesse, is the first recipient of the Christa McAullife award in Arkansas. She is the current Arkansas Rural Teacher of the Year. Many schools in Arkansas do not have a high school G/T program; Weiner does.

17. Our sports teams excel; this year's Softball team were State Semi-Finalists.

18. 11th graders at Weiner School District scored the highest public school literacy score in the state, at 85% proficient/advanced on the 2009 Benchmark Exam. Weiner School District also scored in the top 5 of every category (by region or state) except in the categories showing a high poverty rate. This seems contradictory, since we have a high wealth index, yet we have 57% of students on the free and reduced lunch program. (Outstanding Educational Performance Report) (Arkansas Department of Education website on Weiner School District)
19. The majority of our teachers have their Master's degree; or are working to obtain them.
20. We have an 11-1 student/teacher ratio.
21. We have a 1-1 student/computer ratio.
22. We have Smart Board Technology; which the top performing school in the state cannot rival.
23. Every year, our FFA Parliamentary Procedure team advances to the National Level. We also have a competitive team of livestock showing. Promoting farming as a way of life, as we know it; while feeding the country, from the place we call home.
24. We offer more than the 38 mandated courses; we offer over 50 classes, with many AP courses and a diverse option in Vo-Tech classes.
25. We enjoy an extremely high rate of parental and community support and participation in student/school activities. This is a credit to nearby jobs, stay-at-home parents, and seasonal flexibility in schedules so that caregivers of our children can come to the campus, at the drop of a hat.
26. Many teachers spend their entire teaching career at the Weiner School District. They remain at Wiener because this is their home. They are vested in our community, and committed to the students' success.
27. Smaller class size means more one-on-one time with and for children, which is reflective in our high promotion rates; we also have a high rate of resource students making the honor roll as a result of our school personnel identifying and then accommodating the special needs.
28. By having such a high involvement from parents and our community, we are able to meet any need a child has; in networking our resources, for their best interests. Also, children considered at risk for academic failure are afforded a plan to get them back on track to ensure their success because they are known and supported through a community that extends beyond the immediate family. This results in an extremely low suspension/expulsion rate.
29. We voted in a self-imposed tax increase, to ensure the funding of our school. We are proud of the top notch education afforded our children.

30. Our district is 196 square miles. That is more than double the amount required to be an isolated district. Our student density ratio is 1.74 students per square mile. We have 103.32 miles of unpaved roads, and 58.25 miles of paved roads. The percentage of the bus route miles on hard surface roads is 36%. We have many geographical barriers, which include, but not limited to: flooding from Bayou De View, the Languelle Tributaries, and the flushing of the rice fields necessary for crop production. (Exhibit 13)

31. There have been times when from my personal residence when riding a tractor out on the main road was the only option for going into town and coming back to our home.

32. While the terrain and conditions provide difficulty in travel, the area is conducive to high yields of rice crops; Arkansas is the number one state in the nation in the production of rice and Poinsett County is consistently the top producer of rice in the nation. (Exhibit 12)

33. Arkansas provides fifty percent of the rice to our nation.

34. The terrain and conditions are also conducive to duck hunting and Weiner has been called the duck hunting capital of the world.

35. The implementation of Act 60 has decimated many school districts in the rich agricultural Delta area of Arkansas and negatively impacted other agricultural areas in the state.

36. Act 60 mandated annexation or consolidation of all districts with less than 350 students. This act immediately affected 99 districts—57 districts closed and 42 districts received students from the closed districts. Twenty-seven of these districts had a majority African-American student population, or were combined with such a district. The analysis of these 27 districts indicates that:

In just over half of these 27 districts, the student racial composition, at the district level, is more racially balanced after consolidation. However, for the vast majority of students (80%) in these districts, racial composition in the new consolidated districts is similar to that in their districts prior to consolidation.

Regardless of race, the numbers of citizens serving on school boards (from both closed and receiving districts) has been substantially reduced.

The number of elected African-American school board members has been decreased by 55% overall, especially in closed districts (by 71%), but in receiving districts as well (by 22%).

The number of districts with African-American majority school boards fell from 11 of the pre-consolidated districts to two of the resulting combined districts.

Five of six African-American administrators in the 27 affected districts lost their position as a result of Act 60. The number of African-American superintendents in Arkansas has fallen by 23% as a result of Act 60 (from 22 to 17).

37. Closing Weiner would not be merely closing one school. It would continue a pattern of closing small schools in agricultural areas.

38. This pattern of closing small schools in agricultural areas results in harm to the agricultural community with little to no benefit to the educational structure of the state. (Exhibits 7 & 8)

39. In the USDA's Strategic Plan in Strategic Goal includes the following provision: "USDA is working to enhance the livability of rural communities. The Department uses 21st century technology to rebuild infrastructure, ensure that rural residents have ... critical community facilities including schools." (Exhibit 5)

40. The Arcadia Plan, presented by the Weiner School District proposing an administrative annexation with the Delight School District, is consistent with the USDA's Strategic Plan FY 2010-2015. (Exhibit 13)

41. The State Board of Education refused to accept the plan. (Exhibit 14)

41. The USDA's Strategic Plan FY 2010-2015 was released after the Arkansas State Board's denial of The Arcadia Plan.

43. Agriculture, food, and water are part of our country's Critical Infrastructure and Key Resources and are a high priority in the security of our country. (Exhibits 1 & 2).

44. I recognize the threat of agroterrorism as a real threat to our country's food supply and national security. (Exhibits 4, 9, & 10).

45. I recognize that the threat of agroterrorism could be increased in our county of Poinsett because Arkansas is the top producer of rice in the country and provides half of the rice in our country.

IN WITNESS WHEREOF I DO HEREBY SIGN MY NAME:

Michelle Cadle

Michelle Cadle

STATE OF ARKANSAS)

COUNTY OF POINSETT)

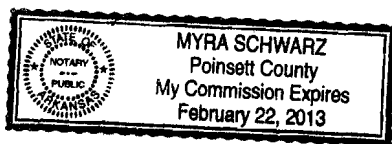
Subscribed and sworn to before me on the 27th day of June, _____, 2010, at
Wenit, Arkansas.

Myra Schwarz

Notary Public

My Commission Expires:

Feb 22, 2013



UNITED STATES DISTRICT COURT
of the
Eastern District of Arkansas

FRIENDS OF THE WEINER SCHOOL DISTRICT)

Plaintiff)

UNITED STATES DEPARTMENT OF AGRICULTURE,)

Involuntary/Third-Party Plaintiff)

WEINER SCHOOL DISTRICT)

Involuntary/Third-Party Plaintiff)

)

V.)

Civil Action No. _____

)

THE STATE OF ARKANSAS, GOVERNOR)

In his official capacity; ARKANSAS DEPARTMENT OF)

EMERGENCY MANAGEMENT; ARKANSAS STATE)

BOARD OF EDUCATION; ARKANSAS)

DEPARTMENT OF EDUCATION;)

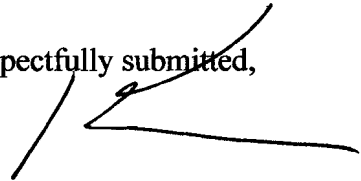
HARRISBURG SCHOOL DISTRICT)

Defendants

STATEMENT OF ATTORNEY CERTIFYING ATTEMPTS TO CONTACT COUNSEL

I, Kim Kelley, do certify that I have contacted the Attorney General's Office for the State of Arkansas to avoid counsel to attend this hearing. Contact began the last week and was made yesterday and today, June 29, 2010. This certification is made in the case that no one from the office join me at the time the motion is tendered.

Respectfully submitted,



Kim Kelley, Ark. Bar No: 92817
P.O. Box 1321
Heber Springs, AR 72543

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

FRIENDS OF WEINER SCHOOL DISTRICT; PLAINTIFF
UNITED STATES DEPARTMENT OF AGRICULTURE; INVOLUNTARY PLAINTIFF
WEINER SCHOOL DISTRICT INVOLUNTARY PLAINTIFF

V.

THE STATE OF ARKANSAS, GOVERNOR MIKE BEEBE,
In his official capacity; ARKANSAS DEPARTMENT OF
EMERGENCY MANAGEMENT; ARKANSAS STATE BOARD
OF ARKANSAS DEPARTMENT OF EDUCATION;
HARRISBURG SCHOOL DISTRICT DEFENDANTS

EXHIBITS TO THE AFFIDAVIT IN SUPPORT OF MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION – MICHELLE CADLE

1. Homeland Security Presidential Directive # 7
2. Homeland Security Presidential Directive # 9
3. U.S. Department of Homeland Security Preparedness Grant Programs Overview
4. CRS Report for Congress, Agroterrorism Threats and Preparedness, August 2006
5. USDA Strategic PLAN FY 2010-2015, selected page Goal 1
6. Preliminary Notice of State Aid and Annual Statistic Report 2008-09 for Weiner and Harrisburg School Districts
7. Arkansas Department of Education List of Consolidated Districts, 1983-2010.
8. Better Schools Come on Smaller Campuses
9. Text of Testimony to U.S. House of Representatives Homeland Security Committee
10. To Review Biosecurity Preparedness and Efforts to Address Agroterrorism Threats (selected text)
11. Districtwide Facility Condition and Educational Suitability Cost Summary
12. USDA rice production by county, state, and nation
13. Arcadia School District Plan
14. Arkansas Board of Education Action Agenda on Arcadia School District Plan
15. 2009 Arkansas School Performance Report (comparing Weiner and State)
16. Text of Amendment 80 to the Arkansas Constitution with additions and deletions marked

EXHIBIT 1



Homeland Security Presidential Directive 7: Critical Infrastructure Identification, Prioritization, and Protection

- [HSPD 7 Abstract](#)
- [HSPD 7 Full Text](#)

HSPD 7 Abstract

Homeland Security Presidential Directive 7 establishes a national policy for Federal departments and agencies to identify and prioritize critical infrastructure and to protect them from terrorist attacks. The directive defines relevant terms and delivers 31 policy statements. These policy statements define what the directive covers and the roles various federal, state, and local agencies will play in carrying it out.

HSPD 7 Full Text

Homeland Security Presidential Directive-7

December 17, 2003

SUBJECT: Critical Infrastructure Identification, Prioritization, and Protection

Purpose

1. This directive establishes a national policy for Federal departments and agencies to identify and prioritize United States critical infrastructure and key resources and to protect them from terrorist attacks.

Background

2. Terrorists seek to destroy, incapacitate, or exploit critical infrastructure and key resources across the United States to threaten national security, cause mass casualties, weaken our economy, and damage public morale and confidence.
3. America's open and technologically complex society includes a wide array of critical infrastructure and key resources that are potential terrorist targets. The majority of these are owned and operated by the private sector and State or local governments. These critical infrastructures and key resources are both physical and cyber-based and span all sectors of the economy.
4. Critical infrastructure and key resources provide the essential services that underpin American society. The Nation possesses numerous key resources, whose exploitation or destruction by terrorists could cause catastrophic health effects or mass casualties comparable to those from the use of a weapon of mass destruction, or could profoundly affect our national prestige and morale. In addition, there is critical infrastructure so vital that its incapacitation, exploitation, or destruction, through terrorist attack, could have a debilitating effect on security and economic well-being.
5. While it is not possible to protect or eliminate the vulnerability of all critical infrastructure and key resources throughout the country, strategic improvements in security can make it more difficult for attacks to succeed and can lessen the impact of attacks that may occur. In addition to strategic security enhancements, tactical security improvements can be rapidly implemented to deter, mitigate, or neutralize potential attacks.

Definitions

6. In this directive:
- a. The term "critical infrastructure" has the meaning given to that term in section 1016(e) of the USA PATRIOT Act of 2001 (42 U.S.C. 5195c(e)).
 - b. The term "key resources" has the meaning given that term in section 2(9) of the Homeland Security Act of 2002 (6 U.S.C. 101(9)).
 - c. The term "the Department" means the Department of Homeland Security.
 - d. The term "Federal departments and agencies" means those executive departments enumerated in 5 U.S.C. 101, and the Department of Homeland Security; independent establishments as defined by 5 U.S.C. 104 (1); Government corporations as defined by 5 U.S.C. 103(1); and the United States Postal Service.
 - e. The terms "State," and "local government," when used in a geographical sense, have the same meanings given to those terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).
 - f. The term "the Secretary" means the Secretary of Homeland Security.
 - g. The term "Sector-Specific Agency" means a Federal department or agency responsible for infrastructure protection activities in a designated critical infrastructure sector or key resources category. Sector-Specific Agencies will conduct their activities under this directive in accordance with guidance provided by the Secretary.
 - h. The terms "protect" and "secure" mean reducing the vulnerability of critical infrastructure or key resources in order to deter, mitigate, or neutralize terrorist attacks.

Policy

7. It is the policy of the United States to enhance the protection of our Nation's critical infrastructure and key resources against terrorist acts that could:
- a. cause catastrophic health effects or mass casualties comparable to those from the use of a weapon of mass destruction;
 - b. impair Federal departments and agencies' abilities to perform essential missions, or to ensure the public's health and safety;
 - c. undermine State and local government capacities to maintain order and to deliver minimum essential public services;
 - d. damage the private sector's capability to ensure the orderly functioning of the economy and delivery of essential services;
 - e. have a negative effect on the economy through the cascading disruption of other critical infrastructure and key resources; or
 - f. undermine the public's morale and confidence in our national economic and political institutions.
8. Federal departments and agencies will identify, prioritize, and coordinate the protection of critical infrastructure and key resources in order to prevent, deter, and mitigate the effects of deliberate efforts to destroy, incapacitate, or exploit them. Federal departments and agencies will work with State and local governments and the private sector to accomplish this objective.
9. Federal departments and agencies will ensure that homeland security programs do not diminish the overall economic security of the United States.
10. Federal departments and agencies will appropriately protect information associated with carrying out this directive, including handling voluntarily provided information and information that would facilitate terrorist targeting of critical infrastructure and key resources consistent with the Homeland Security Act of 2002 and other applicable legal authorities.
11. Federal departments and agencies shall implement this directive in a manner consistent with applicable provisions of law, including those protecting the rights of United States persons.

Roles and Responsibilities of the Secretary

12. In carrying out the functions assigned in the Homeland Security Act of 2002, the Secretary shall be responsible for coordinating the overall national effort to enhance the protection of the critical infrastructure and key resources of the United States. The Secretary shall serve as the principal Federal official to lead, integrate, and coordinate implementation of efforts among Federal departments and agencies, State and local governments, and the private sector to protect critical infrastructure and key resources.
13. Consistent with this directive, the Secretary will identify, prioritize, and coordinate the protection of critical infrastructure and key resources with an emphasis on critical infrastructure and key resources that could be exploited to cause catastrophic health effects or mass casualties comparable to those from the use of a weapon of

mass destruction.

14. The Secretary will establish uniform policies, approaches, guidelines, and methodologies for integrating Federal infrastructure protection and risk management activities within and across sectors along with metrics and criteria for related programs and activities.
15. The Secretary shall coordinate protection activities for each of the following critical infrastructure sectors: information technology; telecommunications; chemical; transportation systems, including mass transit, aviation, maritime, ground/surface, and rail and pipeline systems; emergency services; and postal and shipping. The Department shall coordinate with appropriate departments and agencies to ensure the protection of other key resources including dams, government facilities, and commercial facilities. In addition, in its role as overall cross-sector coordinator, the Department shall also evaluate the need for and coordinate the coverage of additional critical infrastructure and key resources categories over time, as appropriate.
16. The Secretary will continue to maintain an organization to serve as a focal point for the security of cyberspace. The organization will facilitate interactions and collaborations between and among Federal departments and agencies, State and local governments, the private sector, academia and international organizations. To the extent permitted by law, Federal departments and agencies with cyber expertise, including but not limited to the Departments of Justice, Commerce, the Treasury, Defense, Energy, and State, and the Central Intelligence Agency, will collaborate with and support the organization in accomplishing its mission. The organization's mission includes analysis, warning, information sharing, vulnerability reduction, mitigation, and aiding national recovery efforts for critical infrastructure information systems. The organization will support the Department of Justice and other law enforcement agencies in their continuing missions to investigate and prosecute threats to and attacks against cyberspace, to the extent permitted by law.
17. The Secretary will work closely with other Federal departments and agencies, State and local governments, and the private sector in accomplishing the objectives of this directive.

Roles and Responsibilities of Sector-Specific Federal Agencies

18. Recognizing that each infrastructure sector possesses its own unique characteristics and operating models, there are designated Sector-Specific Agencies, including:
 - a. Department of Agriculture – agriculture, food (meat, poultry, egg products);
 - b. Health and Human Services – public health, healthcare, and food (other than meat, poultry, egg products);
 - c. Environmental Protection Agency – drinking water and water treatment systems;
 - d. Department of Energy – energy, including the production refining, storage, and distribution of oil and gas, and electric power except for commercial nuclear power facilities;
 - e. Department of the Treasury – banking and finance;
 - f. Department of the Interior -- national monuments and icons; and
 - g. Department of Defense -- defense industrial base.
19. In accordance with guidance provided by the Secretary, Sector-Specific Agencies shall:
 - a. collaborate with all relevant Federal departments and agencies, State and local governments, and the private sector, including with key persons and entities in their infrastructure sector;
 - b. conduct or facilitate vulnerability assessments of the sector; and
 - c. encourage risk management strategies to protect against and mitigate the effects of attacks against critical infrastructure and key resources.
20. Nothing in this directive alters, or impedes the ability to carry out, the authorities of the Federal departments and agencies to perform their responsibilities under law and consistent with applicable legal authorities and presidential guidance.
21. Federal departments and agencies shall cooperate with the Department in implementing this directive, consistent with the Homeland Security Act of 2002 and other applicable legal authorities.

Roles and Responsibilities of Other Departments, Agencies, and Offices

22. In addition to the responsibilities given the Department and Sector-Specific Agencies, there are special functions of various Federal departments and agencies and components of the Executive Office of the President related to critical infrastructure and key resources protection.
 - a. The Department of State, in conjunction with the Department, and the Departments of Justice, Commerce, Defense, the Treasury and other appropriate agencies, will work with foreign countries and international organizations to strengthen the protection of United States critical infrastructure and key resources.
 - b. The Department of Justice, including the Federal Bureau of Investigation, will reduce domestic terrorist

- threats, and investigate and prosecute actual or attempted terrorist attacks on, sabotage of, or disruptions of critical infrastructure and key resources. The Attorney General and the Secretary shall use applicable statutory authority and attendant mechanisms for cooperation and coordination, including but not limited to those established by presidential directive.
- c. The Department of Commerce, in coordination with the Department, will work with private sector, research, academic, and government organizations to improve technology for cyber systems and promote other critical infrastructure efforts, including using its authority under the Defense Production Act to assure the timely availability of industrial products, materials, and services to meet homeland security requirements.
 - d. A Critical Infrastructure Protection Policy Coordinating Committee will advise the Homeland Security Council on interagency policy related to physical and cyber infrastructure protection. This PCC will be chaired by a Federal officer or employee designated by the Assistant to the President for Homeland Security.
 - e. The Office of Science and Technology Policy, in coordination with the Department, will coordinate interagency research and development to enhance the protection of critical infrastructure and key resources.
 - f. The Office of Management and Budget (OMB) shall oversee the implementation of government-wide policies, principles, standards, and guidelines for Federal government computer security programs. The Director of OMB will ensure the operation of a central Federal information security incident center consistent with the requirements of the Federal Information Security Management Act of 2002.
 - g. Consistent with the E-Government Act of 2002, the Chief Information Officers Council shall be the principal interagency forum for improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing, and performance of information resources of Federal departments and agencies.
 - h. The Department of Transportation and the Department will collaborate on all matters relating to transportation security and transportation infrastructure protection. The Department of Transportation is responsible for operating the national air space system. The Department of Transportation and the Department will collaborate in regulating the transportation of hazardous materials by all modes (including pipelines).
 - i. All Federal departments and agencies shall work with the sectors relevant to their responsibilities to reduce the consequences of catastrophic failures not caused by terrorism.
23. The heads of all Federal departments and agencies will coordinate and cooperate with the Secretary as appropriate and consistent with their own responsibilities for protecting critical infrastructure and key resources.
 24. All Federal department and agency heads are responsible for the identification, prioritization, assessment, remediation, and protection of their respective internal critical infrastructure and key resources. Consistent with the Federal Information Security Management Act of 2002, agencies will identify and provide information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of information.

Coordination with the Private Sector

25. In accordance with applicable laws or regulations, the Department and the Sector-Specific Agencies will collaborate with appropriate private sector entities and continue to encourage the development of information sharing and analysis mechanisms. Additionally, the Department and Sector-Specific Agencies shall collaborate with the private sector and continue to support sector-coordinating mechanisms:
 - a. to identify, prioritize, and coordinate the protection of critical infrastructure and key resources; and
 - b. to facilitate sharing of information about physical and cyber threats, vulnerabilities, incidents, potential protective measures, and best practices.

National Special Security Events

26. The Secretary, after consultation with the Homeland Security Council, shall be responsible for designating events as "National Special Security Events" (NSSEs). This directive supersedes language in previous presidential directives regarding the designation of NSSEs that is inconsistent herewith.

Implementation

27. Consistent with the Homeland Security Act of 2002, the Secretary shall produce a comprehensive, integrated

National Plan for Critical Infrastructure and Key Resources Protection to outline national goals, objectives, milestones, and key initiatives within 1 year from the issuance of this directive. The Plan shall include, in addition to other Homeland Security-related elements as the Secretary deems appropriate, the following elements:

- a. a strategy to identify, prioritize, and coordinate the protection of critical infrastructure and key resources, including how the Department intends to work with Federal departments and agencies, State and local governments, the private sector, and foreign countries and international organizations;
 - b. a summary of activities to be undertaken in order to: define and prioritize, reduce the vulnerability of, and coordinate the protection of critical infrastructure and key resources;
 - c. a summary of initiatives for sharing critical infrastructure and key resources information and for providing critical infrastructure and key resources threat warning data to State and local governments and the private sector; and
 - d. coordination and integration, as appropriate, with other Federal emergency management and preparedness activities including the National Response Plan and applicable national preparedness goals.
28. The Secretary, consistent with the Homeland Security Act of 2002 and other applicable legal authorities and presidential guidance, shall establish appropriate systems, mechanisms, and procedures to share homeland security information relevant to threats and vulnerabilities in national critical infrastructure and key resources with other Federal departments and agencies, State and local governments, and the private sector in a timely manner.
29. The Secretary will continue to work with the Nuclear Regulatory Commission and, as appropriate, the Department of Energy in order to ensure the necessary protection of:
- a. commercial nuclear reactors for generating electric power and non-power nuclear reactors used for research, testing, and training;
 - b. nuclear materials in medical, industrial, and academic settings and facilities that fabricate nuclear fuel; and
 - c. the transportation, storage, and disposal of nuclear materials and waste.
30. In coordination with the Director of the Office of Science and Technology Policy, the Secretary shall prepare on an annual basis a Federal Research and Development Plan in support of this directive.
31. The Secretary will collaborate with other appropriate Federal departments and agencies to develop a program, consistent with applicable law, to geospatially map, image, analyze, and sort critical infrastructure and key resources by utilizing commercial satellite and airborne systems, and existing capabilities within other agencies. National technical means should be considered as an option of last resort. The Secretary, with advice from the Director of Central Intelligence, the Secretaries of Defense and the Interior, and the heads of other appropriate Federal departments and agencies, shall develop mechanisms for accomplishing this initiative. The Attorney General shall provide legal advice as necessary.
32. The Secretary will utilize existing, and develop new, capabilities as needed to model comprehensively the potential implications of terrorist exploitation of vulnerabilities in critical infrastructure and key resources, placing specific focus on densely populated areas. Agencies with relevant modeling capabilities shall cooperate with the Secretary to develop appropriate mechanisms for accomplishing this initiative.
33. The Secretary will develop a national indications and warnings architecture for infrastructure protection and capabilities that will facilitate:
- a. an understanding of baseline infrastructure operations;
 - b. the identification of indicators and precursors to an attack; and
 - c. a surge capacity for detecting and analyzing patterns of potential attacks.

In developing a national indications and warnings architecture, the Department will work with Federal, State, local, and non-governmental entities to develop an integrated view of physical and cyber infrastructure and key resources.

34. By July 2004, the heads of all Federal departments and agencies shall develop and submit to the Director of the OMB for approval plans for protecting the physical and cyber critical infrastructure and key resources that they own or operate. These plans shall address identification, prioritization, protection, and contingency planning, including the recovery and reconstitution of essential capabilities.
35. On an annual basis, the Sector-Specific Agencies shall report to the Secretary on their efforts to identify, prioritize, and coordinate the protection of critical infrastructure and key resources in their respective sectors. The report shall be submitted within 1 year from the issuance of this directive and on an annual basis thereafter.
36. The Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs will lead a national security and emergency preparedness communications policy review, with the heads of the appropriate Federal departments and agencies, related to convergence and next generation architecture. Within 6 months after the issuance of this directive, the Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs shall submit for my consideration any recommended

changes to such policy.

37. This directive supersedes Presidential Decision Directive/NSC-63 of May 22, 1998 ("Critical Infrastructure Protection"), and any Presidential directives issued prior to this directive to the extent of any inconsistency. Moreover, the Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs shall jointly submit for my consideration a Presidential directive to make changes in Presidential directives issued prior to this date that conform such directives to this directive.
38. This directive is intended only to improve the internal management of the executive branch of the Federal Government, and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

This page was last reviewed / modified on September 8, 2008.

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EXHIBIT 2



Homeland Security Presidential Directive 9: Defense of United States Agriculture and Food

- [HSPD 9 Abstract](#)
- [HSPD 9 Full Text](#)

HSPD 9 Abstract

Homeland Security Presidential Directive (HSPD) 9 establishes a national policy to defend the agriculture and food system against terrorist attacks, major disasters, and other emergencies. America's agriculture and food system is an extensive, open, interconnected, diverse, and complex structure providing potential targets for terrorist attacks. U.S. agriculture and food systems are vulnerable to disease, pest, or poisonous agents that occur naturally, are unintentionally introduced, or are intentionally delivered by acts of terrorism. The directive lays out policies, including roles and responsibilities, awareness and warning, and vulnerability assessments, to provide the best protection possible against a successful attack on the U.S. agriculture and food system.

HSPD 9 Full Text

Homeland Security Presidential Directive-9

January 30, 2004

SUBJECT: Defense of United States Agriculture and Food

Purpose

1. This directive establishes a national policy to defend the agriculture and food system against terrorist attacks, major disasters, and other emergencies.

Background

2. The United States agriculture and food systems are vulnerable to disease, pest, or poisonous agents that occur naturally, are unintentionally introduced, or are intentionally delivered by acts of terrorism. America's agriculture and food system is an extensive, open, interconnected, diverse, and complex structure providing potential targets for terrorist attacks. We should provide the best protection possible against a successful attack on the United States agriculture and food system, which could have catastrophic health and economic effects.

Definitions

3. In this directive:
 - a. The term critical infrastructure has the meaning given to that term in section 1016(e) of the USA PATRIOT Act of 2001 (42 U.S.C. 5195c(e)).
 - b. The term key resources has the meaning given that term in section 2(9) of the Homeland Security Act of 2002 (6 U.S.C. 101(9)).
 - c. The term Federal departments and agencies means those executive departments enumerated in 5 U.S.C. 101, and the Department of Homeland Security; independent establishments as defined by 5 U.S.C. 104 (1); Government corporations as defined by 5 U.S.C. 103(1); and the United States Postal Service.
 - d. The terms State, and local government, when used in a geographical sense, have the same meanings given to those terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

- e. The term Sector-Specific Agency means a Federal department or agency responsible for infrastructure protection activities in a designated critical infrastructure sector or key resources category.

Policy

4. It is the policy of the United States to protect the agriculture and food system from terrorist attacks, major disasters, and other emergencies by:
 - a. identifying and prioritizing sector-critical infrastructure and key resources for establishing protection requirements;
 - b. developing awareness and early warning capabilities to recognize threats;
 - c. mitigating vulnerabilities at critical production and processing nodes;
 - d. enhancing screening procedures for domestic and imported products; and
 - e. enhancing response and recovery procedures.
5. In implementing this directive, Federal departments and agencies will ensure that homeland security programs do not diminish the overall economic security of the United States.

Roles and Responsibilities

6. As established in Homeland Security Presidential Directive-7 (HSPD-7), the Secretary of Homeland Security is responsible for coordinating the overall national effort to enhance the protection of the critical infrastructure and key resources of the United States. The Secretary of Homeland Security shall serve as the principal Federal official to lead, integrate, and coordinate implementation of efforts among Federal departments and agencies, State and local governments, and the private sector to protect critical infrastructure and key resources. This directive shall be implemented in a manner consistent with HSPD-7.
7. The Secretaries of Agriculture, Health and Human Services, and the Administrator of the Environmental Protection Agency will perform their responsibilities as Sector-Specific Agencies as delineated in HSPD-7.

Awareness and Warning

8. The Secretaries of the Interior, Agriculture, Health and Human Services, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal departments and agencies shall build upon and expand current monitoring and surveillance programs to:
 - a. develop robust, comprehensive, and fully coordinated surveillance and monitoring systems, including international information, for animal disease, plant disease, wildlife disease, food, public health, and water quality that provides early detection and awareness of disease, pest, or poisonous agents;
 - b. develop systems that, as appropriate, track specific animals and plants, as well as specific commodities and food; and
 - c. develop nationwide laboratory networks for food, veterinary, plant health, and water quality that integrate existing Federal and State laboratory resources, are interconnected, and utilize standardized diagnostic protocols and procedures.
9. The Attorney General, the Secretary of Homeland Security, and the Director of Central Intelligence, in coordination with the Secretaries of Agriculture, Health and Human Services, and the Administrator of the Environmental Protection Agency, shall develop and enhance intelligence operations and analysis capabilities focusing on the agriculture, food, and water sectors. These intelligence capabilities will include collection and analysis of information concerning threats, delivery systems, and methods that could be directed against these sectors.
10. The Secretary of Homeland Security shall coordinate with the Secretaries of Agriculture, Health and Human Services, and the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal departments and agencies to create a new biological threat awareness capacity that will enhance detection and characterization of an attack. This new capacity will build upon the improved and upgraded surveillance systems described in paragraph 8 and integrate and analyze domestic and international surveillance and monitoring data collected from human health, animal health, plant health, food, and water quality systems. The Secretary of Homeland Security will submit a report to me through the Homeland Security Council within 90 days of the date of this directive on specific options for establishing this capability, including recommendations for its organizational location and structure.

Vulnerability Assessments

11. The Secretaries of Agriculture, Health and Human Services, and Homeland Security shall expand and continue vulnerability assessments of the agriculture and food sectors. These vulnerability assessments should identify requirements of the National Infrastructure Protection Plan developed by the Secretary of Homeland Security, as appropriate, and shall be updated every 2 years.

Mitigation Strategies

12. The Secretary of Homeland Security and the Attorney General, working with the Secretaries of Agriculture, Health and Human Services, the Administrator of the Environmental Protection Agency, the Director of Central Intelligence, and the heads of other appropriate Federal departments and agencies shall prioritize, develop, and implement, as appropriate, mitigation strategies to protect vulnerable critical nodes of production or processing from the introduction of diseases, pests, or poisonous agents.
13. The Secretaries of Agriculture, Health and Human Services, and Homeland Security shall build on existing efforts to expand development of common screening and inspection procedures for agriculture and food items entering the United States and to maximize effective domestic inspection activities for food items within the United States.

Response Planning and Recovery

14. The Secretary of Homeland Security, in coordination with the Secretaries of Agriculture, Health and Human Services, the Attorney General, and the Administrator of the Environmental Protection Agency, will ensure that the combined Federal, State, and local response capabilities are adequate to respond quickly and effectively to a terrorist attack, major disease outbreak, or other disaster affecting the national agriculture or food infrastructure. These activities will be integrated with other national homeland security preparedness activities developed under HSPD-8 on National Preparedness.
15. The Secretary of Homeland Security, in coordination with the Secretaries of Agriculture, Health and Human Services, the Attorney General, and the Administrator of the Environmental Protection Agency, shall develop a coordinated agriculture and food-specific standardized response plan that will be integrated into the National Response Plan. This plan will ensure a coordinated response to an agriculture or food incident and will delineate the appropriate roles of Federal, State, local, and private sector partners, and will address risk communication for the general public.
16. The Secretaries of Agriculture and Health and Human Services, in coordination with the Secretary of Homeland Security and the Administrator of the Environmental Protection Agency, shall enhance recovery systems that are able to stabilize agriculture production, the food supply, and the economy, rapidly remove and effectively dispose of contaminated agriculture and food products or infected plants and animals, and decontaminate premises.
17. The Secretary of Agriculture shall study and make recommendations to the Homeland Security Council, within 120 days of the date of this directive, for the use of existing, and the creation of new, financial risk management tools encouraging self-protection for agriculture and food enterprises vulnerable to losses due to terrorism.
18. The Secretary of Agriculture, in coordination with the Secretary of Homeland Security, and in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, shall work with State and local governments and the private sector to develop:
 - a. A National Veterinary Stockpile (NVS) containing sufficient amounts of animal vaccine, antiviral, or therapeutic products to appropriately respond to the most damaging animal diseases affecting human health and the economy and that will be capable of deployment within 24 hours of an outbreak. The NVS shall leverage where appropriate the mechanisms and infrastructure that have been developed for the management, storage, and distribution of the Strategic National Stockpile.
 - b. A National Plant Disease Recovery System (NPDRS) capable of responding to a high-consequence plant disease with pest control measures and the use of resistant seed varieties within a single growing season to sustain a reasonable level of production for economically important crops. The NPDRS will utilize the genetic resources contained in the U.S. National Plant Germplasm System, as well as the scientific

capabilities of the Federal-State-industry agricultural research and extension system. The NPDRS shall include emergency planning for the use of resistant seed varieties and pesticide control measures to prevent, slow, or stop the spread of a high-consequence plant disease, such as wheat smut or soybean rust.

Outreach and Professional Development

19. The Secretary of Homeland Security, in coordination with the Secretaries of Agriculture, Health and Human Services, and the heads of other appropriate Federal departments and agencies, shall work with appropriate private sector entities to establish an effective information sharing and analysis mechanism for agriculture and food.
20. The Secretaries of Agriculture and Health and Human Services, in consultation with the Secretaries of Homeland Security and Education, shall support the development of and promote higher education programs for the protection of animal, plant, and public health. To the extent permitted by law and subject to availability of funds, the program will provide capacity building grants to colleges and schools of veterinary medicine, public health, and agriculture that design higher education training programs for veterinarians in exotic animal diseases, epidemiology, and public health as well as new programs in plant diagnosis and treatment.
21. The Secretaries of Agriculture and Health and Human Services, in consultation with the Secretaries of Homeland Security and Education, shall support the development of and promote a higher education program to address protection of the food supply. To the extent permitted by law and subject to the availability of funds, the program will provide capacity-building grants to universities for interdisciplinary degree programs that combine training in food sciences, agriculture sciences, medicine, veterinary medicine, epidemiology, microbiology, chemistry, engineering, and mathematics (statistical modeling) to prepare food defense professionals.
22. The Secretaries of Agriculture, Health and Human Services, and Homeland Security shall establish opportunities for professional development and specialized training in agriculture and food protection, such as internships, fellowships, and other post-graduate opportunities that provide for homeland security professional workforce needs.

Research and Development

23. The Secretaries of Homeland Security, Agriculture, and Health and Human Services, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal departments and agencies, in consultation with the Director of the Office of Science and Technology Policy, will accelerate and expand development of current and new countermeasures against the intentional introduction or natural occurrence of catastrophic animal, plant, and zoonotic diseases. The Secretary of Homeland Security will coordinate these activities. This effort will include countermeasure research and development of new methods for detection, prevention technologies, agent characterization, and dose response relationships for high-consequence agents in the food and the water supply.
24. The Secretaries of Agriculture and Homeland Security will develop a plan to provide safe, secure, and state-of-the-art agriculture biocontainment laboratories that research and develop diagnostic capabilities for foreign animal and zoonotic diseases.
25. The Secretary of Homeland Security, in consultation with the Secretaries of Agriculture and Health and Human Services, shall establish university-based centers of excellence in agriculture and food security.

Budget

26. For all future budgets, the Secretaries of Agriculture, Health and Human Services, and Homeland Security shall submit to the Director of the Office of Management and Budget, concurrent with their budget submissions, an integrated budget plan for defense of the United States food system.

Implementation

27. Nothing in this directive alters, or impedes the ability to carry out, the authorities of the Federal departments and agencies to perform their responsibilities under law and consistent with applicable legal authorities and Presidential guidance.

28. This directive is intended only to improve the internal management of the executive branch of the Federal Government, and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

GEORGE W. BUSH

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EXHIBIT 3



U.S. DEPARTMENT OF HOMELAND SECURITY

FY 2010 Preparedness Grant Programs Overview

Homeland Security Grant Program (HSGP)
Tribal Homeland Security Grant Program (THSGP)
UASI Nonprofit Security Grant Program (UASI NSGP)
Emergency Management Performance Grants (EMPG)
Interoperable Emergency Communications Grant Program (IECGP)
Regional Catastrophic Preparedness Grant Program (RCPGP)
Emergency Operations Center Grant Program (EOC)
Driver's License Security Grant Program (DLSGP)
Buffer Zone Protection Program (BZPP)
Freight Rail Security Grant Program (FRSGP)
Intercity Passenger Rail (Amtrak)
Port Security Grant Program (PSGP)
Intercity Bus Security Grant Program (IBSGP)

December 8, 2009



Grant Programs Directorate

Homeland Security Preparedness Grant Programs Overview

One of the core missions of the Department of Homeland Security (DHS) is to enhance the ability of state, territory, local and tribal governments to prevent, protect against, respond to and recover from terrorist attacks and other disasters. DHS's comprehensive suite of homeland security preparedness grant programs are an important part of the Administration's larger, coordinated effort to strengthen homeland security preparedness. These programs implement objectives addressed in a series of post-9/11 laws, strategy documents, plans and Homeland Security Presidential Directives (HSPDs).

Together, DHS grant programs may fund a wide range of preparedness activities, to include planning, organization, equipment purchase, training, exercises and grant management and administration costs. These programs support objectives outlined in the National Preparedness Guidelines and related national preparedness doctrine, such as the National Incident Management System, the *National Response Framework* and the *National Infrastructure Protection Plan*.

Following is a summary of the DHS grant programs which are being announced on December 8, 2009. The following pages outline greater details and background information with respect to these programs.

Funding Distribution – FY 2009 and FY 2010

Program	FY 2009	FY 2010
Homeland Security Grant Program		
State Homeland Security Program	\$861,265,000	\$842,000,000
Urban Areas Security Initiative	\$798,631,250	\$832,520,000
Operation Stonegarden	\$60,000,000	\$60,000,000
Metropolitan Medical Response System	\$39,831,404	\$39,359,956
Citizen Corps Program	\$14,572,500	\$12,480,000
Tribal Homeland Security Grant Program	\$1,660,000	<=\$10,000,000
UASI Nonprofit Security Grant Program	\$15,000,000	\$19,000,000
Emergency Management Performance Grants	\$306,022,500	\$329,799,991
Interoperable Emergency Communications Grant Program	\$48,575,000	\$48,000,000
Regional Catastrophic Preparedness Grant Program	\$31,002,500	\$33,600,000
Emergency Operations Center Grant Program	\$34,002,500	\$57,600,000
Driver's License Security Grant Program	\$48,575,000	\$48,000,000
Buffer Zone Protection Program	\$48,575,000	\$48,000,000
Port Security Grant Program	\$388,600,000	\$288,000,000
Intercity Passenger Rail (Amtrak)	\$25,000,000	\$20,000,000
Freight Rail Security Grant Program	\$15,000,000	\$15,000,000
Intercity Bus Security Grant Program	\$11,658,000	\$11,520,000
Trucking Security Program	\$2,224,750	\$0
TOTAL	\$3,098,795,404	\$2,714,879,947

Homeland Security Grant Program (HSGP)

The Homeland Security Grant Program (HSGP) suite consists of five sub-programs, namely the State Homeland Security Program (SHSP), Urban Areas Security Initiative (UASI), Operation Stonegarden (OPSG), Metropolitan Medical Response System (MMRS) and Citizen Corps Program (CCP).

State Homeland Security Program (SHSP)

Total Funding Available in FY 2010: \$842,000,000

Purpose: This core assistance program provides funds to build capabilities at the state and local levels and to implement the goals and objectives included in state homeland security strategies and initiatives in their State Preparedness Report. Consistent with the *Implementing Recommendations of the 9/11 Act of 2007* (Public Law 110-53) (9/11 Act), states are required to ensure that at least 25 percent of SHSP appropriated funds are dedicated towards law enforcement terrorism prevention-oriented planning, organization, training, exercise and equipment activities, including those activities which support the development and operation of fusion centers.

Eligible Applicants: The State Administrative Agency (SAA) is the only entity eligible to apply to FEMA for SHSP funds. Recipients include all 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands and the U.S. Virgin Islands.

Awards: Funds will be allocated based on three factors: minimum amounts as legislatively mandated, DHS' risk methodology, and effectiveness.

Program Awards and Funding Minimum: Each state will receive a minimum allocation under SHSP using the thresholds established in the 9/11 Act. All 50 states, the District of Columbia, and the Commonwealth of Puerto Rico will receive 0.36 percent of the total funds allocated for grants under Sections 2003 and 2004 of the *Homeland Security Act of 2002* as amended by the 9/11 Act for SHSP and UASI programs. Four territories (American Samoa, Guam, the Northern Mariana Islands and the U.S. Virgin Islands) will receive a minimum allocation of 0.08 percent of the total funds allocated for grants under Sections 2003 and 2004 of the *Homeland Security Act of 2002* as amended by the 9/11 Act for SHSP and UASI programs.

Grantees may provide an optional cost share; however, an applicant's willingness to contribute an optional cost share will not impact application scores and, thus, allocations.

Urban Areas Security Initiative (UASI) Program

Total Funding Available in FY 2010: \$832,520,000

Purpose: The UASI program focuses on enhancing regional preparedness in major metropolitan areas. The UASI program directly supports the National Priority on expanding regional collaboration in the *National Preparedness Guidelines* and is intended to assist participating jurisdictions in developing integrated regional systems

for prevention, protection, response and recovery. Consistent with the 9/11 Act, states are required to ensure that at least 25 percent of UASI appropriated funds are dedicated towards law enforcement terrorism prevention-oriented planning, organization, training, exercise and equipment activities, including those activities which support the development and operation of fusion centers.

Eligible Applicants: The SAA is the only entity eligible to apply to FEMA for UASI funds. The 64 high risk urban areas eligible for funding under the FY 2010 UASI program are the only areas that may apply.

Program Awards: The ten highest risk urban areas, designated Tier I Urban Areas, will be eligible for \$524,487,600. The remaining 54 urban areas, designated Tier II Urban Areas, will be eligible for \$308,032,400. Funds will be allocated based on DHS' risk methodology and effectiveness.

Grantees may provide an optional cost share; however, an applicant's willingness to contribute an optional cost share will not impact application scores and, thus, allocations.

Operation Stonegarden (OPSG)

Total Funding Available in FY 2010: \$60,000,000

Purpose: The intent of OPSG is to enhance cooperation and coordination among local, state and federal law enforcement agencies in a joint mission to secure the United States borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders.

Eligible Applicants: Prospective recipients for OPSG include local units of government at the county level and federally-recognized tribal governments in the states bordering Canada (including Alaska), southern states bordering Mexico and states and territories with International water borders.

Program Awards: Funds will be allocated competitively to designated localities within U.S. Border States based on risk analysis and the anticipated feasibility and effectiveness of proposed investments by the applicants.

Metropolitan Medical Response System (MMRS) Program

Total Funding Available in FY 2010: \$39,359,956

Purpose: The MMRS program supports the integration of emergency management, health and medical systems into a coordinated response to mass casualty incidents caused by any hazard. Successful MMRS grantees reduce the consequences of a mass casualty incident during the initial period of a response by having augmented existing local operational response systems before the incident occurs.

Eligible Applicants: The SAA is the only entity eligible to apply to FEMA for MMRS funds. Recipients for the MMRS program include the 124 MMRS jurisdictions.

Program Awards: Each of the 124 MMRS jurisdictions will receive \$317,419 to establish or sustain local capabilities.

Citizen Corps Program (CCP)

Total Funding Available in FY 2010: \$12,480,000

Purpose: The Citizen Corps mission is to bring community and government leaders together to coordinate community involvement in emergency preparedness, planning, mitigation, response and recovery.

Eligible Applicants: The SAA is the only entity eligible to apply to FEMA for CCP funds. Recipients for the CCP include all 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands and the U.S. Virgin Islands.

Program Awards and Funding Minimum: CCP allocations are determined using a formula, which specifies that all 50 states, the District of Columbia and the Commonwealth of Puerto Rico will receive a minimum of 0.75 percent of the total available grant funding, and that four territories (American Samoa, Guam, the Northern Mariana Islands and the U.S. Virgin Islands) will receive a minimum of 0.25 percent of the total available grant funding. The balance of CCP funds will be distributed on a population-share basis. In addition to CCP allocations, states and urban areas are encouraged to fully leverage HSGP resources to accomplish the Citizen Corps mission.

Tribal Homeland Security Grant Program (THSGP)

Total Funding Available in FY 2010: up to \$10,000,000

Purpose: To provide supplemental funding to directly eligible tribes to help strengthen the nation against risks associated with potential terrorist attacks. Pursuant to the 9/11 Act, "a directly eligible tribe applying for a grant under section 2004 [SHSP] shall designate an individual to serve as a tribal liaison with [DHS] and other federal, state, local and regional government officials concerning preventing, preparing for, protecting against and responding to acts of terrorism."

Eligible Applicants: Per the 9/11 Act, a "directly eligible tribe" is defined as —

(A) any Indian tribe—

- (i) that is located in the continental United States;
- (ii) that operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;
- (iii)
 - (I) that is located on or near an international border or a coastline bordering an ocean (including the Gulf of Mexico) or international waters;

- (II) that is located within 10 miles of a system or asset included on the prioritized critical infrastructure list established under section 210E(a)(2) or has such a system or asset within its territory;
 - (III) that is located within or contiguous to 1 of the 50 most populous metropolitan statistical areas in the United States; or
 - (IV) the jurisdiction of which includes not less than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code; and
- (iv) that certifies to the Secretary that a state has not provided funds under section 2003 or 2004 to the Indian tribe or consortium of Indian tribes for the purpose for which direct funding is sought; and
- (B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

In summary, eligible tribes must meet the requirements set forth in (A) (i), and (A) (ii), and (A) (iv). Tribes must also meet one of the requirements set forth in (A) (iii); either (A) (iii) (I), or (A) (iii) (II), or (A) (iii) (III), or (A) (iii) (IV). Finally, (B) may also be satisfied, if each tribe satisfies the requirements of subparagraph (A).

Before writing the Investment Justification, tribes are encouraged to contact the Centralized Scheduling and Information Desk (CSID) to confirm or discuss questions relative to their eligibility. CSID can be reached by phone at (800) 368-6498 or by e-mail at ASKCSID@dhs.gov, Monday through Friday, 8:00 a.m. – 6:00 p.m. (EST).

Program Awards: FY 2010 THSGP funds will be allocated based on two factors: tribal eligibility per the 9/11 Act (pre-determined), and the effectiveness of the applicant's THSGP Investment Justification (as determined through a peer review process).

Grantees may provide an optional cost share; however, an applicant's willingness to contribute an optional cost share will not impact application scores and, thus, allocations.

Nonprofit Security Grant Program (NSGP)

Total Funding Available in FY 2010: \$19,000,000

Purpose: UASI NSGP provides funding support for target-hardening activities to nonprofit organizations that are at high risk of a terrorist attack and are located within one of the specific FY 2010 UASI-eligible urban areas.

Eligible Applicants: Eligible nonprofit organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code) that are at high risk of a terrorist attack and are located within one of the specific FY 2010 UASI-eligible urban areas must apply for funding through their State Administrative Agency (SAA).

Program Awards: Funds will be based on risk analysis, effectiveness and integration with broader state and local preparedness efforts.

Grantees may provide an optional cost share; however, an applicant's willingness to contribute an optional cost share will not impact application scores and, thus, allocations.

Emergency Management Performance Grants (EMPG)

Total Funding Available in FY 2010: \$329,799,991

Purpose: The purpose of the FY 2010 EMPG is to assist state and local governments in enhancing and sustaining all-hazards emergency management capabilities.

Applicants: All 56 states and territories, as well as the Republic of the Marshall Islands and the Federated States of Micronesia, are eligible to apply for FY 2010 EMPG funds. Either the State Administrative Agency (SAA) or the state's Emergency Management Agency (EMA) are eligible to apply directly to FEMA for EMPG funds on behalf of state and local emergency management agencies, however only one application will be accepted from each state or territory.

Program Awards: The allocation methodology for FY 2010 EMPG dictates that all 50 states, the District of Columbia and the Commonwealth of Puerto Rico will receive a base amount of 0.75 percent of the total available grant funding. Four territories (American Samoa, Guam, the Northern Mariana Islands and the U.S. Virgin Islands) will receive a base amount of 0.25 percent of the total available grant funding. The balance of EMPG funds will be distributed on a population-share basis. Pursuant to Article X of the Federal Programs and Services Agreement of the Compact of Free Association authorized by Public Law 108-188, funds are available for the Federated States of Micronesia and for the Republic of the Marshall Islands.

EMPG has a 50 percent federal and 50 percent state cost share, cash or in-kind match requirement.

Interoperable Emergency Communications Grant Program (IECGP)

Total Funding Available in FY 2010: \$48,000,000

Purpose: In FY 2010, IECGP provides funding to states, territories and local and tribal governments to carry out initiatives to improve interoperable emergency communications, including communications in collective response to natural disasters, acts of terrorism and other man-made disasters. If a State Administrative Agent (SAA) and Statewide Interoperability Coordinator (SWIC) / SCIP point of contact certify that its state or territory has fulfilled such governance, planning, training and exercise objectives, the Program provides the flexibility to purchase interoperable communications equipment with any remaining IECGP funds.

Eligible Applicants: All 56 states and territories are eligible to apply for IECGP funds.

Program Awards: In FY 2010, the total amount of funds distributed under IECGP will be \$48,000,000. FY 2010 IECGP funds will be allocated based on risk. Each state will

receive a minimum allocation under IECGP using the thresholds established in the 9/11 Act. All 50 states, the District of Columbia, and Puerto Rico will receive a minimum of 0.45 percent of the total funds allocated, per the 9/11 Act. Four territories (American Samoa, the Commonwealth of the Northern Mariana Islands, Guam and the U.S. Virgin Islands) will receive a minimum allocation of 0.08 percent of the total funds allocated.

IECGP has a 75 percent federal and 25 percent state cost share, cash or in-kind match requirement for equipment purchases only.

Regional Catastrophic Preparedness Grant Program (RCPGP)

Total Funding Available in FY 2010: \$33,600,000

Purpose: The purpose of RCPGP is to enhance catastrophic incident preparedness in selected high-risk, high-consequence urban areas and their surrounding regions. RCPGP is intended to support coordination of regional all-hazard planning for catastrophic events, including the development of integrated planning communities, plans, protocols and procedures to manage a catastrophic event. The deliverables from the RCPGP will be made available throughout the country to enhance national resilience.

Eligible Applicants: Eligible entities under FY 2010 RCPGP include the eleven (11) pre-designated high-risk, high-consequence urban areas within the ten (10) RCPGP sites that received funding under RCPGP in the FY 2009 grant cycle. The Governor of each state and territory is required to designate a State Administrative Agency (SAA) to apply for and administer the funds awarded under RCPGP. The SAA is the only entity eligible to apply to FEMA for RCPGP funds.

Program Awards: One non-competitive award will be made to each of the pre-designated eleven (11) high-risk, high consequence urban areas within the ten (10) RCPGP sites, provided their application meets the minimum standards specified for FY 2010.

Emergency Operations Center (EOC) Grant Program

Total Funding Available in FY 2010: \$57,600,000

Purpose: The Emergency Operations Center (EOC) Grant Program is intended to improve emergency management and preparedness capabilities by supporting flexible, sustainable, secure and interoperable Emergency Operations Centers (EOCs) with a focus on addressing identified deficiencies and needs. This program provides funding for construction or renovation of a state, local or tribal governments' principal EOC. Fully capable emergency operations facilities at the state and local levels are an essential element of a comprehensive national emergency management system and

are necessary to ensure continuity of operations and continuity of government in major disasters caused by any hazard.

Eligible Applicants: The governor of each state and territory is required to designate a State Administrative Agency (SAA) to apply for and administer the funds awarded under the EOC Grant Program. The SAA is the only eligible entity able to apply for the available funding on behalf of eligible state, local and tribal EOCs.

Program Awards: The FY 2010 EOC Grant Program will provide \$57,600,000 for construction or renovation of a state, local or tribal government's principal EOC. Of this amount, \$47,442,500 in non-competitive funding has been appropriated for congressionally designated EOC projects throughout the nation. The remaining \$10,157,500 shall be allocated competitively to eligible state, local or tribal government's principal EOCs.

Driver's License Security Grant Program (DLSGP)

Total Funding Available in FY 2010: \$48,000,000

Purpose: The FY 2010 DLSGP will provide \$48,000,000 to prevent terrorism, reduce fraud and improve the reliability and accuracy of personal identification documents that states and territories issue. DLSGP is intended to address a key recommendation of the 9/11 Commission to improve the integrity and security of state-issued driver's licenses (DL) and identification cards (ID).

Eligible Applicants: Eligible applicants under the FY 2010 Driver's License Security Grant Program are State Driver's License Agencies (DLA), also known as State Departments of Motor Vehicles (DMV) or Motor Vehicle Administrations (MVA). Other eligible applicants include State Public Safety Agencies or Departments with overall responsibility for drivers' license issuance in the state. These agencies may apply on behalf of the state DMV/MVA.

Program Awards: In FY 2010, all 56 states and territories will receive a base amount with the balance of funds distributed based on the total number of DL/IDs issued in each state. For the purposes of this grant, states are grouped into four categories based upon the number of DL/IDs issued. Final determinations for awards will be based upon applications received as well as the results of a FEMA/GPD and DHS Office of Policy review.

Buffer Zone Protection Program (BZPP)

Total Funding Available in FY 2010: \$48,000,000

Purpose: The BZPP provides funding to increase the preparedness capabilities of jurisdictions responsible for the safety and security of communities surrounding high-priority pre-designated Tier 1 and Tier 2 critical infrastructure and key resource (CIKR) assets, including chemical facilities, financial institutions, nuclear and electric power

plants, dams, stadiums and other high-risk/high-consequence facilities, through allowable planning and equipment acquisition.

Eligible Applicants: The State Administrative Agency (SAA) is the only agency eligible to apply for FY 2010 BZPP funds and is responsible for obligating the funds to the appropriate local units of government or other designated recipients. The SAA must coordinate all BZPP activities with their respective State Homeland Security Advisor (HSA).

Program Awards: All BZPP sites have been selected prior to the grant announcement based on the risk of the individual sites themselves. Therefore, FY 2010 BZPP funding allocated to any given state or territory is entirely a function of the number, type and character of pre-identified higher-risk sites within their respective jurisdictions; there are no discretionary sites.

Freight Rail Security Grant Program (FRSGP)

Total Funding Available in FY 2010: \$15,000,000

Purpose: In FY 2010, the FRSGP will fund freight railroad carriers and owners and offerors of railroad cars to protect critical surface transportation infrastructure from acts of terrorism, major disasters and other emergencies.

Eligible Applicants: Eligible applicants for the FY 2010 FRSGP are determined by DHS as Class I, II and III freight railroad carriers that transport Rail Security-Sensitive Materials (RSSM) and owners and offerors of railroad cars that transport toxic inhalation hazardous (TIH) materials. For purposes of this grant program, "offerors" are entities that lease rail cars in order to ship materials poisonous by inhalation/TIH materials by railroad.

Program Awards: Applicants will be selected through a competitive process based on their ability to deliver protection to underground rail and other high-risk assets, provide counter-terrorism training, or develop security plans and vulnerability assessments.

FRSGP has a 75 percent federal and 25 percent grantee cost share cash- or in-kind match requirement. Vulnerability assessments and security plans are exempt from this cost share requirement.

Intercity Passenger Rail (Amtrak)

Total Funding Available in FY 2010: \$20,000,000

Purpose: The purpose of the FY 2010 IPR program is to create a sustainable, risk-based effort to protect critical surface transportation infrastructure and the traveling public from acts of terrorism, major disasters and other emergencies within the Amtrak rail system.

Eligible Applicants: Amtrak is the only agency eligible to apply for Intercity Passenger Rail program funds.

Port Security Grant Program (PSGP)

Total Funding Available in FY 2010: \$288,000,000

Purpose: The purpose of the FY 2010 PSGP is to create a sustainable, risk-based effort to protect critical port infrastructure from terrorism, particularly attacks using explosives and non-conventional threats that could cause major disruption to commerce. The PSGP provides grant funding to port areas for the protection of critical port infrastructure from terrorism. The PSGP funds are primarily intended to assist ports in enhancing maritime domain awareness; enhancing risk management capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IEDs), Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE), and other non-conventional weapons; providing training and exercises; and Transportation Worker Identification Credential (TWIC) implementation.

Eligible Applicants: Seven port areas have been selected as Group I (highest risk) and forty-eight port areas have been selected as Group II. Ports not identified in Group I or II are eligible to apply as a Group III or "All Other Port Areas" applicant. There is no designated Ferry appropriation. Ferry Systems in Group I and II can apply through the designated Fiduciary Agent (FA). All other Ferry Systems should apply with the Group III and "All Other Port Areas." "All Other Port Areas" within Group I, II or III are allowed to receive grant funds from their geographically proximate higher group if the project has regional impact across the entire port area, but not from both funding groups for the same project.

Program Awards: Each Group I and Group II port area has been designated a specific amount of money based upon the FY 2010 risk analysis. Group III and "All Other Port Areas" will compete for the funding identified in their corresponding group. Those port areas newly identified as Group I or II will have the option of selecting a Fiduciary Agent (FA) and beginning the FA process, or opting out of the FA process. If opting out of the FA process, individual eligible entities will apply directly to FEMA for funding within the Group they originally resided.

Intercity Bus Security Grant Program (IBSGP)

Total Funding Available in FY 2010: \$11,520,000

Purpose: The purpose of the FY 2010 IBSGP is to provide funding to create a sustainable program for the protection of intercity bus systems and the traveling public from terrorism. The program seeks to assist operators of fixed-route intercity and charter bus services in obtaining the resources required to support security measures such as enhanced planning, facility security upgrades and vehicle and driver protection.

Eligible Applicants: Eligible applicants under the FY 2010 IBSGP are owners and operators of fixed route intercity and charter buses that serve Urban Areas Security

Initiative (UASI) jurisdictions. Charter companies must make a minimum of 50 trips annually to one or more UASI jurisdictions to be eligible. Tier I consists of companies with 250 or more over-the-road buses in operation that provide the highest volume of services to high-risk urban areas. Tier II consists of all other applicants that meet the minimum eligibility requirements.

Program Awards: Bus companies will compete for funds within their designated tiers. Recipients will be selected through a competitive process based on the ratings of the National Review Panel.

IBSGP has a 75 percent federal and 25 percent grantee cost share cash- or in-kind match requirement.

FY 2010 Funding Tables

FY 2010 SHSP Funding Allocations

State/Territory	FY 2010 Allocation	Law Enforcement Terrorism Prevention Activities Minimum
Alabama	\$9,817,385	\$2,740,007
Alaska	\$6,613,200	\$1,845,727
American Samoa	\$1,469,600	\$410,162
Arizona	\$13,217,365	\$3,688,932
Arkansas	\$6,613,200	\$1,845,727
California	\$107,498,340	\$30,002,506
Colorado	\$10,979,859	\$3,064,450
Connecticut	\$8,894,442	\$2,482,416
Delaware	\$6,613,200	\$1,845,727
District of Columbia	\$10,073,987	\$2,811,622
Florida	\$33,011,575	\$9,213,444
Georgia	\$19,229,905	\$5,367,016
Guam	\$1,469,600	\$410,162
Hawaii	\$6,613,200	\$1,845,727
Idaho	\$6,613,200	\$1,845,727
Illinois	\$32,556,036	\$9,086,305
Indiana	\$11,326,441	\$3,161,180
Iowa	\$6,613,200	\$1,845,727
Kansas	\$6,613,200	\$1,845,727
Kentucky	\$8,007,374	\$2,234,837
Louisiana	\$13,804,998	\$3,852,939
Maine	\$6,613,200	\$1,845,727
Maryland	\$15,819,538	\$4,415,192
Massachusetts	\$15,575,715	\$4,347,141
Michigan	\$19,305,380	\$5,388,081
Minnesota	\$10,789,416	\$3,011,298
Mississippi	\$6,613,200	\$1,845,727
Missouri	\$11,057,956	\$3,086,247
Montana	\$6,613,200	\$1,845,727
Nebraska	\$6,613,200	\$1,845,727
Nevada	\$7,868,298	\$2,196,020
New Hampshire	\$6,613,200	\$1,845,727
New Jersey	\$23,804,549	\$6,643,786
New Mexico	\$6,613,200	\$1,845,727
New York	\$113,536,625	\$31,687,774
North Carolina	\$15,419,662	\$4,303,587
North Dakota	\$6,613,200	\$1,845,727
Northern Mariana Islands	\$1,469,600	\$410,162
Ohio	\$21,550,072	\$6,014,569
Oklahoma	\$6,613,200	\$1,845,727
Oregon	\$7,719,935	\$2,154,614

State/Territory	FY 2010 Allocation	Law Enforcement Terrorism Prevention Activities Minimum
Pennsylvania	\$27,090,515	\$7,560,892
Puerto Rico	\$6,613,200	\$1,845,727
Rhode Island	\$6,613,200	\$1,845,727
South Carolina	\$7,892,298	\$2,202,720
South Dakota	\$6,613,200	\$1,845,727
Tennessee	\$11,036,637	\$3,080,297
Texas	\$57,124,291	\$15,943,240
U.S. Virgin Islands	\$1,469,600	\$410,162
Utah	\$6,613,200	\$1,845,727
Vermont	\$6,613,200	\$1,845,727
Virginia	\$18,680,612	\$5,213,710
Washington	\$18,357,092	\$5,123,415
West Virginia	\$6,613,200	\$1,845,727
Wisconsin	\$9,584,902	\$2,675,121
Wyoming	\$6,613,200	\$1,845,727
Total:	\$842,000,000	\$235,000,000

FY 2010 UASI Allocations

Tier	State/Territory	Urban Area	FY 2010 Allocations	Law Enforcement Terrorism Prevention Activities Minimum
Tier 1	California	Los Angeles/Long Beach Area	\$69,922,146	\$18,624,461
		Bay Area	\$42,827,663	\$11,407,575
	District of Columbia	National Capital Region	\$59,392,477	\$15,819,778
	Illinois	Chicago Area	\$54,653,862	\$14,557,601
	Massachusetts	Boston Area	\$18,933,980	\$5,043,254
	New Jersey	Jersey City/Newark Area	\$37,292,205	\$9,933,150
	New York	New York City Area	\$151,579,096	\$40,374,603
	Pennsylvania	Philadelphia Area	\$23,335,845	\$6,215,735
		Texas	Houston Area	\$41,452,916
		Dallas/Forth Worth/Arlington Area	\$25,097,410	\$6,684,945
Tier 2	Arizona	Phoenix Area	\$10,832,667	\$2,885,389
		Tucson Area	\$4,515,400	\$1,202,722
	California	San Diego Area	\$16,208,500	\$4,317,296
		Anaheim/Santa Ana Area	\$12,773,050	\$3,402,229
		Riverside Area	\$5,286,378	\$1,408,080
		Sacramento Area	\$3,947,286	\$1,051,399
		Oxnard Area	\$2,507,575	\$667,918
		Bakersfield Area	\$1,014,919	\$270,334
	Colorado	Denver Area	\$7,064,120	\$1,881,599
	Connecticut	Bridgeport Area	\$2,812,361	\$749,100
		Hartford Area	\$2,752,043	\$733,034
	Florida	Miami Area	\$11,039,650	\$2,940,521
		Tampa Area	\$7,815,050	\$2,081,616
		Fort Lauderdale Area	\$6,067,168	\$1,616,051
		Jacksonville Area	\$5,355,350	\$1,426,451
		Orlando Area	\$5,090,188	\$1,355,822
	Georgia	Atlanta Area	\$13,522,973	\$3,601,979
	Hawaii	Honolulu Area	\$4,754,800	\$1,266,488
	Indiana	Indianapolis Area	\$7,104,700	\$1,892,408
	Kentucky	Louisville Area	\$2,205,723	\$587,516
	Louisiana	New Orleans Area	\$5,440,364	\$1,449,095
		Baton Rouge Area	\$2,978,768	\$793,425
	Maryland	Baltimore Area	\$10,975,050	\$2,923,314
Michigan	Detroit Area	\$13,481,600	\$3,590,959	
Minnesota	Twin Cities Area	\$8,263,207	\$2,200,987	
Missouri	St. Louis Area	\$8,533,000	\$2,272,850	
	Kansas City Area	\$7,706,200	\$2,052,623	
Nebraska	Omaha Area	\$1,013,087	\$269,846	
Nevada	Las Vegas Area	\$8,150,150	\$2,170,874	

Tier	State/Territory	Urban Area	FY 2010 Allocations	Law Enforcement Terrorism Prevention Activities Minimum
Tier 2	New York	Buffalo Area	\$5,544,750	\$1,476,899
		Rochester Area	\$2,314,601	\$616,517
		Albany Area	\$1,011,141	\$269,327
		Syracuse Area	\$1,010,475	\$269,150
	North Carolina	Charlotte Area	\$4,583,712	\$1,220,917
	Ohio	Cleveland Area	\$5,094,390	\$1,356,941
		Columbus Area	\$4,247,100	\$1,131,257
		Toledo Area	\$2,291,708	\$610,419
		Cincinnati Area	\$4,977,643	\$1,325,845
	Oklahoma	Oklahoma City Area	\$4,404,750	\$1,173,249
		Tulsa Area	\$2,164,490	\$576,533
	Oregon	Portland Area	\$7,178,800	\$1,912,145
	Pennsylvania	Pittsburgh Area	\$6,398,705	\$1,704,359
	Puerto Rico	San Juan Area	\$3,108,425	\$827,960
	Rhode Island	Providence Area	\$4,764,300	\$1,269,019
	Tennessee	Memphis Area	\$4,169,183	\$1,110,503
		Nashville Area	\$2,844,065	\$757,545
	Texas	San Antonio Area	\$6,229,550	\$1,659,303
		El Paso Area	\$5,389,900	\$1,435,654
		Austin Area	\$2,931,990	\$780,965
Utah	Salt Lake City Area	\$2,900,078	\$772,465	
Virginia	Richmond Area	\$2,675,561	\$712,662	
	Norfolk Area	\$7,372,100	\$1,963,632	
Washington	Seattle Area	\$11,053,806	\$2,944,291	
Wisconsin	Milwaukee Area	\$4,159,850	\$1,108,019	
Total:			\$832,520,000	\$221,750,000

FY 2010 MMRS Allocations

State	MMRS Jurisdictions	Jurisdictions Per State	State Total
Alabama	Birmingham, Huntsville, Mobile, Montgomery	4	\$1,269,676
Alaska	Anchorage, Juneau	2	\$634,838
Arizona	Glendale, Mesa, Phoenix, Tucson	4	\$1,269,676
Arkansas	Little Rock	1	\$317,419
California	Anaheim, Bakersfield, Fremont, Fresno, Glendale, Huntington Beach, Long Beach, Los Angeles, Modesto, Oakland, Riverside, Sacramento, San Bernadino, San Diego, San Francisco, San Jose, Santa Ana, Stockton	18	\$5,713,542
Colorado	Aurora, Colorado Springs, Denver	3	\$952,257
Connecticut	Hartford	1	\$317,419
Florida	Fort Lauderdale, Hialeah, Jacksonville, Miami, Orlando, St. Petersburg, Tampa	7	\$2,221,933
Georgia	Atlanta, Columbus	2	\$634,838
Hawaii	Honolulu	1	\$317,419
Illinois	Chicago	1	\$317,419
Indiana	Ft. Wayne, Indianapolis	2	\$634,838
Iowa	Des Moines	1	\$317,419
Kansas	Kansas City, Wichita	2	\$634,838
Kentucky	Lexington/Fayette, Louisville	2	\$634,838
Louisiana	Baton Rouge, Jefferson Parish, New Orleans, Shreveport	4	\$1,269,676
Maryland	Baltimore	1	\$317,419
Massachusetts	Boston, Springfield, Worcester	3	\$952,257
Michigan	Detroit, Grand Rapids, Warren	3	\$952,257
Minnesota	Minneapolis, St. Paul	2	\$634,838
Mississippi	Jackson	1	\$317,419
Missouri	Kansas City, St. Louis	2	\$634,838
Nebraska	Lincoln, Omaha	2	\$634,838
Nevada	Las Vegas	1	\$317,419
New Hampshire	Northern New England MMRS	1	\$317,419
New Jersey	Jersey City, Newark	2	\$634,838
New Mexico	Albuquerque	1	\$317,419
New York	Buffalo, New York City, Rochester, Syracuse, Yonkers	5	\$1,587,095
North Carolina	Charlotte, Greensboro, Raleigh	3	\$952,257
Ohio	Akron, Cincinnati, Cleveland, Columbus, Dayton, Toledo	6	\$1,904,514
Oklahoma	Oklahoma City, Tulsa	2	\$634,838
Oregon	Portland	1	\$317,419
Pennsylvania	Allegheny County, Philadelphia	2	\$634,838
Rhode Island	Providence	1	\$317,419
South Carolina	Columbia	1	\$317,419
Tennessee	Chattanooga, Knoxville, Memphis, Nashville	4	\$1,269,676

State	MMRS Jurisdictions	Jurisdictions Per State	State Total
Texas	Amarillo, Arlington, Austin, Corpus Christi, Dallas, El Paso, Fort Worth, Garland, Houston, Irving, Lubbock, San Antonio, Southern Rio Grande	13	\$4,126,447
Utah	Salt Lake City	1	\$317,419
Virginia	Arlington County, Chesapeake, Newport News, Norfolk, Richmond, Virginia Beach	6	\$1,904,514
Washington	Seattle, Spokane, Tacoma	3	\$952,257
Wisconsin	Madison, Milwaukee	2	\$634,838
Total		124	\$39,359,956

FY 2010 CCP Allocations

State/Territory	Allocation	State/Territory	Allocation
Alabama	\$206,785	Nevada	\$156,729
Alaska	\$110,262	New Hampshire	\$125,546
Arizona	\$251,416	New Jersey	\$304,403
Arkansas	\$162,925	New Mexico	\$141,777
California	\$986,002	New York	\$566,798
Colorado	\$213,523	North Carolina	\$317,508
Connecticut	\$178,606	North Dakota	\$109,174
Delaware	\$114,797	Ohio	\$372,462
District of Columbia	\$107,969	Oklahoma	\$182,032
Florida	\$538,587	Oregon	\$185,618
Georgia	\$328,757	Pennsylvania	\$395,827
Hawaii	\$124,876	Rhode Island	\$119,112
Idaho	\$130,596	South Carolina	\$202,363
Illinois	\$406,833	South Dakota	\$113,125
Indiana	\$248,420	Tennessee	\$244,489
Iowa	\$166,498	Texas	\$684,226
Kansas	\$161,632	Utah	\$160,037
Kentucky	\$197,252	Vermont	\$108,684
Louisiana	\$200,688	Virginia	\$282,223
Maine	\$125,562	Washington	\$252,606
Maryland	\$230,376	West Virginia	\$137,653
Massachusetts	\$251,362	Wisconsin	\$230,239
Michigan	\$336,470	Wyoming	\$106,532
Minnesota	\$220,344	Puerto Rico	\$189,599
Mississippi	\$164,946	U.S. Virgin Islands	\$33,866
Missouri	\$237,126	American Samoa	\$32,793
Montana	\$117,088	Guam	\$35,532
Nebraska	\$136,899	Northern Mariana Islands	\$32,450
Total			\$12,480,000

FY 2010 EMPG Allocations

State/Territory	Allocation	State/Territory	Allocation
Alabama	\$5,463,038	New Hampshire	\$3,317,289
Alaska	\$2,913,599	New Jersey	\$8,041,432
Arizona	\$6,641,872	New Mexico	\$3,746,008
Arkansas	\$4,304,577	New York	\$14,972,047
California	\$26,044,455	North Carolina	\$8,387,559
Colorado	\$5,641,026	North Dakota	\$2,884,863
Connecticut	\$4,718,749	Ohio	\$9,839,072
Delaware	\$3,033,388	Oklahoma	\$4,809,238
District of Columbia	\$2,853,025	Oregon	\$4,903,953
Florida	\$14,226,919	Pennsylvania	\$10,456,211
Georgia	\$8,684,679	Rhode Island	\$3,147,339
Hawaii	\$3,299,583	South Carolina	\$5,346,262
Idaho	\$3,450,678	South Dakota	\$2,989,206
Illinois	\$10,746,888	Tennessee	\$6,458,923
Indiana	\$6,562,747	Texas	\$18,073,664
Iowa	\$4,398,949	Utah	\$4,228,287
Kansas	\$4,270,425	Vermont	\$2,871,902
Kentucky	\$5,211,240	Virginia	\$7,455,585
Louisiana	\$5,302,012	Washington	\$6,673,322
Maine	\$3,317,704	West Virginia	\$3,637,064
Maryland	\$6,086,158	Wisconsin	\$6,082,548
Massachusetts	\$6,640,453	Wyoming	\$2,815,084
Michigan	\$8,888,397	Puerto Rico	\$5,009,106
Minnesota	\$5,821,183	U.S. Virgin Islands	\$894,928
Mississippi	\$4,357,948	American Samoa	\$866,585
Missouri	\$6,264,436	Guam	\$938,922
Montana	\$3,093,877	Northern Mariana Islands	\$857,515
Nebraska	\$3,617,162	Republic of the Marshall Islands	\$50,000
Nevada	\$4,140,910	Federated States of Micronesia	\$50,000
Total			\$329,799,991

FY 2010 IECGP Allocations

State/Territory	Allocation	State/Territory	Allocation
Alabama	\$621,500	Nevada	\$468,500
Alaska	\$315,500	New Hampshire	\$267,000
Arizona	\$831,500	New Jersey	\$1,349,000
Arkansas	\$338,500	New Mexico	\$334,000
California	\$5,480,500	New York	\$6,300,000
Colorado	\$621,000	North Carolina	\$1,076,500
Connecticut	\$525,500	North Dakota	\$267,000
Delaware	\$267,000	Ohio	\$1,119,500
District of Columbia	\$595,000	Oklahoma	\$470,000
Florida	\$2,243,500	Oregon	\$522,500
Georgia	\$1,195,000	Pennsylvania	\$1,527,000
Hawaii	\$311,000	Rhode Island	\$267,000
Idaho	\$267,000	South Carolina	\$498,500
Illinois	\$1,864,500	South Dakota	\$252,500
Indiana	\$672,500	Tennessee	\$636,000
Iowa	\$452,000	Texas	\$3,813,000
Kansas	\$438,500	Utah	\$380,000
Kentucky	\$543,500	Vermont	\$257,000
Louisiana	\$945,500	Virginia	\$1,223,500
Maine	\$267,000	Washington	\$1,067,000
Maryland	\$1,031,500	West Virginia	\$267,000
Massachusetts	\$1,117,500	Wisconsin	\$506,000
Michigan	\$949,000	Wyoming	\$267,000
Minnesota	\$645,000	Puerto Rico	\$347,000
Mississippi	\$407,500	U.S. Virgin Islands	\$69,000
Missouri	\$686,500	American Samoa	\$52,500
Montana	\$267,000	Guam	\$85,500
Nebraska	\$356,500	Northern Mariana Islands	\$54,000
Total			\$48,000,000

FY 2010 RCPGP Allocations

Tier	RCPGP Site	Associated Urban Area	FY 2010 Allocation
1	Bay Area	Bay Urban Area	\$3,570,000
	Boston Area	Boston Urban Area	\$3,570,000
	Chicago Area	Chicago Urban Area	\$3,570,000
	Houston Area	Houston Urban Area	\$3,570,000
	Los Angeles/Long Beach Area	Los Angeles/Long Beach Urban Area	\$3,570,000
	National Capital Region	National Capital Region Urban Area	\$3,570,000
	New York City/ Northern New Jersey Area	New York City Urban Area Jersey City/ Newark Urban Area	\$3,570,000 \$3,570,000
2	Honolulu Area	Honolulu Urban Area	\$1,680,000
	Norfolk Area	Norfolk Urban Area	\$1,680,000
	Seattle Area	Seattle Urban Area	\$1,680,000
Total			\$33,600,000

FY 2010 DLSGP Allocations

Category	State	FY 2010 Award	Category	State	FY 2010 Award
Category 1	California	\$1,605,120	Category 3 (cont.)	Minnesota	\$748,800
	Florida	\$1,605,120		Missouri	\$748,800
	Illinois	\$1,605,120		Mississippi	\$748,800
	New York	\$1,605,120		Nebraska	\$748,800
	Texas	\$1,605,120		New Hampshire	\$748,800
Category 2	Alabama	\$1,046,400		New Mexico	\$748,800
	Arizona	\$1,046,400		Nevada	\$748,800
	Georgia	\$1,046,400		Oklahoma	\$748,800
	Indiana	\$1,046,400		Oregon	\$748,800
	Loisiana	\$1,046,400		South Carolina	\$748,800
	Massachusetts	\$1,046,400		Tennessee	\$748,800
	Michigan	\$1,046,400		Utah	\$748,800
	North Carolina	\$1,046,400		Wisconsin	\$748,800
	New Jersey	\$1,046,400		West Virginia	\$748,800
	Ohio	\$1,046,400		Category 4	Alaska
	Pennsylvania	\$1,046,400	American Samoa		\$600,000
	Virginia	\$1,046,400	District of Columbia		\$600,000
	Washington	\$1,046,400	Delaware		\$600,000
Category 3	Arkansas	\$748,800	Guam		\$600,000
	Colorado	\$748,800	Northern Mariana Islands		\$600,000
	Connecticut	\$748,800	Montana		\$600,000
	Hawaii	\$748,800	North Dakota		\$600,000
	Iowa	\$748,800	Puerto Rico		\$600,000
	Idaho	\$748,800	Rhode Island		\$600,000
	Kansas	\$748,800	South Dakota		\$600,000
	Kentucky	\$748,800	U.S. Virgin Islands		\$600,000
	Maryland	\$748,800	Vermont		\$600,000
	Maine	\$748,800	Wyoming	\$600,000	
	Total				\$48,000,000

FY 2010 BZPP Allocations

State/Territory	Allocation	State/Territory	Allocation
Alabama	\$200,000	Michigan	\$1,300,000
Alaska	\$200,000	Minnesota	\$400,000
Arizona	\$600,000	Mississippi	\$200,000
California	\$5,200,000	Missouri	\$300,000
Colorado	\$400,000	Montana	\$200,000
Connecticut	\$400,000	Nebraska	\$600,000
Delaware	\$400,000	Nevada	\$2,300,000
District of Columbia	\$1,600,000	New Hampshire	\$200,000
Florida	\$2,400,000	New Jersey	\$1,200,000
Georgia	\$2,300,000	New York	\$1,700,000
Guam	\$200,000	North Carolina	\$200,000
Hawaii	\$400,000	Ohio	\$1,200,000
Illinois	\$2,600,000	Oklahoma	\$200,000
Indiana	\$1,000,000	Pennsylvania	\$1,600,000
Iowa	\$200,000	South Carolina	\$200,000
Kansas	\$600,000	Tennessee	\$1,000,000
Kentucky	\$700,000	Texas	\$6,900,000
Louisiana	\$1,400,000	Virginia	\$600,000
Maine	\$200,000	Washington	\$2,500,000
Maryland	\$800,000	West Virginia	\$1,500,000
Massachusetts	\$1,900,000		
Total			\$48,000,000

FY 2010 PSGP Allocations

Group	State/Territory	Port Area	FY 2010 Target Allocation
Group 1	California	Los Angeles-Long Beach Long Beach Los Angeles	\$31,390,136
		San Francisco Bay Carquinez Strait Martinez Oakland Richmond San Francisco Stockton	\$19,874,162
	Louisiana	New Orleans Baton Rouge Gramercy New Orleans Plaquemines, Port of South Louisiana, Port of St. Rose	\$22,777,670
	New Jersey/ Pennsylvania/ Delaware	Delaware Bay Camden-Gloucester, NJ Chester, PA Marcus Hook, PA New Castle, DE Paulsboro, NJ Philadelphia, PA Trenton, NJ Wilmington, DE	\$15,949,462
	New York/ New Jersey	New York, NY and NJ	\$33,774,108
	Texas	Houston-Galveston Galveston Houston Texas City	\$28,867,900
	Washington	Puget Sound Anacortes Bellingham Everett Olympia Port Angeles Seattle Tacoma	\$20,166,562

Group	State/Territory	Port Area	FY 2010 Target Allocation
Group 2	Alaska	Anchorage	\$1,208,868
	Alabama	Mobile	\$1,569,644
	California	San Diego	\$2,748,751
		Port Hueneme	\$1,156,116
	Connecticut	Long Island Sound Bridgeport New Haven New London	\$2,250,077
	Florida	Jacksonville	\$3,137,877
		Port Everglades	\$2,221,586
		Miami	\$1,718,156
		Tampa Bay Port Manatee Tampa	\$1,692,578
		Port Canaveral	\$1,510,215
		Panama City	\$1,000,761
		Pensacola	\$1,000,732
	Georgia	Savannah	\$2,744,559
	Guam	Apra Harbor	\$1,000,466
	Hawaii	Honolulu Barbers Point, Oahu Honolulu, Oahu	\$3,082,600
	Indiana/ Illinois	Southern Tip Lake Michigan Burns Waterway Harbor, IN Chicago, IL Gary, IN Indiana Harbor, IN	\$3,731,955
	Kentucky	Louisville	\$1,000,666
	Louisiana	Lake Charles	\$2,083,130
		Port Fourchon/The LOOP	\$1,479,538
		Morgan City	\$1,121,325
	Massachusetts	Boston	\$2,358,154
	Maryland	Baltimore	\$3,214,934
	Maine	Portland	\$1,022,818
	Michigan	Detroit	\$1,000,679
	Minnesota	Minneapolis-St. Paul Minneapolis St. Paul	\$1,010,690
	Minnesota/ Wisconsin	Duluth-Superior, MN and WI	\$1,052,913
	Missouri	Kansas City	\$1,002,615
Missouri/ Illinois	St. Louis, MO and IL	\$1,557,434	
Mississippi	Pascagoula	\$1,000,000	
North Carolina	Wilmington	\$2,824,581	
	Morehead City	\$1,108,247	

Group	State/Territory	Port Area	FY 2010 Target Allocation
Group 2	New York	Albany	\$1,041,494
		Buffalo	\$1,033,563
	Ohio	Cincinnati	\$1,000,889
		Cleveland	\$1,000,674
		Toledo	\$1,000,411
	Pennsylvania	Pittsburgh	\$1,301,431
	Puerto Rico	San Juan	\$2,199,761
		Ponce	\$1,014,027
	South Carolina	Charleston	\$2,779,565
	Tennessee	Memphis	\$1,402,102
		Nashville	\$1,000,683
	Texas	Sabine-Neches River Beaumont Port Arthur	\$4,425,350
		Corpus Christi	\$3,825,437
		Freeport	\$1,707,107
	Virginia	Hampton Roads Newport News Norfolk Harbor	\$4,253,186
	Washington/ Oregon/ Idaho	Columbia-Snake River System Kalama, WA Longview, WA Portland, OR Vancouver, WA Benton, WA Clarkston, WA Ilwaco, WA Kennewick, WA Pasco, WA Walla Walla, WA Whitman County, WA Astoria, OR Boardman, OR The Dalles, OR Hood River, OR St. Helens, OR Umatilla, OR Lewiston, ID	\$1,620,750
	West Virginia	Huntington - Tristate	\$1,180,905

Group	State/Territory	Port Area	FY 2010 Target Allocation
Group 3	Alaska	Valdez	\$14,400,000
	Alabama	Guntersville	
	Arkansas	Helena	
	California	El Segundo	
		Sacramento	
	Florida	Fort Pierce	
		West Palm Beach	
	Georgia	Brunswick	
	Indiana	Mount Vernon	
	Massachusetts/ Rhode Island	Narragansett/Mt. Hope Bays Fall River, MA Newport, RI Providence, RI	
	Michigan	Port Huron	
		Sault Ste Marie	
		Marine City	
		Muskegon	
		Monroe	
	Minnesota	Two Harbors	
	Mississippi	Vicksburg	
		Gulfport,	
		Greenville	
	New Hampshire	Portsmouth	
	New Jersey	Perth Amboy	
	Ohio	Lorain	
	Oklahoma	Tulsa, Port of Catoosa	
	Oregon	Coos Bay	
	Pennsylvania	Erie	
	Puerto Rico	Guayanilla	
		Humacao	
Jobos			
Tennessee	Chattanooga		
Texas	Matagorda Bay Matagorda Port Port Lavaca Victoria Port O'Connor		
	Brownsville		
Virginia	Richmond		
Wisconsin	Green Bay		
	Milwaukee		
All Other Port Areas			\$14,400,000
Total:			\$288,000,000

EXHIBIT 4

CRS Report for Congress

Received through the CRS Web

Agroterrorism: Threats and Preparedness

Updated August 25, 2006

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Resources, Science, and Industry Division

Agroterrorism: Threats and Preparedness

Summary

The potential of terrorist attacks against agricultural targets (agroterrorism) is increasingly recognized as a national security threat, especially after the events of September 11, 2001. Agroterrorism is a subset of bioterrorism, and is defined as the deliberate introduction of an animal or plant disease with the goal of generating fear, causing economic losses, and/or undermining social stability.

The goal of agroterrorism is not to kill cows or plants. These are the means to the end of causing economic damage, social unrest, and loss of confidence in government. Human health could be at risk if contaminated food reaches the table or if an animal pathogen is transmissible to humans (zoonotic). While agriculture may not be a terrorist's first choice because it lacks the "shock factor" of more traditional terrorist targets, many analysts consider it a viable secondary target.

Agriculture has several characteristics that pose unique vulnerabilities. Farms are geographically disbursed in unsecured environments. Livestock are frequently concentrated in confined locations, and transported or commingled with other herds. Many agricultural diseases can be obtained, handled, and distributed easily. International trade in food products often is tied to disease-free status, which could be jeopardized by an attack. Many veterinarians lack experience with foreign animal diseases that are eradicated domestically but remain endemic in foreign countries.

In the past 5 years, agriculture and food production have received increasing attention in the counterterrorism community. Laboratory and response capacity are being upgraded to address the reality of agroterrorism, and national response plans now incorporate agroterrorism.

Congress has held hearings on agroterrorism and enacted laws and appropriations with agroterrorism-related provisions. The executive branch has responded by implementing the new laws, issuing several presidential directives, and creating liaison and coordination offices. The Government Accountability Office (GAO) has studied several issues related to agroterrorism.

Appropriations and user fees for agriculture-related homeland security activities in USDA and DHS have more than tripled from a \$225 million "pre-September 11" baseline in FY2002 to \$797 million in FY2006. Agriculture now receives about 2% of the total non-defense budget authority for homeland security.

Increasing the level of agroterrorism preparedness remains a concern, as does interagency coordination and adequate border inspections. Several bills have been introduced in Congress to authorize funding or otherwise improve the level of preparedness and coordination of response to an agroterrorist attack. These bills include S. 572, S. 573, S. 975, S. 1532, H.R. 4239, and S. 1926.

This report will be updated as events warrant.

Contents

Agriculture as a Target of Terrorism	1
Overview of Agroterrorism	1
Federal Recognition of Agroterrorism	3
Importance of Agriculture in the United States	5
Potential Economic Consequences	8
A Brief History of Agricultural Bioweapons	11
Congressional Responses	12
Hearings on Agroterrorism	12
Bioterrorism Preparedness Act (P.L. 107-188)	13
Expanded FDA Authority over Food	13
Tighter Security for Biological Agents and Toxins	15
Homeland Security Act (P.L. 107-296)	15
Transferring Agricultural Border Inspections	16
Plum Island Animal Disease Center	18
GAO Studies	18
Executive Branch Responses	20
HSPD-7 (Protecting Critical Infrastructure)	20
HSPD-9 (Defending Agriculture and Food)	21
National Response Plan (NRP)	22
Public-Private Partnerships	23
National Infrastructure Protection Plan (NIPP)	23
Strategic Partnership Program Agroterrorism (SPAA)	23
Information Sharing and Analysis Center (ISAC)	24
Laboratories and Research Centers	24
National Bio and Agro-Defense Facility (NBAF)	25
USDA Laboratories	26
Laboratory Networks	27
DHS Centers of Excellence	28
Federal Funding to Respond to Agroterrorism	29
By Year and Source	31
By Agency	34
By Function for Homeland Security	34
Chronology of Appropriations	36
FY2007 Budget Request	38
FY2007 USDA "Food and Agriculture Defense Initiative"	38
FY2007 DHS Budget Initiative	39
Possible Pathogens in an Agroterrorist Attack	40
Animal Pathogens	41
OIE List	42
Select Agents List	42
Plant Pathogens	44
Countering the Threat	45
Deterrence and Prevention	46

Federal Authorities	47
Detection and Response	48
National Veterinary Stockpiles (NVS)	50
Recovery and Management	51
National Plant Disease Recovery System (NPDRS)	51
Issues for Congress	52
Federal Appropriations	52
Proposed Legislation	52
USDA Programs to Bolster Preparedness	53
Responsibilities of DHS	54
Inter-agency Coordination	54
Judicial Issues	56
Bibliography	57

List of Figures

Figure 1. Geographic Distribution of Agricultural Production	5
Figure 2. Concentration of Cattle Production	7
Figure 3. Concentration of Hog Production	7
Figure 4. Concentration of Chicken Production	7
Figure 5. Concentration of Corn Production	7
Figure 6. Homeland Security Funding for Agriculture, by Source	32
Figure 7. Homeland Security Funding for Agriculture, by Agency	34
Figure 8. Homeland Security Funding for Agriculture, by Function	35

List of Tables

Table 1. Percent of Homeland Security Funding for Agriculture	31
Table 2. Homeland Security Funding for Agriculture, by Agency	33
Table 3. Homeland Security Funding for Agriculture, by Function	36
Table 4. USDA Food and Agriculture Defense Initiative	40
Table 5. Livestock Diseases in the Select Agent List	43
Table 6. Plant Diseases in the Select Agent List	44
Table 7. Bills in the 109 th Congress Addressing Agroterrorism	53

Agroterrorism: Threats and Preparedness

Agriculture as a Target of Terrorism

Overview of Agroterrorism

The potential of terrorist attacks against agricultural targets (agroterrorism) is increasingly recognized as a national security threat, especially after the events of September 11, 2001. In this context, agroterrorism is defined as the deliberate introduction of an animal or plant disease with the goal of generating fear over the safety of food, causing economic losses, and/or undermining social stability.

An agroterrorist event would usually involve bioterrorism, since likely vectors include pathogens such as a viruses, bacteria, or fungi. People more generally associate bioterrorism with outbreaks of human illness (e.g., anthrax or smallpox), rather than diseases affecting animals or plants.

The goal of agroterrorism is not killing cows or plants. These are the means to the end of causing economic crises in the agricultural and food industries, social unrest, and loss of confidence in government. Human health could be at risk if contaminated food reaches the table or if an animal pathogen is transmissible to humans (zoonotic).

While agriculture may not be a terrorist's first choice because it lacks the "shock factor" of more traditional terrorist targets, an increasing number of terrorism analysts consider it a viable secondary target.¹ Agroterrorism could be a low-cost but highly effective means toward an al-Qaeda goal of destroying the United States' economy. Evidence that agriculture and food are potential al Qaeda targets came in 2002 when terrorist hideouts in Afghanistan were found containing agricultural documents and manuals describing ways to make animal and plant poisons.²

Agriculture has several characteristics that pose unique problems:

- Farms are geographically disbursed in unsecured environments (e.g., open fields and pastures throughout the countryside). While some livestock are housed in facilities that can be secured, agriculture generally requires large expanses of land that are difficult to secure.

¹ Peter Chalk, "The U.S. Agricultural System: A Target for al-Qaeda?" *Terrorism Monitor*, March 11, 2005 [<http://jamestown.org/terrorism/news/article.php?articleid=2369398>].

² Susan Collins, "Opening Statement" in *Agroterrorism: The Threat to America's Breadbasket*, Senate Committee on Governmental Affairs, S.Hrg. 108-491, Nov. 19, 2003, [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_senate_hearings&docid=f:91045.wais.pdf].

- Livestock frequently are concentrated in confined locations (e.g., feedlots with thousands of cattle in open-air pens, farms with tens of thousands of pigs, or barns with hundreds of thousands of poultry) allowing diseases to infect more animals quickly. Concentration in slaughter, processing also makes large scale contamination possible.
- The number of lethal and contagious biological agents is greater for plants and animals than for humans. Most of these diseases are environmentally resilient, endemic in foreign countries, and not harmful to humans — making it easier for terrorists to acquire, handle, and deploy the pathogens.
- Live animals, grain, and processed food products are routinely transported and commingled in the production and processing system. These factors circumvent natural barriers that could slow pathogenic dissemination.
- International trade in livestock, grains, and food products is often tied to disease-free status. The presence (or rumor³) of certain pests or diseases in a country can quickly stop exports of a commodity, cause domestic consumption to drop, disrupt commodities markets, and can take months or years to recover.
- The past success of keeping many diseases out of the U.S. means that many veterinarians and scientists lack direct experience with foreign diseases. This may delay recognition of symptoms in case of an outbreak, and the ability to respond to an outbreak.

Thus, the general susceptibility of the agriculture and food industry to bioterrorism is difficult to address in a systematic way due to the geographically dispersed, yet industrially concentrated nature of the industry, and the inherent biology of growing plants and raising animals.

In an attack, the agricultural sector would suffer economically from plant and animal health losses, and the supply of food and fiber may be reduced. The demand for foods targeted in an attack may decline (e.g., dairy, beef, pork, poultry, grains, fruit, or vegetables), while demand for substitute foods may rise.

Economic losses would accrue to individuals, businesses, and governments through costs to contain and eradicate the disease, and to dispose of contaminated products. More losses would accumulate as the supply chain is disrupted from farm-to-fork. Domestic markets for food may drop, and trade restrictions could be

³ A May 2005 incident in New Zealand over the supposed release of Foot and Mouth Disease (FMD) was declared a hoax after two weeks of extensive testing and quarantine of Waiheke island [<http://www.maf.govt.nz/mafnet/press/operation-waiheke/index.htm>]. A letter demanded money and changes to tax policies. The response efforts may have cost the New Zealand government about \$716,000 per day (USD).

imposed on U.S. exports. The economic impact would range from farmers to input suppliers, food processors, transportation, retailers, and food service providers.

Significant threats to the currently-held notion of food security could affect our social order. Fear of food shortages moved further from American psyche as the United States from an agrarian society to the industrial and information age. Nevertheless, food remains an important element of everyone's daily routine and is necessary for survival.

Scope of this report. This report addresses the use of biological weapons against agriculture, rather than terrorists using agricultural inputs or equipment in attacks against non-agricultural targets. For example, the Department of Transportation issued regulations for developing security plans to protect dangerous agricultural materials such as fuels, chemicals, and fertilizers against theft.⁴ Legislation in the 109th Congress (H.R. 3197, H.R. 1389, and S. 1141) would restrict the handling of ammonium nitrate, an agricultural fertilizer that can be converted into an explosive. Another example is the concern over misuse of small aircraft, particularly crop-dusters, to spread biological weapons.⁵

This report focuses primarily on biological weapons (rather than chemical weapons) because biological weapons generally are considered the more potent agroterrorism threat. This report also focuses more on agricultural production than food processing and distribution, although the later is discussed.

For more on chemical and biological weapons, see CRS Report RL32391, *Small-Scale Terrorist Attacks Using Chemical and Biological Agents: An Assessment Framework and Preliminary Comparisons*, by Dana Shea and Frank Gottron; and CRS Report RL31669, *Terrorism: Background on Chemical, Biological, and Toxin Weapons and Options for Lessening Their Impact*, by Dana Shea.

Federal Recognition of Agroterrorism

Even before September 11, 2001, and the focus on terrorist threats that ensued, references to agroterrorism and/or agricultural bioweapons can be found in the government, academia, and the press. For example, the Gilmore Commission (on terrorism), in its first report to Congress in 1999, noted that

“... a biological attack against an agricultural target offers terrorists a virtually risk-free form of assault, which has a high probability of success and which also has the prospect of obtaining political objectives, such as undermining confidence in the ability of government or giving the terrorists an improved bargaining position.”⁶

⁴ Agricultural inputs as defined in 49 CFR 171.8 are included in the security plans required in 49 CFR 172.800.

⁵ Security issues and guidelines for agricultural aviation are discussed at [<http://www.agaviation.org/securitypage.htm>].

⁶ Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving
(continued...)

Senator Roberts from Kansas also raised the awareness of agroterrorism with a hearing of the Senate Committee on Armed Services in 1999.⁷

However, as the 20th century ended, agriculture and food production received less attention, or sometimes was overlooked, in federal counterterrorism and homeland security activities. A Presidential directive in 1998 on protecting critical infrastructure did not include agriculture and food. Agriculture was added to this list only in December 2003. Thus, after what many observers claim to be a slow start after September 11, 2001, agriculture now is garnering more attention in the expanding field of terrorism studies and policies.

Agroterrorism received heightened national attention in December 2004 when then-Secretary of Health and Human Services Tommy Thompson said in his resignation speech, "For the life of me, I cannot understand why the terrorists have not attacked our food supply because it is so easy to do."⁸

Congress has held hearings on agroterrorism and, while addressing terrorism more broadly, has implemented laws and appropriations with provisions important to agriculture. The Government Accountability Office (GAO) has studied aspects of food safety, border inspections, interagency coordination, and physical security with respect to agroterrorism. The executive branch has responded by implementing the new laws, issuing several presidential directives, creating terrorism and agroterrorism task forces, and publishing protection and response plans. The law enforcement community has recognized agroterrorism as a threat, highlighted by FBI and JTTF (Joint Terrorism Task Force) sponsorship of an annual conference on agroterrorism.⁹

The 9/11 Commission (National Commission on Terrorist Attacks Upon the United States) does not make any direct references to agroterrorism or terrorism on the food supply in its 2004 report.¹⁰ However, agriculture obviously would be affected, along with other sectors of the economy, by some of the commission's recommendations regarding coordination of intelligence, information sharing, and first responders. An evaluation of those separate issues, however, is outside the scope of this report.

⁶ (...continued)

Weapons of Mass Destruction (also known as the Gilmore Commission), First Annual Report to the President and Congress: *Assessing the Threat*, December 15, 1999, pp. 12-15, at [<http://www.rand.org/nsrd/terrpanel>].

⁷ Senate Committee on Armed Services, Subcommittee on Emerging Threats, "The Agricultural Biological Weapons Threat to the United States," October 27, 1999 [<http://armed-services.senate.gov/hearings/1999/e991027.htm>].

⁸ New York Times. "U.S. Health Chief, Stepping Down, Issues Warning," December 4, 2004.

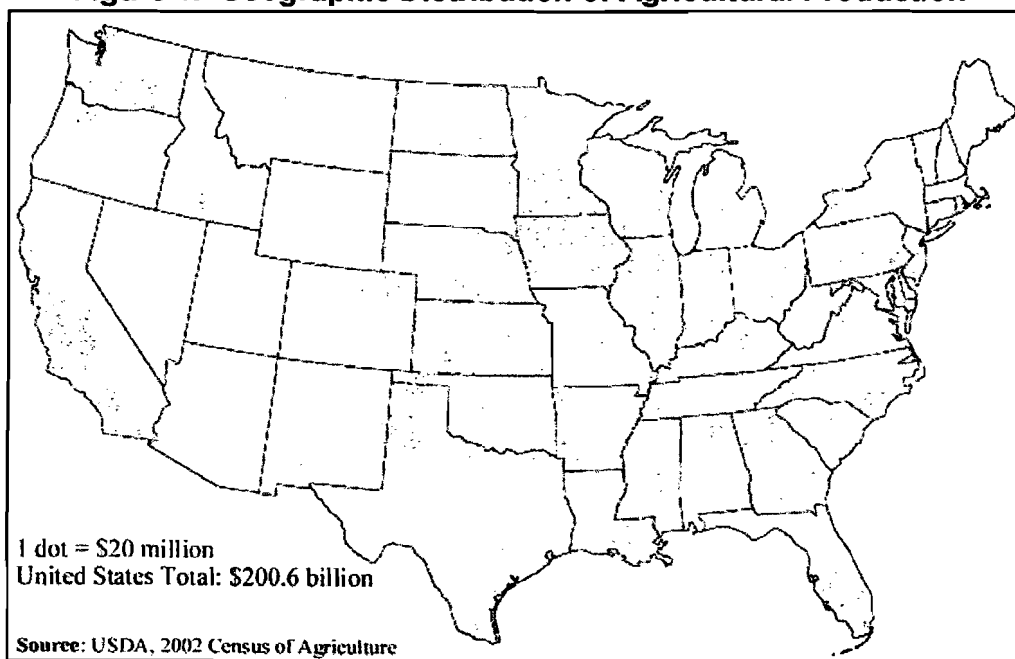
⁹ International Symposium on Agroterrorism, [<http://www.fbi-isa.org>].

¹⁰ National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, July 2004, at [<http://www.9-11commission.gov/report/911Report.pdf>].

Importance of Agriculture in the United States

Agriculture and the food industry are very important to the social, economic, and arguably, the political stability of the United States. Although farming employs less than 2% of the of the country's workforce, 16% of the workforce is involved in the food and fiber sector, ranging from farmers and input suppliers, to processors, shippers, grocers, and restaurateurs. In 2002, the food and fiber sector contributed \$1.2 trillion, or 11% to the gross domestic product (GDP), even though the farm sector itself contributed less than 1%.¹¹ Gross farm sales exceeded \$200 billion, and are relatively concentrated throughout the Midwest, parts of the East Coast, and California (Figure 1). Production is split nearly evenly between crops and livestock. In 2002, livestock inventories included 95 million cattle, and 60 million hogs. Farm sales of broilers and other meat-type chickens exceeded 8.5 billion birds.¹²

Figure 1. Geographic Distribution of Agricultural Production



Agriculture in the U.S. is technologically advanced and efficient. This productivity allows Americans to spend only about 10% of their disposable income on food (both at home and away from home), compared with averages of 15-30% for some lower-income countries (food at home only). Productivity increases over time have allowed the share of disposable income spent on food in the U.S. to fall from 23% in 1929 to 10% in 2003.¹³

¹¹ USDA Economic Research Service, *Agricultural Outlook* tables, Table 1 (Key Statistical Indicators), April 2005, at [<http://www.ers.usda.gov/publications/Agoutlook/AOTables>].

¹² USDA National Agricultural Statistics Service, *2002 Census of Agriculture*.

¹³ USDA Economic Research Service, *Food Expenditure Tables*, Tables 7 and 97, at [<http://www.ers.usda.gov/Briefing/CPIFoodAndExpenditures/Data>], accessed May 18, 2005.

The U.S. produces and exports a large share the world's grain. In 2003, the U.S. share of world production was 42% for corn, 35% for soybeans, and 12% for wheat. Of global exports, the U.S. accounted for 65% for corn, 40% for soybeans, and 32% for wheat. If export markets were to decline following an agroterrorism event, U.S. markets could be severely disrupted since 21% of U.S. agricultural production is exported (10.5% of livestock, and 22% of crops). The U.S. exported nearly \$60 billion of agricultural products (8% of all U.S. exports), and imported \$47 billion of agricultural products (4% of all U.S. imports), making agriculture a positive contributor to the country's balance of trade.¹⁴

The price of land is directly correlated to the productivity and marketability of agricultural products, and the level of federal farm income support payments. In 2003, farm assets exceeded \$1.3 trillion, with \$1.1 trillion in equity.¹⁵ Land and other real estate accounts for 80% of those assets. Of the 938 million acres of farm land in the U.S., 46% are in crop land, 42% are pasture and range land, and 8% are wood land.¹⁶

Agricultural production in the U.S. is concentrated geographically and on a subset of large farms. Although the number of farms in the 2002 Census of Agriculture totaled 2.1 million, 75% of the value of production occurs on just 6.7%, or 143,500, of these farms. This subset of farms has average sales of \$1 million annually, and averages 2,000 acres in size.

Livestock and poultry production are concentrated in different regions of the country, and in large numbers. Cattle are the least concentrated of the major types of livestock, given the prevalence of small cow-calf herds throughout the country and pockets of dairy on the West Coast, upper Midwest, and Northeast. However, beef cattle feedlots are particularly concentrated in a swath from northern Texas through Kansas, Nebraska, eastern Colorado, and western Iowa. The top five cattle-producing states (Texas, California, Missouri, Oklahoma, and Nebraska) produce 35% of U.S. cattle (**Figure 2**).¹⁷

Hog inventories are concentrated in the Midwest, especially Iowa and southern Minnesota, and in North Carolina. The top three hog-producing states (Iowa, North Carolina, and Minnesota) produce 53% of U.S. hogs (**Figure 3**). The production of broilers for poultry meat is concentrated throughout the Southeast, ranging from the Oklahoma-Arkansas border up to the Delmarva peninsula (Delaware-Maryland-Virginia). The top three chicken-producing states (Georgia, Arkansas, and Alabama) produce 41% of U.S. chickens (**Figure 4**).

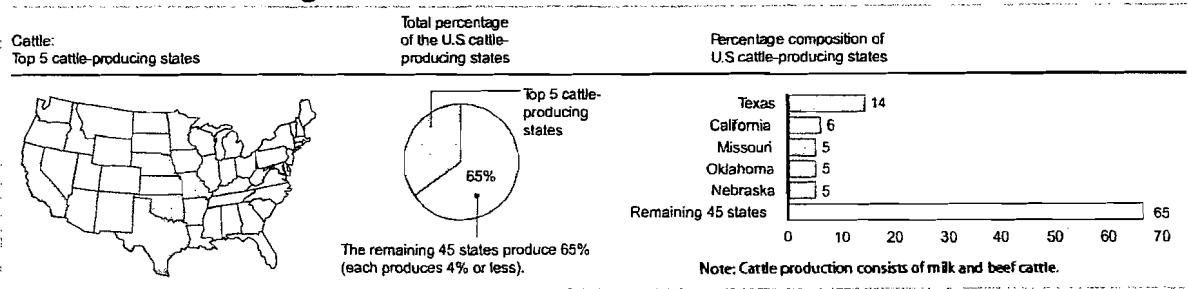
¹⁴ U.S. Census Bureau, *Statistical Abstract of the United States: 2004-05 — Agriculture*, at [<http://www.census.gov/prod/2004pubs/04statab/agricult.pdf>].

¹⁵ USDA Economic Research Service, *Agricultural Outlook* tables, Table 32 (Balance Sheet of the U.S. Farming Sector), April 2005.

¹⁶ USDA National Agricultural Statistics Service, *2002 Census of Agriculture*, June 2004, at [<http://www.nass.usda.gov/census>].

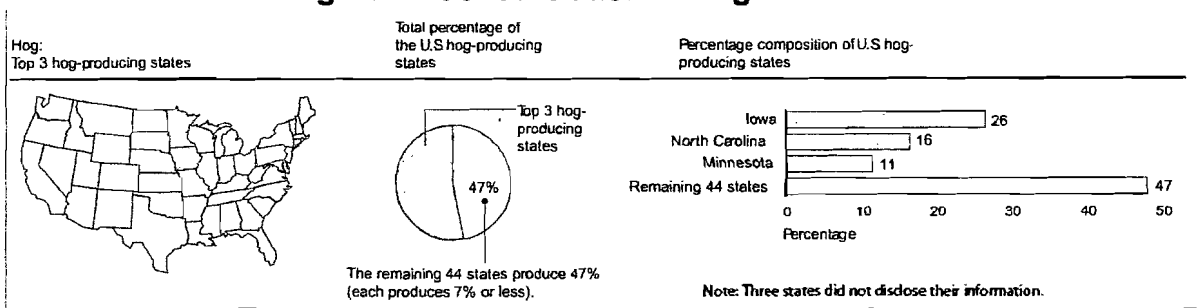
¹⁷ GAO, *Much is Being Done to Protect Agriculture from a Terrorist Attack, but Important Challenges Remain*, GAO-05-214, March 8, 2005, pp. 10-11, 70-71.

Figure 2. Concentration of Cattle Production



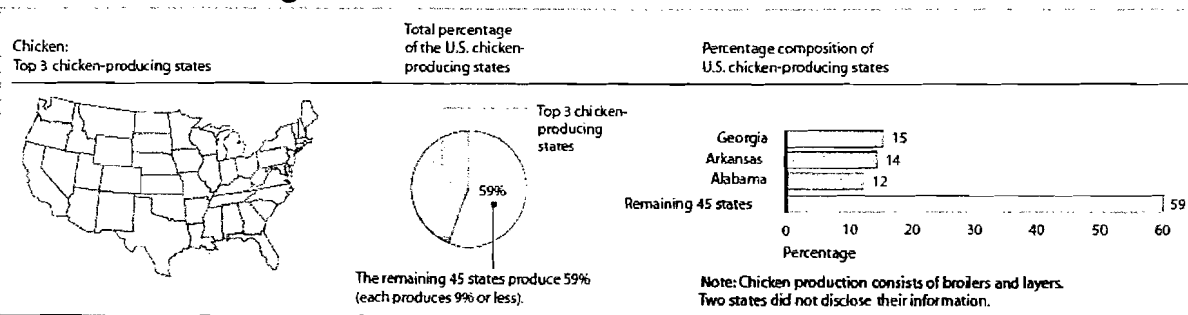
Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

Figure 3. Concentration of Hog Production



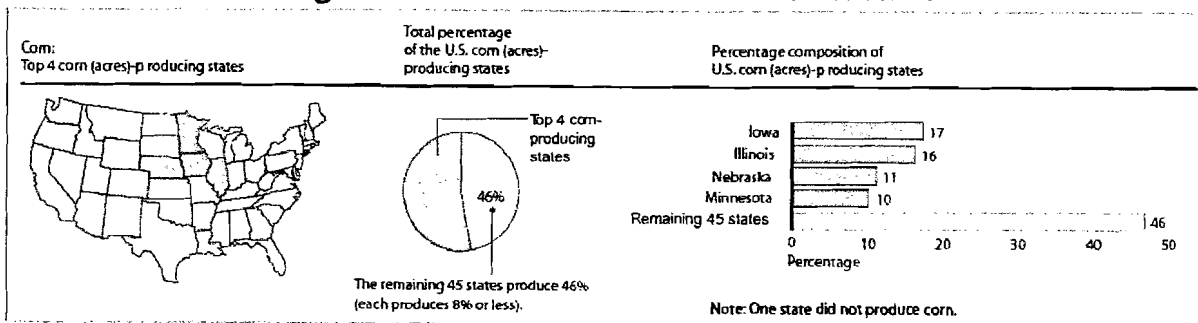
Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

Figure 4. Concentration of Chicken Production



Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

Figure 5. Concentration of Corn Production



Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

Grain production is concentrated in the Midwest, although other states may contribute significant shares for particular commodities. The top four corn-producing states (Iowa, Illinois, Nebraska, and Minnesota) produce 54% of the crop (Figure 5).

Potential Economic Consequences

Economic losses from an agroterrorist incident could be large and widespread.

- First, losses would include the value of lost production, the cost of destroying diseased or potentially diseased products, and the cost of containment (drugs, diagnostics, pesticides, and veterinary services).
- Second, export markets could be lost if importing countries place restrictions on U.S. products to prevent possibilities of the disease spreading. Sanitary and phytosanitary rules in international trade agreements would be important for maintaining export markets.
- Third, multiplier effects could ripple through the economy due to decreased sales by agriculturally dependent businesses (farm input suppliers, food manufacturing, transportation, retail grocery, and food service). Tourism can be affected if access to certain destinations within the country is limited or perceptions of food or personal safety falter.
- Fourth, federal and state governments could bear significant costs, including eradication and containment costs, and compensation to producers for destroyed animals.

Depending on the erosion of consumer confidence and export sales, market prices of the affected commodities may drop. This would affect producers whose herds or crops were not directly infected, making the event national in scale even if the disease itself were contained to a small region.

For food types or product lines that are not contaminated, however, demand may become stronger, and market prices could rise for those products. Such goods may include substitutes for the food that was the target of the attack (e.g., chicken instead of beef), or product that can be certified to originate from outside a contaminated area (e.g., beef from another region of the country, or imported beef). For example, when Canada announced the discovery of mad cow disease (BSE, or bovine spongiform encephalopathy) in May 2003, farm-level prices of beef in Canada dropped by nearly half, while beef prices in the United States remained very strong at record or near record levels. When a cow with BSE was discovered in the United States in December 2003, U.S. beef prices fell, but less dramatically than in Canada.¹⁸

¹⁸ CRS Report RS21709, *Mad Cow Disease and U.S. Beef Trade*, by Charles Hanrahan and Geoffrey Becker.

Consumer confidence in government may also be tested depending on the scale of the eradication effort and means of destroying animals or crops. The need to slaughter perhaps hundreds of thousands of cattle (or tens of millions of poultry) could generate public criticism if depopulation methods are considered inhumane or the destruction of carcasses is questioned environmentally. For example, during the United Kingdom's foot-and-mouth (FMD) outbreak in 2001, euthanizing thousands of cattle and incinerating the carcasses in huge open air pyres provided poignant television images and difficult public relations situations for the agriculture ministry. Dealing with these concerns can add to the cost for both government and industry.

Depending on the disease and means of transmission, the potential for economic damage depends on a number of factors such as the disease agent, location of the attack, rate of transmission, geographical dispersion, how long it remains undetected, availability of countermeasures or quarantines, and incident response plans. Potential costs are difficult to estimate and can vary widely based on compounding assumptions.

Drawing on the FMD outbreak in the United Kingdom in 2001, Price Waterhouse Coopers estimated that the economic impact was \$1,389 to \$4,477 for each of the 2.6 million head of livestock (cattle, sheep, and hogs) on which indemnities were paid in the U.K. These impacts exceed the value of the animals because of the number of industries affected by the outbreak, ranging from feed suppliers to tourism. Applying the loss ratios from the U.K. incident to the larger U.S. livestock industry, Price Waterhouse Coopers estimates that 7.5 million animals (5.3 million cattle, 1.4 million hogs, and 800,000 sheep) might be destroyed in a similar scale outbreak in the United States. The resulting economic impact could range from \$10.4 billion to \$33.6 billion, using the range of impacts estimated from the U.K.¹⁹

A 2002 National Defense University study estimates that a limited outbreak of FMD on just 10 farms could have a \$2 billion financial impact.²⁰ A study by the USDA Economic Research Service (ERS) outlines the wide-ranging implications of a FMD outbreak in the U.S., assigning probabilities for animal losses but not estimating a dollar loss.²¹ A 1994 study by the United States Department of Agriculture (USDA) on African swine fever suggested that if the disease were to

¹⁹ Beth Lautner and Steve Meyer, "U.S. Agriculture in Context: Sector's Importance to the American Economy and Its Role in Global Trade," Conference Proceedings of the [White House] Office of Science and Technology Policy Blue Ribbon Panel on the Threat of Biological Terrorism Directed Against Livestock, Washington, DC, December 8-9, 2003, at [<http://www.rand.org/scitech/stpi/Bioagpanel>].

²⁰ Henry S. Parker, *Agricultural Bioterrorism: A Federal Strategy to Meet the Threat*, McNair Paper 65, National Defense University, March 2002, at [http://www.ndu.edu/inss/McNair/mcnair65/McN_65.pdf].

²¹ Kenneth H. Mathews and Janet Perry, "The Economic Consequences of Bovine Spongiform Encephalopathy and Food and Mouth Disease Outbreaks in the United States," Appendix 6 in *Animal Disease Risk Assessment, Prevention and Control Act of 2001 (P.L. 107-9): Final Report of the P.L. 107-9 Federal Inter-Agency Working Group*, January 2003, at [http://www.aphis.usda.gov/lpa/pubs/pubs/PL107-9_1-03.pdf].

become entrenched in the U.S., the 10-year impact would be at least \$5.4 billion.²² The impact in today's dollars could be much higher.

However, not all assessments agree that the economic consequences of an agroterrorist attack would be large and widespread. A December 2004 report by the Congressional Budget Office (CBO) concludes that the nation's economic loss from an agroterrorist attack

“would probably be small, primarily because the food and agriculture industry is well adapted to the prospect of disruptions from weather, pests, and occasional health incidents.”²³

The CBO report also suggests that the food industry's experience recalling contaminated lots and the existence of commodity support programs “to sustain the incomes of some agricultural producers” might keep economic losses “within the realm of industry experience and current public plans for detection and response.”²⁴

Such a conclusion likely overstates the capacity of traditional farm commodity programs to respond to the scale devastation possible in agroterrorism. The purpose of farm commodity programs is to support farm income when prices and production vary within *normal* year-to-year cycles. They were never envisioned to compensate for losses due to agroterrorism or even widespread pest and disease outbreaks.

The federal farm commodity support programs subsidize about 25 agricultural commodities (such as corn, wheat, soybeans, rice, and cotton). These supported commodities represent about one-third of gross farm sales. The list of commodities that normally do not receive direct support includes meats, poultry, fruits, vegetables, nuts, hay, and nursery products. These non-supported commodities account for about two-thirds of gross farm sales²⁵ and are possibly more likely to be the targets of an agroterrorist attack.

Thus, the food products more vulnerable to attack (meats, fruits, and vegetables) do not have existing federal farm income support programs. Food processors or retailers beyond the farm gate do not receive any commodity support payments. Any federal assistance to producers or processors stemming from an agroterrorist attack would likely come from the emergency transfer authority available to the Secretary of Agriculture²⁶ (for producers) and through supplemental emergency appropriations

²² Renlemann and Spinelli, “An Economic Assessment of the Costs and Benefits of African Swine Fever Prevention,” *Animal Health Insight*, Spring/Summer 1994.

²³ Congressional Budget Office, *Homeland Security and the Private Sector*, December 2004, p. 41, at [<http://www.cbo.gov/showdoc.cfm?index=6042&sequence=0&from=7>].

²⁴ *Ibid.*

²⁵ CRS Report RS21999, *Farm Commodity Policy: Programs and Issues for Congress*, by Jim Monke.

²⁶ For pest and disease emergencies, the Secretary of Agriculture has long-standing authority to transfer money from the Commodity Credit Corporation (CCC) to the Animal and Plant
(continued...)

enacted by Congress (for producers, and possibly processors). Making disaster payments to individuals who do not normally receive commodity payments is technically more difficult than supplementing regular program payments.

In the end, despite the CBO suggestion that the economic effects of agroterrorism might fall within the realm of normal experience, numerous federal agencies, state agencies, and private corporations continue to prepare for agroterrorism based on the assumption that an attack could exceed the typical experience with naturally or accidentally occurring outbreaks.

A Brief History of Agricultural Bioweapons

Attacks against agricultural production are not new, and have been conducted both by nation-states and by substate organizations throughout history.²⁷ At least nine countries had documented agricultural bioweapons programs during some part of the 20th century (Canada, France, Germany, Iraq, Japan, South Africa, United Kingdom, United States, and the former USSR). Four other countries are believed to have or have had agricultural bioweapons programs (Egypt, North Korea, Rhodesia, and Syria).²⁸

Despite extensive research on the issue, however, biological weapons have been used rarely against crops or livestock, especially by state actors. Examples of state actors using biological weapons against agriculture include Germany's use of glanders against Allied horses and mules in World War I, the alleged use of anthrax and rinderpest by Japan in World War II, and the alleged use of glanders by Soviet forces in Afghanistan in the 1980s.²⁹ Thus, in recent decades, using biological weapons against agricultural targets has remained mostly a theoretical consideration. With the ratification of the Biological and Toxin Weapons Convention in 1972, many countries, including the United States, stopped military development of biological weapons and destroyed their stockpiles.

²⁶ (...continued)

Health Inspection Service, both for eradication and control and indemnities to producers (7 U.S.C. 7772, and 7 U.S.C. 8316). Between \$168 million and \$378 million per year has been transferred for 10 or more natural or accidental pest and disease outbreaks in recent years. See CRS Report RL32504, *Funding Plant and Animal Health Emergencies: Transfers from the Commodity Credit Corporation*, by Jim Monke and Geoffrey S. Becker.

²⁷ This report considers only "modern" instances of directing weapons against agriculture and food. However, such attacks can be cited for centuries prior to 1900, usually on a much smaller scale than generally conceived today.

²⁸ Monterey Institute of International Studies, "Agro-terrorism," at [<http://cns.miiis.edu/research/cbw/agromain.htm>]; University of Minnesota Center for Infectious Disease Research and Policy (CIDRAP), "Overview of Agricultural Biosecurity," at [<http://www.cidrap.umn.edu/cidrap/content/biosecurity/ag-biosec/biofacts/agbiooview.html>]; and Peter Chalk, RAND National Defense Research Institute, "Hitting America's Soft Underbelly: The Potential Threat of Deliberate Biological Attacks Against U.S. Agricultural and Food Industry," 2004, at [http://www.rand.org/pubs/monographs/2004/RAND_MG135.pdf].

²⁹ Monterey Institute of International Studies; and Center for Infectious Disease Research and Policy.

Although individuals or substate groups have used bioweapons against agricultural or food targets, only a few can be considered terrorist in nature. In 1952, the Mau Mau (an insurgent organization in Kenya) killed 33 head of cattle at a mission station using African milk bush (a local plant toxin). In 1984, the Rajneeshee cult spread salmonella in salad bars at Oregon restaurants to influence a local election.³⁰

Chemical weapons have been used somewhat more commonly against agricultural targets. During the Vietnam War, the U.S. used agent orange to destroy foliage, affecting some crops. Among possible terrorist events, chemical attacks against agricultural targets include a 1997 attack by Israeli settlers who sprayed pesticides on grapevines in two Palestinian villages, destroying up to 17,000 metric tons of grapes. In 1978, the Arab Revolutionary Council poisoned Israeli oranges with mercury, injuring at least 12 people and reducing orange exports by 40%.³¹

Congressional Responses

Hearings on Agroterrorism

From 1999 to 2006, Congress has held four hearings entirely devoted to agroterrorism, three in the Senate and one in the House, each by a different committee or subcommittee.

The first Congressional hearing on agroterrorism was in October 1999, called by Senator Pat Roberts of the Subcommittee on Emerging Threats in the Senate Committee on Armed Services. The hearing was titled, "The Agricultural Biological Weapons Threat to the United States," and had both closed and open sessions with different witnesses.³²

Four years later, on November 19, 2003, the Senate Committee on Governmental Affairs held an open hearing titled, "Agroterrorism: The Threat to America's Breadbasket," including witnesses from the Administration, state governments, and a private think tank.³³ During the four years between these two hearings when the specter of terrorism was raised after September 11, 2001, a few

³⁰ Peter Chalk (2004), p. 29.

³¹ Center for Infectious Disease Research and Policy (CIDRAP).

³² Senate Committee on Armed Services, Subcommittee on Emerging Threats, "The Agricultural Biological Weapons Treat to the United States," October 27, 1999 [<http://armed-services.senate.gov/hearings/1999/e991027.htm>].

³³ Senate Committee on Governmental Affairs, *Agroterrorism: The Threat to America's Breadbasket*, S.Hrg. 108-491, November 19, 2003, [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_senate_hearings&docid=f:91045.wais.pdf].

individual panelists at more general hearings on food safety, homeland security, or terrorism discussed agroterrorism.³⁴

In May 2005, a subcommittee of the House Homeland Security Committee held a hearing titled, "Evaluating the Threat of Agro-Terrorism."³⁵ Both an open session and a closed session were held with the same two witnesses.

Two months later, in July 2005, the Senate Agriculture Committee held a hearing titled, "Bio-security and Agro-Terrorism."³⁶ Eight panelists from government, law enforcement, academia, and industry discussed vulnerabilities and preparedness efforts.

Bioterrorism Preparedness Act (P.L. 107-188)

The Public Health Security and Bioterrorism Preparedness and Response Act (P.L. 107-188, June 12, 2002) was enacted in response to vulnerabilities identified following September 11, 2001. Among many provisions affecting public health and general preparedness, the Act contained several provisions important to agriculture. These provisions accomplish the following:

- Expand Food and Drug Administration (FDA) authority over food manufacturing and imports (particularly in sections 303-307).
- Tighten control of biological agents and toxins ("select agents" in sections 211-213, the "Agricultural Bioterrorism Protection Act of 2002") under rules by the Animal and Plant Health Inspection Service (APHIS) and Centers for Disease Control and Prevention.
- Authorize expanded agricultural security activities and security upgrades at USDA facilities (sections 331-335).
- Address criminal penalties for terrorism against animal enterprises (section 336) and violation of the select agent rules (section 231).

Expanded FDA Authority over Food. The Bioterrorism Preparedness Act responded to long-standing concerns about whether the Food and Drug Administration (FDA) in the Department of Health and Human Services (HHS) had

³⁴ For example, testimony by Peter Chalk, RAND, "Terrorism, Infrastructure Protection, and the U.S. Food and Agriculture Sector" at the Senate Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia hearing on "Federal Food Safety and Security," October 10, 2001 [<http://www.rand.org/publications/CT/CT184/CT184.pdf>].

³⁵ House Homeland Security Committee, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, "Evaluating the Threat of Agro-Terrorism," Serial 109-16, May 25, 2005 [http://frwebgate.access.gpo.gov/cgi-bin/useftp.cgi?IPaddress=162.140.64.128&filename=23605.pdf&directory=/diskb/wais/data/109_house_hearings].

³⁶ Senate Agriculture Committee held a hearing titled, "Bio-security and Agro-Terrorism." July 20, 2005 [<http://agriculture.senate.gov/Hearings/hearings.cfm?hearingId=1572>].

the authority to assure food safety. FDA was instructed to implement new rules for (1) registration of food processors, (2) prior notice of food imports, (3) administrative detention of imports, and (4) record-keeping.³⁷ Proposed rules began being issued in early 2003; the final set of rules was published in December 2004.³⁸

Registration of Food Processors. The act required FDA to establish a one-time registration system for any domestic or foreign facility that manufactures, processes, packs, and handles food. All food facilities supplying food for the United States were required to register with the FDA by December 12, 2003 (21 CFR 1.225 to 1.243). Registering involved providing information about the food products (brand names and general food categories), facility addresses, and contact information. Restaurants, certain retail stores, farms, non-profit food and feeding establishments, fishing vessels, and trucks and other motor carriers were exempt from registration requirements. However, many farms had a difficult time determining whether they needed to register based on the amount of handling or processing they performed.

Registration documents are protected from public disclosure under the Freedom of Information Act (FOIA). The registry provides, for the first time, a complete list of companies subject to FDA authority, and will enhance the agency's capability to trace contaminated food. Critics argued that registration created a record keeping burden without proof that facilities will be able to respond in an emergency.

Prior Notice of Imports. As of December 12, 2003, importers are required to give advance notice to FDA prior to importing food (21 CFR 1.276 to 1.285). Electronic notice must be provided by the importer within a specified period prior to arrival at the border (within two hours by road, four hours by air or rail, and eight hours by water). With prior notice, FDA can assess whether a shipment meets criteria that can trigger an inspection. If notice is not given, the food will be refused entry and held at the port or in secure storage. Some critics are concerned that the administrative cost of compliance may raise the price of food. Others have argued that perishable imports are subject to increased spoilage if delays arise, or that certain perishables (especially from Mexico) are not harvested or loaded onto trucks before the two-hour notification period. However, implementation of the new system generally has not caused delays and most shippers have been accommodated.

To facilitate compliance, FDA and the Department of Homeland Security (DHS) Bureau of Customs and Border Protection (CBP) integrated their information systems to allow food importers to provide the required information using CBP's existing system for imports. In December 2003, the two agencies agreed to allow CBP officers to inspect imported foods on FDA's behalf, particularly at ports where FDA has no inspectors.

³⁷ For greater detail about these rules, please see CRS Report RL31853, *Food Safety Issues in the 109th Congress*, by Donna Vogt.

³⁸ FDA, "FDA Actions on New Bioterrorism Legislation," at [<http://www.cfsan.fda.gov/~dms/fsbtact.html>].

Administrative Detention. Upon enactment of the act, FDA obtained the authority to detain food imports under certain conditions. FDA procedures for making detention were issued on June 4, 2004 (21 CFR 1.377 to 1.406). To use the authority, the agency must show credible evidence that a shipment presents a serious health threat. Food may be detained for 20 days and up to 30 days, if necessary. The owners must pay the expense of moving any detained food to secure storage. Perishable foods (e.g., fruits, vegetables, and seafood) are to receive expedited review.

Maintenance of Records. FDA published a proposed rule for record-keeping on May 9, 2003, and issued a corrected final rule on February 23, 2005 (21 CFR 1.363 to 1.368). People or companies that manufacture, process, pack, transport, distribute, receive, hold, or import food (with the exception of farms, restaurants and certain others) must establish and maintain records for up to two years. In the event of a suspected food safety problem, the regulation provides FDA access to records including the facility's immediate supplier, and the immediate customer. Companies can keep the information in any form and use existing records.

The rule limits access to records that may contain trade secrets and prevent disclosure of such confidential information if records are reviewed. FDA is allowed to reduce the record-keeping requirements for small businesses and to exempt farms, restaurants, and fishing vessels not engaged in processing.

Tighter Security for Biological Agents and Toxins. In December 2002, the USDA Animal and Plant Health Inspection Service (APHIS) issued regulations to reduce the threat that certain biological agents and toxins could be used in domestic or international terrorism. APHIS determined that the "select agents" on the list have the potential to pose a severe threat to agricultural production or food products.

The select agent regulations (9 CFR 121 for animals, 7 CFR 331 for plants) establish the requirements for possession, use, and transfer of the listed pathogens. The rules affect many research institutions including federal, state, university, and private laboratories, as well as firms that transport such materials. The laboratories have had to assess security vulnerabilities and upgrade physical security, often without additional financial resources. Some have been concerned that certain research programs may be discontinued or avoided because of regulatory difficulties in handling the select agents.

Extensive registration and background checks of both facilities and personnel were to be conducted in 2003. However, due to delays at the FBI in processing security clearance paperwork, provisional registrations were issued to laboratories that had submitted paperwork by established deadlines.

Homeland Security Act (P.L. 107-296)

The main purpose of the Homeland Security Act of 2002 (P.L. 107-296, November 25, 2002) was to create the Department of Homeland Security (DHS), primarily by transferring parts or all of many agencies throughout the federal government into the new cabinet-level department. In doing so, the law made two

major changes to the facilities and functions of the U.S. Department of Agriculture. The Homeland Security Act transferred:

- personnel and responsibility for agricultural border inspections from USDA to DHS (specifically, from the USDA Animal and Plant Health Inspection Service (APHIS) to DHS Customs and Border Protection (CBP)), and
- possession of the Plum Island Animal Disease Center in New York from USDA to DHS.

Transferring Agricultural Border Inspections. Section 421 of the Homeland Security Act authorized the transfer of up to 3,200 APHIS border inspection personnel to DHS. As of March 1, 2003, approximately 2,680 APHIS inspectors became employees of DHS in the Bureau of Customs and Border Inspection (CBP). Because of its scientific expertise, USDA retains a significant presence in border inspection, as described below.

Historically, the APHIS Agricultural Quarantine Inspection (AQI) program was considered the most significant and prominent of agricultural and food inspections at the border. Because of this prominence, AQI was one of the many programs selected for inclusion when DHS was created. Some drafts of the bill creating the new department would have transferred all of APHIS (including, for example, animal welfare and disease eradication) to DHS. Concerns from many farm interest groups about the impact this might have on diagnosis and treatment of naturally occurring plant and animal diseases prompted a legislative compromise that transferred only the border inspection function and left other activities under USDA.

DHS-CBP personnel now inspect international conveyances and the baggage of passengers for plant, animal, and related products that could harbor pests or disease organisms. They also inspect ship and air cargo, rail and truck freight, and package mail from foreign countries.

Although the border inspection functions were transferred to DHS, the USDA retains a significant presence in border activities. APHIS employees who were not transferred continue to pre-clear certain commodities, inspect all plant propagative materials, and check animals in quarantine. APHIS personnel continue to set agricultural inspection policies to be carried out by DHS border inspectors, and negotiate memoranda of understanding to assure that necessary inspections are conducted. APHIS manages the data collected during the inspections process, and monitors smuggling and trade compliance. USDA is also statutorily charged in section 421(e)(2)(A) of P.L. 107-296 to “supervise” the training of CBP inspectors in consultation with DHS.

This separation of duties is designed to allow for consolidated border inspections for intelligence and security goals, but preserve USDA’s expertise and historical mission to set agricultural import policies.

Adding Agriculture Specialists. Under the CBP cross-training initiative in 2003 (also known as “one face at the border”), CBP inspectors from the former

customs, immigration, and agriculture agencies were to be trained to perform inspections in all three areas equally, without specialization, — customs, immigration, and agriculture. However, due to criticism from USDA, inspection unions, and the agricultural industry, DHS created another class of inspectors called “agriculture specialists.” Agriculture specialists work mainly in secondary inspection stations in passenger terminals and are deployed at cargo terminals. The cadre of agriculture specialists include former APHIS inspectors who decided not to convert to CBP generalist inspectors plus new graduates from the agricultural specialist training program.

Before DHS was created, APHIS trained its inspectors in a nine-week course that had science prerequisites. The initial DHS cross-training program announced in 2003 had only 12-16 hours for agriculture in a 71-day course covering customs, immigration, and agriculture. This difference in training was one of the reasons DHS was forced to add the agricultural specialist position.

DHS now has an 8-week (43-day) training program for agriculture specialists. The course is taught by CBP and APHIS instructors at a USDA training facility in Frederick, Maryland. Agriculture specialists also receive 2-weeks of law enforcement training, and can exercise law enforcement authority similar to regular CBP officers. However, CBP does not necessarily allow agriculture specialists to use the full extent of their law enforcement powers.³⁹ The first class of agriculture specialists graduated in July 2004.

Regular CBP officers receive about 12-16 hours of agricultural training during their multi-week program at the Federal Law Enforcement Training Center (FLETC) in Georgia. The agriculture module was developed by APHIS and provided to DHS.

Although DHS is training new agriculture specialists, the future size of the agricultural specialist corps is not certain, given the eventual attrition of former APHIS inspectors. Also, details are not available as to how these inspectors will be deployed and how many ports of entry will be staffed with agriculture specialists (compared with the APHIS deployment prior to DHS). Without agriculture specialists, primary agricultural inspections — the first line of defense for agricultural security — may be conducted by cross-trained inspectors with limited agricultural training.

Congressional agriculture committees have been concerned about whether enough attention will be devoted to agricultural inspections by DHS, and whether the United States will be as safe from the introduction of foreign pests as it was under the previous inspection system. Inspection statistics from the fall of 2003 indicate that 32% fewer insect infestations were found (under DHS) than in the previous year (under APHIS). APHIS officials cite unfilled agricultural inspector positions and

³⁹ Agriculture specialists do not carry firearms like regular CBP officers. CBP is still deciding whether agriculture specialists will carry mace, batons, or firearms.

difficulty in adequately cross training former customs and immigration officers to conduct agricultural inspections.⁴⁰

A report by the Government Accountability Office in May 2006 found that only 21% of agricultural specialists always receive urgent alerts for agricultural inspection priorities in a timely manner. Moreover the number of canine units (inspection dogs, “beagle brigade”) has declined from 140 to 80 since the transfer to DHS, and 60% of 43 canine teams that were tested failed a proficiency test.

For more information about inspection statistics and the new border inspection arrangement that combines the previously separate customs, immigration, and agriculture inspections, please see CRS Report RL32399, *Border Security: Inspections Practices, Policies, and Issues*.

Plum Island Animal Disease Center. Section 310 of the Homeland Security Act transferred the Plum Island Animal Disease Center to DHS. Prior to June 1, 2003, Plum Island was a USDA facility jointly operated by APHIS and ARS (Agricultural Research Service). This transfer includes only the property and facilities of Plum Island; both APHIS and ARS personnel continue to perform research and diagnostic work at the facility, but DHS also may conduct other research at the facility as well.

Plum Island and DHS’s plans for a new National Bio and Agro-Defense Facility are discussed later in this report under “Laboratories and Research Centers.”

GAO Studies

Since 2002, six reports from GAO have found gaps in federal controls for protecting agriculture and food. Findings from the first four reports are summarized in testimony for the Senate hearing on agroterrorism on November 19, 2003.⁴¹

In the first report, following the European outbreak of foot and mouth disease in 2001, a 2002 GAO study found insufficient guidance for border inspectors and an overwhelming volume of passengers and cargo for inspectors to process.⁴²

Regarding prevention of BSE (“mad cow disease”), a 2002 GAO report found shortcomings in documentation for imports and enforcement of federal feed ingredient bans.⁴³

⁴⁰ *Chicago Sun Times*, “Short-Staffed Port Inspectors Missing Insect-Infested Food,” August 6, 2004.

⁴¹ GAO, *Bioterrorism: A Threat to Agriculture and the Food Supply*, GAO-04-259T, November 19, 2003.

⁴² GAO, *Foot and Mouth Disease: To Protect Livestock, USDA Must Remain Vigilant and Resolve Outstanding Issues*, GAO-02-808, July 26, 2002.

⁴³ GAO, *Mad Cow Disease: Improvements in the Animal Feed Ban and Other Regulatory Areas Would Strengthen U.S. Prevention Efforts*, GAO-02-183, January 25, 2002.

A 2003 GAO study on security improvements at food processing companies found that federal agencies, particularly the Food and Drug Administration (FDA), did not have authority to impose requirements or assess security flaws.⁴⁴

Regarding livestock disease research at USDA's Plum Island lab in New York, a 2003 GAO report found that people without adequate background checks had access to secure areas, and that security personnel on the island had limited authority.⁴⁵ In response to GAO's security concerns about Plum Island, DHS announced that armed Federal Protective Service personnel would supplement security on the island beginning in June 2004.

A 2005 GAO report summarized the issues of agroterrorism and what federal agencies are doing to prepare.⁴⁶ It found numerous vulnerability assessments and working groups had been prepared to prioritize and oversee activities. Efforts at interagency coordination were also underway, but some were seen to be in the early stages with more coordination necessary. The report also cited a lack of veterinarians trained in foreign animal diseases and response capacity, lack of rapid diagnostic tools, and lack of rapid vaccine deployment and protocols.

In the conference agreement for the FY2005 Consolidated Appropriations Act (P.L. 108-447, H.Rept. 108-792), conferees expressed concern over agricultural border inspections and research at Plum Island following the transfer of these activities in 2003 from USDA to DHS. They requested a GAO report on interagency coordination between USDA and DHS regarding agriculture inspections.

The conferees are aware of ongoing concerns within the agriculture sector that the transfer of these responsibilities [border inspection and research] may shift the focus away from agriculture to other priority areas of DHS. In order to ensure that the interests of U.S. agriculture are protected ... the conferees request the Government Accountability Office to provide a report ... on the coordination between USDA and DHS (H.Rept. 108-792).

Accomplishments in interagency coordination that GAO cited in the 2006 report⁴⁷ include training of both agricultural specialists and cross-training of regular border protection officers. Agriculture specialists now have access to classified data systems, allowing better targeting of agriculture inspections. DHS also created "agriculture liaisons" in district field offices to assure agriculture issues are heard, and improve operations at ports of entry.

⁴⁴ GAO, *Food-Processing Security: Voluntary Efforts Are Under Way, But Federal Agencies Cannot Fully Assess Their Implementation*, GAO-03-342, February 14, 2003.

⁴⁵ GAO, *Combating Bioterrorism: Actions Needed to Improve Security at Plum Island Animal Disease Center*, GAO-03-847, September 19, 2003.

⁴⁶ GAO, *Much is Being Done to Protect Agriculture from a Terrorist Attack, but Important Challenges Remain*, GAO-05-214, March 8, 2005.

⁴⁷ GAO, *Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease*, GAO-06-644, May 19, 2006.

However, problems in coordination or inspection performance were cited in several areas. DHS had not developed performance measures for agriculture inspections, but was still using USDA-APHIS measures which did not reflect all DHS activities. Staffing and related staffing performance measures were also lacking. Agriculture specialists are not always notified of urgent inspection alerts issued by APHIS; a survey suggests only 21% of agriculture specialists always receive alerts in a timely manner. The number of canine units (inspection dogs, "beagle brigade") has declined from 140 to 80 since the transfer to DHS, and 60% of 43 canine teams that were tested failed an APHIS proficiency test. Several financial management issues also were problematic. While user fees were less than program costs, DHS was unable to provide APHIS with information of actual costs by type of activity, and USDA was sometimes slow to transfer user fees to DHS.

Executive Branch Responses

Shortly after September 11, 2001, USDA created a Homeland Security Staff in the Office of the Secretary to develop a department-wide plan to coordinate agroterrorism preparedness plans among all USDA agencies and offices. Efforts have been focused on three areas: food supply and agricultural production, USDA facilities, and USDA staff and emergency preparedness.⁴⁸ The Homeland Security Staff also has become the department's liaison with Congress, the Department of Homeland Security (DHS), and other governmental agencies on terrorism issues.

The White House's National Security Council weapons of mass destruction (WMD) preparedness group, formed by Presidential Decision Directive 62 (PDD-62) in 1998, included agriculture, especially in terms of combating terrorism. Many observers note that, as a latecomer to the national security table, USDA has been invariably overshadowed by other agencies.

In addition to the following Presidential directives and actions, many departments and agencies in the executive branch have undertaken efforts to improve preparedness for agroterrorism. Many of these actions are discussed later in this report under "Countering the Threat."

HSPD-7 (Protecting Critical Infrastructure)

In terms of protecting critical infrastructure, agriculture was added to the list in December 2003 by Homeland Security Presidential Directive 7 (HSPD-7), "Critical Infrastructure Identification, Prioritization, and Protection."⁴⁹ This directive replaces the 1998 Presidential Decision Directive 63 (PDD-63) that omitted agriculture and food. Both of these critical infrastructure directives designate the physical systems

⁴⁸ USDA Homeland Security Staff, "Homeland Security Efforts," May 2004, at [<http://www.usda.gov/homelandsecurity/factsheet0504.pdf>]; and National Research Council, *Countering Agricultural Bioterrorism*, 2003, p. 150.

⁴⁹ HSPD-7: [<http://www.whitehouse.gov/news/releases/2003/12/20031217-5.html>].

that are vulnerable to terrorist attack and are essential for the minimal operation of the economy and the government.

These directives instruct agencies to develop plans to prepare for and counter the terrorist threat. HSPD-7 mentions the following industries: agriculture and food; banking and finance; transportation (air, sea, and land, including mass transit, rail, and pipelines); energy (electricity, oil, and gas); telecommunications; public health; emergency services; drinking water; and water treatment.

HSPD-9 (Defending Agriculture and Food)

More significant recognition came on January 30, 2004, when the White House released Homeland Security Presidential Directive 9 (HSPD-9), "Defense of United States Agriculture and Food."⁵⁰ This directive establishes a national policy to protect against terrorist attacks on agriculture and food systems.

HSPD-9 generally instructs the Secretaries of Homeland Security (DHS), Agriculture (USDA), and Health and Human Services (HHS), the Administrator of the Environmental Protection Agency (EPA), the Attorney General, and the Director of Central Intelligence to coordinate their efforts to prepare for, protect against, respond to, and recover from an agroterrorist attack. In some cases, one department is assigned primary responsibility, particularly when the intelligence community is involved. In other cases, only USDA, HHS, and/or EPA are involved regarding industry or scientific expertise.

The directive instructs agencies to develop awareness and warning systems to monitor plant and animal diseases, food quality, and public health through an integrated diagnostic system. Animal and commodity tracking systems are included, as is gathering and analyzing international intelligence. Vulnerability assessments throughout the sector help prioritize mitigation strategies at critical stages of production or processing, including inspection of imported agricultural products.

Response and recovery plans are to be coordinated across the federal, state, and local levels. A National Veterinary Stockpiles (NVS) of vaccine, antiviral, and therapeutic products is to be developed for deployment within 24 hours of an attack. A National Plant Disease Recovery System (NPDRS) is to develop disease and pest resistant varieties within one growing season of an attack in order to resume production of certain crops. The Secretary of Agriculture is to make recommendations for risk management tools to encourage self-protection for agriculture and food enterprises vulnerable to losses from terrorism.

HSPD-9 encourages USDA and HHS to promote higher education programs that specifically address the protection of animal, plant, and public health. It suggests capacity-building grants for universities, and internships, fellowships and post-graduate opportunities. HSPD-9 also formally incorporates USDA and agriculture into the ongoing DHS research program of university-based "centers of excellence."

⁵⁰ HSPD-9: [<http://www.whitehouse.gov/news/releases/2004/02/20040203-2.html>].

As a presidential directive, HSPD-9 addresses the internal management of the executive branch and does not create enforceable laws. Moreover, it is subject to change without Congressional consent. While Congress has oversight authority of federal agencies and may ask questions about implementation of the directive, a public law outlining an agroterrorism preparedness plan would establish the statutory parameters for such a plan, and, as a practical matter, might result in enhanced oversight by specifically identifying executive branch entities responsible for carrying out particular components of such a plan.⁵¹

In implementing HSPD-9, the USDA Homeland Security Staff and other agencies are drawing upon HSPD-5 (regarding the national response plan) and HSPD-8 (regarding preparedness). Implementing many of the HSPD-9 directives depends on the executive branch having sufficient appropriations for those activities.

National Response Plan (NRP)

Homeland Security Presidential Directive 5 (HSPD-5) called for a National Response Plan (NRP) to coordinate federal bureaucracies, capabilities, and resources into a unified, all-discipline, and all-hazards approach to manage domestic incidents, both for terrorism and natural disasters. The National Response Plan, developed by DHS, was unveiled in December 2004.⁵²

The NRP addresses agriculture and food in two annexes at the end of the plan. The first is in terms of emergency support. The Emergency Support Function (ESF) annexes to the NRP seek to coordinate federal interagency support by describing the roles and responsibilities of departments and agencies. USDA is the coordinator and primary responding agency for ESF #11, the "Agriculture and Natural Resources Annex," which addresses:

- Provision of nutrition assistance by determining nutrition assistance needs in disaster areas, obtaining appropriate food supplies, arranging for delivery of the supplies, and authorizing disaster food stamps,
- Control and eradication of animal and plant pests and diseases,
- Assurance of food safety and food security, including food safety inspection at processing plants, distribution, retail sites, and ports of entry; laboratory analysis of food samples; food borne disease surveillance; and field investigations, and
- Protection of natural and cultural resources and historic properties.

The NRP also contains "incident annexes" that address specific hazard situations requiring special attention. The incident annexes describe the policies, possible situations, operating procedures, and responsibilities most relevant when responding to a particular type of incident, such as agroterrorism. The NRP has a

⁵¹ For a related discussion on the role of Congress with respect to executive actions, see CRS Report RS20846, *Executive Orders: Issuance and Revocation*.

⁵² Department of Homeland Security, *National Response Plan*, December 2004 [<http://www.dhs.gov/dhspublic/display?theme=14&content=4264>].

placeholder for a “Food and Agriculture Incident Annex,” but this section is the only incident annex that is not yet published.

Public-Private Partnerships

National Infrastructure Protection Plan (NIPP). The National Infrastructure Protection Plan was developed to unify and enhance the protection of critical infrastructure through public-private partnerships. It provides a coordinated approach to establish national priorities and goals. The sector partnership model encourages formation of Sector Coordinating Councils (SCCs) and Government Coordinating Councils (GCCs). DHS provides guidance, tools, and support so that these groups can work together to develop and coordinate a wide range of infrastructure protection activities.⁵³

Sector Coordinating Councils are self-organized, self-run, and self-governed organizations of key stakeholders within a sector, serving as the government’s principal point of entry into each sector. A Government Coordinating Council is the government counterpart to a SCC, comprised of federal, state and local representatives, enabling coordinating across government agencies and jurisdictions.

The Food and Agriculture Sector Coordinating Council (FASCC) has seven sub-councils with representatives from private corporations and associations, including:⁵⁴

- Agricultural production inputs and services
- Animal producers
- Plant producers
- Processors and manufacturers
- Restaurants and -food service
- Retail
- Warehousing and logistics

The agriculture SCC has been successful among the early SCC’s, and is used by DHS as a model for developing other sector councils. The FASCC’s recent accomplishments include reviewing and commenting on drafts of the National Infrastructure Protection Plan, developing a Food and Agriculture Sector Specific Plan (SSP), sharing best practices, identifying gaps in security or preparedness, and striving to improve communications and information sharing capabilities among companies and government.

Strategic Partnership Program Agroterrorism (SPAA). The Strategic Partnership Program Agroterrorism initiative is another public-private partnership to assess vulnerabilities in the agriculture and food industry. Four government agencies including DHS, USDA, FDA, and FBI collaborate with private industry and states

⁵³ Department of Homeland Security, *National Infrastructure Protection Plan*, Draft 2.0, January 2006 [<http://www.ni2ciel.org/NIPC/Revised-Draft-NIPP-v2.0.pdf>].

⁵⁴ Food and Agriculture Sector Coordinating Council [<http://cipp.gmu.edu/psprograms/FoodAgSCC.php>].

to conduct site surveys of specific private industries within the agriculture industry.⁵⁵
The intent is to:

- Determine critical points in the food and agriculture system that may be the target of a terrorist attack,
- Identify early indicators and warnings that would signify planning and/or preparation for an attack,
- Develop a focus for intelligence collection strategies around these indicators and warnings, and
- Develop mitigation strategies for early detection, deterrence, disruption, interdiction, and prevention.

In 2005, the SPPA began working with the Food and Agriculture Sector Coordinating Council and the Government Coordinating Council to identify about 50 sites to visit in 2006-07. The sites are to span the entire food production cycle.

Information Sharing and Analysis Center (ISAC). An Information Sharing and Analysis Center is an industry contact point to federal law enforcement and intelligence community (including the Federal Bureau of Investigation, Central Intelligence Agency, and National Security Agency). The objective is to detect potential threats, assess, prevent attacks, and investigate and respond to attacks against critical infrastructure.

The Food and Agriculture ISAC was created in February 2002. Members generate information on many of food safety and bio-security related topics such as security threats, food system vulnerabilities, product contamination, microbial isolates, and reports of consumer illness from food. The information is shared confidentially with the law enforcement and intelligence community, with the expectation that relevant intelligence will be returned to the industry.⁵⁶

The ISAC network is similar to an FBI program for public-private information sharing called Infragard. In 2005, a new FBI program called AgGard was created to encourage members of the agricultural community to use a secure internet connection to share information and alert each other, state and local law enforcement, and the FBI of suspicious activity.

Laboratories and Research Centers

Since September 11, 2001, and the ensuing recognition of agroterrorism as a threat to critical infrastructure, the United States has expanded its agricultural laboratory and diagnostic infrastructure. New federal laboratories have been completed, existing facilities have been upgraded, and networks of federal, state and university laboratories have been created to share information and process samples.

⁵⁵ Food and Drug Administration, "Strategic Partnership Program Agroterrorism (SPPA) Initiative," August 2005 [<http://www.cfsan.fda.gov/~dms/agroterr.html>].

⁵⁶ Food and Agriculture Information Sharing and Analysis Center [<http://www.fmi.org/isac>].

National Bio and Agro-Defense Facility (NBAF). The Department of Homeland Security is proceeding with plans to replace the aging Plum Island Animal Disease Center with a new “National Bio and Agro-Defense Facility” for research on high consequence foreign animal diseases. Congress has appropriated funds for planning and site selection. DHS is beginning the conceptual design process, and has reviewed submissions from universities and other locations interested in hosting the new facility.⁵⁷ In August 2006, it selected a long list of 18 sites in 11 states for further consideration.

Currently, the premier U.S. facility for research on foreign animal diseases is the Plum Island Animal Disease Center, located on an island off the northeastern tip of Long Island, NY. The property of Plum Island was transferred from USDA to DHS in the Homeland Security Act (P.L. 107-296), although personnel from both USDA and DHS still conduct research there. Built in the 1950s, many experts agree that the 50-year old Plum Island facility is nearing the end of its useful life and unable to provide the necessary capacity for current biosecurity research. Plum Island is important for animal disease research because it contains not only biosecure laboratories, but also pens to house live animals in a biosecure environment. Its biosecurity rating is BSL-3 agriculture, and is the only such facility able to work with high consequence foreign animal diseases such as foot and mouth disease (as mandated by 21 U.S.C. 113a).

Biosafety levels (BSLs) are combinations of laboratory facilities, safety equipment, and laboratory practices. The four levels are designated in ascending order, by degree of protection provided to personnel, the environment, and the community.⁵⁸ BSL-1 laboratories handle pathogens of minimal hazard. The highest level laboratories, BSL-4, handle high-risk, life-threatening diseases with a high risk of aerosol transmission. Only a handful of BSL-4 labs exist in the U.S., including a CDC lab in Athens, Georgia, and an Army lab in Ft. Dietrick, Maryland. Agricultural BSL labs can house large animals for experiments, and thus are less common than regular BSL laboratories. The Plum Island Animal Disease Center and the USDA National Veterinary Services Laboratories (NVSL) in Ames, IA, are the only BSL-3 agriculture facilities in the United States.

As the number and importance of zoonotic diseases increase (such as with the recent discovery of Nipah and Hendra viruses, and the ongoing concern over foot and mouth disease), scientists increasingly need BSL-4 laboratories to study zoonotic pathogens and BSL-4 agriculture facilities to work with those pathogens in host animals. The U.S. currently has no BSL-4 agricultural facility; instead, scientists must conduct experiments at facilities in Winnipeg, Canada, or Australia.⁵⁹

⁵⁷ DHS, “National Bio and Agro-Defense Facility” [http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0762.xml].

⁵⁸ Centers for Disease Control and Prevention (CDC) and the National Institute of Health (NIH), *Biosafety in Microbiological and Biomedical Laboratories*, 4th edition, 1999 [<http://www.cdc.gov/od/ohs/biosfty/bmb14/bmb14toc.htm>].

⁵⁹ James Roth, DVM. “Agroterrorism: Hazards to Livestock and Public Health,” presentation to International Symposium on Agroterrorism, May 2005 (continued...)

The concept for the NBAF was first outlined in the FY2006 budget request for DHS. At that time, the estimated design and construction cost was \$451 million. The current time line calls for construction to be completed in FY2013.⁶⁰ DHS began the process in FY2005 by using \$3 million for a planning and feasibility study. In FY2006, Congress specifically appropriated funds for the NBAF in the DHS appropriations act (P.L. 109-90), which provides:

“\$23,000,000 ... to select a site for the National Bio and Agro-defense Facility and perform other pre-construction activities to establish research capabilities to protect animal and public health from high consequence animal and zoonotic diseases in support of Homeland Security Presidential Directives 9 and 10” (H.Rept 109-241).

With this appropriation, DHS issued a request for “Expressions of Interest” (EOI) in January 2006.⁶¹ Parties interested in hosting the facility (such as federal agencies, State and local governments, private industry, and universities) were invited to reply by March 31, 2006. Evaluation criteria for site selection include capacity for research, workforce availability, construction and operation, and community acceptance. DHS received 29 expressions of interest from 20 states and the District of Columbia. In August 2006, DHS released a subset of 18 sites in 11 states that will be considered further.⁶² By the end of 2006, DHS expects to narrow the list further and initiate an Environmental Impact Statement (EIS) analysis. A final location will be chosen early in 2008.

Conceptual design began in April 2006 by soliciting architect and engineering firms. DHS plans to award this contract later in 2006, with conceptual design to begin shortly thereafter. This level of design is not site specific and can proceed concurrently with site selection and environmental impact statements. The conceptual design process may update the current projected total cost of \$451 million. Construction is scheduled to begin in FY2010 and be completed in FY2013.

USDA Laboratories. Within USDA, several agencies have upgraded their facilities to respond better to the threat of agroterrorism by expanding laboratory capacity and adding physical security. These programs include the ARS research on foreign animal diseases at the Plum Island Animal Disease Center in New York (the

⁵⁹ (...continued)
[http://www.fbi-isa.org/library/roth_files/frame.htm].

⁶⁰ DHS, “NBAF Timeline” [http://www.dhs.gov/interweb/assetlibrary/NBAF_Timeline.pdf].

⁶¹ DHS, “National Bio and Agro-Defense Facility (NBAF): Notice of Request for Expression of Interest for Potential Sites,” Federal Register, Vol. 71, p. 3107 [http://www.dhs.gov/interweb/assetlibrary/NBAF_EOL.pdf].

⁶² The August 2006 subset of potential sites after the first cut include 18 locations in the following 11 states: California, Georgia, Kansas, Kentucky/Tennessee, Maryland, Missouri, Mississippi, North Carolina, Oklahoma, Texas, and Wisconsin. Other locations expressing interest but removed from consideration include Alabama, Arkansas/Louisiana, Arizona, Colorado, Florida, Iowa, North Dakota, New Mexico, Pennsylvania, District of Columbia-based organizations with sites in New Jersey, Florida, Texas, and California, and the Plum Island Animal Disease Center.

physical facility is now managed and operated by DHS) and the ARS Southeast Poultry Research Lab in Athens, Georgia.

Three major USDA laboratories are consolidating operations in a new BSL-3 agriculture facility in Ames, Iowa, called the National Centers for Animal Health. These include the ARS National Animal Disease Center (NADC), the APHIS National Veterinary Services Laboratories (NVSL), and the APHIS Center for Veterinary Biologics (CVB). The complex will be USDA's largest animal health center for research, diagnosis and product evaluation. The NVSL is especially visible because it makes the final, official determination for the presence of most animal diseases when samples are submitted for testing.

USDA also cooperates with other federal agencies on counterterrorism research and preparedness, including the ARS and APHIS partnership with the U.S. Army Medical Research Institute for Infectious Diseases at Ft. Detrick, Maryland. The Ft. Detrick site offers USDA access to additional high-level biosecurity laboratories, including a BSL-4 laboratory. In the recent past, USDA has conducted research on soybean rust at Ft. Detrick.

Laboratory Networks. Several laboratory networks have been created for animal, plant, food, and general bioterrorism issues. The primary goals of these networks are to improve the diagnosis and detection of a deliberate or accidental disease outbreak. Primary examples are the CDC-led Laboratory Response Network (LRN), the USDA-funded National Plant Diagnostic Network (NPDN) and its sister group the National Animal Health Laboratory Network (NAHLN), and the joint FDA/FSIS Food Emergency Response Network (FERN).

- **Laboratory Response Network (LRN).**⁶³ The Laboratory Response Network, created by CDC, is a national and international network of about 140 laboratories equipped to respond quickly to acts of chemical or biological terrorism, emerging infectious diseases, and other public health threats and emergencies. The network includes federal labs (CDC, USDA, FDA), state and local public health labs, military labs, food labs, environmental labs, veterinary labs, and international labs in Canada, the United Kingdom, and Australia.
- **National Plant Diagnostic Network (NPDN).**⁶⁴ The National Plant Diagnostic Network is a collective of land grant university plant disease and pest diagnostic facilities organized by USDA. The national network is led by five regional labs (Cornell, Florida, Michigan State, Kansas State, and California at Davis) and one support lab (Texas Tech). The NPDN facilitates the initial detection, positive identification, national notification, and coordinated response to pests and pathogens by intentional, accidental, or natural means. By using common communications

⁶³ Centers for Disease Control and Prevention (CDC). "Facts About the Laboratory Response Network" [<http://www.bt.cdc.gov/lrn/factsheet.asp>].

⁶⁴ National Plant Diagnostic Network [<http://www.npdn.org>].

and laboratory testing protocols, the network allows efficient, timely, and secure exchange of plant disease information.

- **National Animal Health Laboratory Network (NAHLN).** This network, created by USDA and the American Association of Veterinary Laboratory Diagnosticians, augments federal resources with extensive state and university laboratories to allow better detection and response to animal health emergencies. These labs provide timely and consistent methods, and meet epidemiological reporting standards. The USDA National Veterinary Services Laboratory (NVSL) serves as the central reference laboratory. State and university labs perform non-emergency surveillance testing, provide surge capacity during outbreaks, assist with epidemiologic investigations, and conducting followup surveillance.
- **Food Emergency Response Network (FERN).** The Food Emergency Response Network was established jointly by the Food and Drug Administration (FDA) and the Food Safety and Inspection Service (FSIS), and integrates at least 72 state and federal laboratories that analyze food samples implicated in threats, terrorist events, or contamination. It links local, state, and federal information to allow officials to prevent or respond to incidents of contaminated food.

Another important network, albeit not a laboratory network, is the **Extension Disaster Education Network (EDEN)**.⁶⁵ EDEN is sponsored by USDA, and links extension educators from various states and disciplines to share resources. EDEN helps extension agents build relationships with local and state emergency management networks, provide educational programs on disaster preparation and mitigation to citizens and local leaders, train extension personnel for appropriate roles during disasters, and collaborates during recovery.

DHS Centers of Excellence. In April 2004, the DHS Science and Technology Directorate announced the department's first university research grants for agriculture as part of its "centers for excellence" program.⁶⁶ The University of Minnesota and Texas A&M will share \$33 million over three years. Texas A&M's new Center for Foreign Animal and Zoonotic Disease Research will study high consequence animal diseases. The University of Minnesota's new Center for Post-Harvest Food Protection and Defense will establish best practices for the management of and response to food contamination events. Texas A&M is partnering with four universities and will receive \$18 million; Minnesota is partnering with ten universities and will receive \$15 million.

⁶⁵ Extension Disaster Education Network [<http://www.eden.lsu.edu>].

⁶⁶ DHS press release, April 27, 2004, at [<http://www.dhs.gov/dhspublic/display?content=3515>].

The House Appropriations Committee addressed agroterrorism research in report language for the FY2004 homeland security appropriations bill. The “centers for excellence” program appears to fit the type of research the committee suggested.

Agro-terrorism research. The Committee is familiar with potential agro/bioterrorism vulnerabilities, from animal and plant diseases to food chain introductions. While some agro-terrorism research is already being done by the Department of Agriculture, the Committee is aware of the need for more such research, particularly in the areas of threats to field crops, farm animals, and food in the processing and distribution chain. The Homeland Security Act of 2002 provides for coordination of research between the Department of Homeland Security (DHS) and other relevant federal agencies in various areas of research. Because the Department of Agriculture (USDA) already possesses mechanisms, authorities, and personnel to carry out needed agro/bioterrorism research, the Committee expects to see effective coordination between the USDA and the DHS to move such research forward in an effective and expeditious fashion. The Committee expects USDA to coordinate with DHS to identify research gaps and develop a plan, to include research priorities, for proceeding to fill such gaps. Further, the Committee expects that non-government entities selected to carry out research will be ones with proven expertise in agriculture research, and strong familiarity with USDA animal and plant diagnostic laboratories and practices (H.Rept. 108-193).

Federal Funding to Respond to Agroterrorism

This report treats federal **funding** for agroterrorism preparedness broadly, including **appropriations** and **user fees**, both within USDA and DHS. However some general activities that support agroterrorism preparedness, such as certain intelligence and warning functions performed by the FBI and CIA, often cannot be identified exclusively as agriculture spending, and thus cannot be included in this report. However, items that can be identified specifically to agroterrorism preparedness within the budgets of USDA and DHS are included.

The President’s annual budget request to Congress includes a government-wide cross-cutting budget analysis of homeland security issues, as mandated by the Homeland Security Act of 2002 (P.L.107-296, section 889).⁶⁷ The budget request includes details on the most recently passed appropriations law and the previous fiscal year. Comprehensive details on agroterrorism funding are difficult, if not impossible, to compute while appropriations bills are being debated in the House and Senate. Legislative language rarely mentions specific amounts for agroterrorism, and report language usually mentions only a few agroterrorism related items that the appropriations committees wish to highlight. For a comprehensive accounting, analysts must wait until the President’s budget is released.

In USDA, five agencies and three offices receive homeland security funding:

⁶⁷ *FY2007 Budget of the United States Government: Analytical Perspectives*, “3. Homeland Security Funding Analysis,” [<http://www.whitehouse.gov/omb/budget/fy2007/pdf/spec.pdf>], and “Appendix: Homeland Security Mission Funding by Agency and Budget Account,” at [http://www.whitehouse.gov/omb/budget/fy2007/pdf/ap_cd_rom/homeland.pdf].

- Agricultural Research Service (ARS)
- Animal and Plant Health Inspection (APHIS)
- Cooperative State Research, Education, and Extension Service (CSREES)
- Food Safety and Inspection Service (FSIS)
- Economic Research Service (ERS)
- Departmental Administration and Executive Operations (including Office of the Secretary, Homeland Security Staff (HSS), and Office of Chief Information Officer (OCIO)).

In the DHS, two directorates receive funding related to agroterrorism:

- Customs and Border Protection
- Science and Technology

Classifying spending on agroterrorism and homeland security requires judgements about which programs are relevant, especially when some have dual purposes.⁶⁸ This subjectivity introduces discrepancies when agencies refine criteria or definitions, or change the way activities are characterized in their homeland security mission. In such cases, the most recently available data are used to update prior year data.

Examples of dual-use programs for agricultural homeland security are animal and plant health programs. These programs, such as border inspection and disease surveillance existed before September 11, 2001, and would be needed at some level due to natural and accidental disease outbreaks. However, the scale and scope of these programs have been expanded primarily due to agroterrorism.

For budget and accounting purposes, all or part of dual-use activities may be counted as homeland security spending, depending on each agency's criteria. For example, GAO reports that the Animal and Plant Health Inspection Service (APHIS) attributes 100% of an activity's budget authority to homeland security if any of the following questions apply:⁶⁹

- Is this a new activity or program focus as a result of 9/11?
- Has the bulk of the program activity changed as a result of 9/11?
- Does the activity address international pest or disease outbreaks or other acts of agro-bioterrorism?
- Was the activity initiated with homeland security supplemental funds?
- Did APHIS receive enhanced homeland security funds for the activity?
- Is the activity needed in order to comply with one or more Homeland Security Presidential Directives or the Bioterrorism Act of 2002?

⁶⁸ Congressional Budget Office (CBO), *Federal Funding for Homeland Security*, July 20, 2005, at [<http://www.cbo.gov/ftpdocs/65xx/doc6566/7-20-HomelandSecurity.pdf>].

⁶⁹ GAO, *Combating Terrorism: Determining and Reporting Federal Funding Data*, GAO-06-161, January 17, 2006, p. 15-16 [<http://www.gao.gov/new.items/d06161.pdf>].

By Year and Source

Prior to September 11, 2001, USDA spent between \$45-60 million in regular annual **appropriations** to combat terrorism, primarily through border inspections and research. **User fees** for border inspection added about \$180 million in FY2002, bringing the total **funding** (regular appropriations plus user fees) to about \$225-240 million in FY2002. This range can be considered the starting baseline for homeland security funding for agriculture (the regular FY2002 agriculture appropriations bill was outlined prior to September 11, 2001, even though it was enacted about two months later.)

Appropriations and user fees for agriculture-related homeland security activities in USDA and DHS have more than tripled from the \$225 million "pre-September 11" baseline to \$797 million in FY2006.

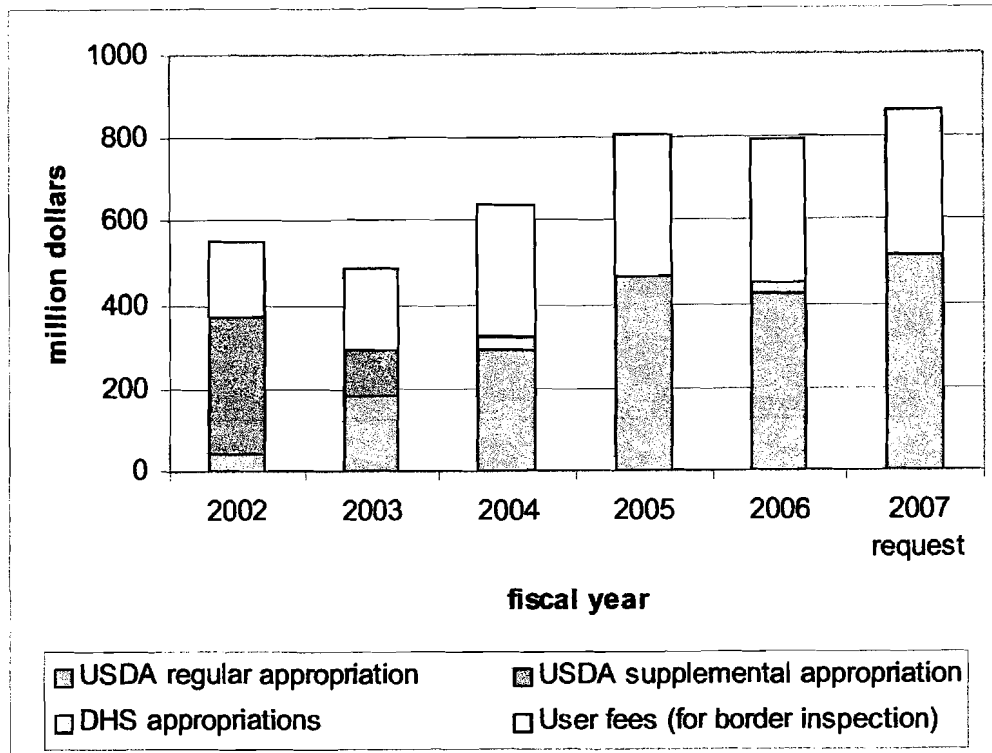
Counting the supplemental appropriations in FY2002-03, and regular annual appropriations and user fees for both USDA and DHS, homeland security funding for agriculture has grown by 44% over 4 years, from \$552 million in FY2002 to \$797 million in FY2006. As a percentage of non-defense budget authority for homeland security, agriculture receives about 2% of the total. In FY2002, the ratio was 2%, which fell to 1.4% in 2003, and has since risen to 2.1% in FY2006 (Table 1).

Table 1. Percent of Homeland Security Funding for Agriculture
(budget authority in millions of dollars)

	Fiscal year					
	2002 actual	2003 actual	2004 actual	2005 actual	2006 est.	2007 request
Non-defense Homeland Security Budget Authority	27,724	34,005	33,810	37,195	38,606	41,585
Homeland Security Funding for Agriculture (Table 2)	552	485	639	807	797	867
Percent	2.0%	1.4%	1.9%	2.2%	2.1%	2.1%

Source: CRS. Amounts for agriculture compiled by CRS; Non-defense total from *Budget of the United States Government: Analytical Perspectives*, "3. Homeland Security Funding Analysis," FY2005-07 [<http://www.whitehouse.gov/omb/budget/fy2007/pdf/spec.pdf>], and GAO, *Combating Terrorism: Determining and Reporting Federal Funding Data*, GAO-06-161, January 17, 2006, p. 56-62 [<http://www.gao.gov/new.items/d06161.pdf>].

Figure 6. Homeland Security Funding for Agriculture, by Source



Source: CRS

The regular appropriation devoted to preparing for agroterrorism has grown significantly since FY2002, and supplanted the need for further supplemental funding (Figure 6). Regular annual appropriations for homeland security in USDA increased more than three-fold from FY2002 to FY2003, and by 60% in each of FY2004 and FY2005. In FY2006, the regular appropriation to USDA for homeland security dropped by about 8%, but the Administration’s request for FY2007 calls for a 20% increase. Regular annual appropriations for agriculture in DHS are irregular and tied to particular initiatives, such as university research grants or facility construction.

Supplemental appropriations acts in 2002 and 2003, (P.L. 107-117 and P.L. 108-11) augmented the regular appropriations acts, providing significant additional funds to rapidly increase the response to agroterrorism vulnerabilities (\$328 million and \$100 million, respectively).

User fees to support agricultural border inspection have grown with passenger and cargo volume, particularly in the immediate years following September 11, 2001, when passenger volume dropped due to public concerns. In FY2002, user fees for agricultural border inspections totaled \$181 million. By FY2004, that amount grew by 73% to \$313 million, and another 11% into FY2006. User fees fund about 44% of the total amount available in FY2006 for homeland security in agriculture.

Table 2. Homeland Security Funding for Agriculture, by Agency
(budget authority in millions of dollars)

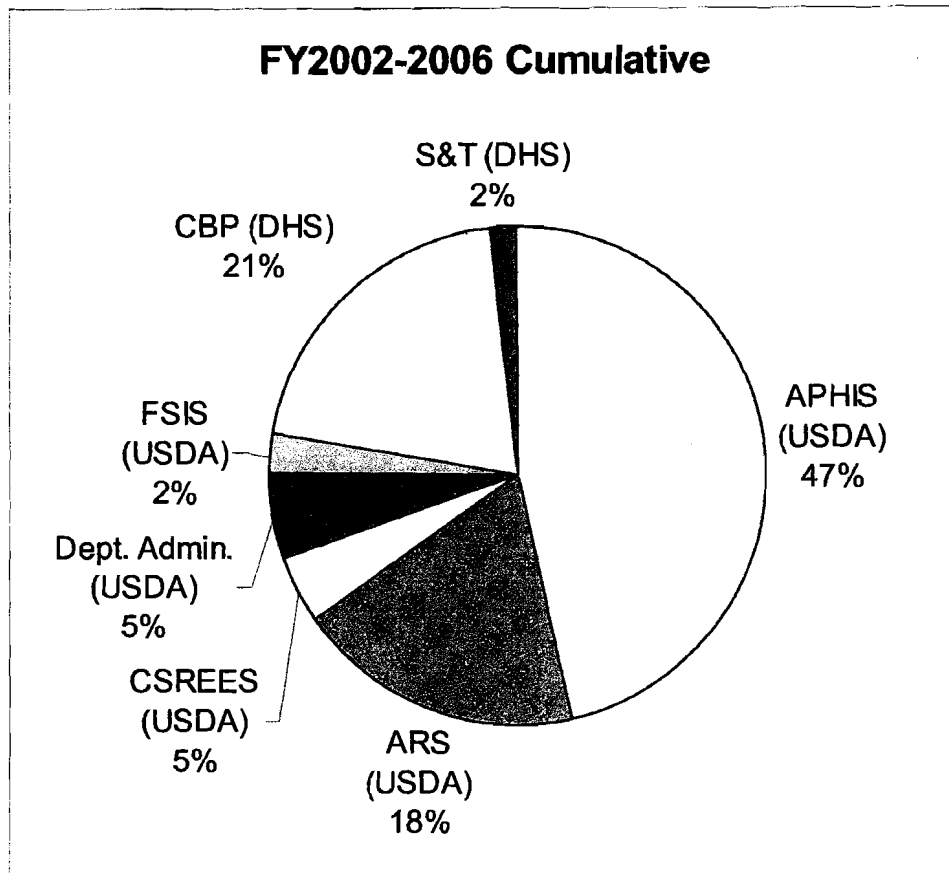
Department Agency	Fiscal year					
	2002 actual	2003 actual	2004 actual	2005 actual	2006 est.	2007 request
U.S. Department of Agriculture (USDA)						
APHIS:						
User fees for inspections	181.2	194.0	313.5	338.7	348.1	353.4
- less transfers to DHS		-69.0	-194.0	-208.0	-211.1	-214.3
= AQI user fees retained	181.2	125.0	119.5	130.7	137.0	139.1
Appropriation	88.8	77.5	183.6	232.5	243.7	313.9
Subtotal APHIS	270.0	202.5	303.1	363.2	380.7	453.0
ARS	175.0	154.6	31.3	151.2	93.8	81.5
CSREES		31.6	39.2	39.7	40.6	48.0
FSIS	15.0	8.7	13.1	19.5	23.3	39.1
Dept. Administration	92.0	18.5	23.8	21.0	23.7	27.7
ERS			1.0	1.0	1.0	1.0
Subtotal USDA						
Regular appropriation	42.8	180.9	292.0	464.9	426.1	511.2
Supplementals	328.0	110.0				
User fees	181.2	125.0	119.5	130.7	137.0	139.1
Subtotal USDA	552.0	415.9	411.5	595.6	563.1	650.3
Department of Homeland Security (DHS) - selected activities in agriculture						
CBP: AQI user fees received		69.0	194.0	208.0	211.1	214.3
S&T: Research centers, new facilities			33.0	3.0	23.0	2.0
Subtotal DHS (selected items)		69.0	227.0	211.0	234.1	216.3
Total of above						
User fees (AQI)	181.2	194.0	313.5	338.7	348.1	353.4
Appropriations	370.8	290.9	325.0	467.9	449.1	513.2
Total of above	552.0	484.9	638.5	806.6	797.2	866.6

Source: CRS. USDA figures for FY2003-07 are from *Budget of the United States Government: Analytical Perspectives*, "Appendix: Homeland Security Mission Funding by Agency and Budget Account," FY2005-07 [http://www.whitehouse.gov/omb/budget/fy2007/pdf/ap_cd_rom/homeland.pdf]; figures for FY2002 are from GAO, *Combating Terrorism: Determining and Reporting Federal Funding Data*, GAO-06-161, Jan. 2006, p. 44-45 [<http://www.gao.gov/new.items/d06161.pdf>]. AQI user fees from USDA "Explanatory Notes for Committee on Appropriations," various years. DHS figures were identified by CRS from DHS "Congressional Budget Justification," FY2006-07.

By Agency

Figure 7 presents homeland security funding for agriculture by agencies in USDA and DHS. APHIS and ARS in USDA conduct most of the activities related to homeland security in agriculture, together with CBP in DHS. APHIS and ARS account for about 64% of cumulative FY2002-06 funding, and CBP another 21%.

Figure 7. Homeland Security Funding for Agriculture, by Agency



Source: CRS. Includes USDA and selected DHS projects.

Much of the APHIS activity (about 43%), and all of the CBP activity, in the homeland security area has been for border inspections, predominantly funded through user fees rather than appropriations. APHIS retains about 39% of the total user fees collected each year, and transfers the rest to DHS for its Customs and Border Patrol agency (Table 2). Most of ARS's funding has gone for construction of a research and diagnostic laboratory in Ames, Iowa, that ARS operates jointly with APHIS.

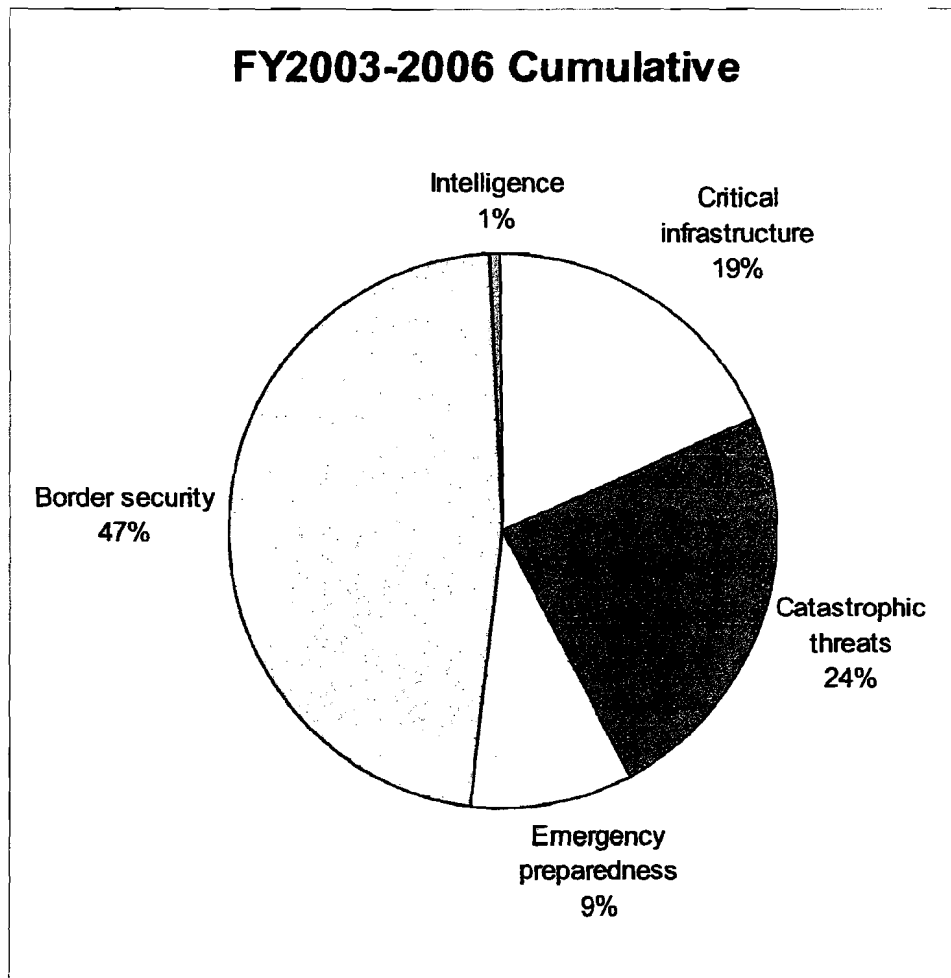
By Function for Homeland Security

For the President's annual budget request, agencies throughout the federal government categorize their funding based on six mission areas (functions), as defined in the National Strategy for Homeland Security:

- Intelligence and warning
- Border and transportation security
- Domestic counterterrorism
- Protecting critical infrastructure and key assets
- Defending against catastrophic threats
- Emergency preparedness and response

Figure 8 and Table 3 present the funding information by homeland security function. Over the multi-year period FY2003-06, border inspections were the largest homeland security activity for agriculture, conducted jointly by USDA-APHIS and DHS-CBP. Defending against catastrophic threats is the next largest activity, particularly in APHIS, which includes monitoring, surveillance and laboratory response capacity. Protecting critical infrastructure has been another large activity, primarily because of the costs to construct a new ARS laboratory in Ames, IA.

Figure 8. Homeland Security Funding for Agriculture, by Function



Source: CRS. Includes USDA and selected DHS projects.

Emergency preparedness and intelligence have received relatively less funding. Primary intelligence gathering is viewed more appropriately as the responsibility of other federal agencies such as the FBI and CIA. These agencies track and act upon

bioterrorism information, sharing relevant information with USDA, DHS, and other agencies.

Table 3. Homeland Security Funding for Agriculture, by Function
(budget authority in millions of dollars, including user fees)

Homeland Security Mission Area	Fiscal year				
	2003 actual	2004 actual	2005 actual	2006 est.	2007 request
Border and transportation security					
USDA	149.2	148.4	158.8	165.2	164.9
DHS	69.0	194.0	208.0	211.1	214.3
Subtotal	218.2	342.4	366.8	376.3	379.2
Protecting critical infrastructure					
USDA	203.3	36.8	150.6	93.2	46.0
DHS			3.0	23.0	
Subtotal	203.3	36.8	153.6	116.2	46.0
Defending against catastrophic threats					
USDA	11.8	168.2	222.7	238.3	342.6
Emergency preparedness and response					
USDA	50.8	57.3	57.2	59.7	74.5
DHS		33.0			2.0
Subtotal	50.8	90.3	57.2	59.7	76.5
Intelligence and warning					
USDA	0.8	0.8	6.3	6.7	22.3
Total	484.9	638.5	806.6	797.2	866.6

Source: CRS. USDA figures from *Budget of the United States Government: Analytical Perspectives*, "Appendix: Homeland Security Mission Funding by Agency and Budget Account," FY2005-07 [http://www.whitehouse.gov/omb/budget/fy2007/pdf/ap_cd_rom/homeland.pdf] and USDA Office of Budget and Policy Analysis spreadsheets for FY2002. Border inspection user fees from USDA "Explanatory Notes for Committee on Appropriations," various years. DHS figures identified by CRS from DHS "Congressional Budget Justification," FY2006-07, and categorized by CRS to be consistent with functions as in USDA.

Note: Does not include amounts which are not exclusive to agriculture, such as such as general intelligence and warning functions in DHS or other agencies, or appropriations for border security in DHS (other than user fees) which are not allocated by industry.

Chronology of Appropriations

The following list outlines appropriations acts that have provided funds for homeland security related to agriculture and food since September 11, 2001.

- **Emergency Supplemental Appropriations for FY2001** (P.L. 107-38; September 18, 2001). Within days of September 11, Congress approved \$40 billion in emergency supplemental

appropriations partitioned over three time periods. USDA received no money for domestic homeland security programs in the first two installments, but did receive an allocation in the final installment for FY2002 (see FY2002 Emergency Supplemental Act below).

- **FY2002 Agriculture Appropriations Act** (P.L. 107-76; November 28, 2001). This regular annual appropriations act was outlined prior to September 11, 2001, and provides the baseline amount for homeland security functions in agriculture, without any particular discussion of agroterrorism. The appropriation for homeland security was not clearly defined, but was approximately \$45-60 million. Together with user fees, the baseline for homeland security for agriculture was about \$225-240 million.
- **FY2002 Emergency Supplemental Act** (P.L. 107-117; January 10, 2002). Congress made the final \$20 billion installment from the FY2001 supplemental in Division B of the FY2002 Defense Department Appropriation (“Transfers from the Emergency Response Fund [ERF] Pursuant to P.L. 107-38”). USDA received \$328 million for homeland security programs. This supplemental appropriation, however, preceded the creation of the Department of Homeland Security, which resulted in some of the funds being moved to DHS when border inspections and the Plum Island Animal Disease Center were transferred DHS. USDA documents suggest about \$220 million were for functions transferred to DHS.
- **FY2002 Supplemental Appropriations Act for Further Recovery** (P.L. 107-206; August 2, 2002). In this \$28 billion supplemental appropriation, Congress included about \$123 million for USDA programs related to homeland security. These amounts, however, were designated among \$5.1 billion of “contingent emergency spending” that President Bush chose not to use, and thus the funds were not available to USDA and other departments (see CRS Report RL31406, *Supplemental Appropriations for FY2002*).
- **FY2003 Omnibus Appropriations Act** (P.L. 108-7; February 20, 2003). This regular annual appropriations act provided \$181 million to USDA for homeland security activities.
- **FY2003 Emergency Wartime Supplemental Appropriations Act** (P.L. 108-11; April 16, 2003). Congress appropriated \$110 million to the Agricultural Research Service “for continued modernization of facilities in Ames, Iowa, which will provide a laboratory building, fixed equipment, and associated infrastructure” (H.Rept. 108-076).
- **FY2004 Consolidated Appropriations Act** (P.L. 108-199; January 23, 2004). This regular annual appropriations act provided \$292 million for homeland security activities in USDA and \$33 million in university grants for agriculture biosecurity from DHS. Conferees

made the following statement about USDA's homeland security activities:

"[A]s of September 30, 2003, \$80,000,000 remains available to the Department from funds provided through the Emergency Response Fund (ERF) [see discussion of P.L. 107-38 and P.L. 107-117 above], of which nearly \$9,000,000 is available to the Secretary. Since these funds were provided, USDA has been one of the slowest Federal agencies to obligate its ERF funds. The conferees are aware of concerns about security, [and] urge the Secretary to act promptly to address identified security needs and to advise the Committees on Appropriations of needs for which additional funds may be necessary" (H.Rept. 108-401).

- **FY2005 Consolidated Appropriations Act** (P.L. 108-447, December 8, 2004). This regular annual appropriations act provided \$465 million for homeland security activities in USDA.
- **FY2006 Homeland Security Appropriations Act** (P.L. 109-90, October 18, 2005). This regular annual appropriations act for DHS (1) provides \$23 million within Science and Technology directorate: "to select a site for the National Bio and Agrodefense Facility [NBAF] and perform other pre-construction activities...to protect animal and public health from high consequence animal and zoonotic diseases." (2) Conferees also encourage the DHS: "to work in conjunction with USDA and HHS and other organizations on agroterrorism and animal-based bioterrorism, including the development and stockpiling of veterinary vaccines ... [and with] one or more states to develop a model integrated agricultural response system, utilizing geographic information systems that identify critical agricultural infrastructure." (3) Conferees also directed that DHS coordinate with USDA to submit a report "which details the specific actions each agency will take, or has already taken, to address the apparent 32% reduction in agriculture inspections and the lack of coordination between [DHS and USDA]" (H.Rept 109-241).
- **FY2006 Agriculture Appropriations Act** (P.L. 109-97, November 10, 2005). This regular annual appropriations act provided \$426 million for homeland security activities in USDA.

FY2007 Budget Request

FY2007 USDA "Food and Agriculture Defense Initiative". In its annual budget request, USDA highlights several programs in a "Food and Agriculture Defense Initiative." The initiative does not include all homeland security programs for agriculture, but is rather a list of priority programs that USDA wishes to highlight during the appropriations process. The initiative was first mentioned in the FY2005 budget request. For example, border security activities have not been included in the initiative, even though they are included in the broader measure of homeland security

funding presented on previous pages. For FY2006, appropriations for the Food and Agriculture Defense Initiative totaled \$253 million, but total USDA homeland security funding as reported by OMB was \$426 million (excluding user fees).

USDA's budget for FY2007 calls for significantly increased spending on several agroterrorism preparedness programs. The Food and Agriculture Defense Initiative requests an FY2007 appropriation of \$322 million, up 27% from the \$253 million appropriated for items in the initiative for FY2006 (Table 4). However, using OMB's more comprehensive analysis of homeland security funding for agriculture cited on previous pages, the requested FY2007 increase in homeland security funding for agriculture is 8.7%, up from \$426 million in FY2006 to \$511 million requested for FY2007 (Table 2).

The largest item in the initiative for FY2007 is enhanced surveillance by APHIS of animal and plant health. Unlike prior years, the initiative does not include any funds for construction of the new ARS laboratory in Ames, Iowa, which received its full funding in FY2006.

Many of the initiative's programs would improve the Federal government's ability to more quickly identify and characterize an agroterrorist attack through surveillance and monitoring. In its justification for the initiative, USDA says these activities will promote data sharing and joint analysis among federal, state and local levels. An example of such coordination is the Food Emergency Response Network (FERN) of laboratories. These computer networks allow labs to improve information sharing, rapid identification, and consistent diagnostic methods for contaminated foods. Another preparedness effort in the initiative is the National Veterinary Vaccine Bank and the National Plant Disease Recovery System (both of which are mentioned in HSPD-9).

FY2007 DHS Budget Initiative. The FY2007 DHS budget request includes \$2 million to create a "Joint Agro-terror Defense Office" (JADO) in the Science and Technology (S&T) directorate. DHS says the new office will enhance inter-agency coordination of advanced development of countermeasures for agroterrorism. HSPD-9 instructs DHS to coordinate Federal activities to "accelerate and expand development of current and new countermeasures against intentional introduction or natural occurrence of catastrophic animal, plant, or zoonotic diseases."

The budget plan calls for JADO to be established in the Office of the Under Secretary of S&T to "provide continuity and functional linkages for these inter-agency interactions, including issues concerning policy, research coordination, and strategic planning."⁷⁰ A senior advisory group, chaired by the S&T Under Secretary and vice-chaired by USDA, would include representatives from government research and regulatory agencies and the USDA Homeland Security Staff. The \$2 million proposed FY2007 funding for JADO would allow an executive officer plus up to 5 staff from DHS and USDA.

⁷⁰ DHS "Congressional Budget Justification," FY2006-07, pp. S&T 105-106.

Table 4. USDA Food and Agriculture Defense Initiative
(million dollars)

	Agency	FY2005 actual	FY2006 est.	FY2007 request
Food Defense:				
Food Emergency Response Network	FSIS	3	3	19
Surveillance and monitoring	FSIS	3	3	3
FSIS enhanced inspections	FSIS	2	2	2
Lab upgrades, physical security	FSIS	3	6	6
Education, training, other	FSIS	3	4	4
Other FSIS activities	FSIS	5	5	5
Research	ARS	8	9	23
Subtotal food defense		27	32	62
Agriculture Defense:				
Research	ARS	21	25	49
National Plant Disease Recovery	ARS	2	2	6
Regional Diagnostic Network	CSREES	9	10	12
Higher educ. agrosecurity program	CSREES	0	0	5
Enhanced surveillance	APHIS	80	87	130
Bio-surveillance	APHIS	2	2	3
Plant safeguarding activities	APHIS	17	17	23
Select agents	APHIS	3	3	5
National Veterinary Stockpile	APHIS	3	3	8
Other APHIS activities	APHIS	13	14	19
Subtotal agriculture defense		150	163	260
Subtotal, ongoing programs		177	195	322
Ames, Iowa BSL-3 facility	ARS	121	58	0
Total, Food and Agriculture Defense Initiative		298	253	322
Total USDA homeland security appropriation (Table 2)		465	426	511
Food and Agriculture Defense Initiative as % of Total USDA homeland security appropriation		64%	59%	63%

Source: USDA, *Budget Summary and Annual Performance Plan: FY2007*, p. 16-18
[<http://www.usda.gov/agency/obpa/Budget-Summary/2007/FY07budsum.pdf>].

Possible Pathogens in an Agroterrorist Attack

Of the hundreds of animal and plant pathogens and pests available to an agroterrorist, perhaps fewer than a couple of dozen represent significant economic threats. Determinants of this level of threat are the agent's contagiousness and potential for rapid spread, and its international status as a "reportable" pest or disease (i.e., subject to international quarantine) under rules of the World Organization for

Animal Health (also commonly known as the OIE, the Office International des Epizooties).⁷¹

A widely accepted view among scientists is that livestock are more susceptible to agroterrorism than cultivated plants. Much of this has to do with the success of efforts to systematically eliminate animal diseases from U.S. herds, which leaves current herds either unvaccinated or relatively unmonitored for such diseases by farmers and some local veterinarians. Once infected, livestock can often act as the vector for continuing to transmit the disease, facilitating an outbreak's spread, especially when live animals are transported. Certain animal diseases may be more attractive to terrorists because they can be zoonotic, or transmissible to humans.⁷²

In contrast, a number of plant pathogens continue to exist in small areas of the U.S. and continue to infect limited areas of plants each year, making outbreaks and control efforts more routine. Moreover, plant pathogens generally are more difficult to manipulate from a technical perspective. Some plant pathogens require particular environmental conditions of humidity, temperature, or wind to take hold or spread. Other plant diseases may take a longer time than an animal disease to become established or achieve a level of destruction that a terrorist may desire.

Animal Pathogens

The Agricultural Bioterrorism Protection Act of 2002 (Subtitle B of P.L. 107-188, the Public Health Security and Bioterrorism Preparedness and Response Act) created the current, official list of animal pathogens that are of greatest concern for agroterrorism. The list is specified in the select agent rules implemented by USDA-APHIS and the Centers for Disease Control and Prevention (CDC) of the Department of Health and Human Services (HHS). The act requires that these lists (Table 5) be reviewed at least every two years.

The select agent list for animal pathogens draws heavily from the enduring and highly respected OIE lists of high-concern pathogens. The select agent list is comprised of an APHIS-only list (of concern to animals) and an overlap list of agents selected both by APHIS and CDC (of concern to both animals and humans).⁷³

⁷¹ The OIE is an international organization created in 1924 with 166 member countries. It is a well-respected information clearinghouse for animal diseases and health. Member countries report diseases that occur on their territory, and the OIE disseminates the information, allowing other countries to take preventive action. The OIE also analyses scientific information on animal disease control, provides technical support, and develops normative documents that are recognized by the World Trade Organization for international trade and sanitary rules; see [<http://www.oie.int>].

⁷² Some of the biological pathogens of concern to agriculture are discussed in CRS Report RL32391, *Small-scale Terrorist Attacks Using Chemical and Biological Agents: An Assessment Framework and Preliminary Comparisons*, by Dana Shea and Frank Gottron.

⁷³ For descriptions of the diseases listed in Table 5, see the United States Animal Health Association's "Gray Book," at [http://www.vet.uga.edu/vpp/gray_book/FAD/index.htm], and the OIE's "Technical Disease Cards," at [http://www.oie.int/eng/maladies/en_mal.htm].

(continued...)

OIE List. Prior to the Agricultural Bioterrorism Protection Act, the commonly accepted animal diseases of concern were all of the OIE's "List A" diseases and some of the "List B" diseases. In 2004, the OIE replaced its Lists A and B with a single list⁷⁴ that is more compatible with the Sanitary and Phytosanitary Agreement (SPS) of the World Trade Organization (WTO). The new OIE list classifies diseases equally, giving each the same degree of importance in international trade.⁷⁵ Many of these OIE-listed diseases are included in the select agent list (**Table 5**).

The OIE's List A diseases were transmissible animal diseases that had the potential for very serious and rapid spread, irrespective of national borders. List A diseases had serious socioeconomic or public health consequences and were of major importance in international trade. List B diseases were transmissible diseases considered to be of socioeconomic or public health importance within countries and significant in international trade. In creating the new list, OIE reviewed its criteria for including a disease, and the disease or epidemiological events that require member countries to file reports. Nearly all of the former List A and List B diseases are included in the new single OIE list.

Select Agents List. The regulations establishing the select agent list for animals (9 CFR 121) set forth the requirements for possession, use and transfer of these biological agents or toxins. They are intended to ensure safe handling and for security to protect the agents from use in domestic or international terrorism. APHIS and CDC determined that the biological agents and toxins on the list have the potential to pose a severe threat to agricultural production or food products.

The 23 animal diseases listed exclusively by APHIS in 9 CFR 121.3 — the left column of **Table 5** — include 20 of the OIE-listed diseases and three other disease agents (Akabane, Camel pox, and Menangle) considered to be emerging animal health risks for terrorism. The much larger OIE list includes other diseases that are not listed as "select agents." However, the select agent list was created to account for the additional risks perceived to be posed by terrorism.

The 20 diseases and overlap agents/toxins included by both APHIS and CDC in 9 CFR 121.4 — the right column of **Table 5** — pose a risk to both human and animal health. The overlap list includes ten OIE-listed diseases, including anthrax, brucellosis of cattle, brucellosis of sheep, brucellosis of swine, glanders, Rift Valley fever, Q fever, Eastern equine encephalitis, tularemia, and Venezuelan equine encephalitis.

⁷³ (...continued)

Overlap diseases and agents are described by the Centers for Disease Control and Prevention (CDC) at [<http://www.bt.cdc.gov/agent/agentlist-category.asp>].

⁷⁴ OIE, *Terrestrial Animal Health Code*, 13th edition, May 2004, at [http://www.oie.int/eng/normes/mcode/en_sommaire.htm].

⁷⁵ Bernard Vallat, "The OIE paves the way for a new animal disease notification system," Editorials from the (OIE) Director General, April 2004, at [http://www.oie.int/eng/Edito/en_edito_apr04.htm].

Table 5. Livestock Diseases in the Select Agent List

Animal diseases and agents/toxins listed exclusively by APHIS 9 CFR 121.3	OIE class	Overlap diseases and agents/toxins listed by both APHIS and CDC 9 CFR 121.4	OIE class
African horse sickness	E	Anthrax (<i>Bacillus anthracis</i>)	M
African swine fever	S	Botulinum neurotoxins	
Akabane		Botulinum neurotoxin-producing species of <i>Clostridium</i>	
Avian influenza (highly pathogenic)	A		
Bluetongue (exotic)	M	Brucellosis of cattle (<i>Brucella abortus</i>)	B
Bovine spongiform encephalopathy	B	Brucellosis of sheep (<i>Brucella melitensis</i>)	C
Camel pox		Brucellosis of swine (<i>Brucella suis</i>)	S
Classical swine fever	S	Glanders (<i>Burkholderia mallei</i>)	E
Contagious caprine pleuropneumonia	C	Melioidosis (<i>Burkholderia pseudomallei</i>)	
Contagious bovine pleuropneumonia	B	<i>Clostridium perfringens</i> epsilon toxin	
Foot-and-mouth disease (FMD)	M	(Valley fever) <i>Coccidioides immitis</i>	
Goat pox	C	Q fever (<i>Coxiella burnetii</i>)	M
Heartwater (<i>Cowdria ruminantium</i>)	M	Eastern equine encephalitis	E
Japanese encephalitis	E	Tularemia (<i>Francisella tularensis</i>)	L
Lumpy skin disease	M	Hendra virus (of horses)	
Malignant catarrhal fever	B	Nipah virus (of pigs)	
Menangle virus		Rift Valley fever	M
Newcastle disease (exotic)	A	Shigatoxin	
Peste des petits ruminants	C	Staphylococcal enterotoxins	
Rinderpest	B	T-2 toxin	
Sheep pox	C	Venezuelan equine encephalitis	E
Swine vesicular disease	S		
Vesicular stomatitis	M		

Source: 9 CFR 121.3(b) and (d), supplemented with common disease names as appropriate. OIE classes include diseases affecting multiple species (M), cattle/bovine (B), sheep and goats/caprines (C), horses/equine (E), pigs/swine (S), birds/avian (A), and rabbits/lagomorphs (L).

Analysis. The select agent list designates and regulates pathogens, not diseases, by regulating access to and handling of high-consequence pathogens. The overlap list is more comprehensive than a disease-only list, because certain pathogens may not cause a disease, *per se*, but may cause symptoms such as food poisoning or central nervous systems responses.

Some of select agent pathogens receive more attention than others. For example, foot and mouth disease (FMD) is probably the most frequently mentioned disease when agroterrorism is discussed, due to its ease of use, ability to spread rapidly, and potential for great economic damage. In testimony before the Senate Governmental Affairs Committee on November 19, 2003, Dr. Thomas McGinn of the North Carolina Department of Agriculture described a simulation of an FMD attack by a

terrorist at a single location. Only after the 5th day of the attack would the disease be detected, by which time it may have spread to 23 states. By the 8th day, 23 million animals may need to be destroyed in 29 states.⁷⁶

On the other hand, the causative agent of bovine spongiform encephalopathy (BSE, or “mad cow disease”) is considered dangerous enough to be a select agent, even though mad cow disease is less likely to be a terrorist’s choice than other diseases. With BSE, infection is not certain, symptoms take years to manifest, and the disease may not be detected — all making credit for an attack more doubtful.

Widespread animal diseases like brucellosis, influenza, or tuberculosis receive relatively less attention than FMD, hog cholera, or Newcastle disease. However, emerging diseases such as Nipah virus, Hendra virus, and the H5N1 strain of avian influenza (zoonotic diseases that have infected people, mostly in Asia) can be lethal since vaccines are elusive or have not been developed.

Plant Pathogens

The Agricultural Bioterrorism Protection Act of 2002 (Subtitle B of P.L. 107-188) also instructed APHIS and CDC to create the current official list of potential plant pathogens. The Federal government lists biological agents and toxins for plants in 7 CFR 331.3 (Table 6). The act requires that these lists be reviewed at least every two years, and revised as necessary.⁷⁷

Table 6. Plant Diseases in the Select Agent List

Plant diseases caused by...	the select agents listed in 7 CFR 331.3
Citrus greening	<i>Liberobacter africanus, L. asiaticus</i>
Philippine downy mildew (of corn)	<i>Peronosclerospora philippinensis</i>
Bacterial wilt, brown rot (of potato)	<i>Ralstonia solanacearum</i> , race 3, biovar 2
Brown stripe downy mildew (of corn)	<i>Sclerophthora rayssiae</i> var. <i>zeae</i>
Potato wart or potato canker	<i>Synchytrium endobioticum</i>
Bacterial leaf streak (of rice)	<i>Xanthomonas oryzae</i> pv. <i>oryzicola</i>
Citrus variegated chlorosis	<i>Xylella fastidiosa</i>

Source: 7 CFR 331.3(a), supplemented with common disease names as appropriate.

⁷⁶ S.Hrg. 108-491, *Agroterrorism: The Threat to America’s Breadbasket*, Senate Committee on Governmental Affairs, November 19, 2003, pp. 10 and 65 [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_senate_hearings&docid=f:91045.wais.pdf].

⁷⁷ The list originally included soybean rust (*Phakopsora pachyrhizi*) and Plum pox (Plum pox potyvirus), which were later removed. For example, when soybean rust became endemic in the southern United States, access as a “select agent” became less important.

Prior to the act, there was not a commonly recognized list of the most dangerous plant pathogens, although several diseases were usually mentioned and are now included in the APHIS select agent list.

The list of seven biological agents and toxins in 7 CFR 331.3 was compiled by the Plant Protection and Quarantine (PPQ) program in APHIS, in consultation with USDA's Agricultural Research Service; Forest Service; Cooperative State Research, Education, and Extension Service; and the American Phytopathological Society. The listed agents and toxins are viruses, bacteria, or fungi that can pose a severe threat to a number of important crops, including potatoes, rice, corn, and citrus. Because the pathogens can cause widespread crop losses and economic damage, they could potentially be used by terrorists.

Other plant pathogens not included in the select agent list possibly could be used against certain crops or geographic regions. Examples include Karnal bunt, citrus canker, and soybean rust, all of which currently exist in the U.S. in regions quarantined or under surveillance by USDA. As with other agents, the effectiveness of an attack to spread such a disease may be dependent on environmental conditions and difficult to achieve.

Countering the Threat

The goal of the U.S. animal and plant health safeguarding system is to prevent the introduction and establishment of exotic pests and diseases, to mitigate their effects when present, and to eradicate them when feasible. In the past, introductions of pests and pathogens were presumed to be unintentional and occurred through natural migration across borders or accidental movement by international commerce (passengers, conveyance, or cargo). However, a system designed for accidental or natural outbreaks is not sufficient for defending against intentional attack. Consequently, the U.S. system is being upgraded to address the reality of agroterrorism.

Different analysts and agencies have various ways to outline a response for agroterrorism. The National Research Council outlines a three-pronged strategy for countering the threat of agroterrorism:⁷⁸

- Deterrence and prevention
- Detection and response
- Recovery and management

Even though no foreign terrorist attacks on crops or livestock have occurred in the United States, government agencies and private businesses have not taken the threat lightly. Biosecurity is an increasingly prominent among food manufacturers, merchandisers, retailers, and commercial farmers. Many agribusinesses have prepared response plans or added security measures to protect their product and brand names, ranging from input sources to processing and retail distribution networks.

⁷⁸ National Research Council (2003), p. 41-59.

Deterrence and Prevention

Primary prevention and deterrence interventions for foreign pests and diseases include international treaties and standards (such as the International Plant Protection Convention, and those of the OIE/World Organization for Animal Health), bilateral and multilateral cooperative efforts, off-shore activities in host countries, port-of-entry inspections, quarantine, treatment, and post-import tracking of plants, animals and their products.

Every link in the agricultural production chain is susceptible to attack with a biological weapon. Traditionally the first defense against a foreign animal or plant disease has been to try to keep it out of the country. Agricultural inspectors at foreign pre-clearance inspections and at the U.S. borders are the first line of defense.⁷⁹ Smuggling interdiction efforts can act as deterrents before biological agents reach their target.

DHS and USDA already conduct such inspection and quarantine practices, but continued oversight is necessary to determine which preparedness activities and threats need more attention. Off-shore activities include pre-clearance inspection by APHIS of U.S. imports before products leave their port of origin. APHIS has personnel in at least 27 host countries. Although many of these inspections programs were built to target unintentional threats, they are being augmented with personnel and technology to look for intentional threats.

Various U.S. intelligence and law enforcement agencies collect information about biological weapons that could be used against U.S. agriculture. Building and maintaining a climate of information sharing between USDA, DHS, and the intelligence community is necessary, especially so that agriculture is not overlooked compared to other infrastructure and human targets.

Once inside the U.S., many parts of the food production chain may be susceptible to attack with a biological weapon. For example, terrorists may have unmonitored access to geographically remote crop fields and livestock feedlots. Diseases may infect herds more rapidly in modern concentrated confinement livestock operations than in open pastures. An undetected disease may spread rapidly because livestock are transported more frequently and over greater distances between farms, and to processing plants. Processing plants and shipping containers need to be secured and/or tracked to prevent tampering.

An important line of defense is biosecurity — the use of preventive security measures against pathogens. On farms, biosecurity includes farm management practices that both protect animals and crops from the introduction of infectious agents and contain a disease to prevent its rapid spread within a herd or to other farms. Biosecurity practices include structural enclosures to limit outside exposure to people and wild animals, and the cleaning and disinfection of people, clothing,

⁷⁹ For more discussion of current border inspections practices and data on past agricultural and other inspections programs, see CRS Report RL32399, *Border Security: Inspections Practices, Policies, and Issues*, by Ruth Wasem et al.

vehicles, equipment, and supplies entering the farm. USDA promotes such practices for poultry in a program called "Biosecurity for the Birds."⁸⁰

Most farm specialists agree that livestock farmers are increasingly aware of the importance of biosecurity measures, particularly since the FMD outbreaks in European cattle and the avian flu and exotic Newcastle infections in U.S. poultry. More farm operators are restricting visitors or requiring them to wear boot covers or other protective clothing to guard against bringing in disease. Regardless of the reason for following biosecurity measures (terrorism or accidents), these precautions help prepare farms against diseases.

Federal Authorities. When a foreign animal disease is discovered, whether accidentally or intentionally introduced, the Secretary of Agriculture has broad authority to eradicate it or prevent it from entering the country.⁸¹ The use of these authorities is fairly common, as shown recently by the import restrictions placed on H5N1 avian flu-infected countries. Federal quarantines and restrictions on interstate movement within the U.S. are also common for certain pest and disease outbreaks, such as for sudden oak death in California and citrus canker in Florida.

In addition to federal authorities, most states have similar authorities, at least for quarantine and import restrictions. In fact, the initial response to many outbreaks is at the state or local level. If an outbreak spreads across state lines or if state and local efforts are inadequate, federal involvement quickly follows. State and local officials usually consult with federal authorities and often seek federal assistance.

If an animal disease outbreak is found in the United States, the Secretary of Agriculture is authorized, among other things, to:

- Stop imports of animals and animal products into the U.S. from suspected countries (7 U.S.C. 8303);
- Stop animal exports (7 U.S.C. 8304) and interstate transport of diseased or suspected animals (7 U.S.C. 8305);
- Seize, quarantine, and dispose of infected livestock to prevent dissemination of the disease (7 U.S.C. 8306);
- Compensate owners for the fair market value of animals destroyed by the Secretary's orders (7 U.S.C. 8306(d)); and

⁸⁰ USDA-APHIS, "Biosecurity for the Birds: Biosecurity Tips: 6 Ways To Prevent Poultry Disease" [<http://www.aphis.usda.gov/vs/birdbiosecurity/tips.html>].

⁸¹ The Plant Protection Act (P.L. 106-224, Title IV, Sec. 402, June 20, 2000) and the Animal Health Protection Act (P.L. 107-171, Title X, Sec. 10402, May 13, 2002) provide broad regulatory and eradication authorities to the Secretary and to APHIS. These acts replace a patchwork of similar laws dating back many decades by combining authorities into a unified framework.

- Transfer the necessary funding from USDA's Commodity Credit Corporation (CCC) to cover costs of eradication, quarantine, and compensation programs (7 U.S.C. 8316).⁸²

Similar authorities cover plant pests and diseases (7 U.S.C. 7701-7772).

Detection and Response

In the FY2004 Consolidated Appropriations Act (P.L. 108-199), the conference committee made the following observation about agroterrorism preparedness:

"The conferees agree that emergency preparedness related to field crops, farm animals and food processing and distribution is of critical importance, and that the agriculture and food sectors are part of the critical infrastructure requiring heightened attention and protection. Given the integral roles of state and local governments and the private sector in detecting, deterring and responding to acts of agro-terrorism, the conferees expect the Department of Agriculture and the Department of Homeland Security to coordinate efforts in assisting states, particularly by providing financial and technical support to initiatives oriented toward interstate cooperation in joint preparedness initiatives. The conferees are particularly interested in those states that have developed or are currently developing coordinated interstate initiatives" (H.Rept. 108-401 for P.L. 108-199).

Because biological attacks on crops and livestock may not be immediately apparent, existing frameworks for detecting, identifying, reporting, tracking, and managing natural and accidental disease outbreaks need to be upgraded to combat agroterrorism. Appropriate responses are being developed based on specific pathogens, targets, and other circumstances that may surround an attack.

The exact methods for control and eradication operations are difficult to predict. Past experience and simulations have shown that day-to-day decisions would be made using "decision trees" that include factors such as the geographical spread, rates of infestation, available personnel, public sentiment, and industry cooperation. Response procedures are outlined in the APHIS Plant Protection and Quarantine (PPQ) *Emergency Programs Manual*⁸³ and the APHIS Veterinary Services (VS) *Federal Emergency Response Plan for an Outbreak of Foot-and-Mouth Disease or Other Highly Contagious Diseases*.⁸⁴ The National Response Plan (NRP) also discusses USDA's role in responding to terrorist attacks or other disasters.

⁸² For more information on CCC transfers for plant and animal health programs, see CRS Report RL32504, *Funding Plant and Animal Health Emergencies: Transfers from the Commodity Credit Corporation*, by Jim Monke.

⁸³ USDA-APHIS Plant Protection and Quarantine (2002), *Emergency Programs Manual*, at [http://www.aphis.usda.gov/ppq/manuals/emergency/pdf_files/EPM.pdf].

⁸⁴ A summary of the emergency response plan for animals is available from USDA-APHIS at [http://www.aphis.usda.gov/lpa/pubs/fsheet_fa_notice/fs_ahfmdres.html].

The capacity to respond, however, is not always as strong as desired. In recent years, the number of veterinarians with experience to recognize many foreign animal diseases has declined. Success in eradicating many animal diseases in the United States has reduced the “opportunity” for new veterinarians to see such diseases. Also, the number of large animal veterinarians in private practice and within APHIS has declined. The American Veterinary Medical Association predicts that 7% of USDA positions for large animal veterinarians may go unfilled, and 4-5% of such positions nationwide.⁸⁵ In light of this trend, APHIS has initiated efforts to increase training for foreign animal diseases and create registries of veterinarians with appropriate experience. The National Veterinary Medical Service Act, P.L. 108-161, provides new veterinarians with loan repayment assistance in exchange for practicing areas with veterinary shortages and for being tasked by the government in emergency situations.⁸⁶

In an outbreak, damage is proportional to the time it takes to first detect the disease. If a foreign disease is introduced, responsibility for recognizing initial symptoms rests with farmers, producers, veterinarians, plant pathologists and entomologists. But farmers sometimes are reluctant to voluntarily test crops or livestock for fear of economic loss or professional stature. Cooperative Extension Service agents at state universities are receiving additional training on recognizing the likely symptoms of an agroterrorism attack.

Effective detection depends on a heightened sense of awareness, and on the ability to rapidly determine the level of threat (e.g., developing and deploying rapid disease diagnostic tools). Lessons from disease outbreaks, including the 2001 FMD outbreaks in Europe and 2003-06 spread of H5N1 avian flu globally, show that the speed of detection, diagnosis, and control spell the difference between an isolated incident and an economic and public health disaster.

DHS and USDA have responded with a more detailed and coordinated plan to secure the food supply, particularly with the announcement of HSPD-9. The departments are cooperating on research funding, detection technology, surveillance, partnerships with private industry, and state and local response coordination.⁸⁷ Examples of the public-private partnerships for detection include the food and agriculture Information Sharing and Analysis Center (ISAC) and the food and agriculture Sector Coordinating Council (SCC) — both discussed earlier in this report.

Numerous simulation (“table top”) exercises have been conducted by both federal, state and local authorities to test the response and coordination efforts of a

⁸⁵ Sterner, Keith E. “An invited perspective on the shortage of veterinarians in food supply veterinary medicine,” *Journal of the American Veterinary Medical Association*, vol.229, July 1, 2006, p. 30-32.

⁸⁶ The National Veterinary Medical Services Act received a \$500,000 appropriation in the FY2006 agriculture appropriations act (P.L. 109-97, H.Rept. 109-255). USDA regulations to implement the program are forthcoming.

⁸⁷ DHS Fact Sheet, “Strengthening the Security of Our Nation’s Food Supply,” July 6, 2004, at [http://www.dhs.gov/dhspublic/interapp/press_release/press_release_0453.xml].

agroterrorism attack. Examples of such simulations include the Silent Prairie exercise in Washington (February 11, 2003), the Silent Farmland exercise in North Carolina (August 5, 2003), and Exercise High Stakes in Kansas (June 18, 2003).

The last line of defense, and the costliest, is the isolation, control, and eradication of an epidemic. The more geographically widespread a disease outbreak, the costlier and more drastic the control measures become. Officials gained valuable experience from recent agricultural disease outbreaks such as avian influenza in the U.S., Canada, and Asia;⁸⁸ FMD in the UK; and citrus canker in Florida. Each one of these epidemics has required the depopulation and destruction of livestock and crops in quarantine areas, indemnity payments to farmers, and immediate suspension of trade.

Of all lines of defense, mass eradication is the most politically sensitive and difficult. Actions taken in each of these outbreaks have met with varying degrees of resistance from groups opposed to mass slaughter of animals, citizens concerned about environmental impacts of destroying carcasses, or from farmers who fear the loss of their livelihood. During the 2001 outbreak of FMD in the United Kingdom, the public was clearly opposed to the large pyres of burning carcasses. The disposal of millions of chicken carcasses in British Columbia, Canada, during 2004 also caused a significant public debate. Thus, scientific alternatives are needed for mass slaughter and carcass disposal.⁸⁹

Judicial roadblocks also can interfere with eradication and control efforts. For example, science-based measures (tree removal within certain perimeters) to eradicate citrus canker in Florida's residential neighborhoods were challenged and delayed in the courts. The disease continued to spread and, before it could be eradicated, was spread very widely by hurricanes in 2005.

National Veterinary Stockpiles (NVS). HSPD-9 calls for a National Veterinary Stockpile (NVS) "containing sufficient amounts of animal vaccine, antiviral, or therapeutic products to appropriately respond to the most damaging animal diseases affecting human health and the economy and that will be capable of deployment within 24 hours of an outbreak."

At a Senate agriculture committee hearing, Dr. James Roth, veterinary professor at Iowa State University, highlighted Rift Valley fever, Nipah virus, and avian influenza as candidates for the stockpile because the agents are contagious and can cause serious illness or death in humans. "Safe and effective vaccines for these three diseases can be developed in a short time frame. This preventive measure would effectively reduce the serious threat these diseases pose to both public health and animal agriculture. Animal vaccines can be developed for a small fraction of the cost of developing human vaccines. Vaccinating animals for zoonotic diseases effectively

⁸⁸ For more information on avian flu, see CRS Report RS21747, *Avian Influenza: Agricultural Issues*, by Jim Monke.

⁸⁹ National Agricultural Biosecurity Center (Kansas State), *Carcass Disposal: A Comprehensive Review*, August 2004 [<http://fss.k-state.edu/research/books/carcassdispfiles/Carcass%20Disposal.html>].

protects the human population from infection, and reduces the need to vaccinate people.⁹⁰

The NVS received \$3 million in FY2005 and \$3 million in FY2006. The Administration requests \$8 million for FY2007 as part of the Food and Agriculture Defense Initiative.

Recovery and Management

Some activities, such as confinement and eradication, start in the response phase but continue throughout the recovery and management phase. Long-term economic recovery includes resuming the husbandry of animals and plants in the affected areas, introducing new genetic traits that may be necessary in response to the pest or disease, rebuilding public confidence in domestic markets, and regaining international market share.

Confidence in food markets, by both domestic and international customers, depends on continuing surveillance after the threat is controlled or eradicated. Communication and education programs would need to inform growers directly affected by the outbreak, and inform consumers about the source and safety of their food. The social sciences and public health institutions play a complementary role to the agricultural sciences in responding to and recovering from agroterrorism.

If eradication of the pest or disease is not possible, an endemic infestation would result in a lower equilibrium level of production and/or product quality. Resources would be devoted to acquiring plant varieties with resistance characteristics and breeds of animals more suitable to the new environment. This is the goal of the National Plant Disease Recovery System (NPDRS) mentioned in HSPD-9 and being initiated by APHIS.

National Plant Disease Recovery System (NPDRS). HSPD-9 calls for a National Plant Disease Recovery System (NPDRS) “capable of responding to a high-consequence plant disease with pest control measures and the use of resistant seed varieties within a single growing season to sustain a reasonable level of production for economically important crops.”

The primary resources for this recovery system are the U.S. National Plant Germplasm System in conjunction with federal, state, university, extension, and industry scientists. Planning includes finding or developing seed varieties that resistant to certain diseases, and pesticide control measures that prevent, slow, or stop high-consequence plant diseases from spreading.

The NPDRS received \$2 million in FY2005 and \$2 million in FY2006. The Administration requests \$6 million for FY2007 as part of the Food and Agriculture Defense Initiative.

⁹⁰ James A. Roth, DVM. Testimony before the Senate Committee Agriculture Committee, July 20, 2005 [<http://agriculture.senate.gov/Hearings/hearings.cfm?hearingId=1572>].

Issues for Congress

Federal Appropriations

The annual appropriations process provides an opportunity for legislators to influence homeland security activities separate from writing authorizing legislation or conducting oversight hearings. In addition to the primary purpose of appropriations laws — providing or limiting funding — appropriators may also use committee report language to request reports from federal agencies or make statements and stipulations about future counterterrorism activities.

For FY2007 appropriations, USDA requests \$322 million for the “Food and Agriculture Defense Initiative,” which is a list of priority homeland security programs that USDA wishes to highlight (Table 4). The initiative is not all-inclusive, and represents 63% of the total \$511 million requested appropriation for USDA homeland security activities.

DHS requests \$2 million for FY2007 for a “Joint Agro-terror Defense Office” (JADO) in the Science and Technology directorate.

These budget requests and past appropriations for agroterrorism are discussed earlier in this report under the heading “Federal Funding to Respond to Agroterrorism.”

Proposed Legislation

Increasing the level of terrorism preparedness remains a concern, not only for agroterrorism, but also for other forms of terrorism. Several bills have been introduced in the 109th Congress to authorize funding or otherwise improve the level of preparedness or coordination of response to an agroterrorist attack. These bills are listed in Table 7 and discussed in the context of several issues below.

Two complementary bills addressing agroterrorism preparedness were introduced by Senator Akaka: S. 572 (the Homeland Security Food and Agriculture Act) and S. 573 (the Agricultural Security Assistance Act). Versions of both bills were introduced in the 108th Congress. Both bills address different aspects of agroterrorism preparedness and coordination. S. 572 amends the Homeland Security Act of 2002 by giving additional responsibilities to the Department of Homeland Security for agroterrorism preparedness. S. 573 (which subsequently was incorporated into Project Bioshield II, S. 975) tasks the Secretary of Agriculture with various studies and programs, authorizes funding for state and local preparedness, public awareness programs, and biosecurity grants for farmers. S. 573/S. 975 also establish agriculture liaison positions in the Department of Homeland Security and Department of Health and Human Services.

Another agroterrorism preparedness bill, S. 1532 (the Agroterrorism Prevention Act) was introduced by Senator Specter. It would authorize funding for public awareness, on-farm biosecurity guidelines, and state and local preparedness assistance, and bolster laboratory and other response capacity. S. 1532 also addresses

criminal penalties for agroterrorism, and coordination for agricultural issues in the intelligence community.

H.R. 4239 and S. 1926 (the Animal Enterprise Terrorism Act), introduced by Representative Petri and Senator Inhofe, enhance criminal penalties for terrorism against animal enterprises, not only for agroterrorism as discussed in this report, but also for what is sometimes called “eco-terrorism” against animal research facilities or types of livestock production.

Table 7. Bills in the 109th Congress Addressing Agroterrorism

Bill in 109 th Congress	Committee jurisdiction	Status
S. 572 (Akaka) Homeland Security Food and Agriculture Act	Homeland Security and Governmental Affairs	Reported by committee 12/15/2006 S.Rept. 109-209
S. 573 (Akaka) Agricultural Security Assistance Act	Agriculture	Referred to committee Incorporated into S. 975
S. 975 (Lieberman) Project BioShield II Act Title 27 (Countermeasures Against Agroterrorism)	Health, Education, Labor, and Pensions	Committee hearing held 7/21/2005 S.Hrg. 109-210
S. 1532 (Specter) Agroterrorism Prevention Act	Agriculture	Referred to committee
H.R. 4239 (Petri) S. 1926 (Inhofe) Animal Enterprise Terrorism Act	Judiciary	Referred to committee

Source: CRS.

In terms of preparedness and coordination, the bills seek to provide more concrete Congressional instructions and budget authorizations for agroterrorism preparedness. However, similar results may occur if the presidential directive HSPD-9 is implemented successfully. The presidential directives facilitating agroterrorism preparedness, and subsequent administrative actions, did not exist when Senator Akaka’s bills were introduced in the 108th Congress.

While Congress certainly has oversight authority of federal agencies and may ask questions about implementation of HSPD-9, a public law outlining and directing the implementation of an agroterrorism preparedness plan would establish the statutory parameters for such a plan, and, as a practical matter, might result in enhanced oversight by specifically identifying executive branch entities responsible for carrying out particular components of such a plan.

USDA Programs to Bolster Preparedness. S. 573 was referred to the Agriculture Committee, but the most of the text was incorporated subsequently into Title 27 of S. 975 (Project Bioshield II) which is referred to the Health, Education,

Labor, and Pensions Committee. S. 573 (and thus much of Title 27 of S. 975) would authorize such sums as necessary, subject to annual appropriations, for state and local vulnerability assessments, emergency response plans, geographic information systems, and grants to State and local agriculture health officials. The bill also would create awareness programs and grants for farm-level producers to improve biosecurity measures. These farm-level activities include development and dissemination of on-farm biosecurity guidelines, and on-farm biosecurity improvement grants (up to \$10,000 per farm).

S. 1532 (the Agroterrorism Prevention Act) would authorize funding for USDA and DHS-FEMA to assist States in developing response plans. It also would authorize funding for public awareness and the dissemination of farm-level biosecurity guidelines. S. 1532 would also mandate further development of a National Veterinary Stockpile and a National Plant Disease Recovery System, largely as mentioned in HSPD-9.

Responsibilities of DHS. The Homeland Security Food and Agriculture Act (S. 572, S.Rept. 109-209) would amend the Homeland Security Act of 2002 (P.L. 107-296) by giving additional biosecurity responsibilities to the Department of Homeland Security. The bill was reported favorably by the Homeland Security and Governmental Affairs Committee in September 2005. It would give a leadership role to DHS for agriculture security preparedness and disaster response.

S. 572 authorizes an agriculture security program in DHS that would advise and consult with federal, State, local, and other agriculture officials regarding agroterrorism preparedness. It would give the Secretary of DHS authority to execute responsibilities mentioned in HSPD-7 and HSPD-9. It tasks DHS with coordinating much of an agroterrorism response by communicating, equipping, and otherwise facilitating emergency response providers. DHS would also lead the response by coordinating with the Department of Transportation, the Environmental Protection Agency, Department of Agriculture, and Department of State. DHS would coordinate task forces to identify and recommend best practices for State response plans. The bill also creates a grant program to help State and local agricultural specialists prepare for agroterrorism by funding conferences and agroterrorism response exercises.

The Congressional Budget Office estimates that implementing S. 572 would cost \$8 million in 2006 and \$53 million over a 5-year period. Of this total, \$48 million would fund additional staff and expenses in the current DHS Directorate for Preparedness, and \$5 million would be for grants to State and local agriculture officials.

Inter-agency Coordination. Shortly following enactment of the Homeland Security Act and the 2003 transfer from USDA to DHS of agricultural border inspections and the Plum Island agricultural research facility, concerns over DHS dedication to these agricultural functions began rising. Moreover, concern over coordination between established agencies and DHS is not unique to agriculture. Nonetheless, the issue of improved coordination between federal agencies with various jurisdictions, which agency has primary responsibility, and encouraging

agencies to seeking adequate consultation from other stakeholders has been raised in many venues and proposed legislation.

For example, the Agricultural Security Assistance Act (S. 573) establishes agriculture liaison position in the Department of Homeland Security (specifically with the Federal Emergency Management Agency, FEMA), and in the Department of Health and Human Services. S. 572, among other things, gives leadership roles for preparedness and response, particularly with first responders, to DHS.

S. 1532 (the Agroterrorism Prevention Act) would instruct DHS, HHS, USDA, intelligence agencies, Interior, EPA, and other agencies to coordinate response plans, conduct vulnerability assessments, and expand monitoring and surveillance for agroterrorism. The bill also mentions enhanced intelligence systems and cooperation, tracking systems for agricultural products, laboratory networks, and border inspection training. S. 1532 would direct DHS, in coordination with other agencies, to assess the need for modernizing or replacing BL-3 and BL-4 laboratories with agricultural capacity.

Project Bioshield II (S. 975) would establish a working group spanning USDA, DHS, HHS, and FDA to identify and recommend specific actions, capacities, and limitations regarding agroterrorism preparedness.

Section 2708 of S. 975 (Project BioShield II) would compel DHS to cooperate with USDA and other intelligence agencies to improve the targeting of agricultural border inspections. While the agencies are working together already toward this goal, such legislation would further compel the coordination of the departments.

Border Inspections. Once agricultural border inspectors were transferred from USDA to DHS, some Members and industry groups expressed concerns that DHS would concentrate on more immediate or catastrophic homeland security issues such as immigration or radiological threats, and neglect agricultural functions. Some were also concerned that personnel and resources formerly devoted to agriculture would be shifted to other DHS areas (for more background, see the earlier section on the Homeland Security Act).

Coordination over agricultural border inspections was raised in the conference report for the FY2005 Consolidated Appropriations Act (P.L. 108-447, H.Rept. 108-792). Conferrees expressed their concern over two agricultural functions transferred to DHS, and requested a GAO study of coordination between DHS and USDA.

The conferees are aware of ongoing concerns within the agriculture sector that the transfer of these responsibilities [border inspection and research] may shift the focus away from agriculture to other priority areas of DHS. In order to ensure that the interests of U.S. agriculture are protected and that the intent of the Homeland Security Act of 2002 is being fully met, including the proper allocation of AQI [Agricultural Quarantine Inspection] and other funds, the conferees request the Government Accountability Office to provide a report, no later than March 1, 2005, on the coordination between USDA and DHS in protecting the U.S. agriculture sector, including a description of the long-term objectives of joint activities at Plum Island and the effectiveness of AQI and other inspection activities (H.Rept. 108-792).

This was the impetus for the 2006 GAO study, *Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease* (GAO-06-644), discussed earlier in this report, which identified several problems concerning inter-agency coordination and inspection performance.

Judicial Issues. Both S. 573 and S. 975 would instruct the Attorney General to review State and local laws relating to agroterrorism to determine whether any such laws would facilitate (or impede) the implementation of agroterrorism response plans and whether a State court could delay the implementation of such federal response plans.

S. 1532 (the Agroterrorism Prevention Act) would criminalize acts of agroterrorism by amending Title 18 of the U.S. Code to define agroterrorist acts and prescribing penalties of fines, imprisonment, or death.

The Animal Enterprise Terrorism Act (H.R. 4239 and S. 1926) would enhance the authority of the Department of Justice to prosecute and convict individuals committing terrorism against animal enterprises. The bills define such acts and prescribe penalties. The provisions would seem to apply not only to international actors committing agroterrorism in the United States, but also to acts commonly considered "eco-terrorism" that are conducted by parties within the United States against locations such as animal research facilities or confinement livestock operations.

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EXHIBIT 5



is the leading advocate for rural America. The Department supports rural communities and enhances quality of life for rural residents by improving their

economic opportunities, community infrastructure, environmental health, and the sustainability of agricultural production. The common goal is to help create thriving rural communities where people want to live and raise families, and where the children have economic opportunities and a bright future.

USDA revitalizes rural communities by expanding economic opportunities and creating jobs for rural residents. USDA, in cooperation with its public and private partners, is connecting rural residents to the global economy by expanding access to broadband to unserved and underserved communities; promoting rural leadership in sustainable renewable energy development; creating new opportunities for small agricultural producers to market their products by developing local and regional food systems; ensuring that rural residents capitalize on potential opportunities presented by the Nation's efforts to develop markets for ecosystem services and mitigate climate change; and generating jobs through recreation and natural resource conservation, restoration, and management in rural areas. USDA operates job training and business development programs that give rural residents the tools and capacity to access markets and enter the green economy.

USDA is working to enhance the livability of rural communities. The Department uses 21st century technology to rebuild infrastructure, ensure that rural residents have decent housing and homeownership opportunities, clean water, adequate systems for handling waste, reliable electricity and renewable energy systems, and critical community facilities including health-care centers, schools, and public safety departments. USDA also helps communities invest in strategic green-infrastructure planning and protection of critical natural resources.

The economic vitality and quality of life in rural America also depends on a financially healthy agricultural system and access to agricultural markets. The country's farmers help

ensure that all of America and many other parts of the world have nutritious and safe food, adequate energy sources, and fiber products sufficient to meet the needs of our rapidly growing population. USDA works to ensure American farmers and ranchers are competitive and producers have access to new and international markets, adequate support in times of economic or environmental distress, and the ability to manage their risks. The Department strives to provide agricultural producers with an adequate safety net comprised of necessary risk management tools, disaster assistance, and prompt and equitable assistance for farmers, ranchers, and eligible landowners. USDA encourages producers to be good stewards of their lands so American agricultural production is economically and environmentally sustainable, as well as socially beneficial.

USDA will achieve this goal through a focus on asset and data-driven investment decisions coupled with strategic place-based decision making. The Department will provide on-the-ground support (financial, technical, and planning assistance) for local multi-county, community-driven strategic plans. USDA will also use the Rural Innovation Initiative to promote economic opportunity and job creation in rural communities. These investments will facilitate and support regional economic development by combining a multitude of financial and technical resources to maximize the collaborative economic development impact on high-priority regions. As part of this strategy, USDA will create partnerships to leverage investments made by other Federal departments, tribal, State, and local partners, and private entities to more effectively support rural communities and regions. These investments allow and support our long-term national prosperity by ensuring that rural communities are self-sustaining, repopulating, and thriving economically.

Over the next 5 years, USDA will work to enhance rural prosperity (Objective 1.1), create livable communities (Objective 1.2), and support a sustainable, competitive agricultural system (Objective 1.3).

EXHIBIT 6

DATA							
1.	2008 Real Assessment	\$	25,336,450	14.	Local Revenue Per Student	\$	2,672.24
2.	2008 Personal Assessment	\$	7,164,535	15.	Foundation Funding Amount Per Student	\$	5,905.00
3.	2008 Utility Assessment	\$	4,800,896	16.	State Foundation Funding Aid Per Student	\$	3,232.76
4.	2008 Total Assessment	\$	37,301,681	17.	Enhanced Educational Funding Rate	\$	35.00
5.	98% of URT X Assessment	\$	913,891	18.	PY ALE FTEs (Quarters 1-4)		
6.	Actual URT Collections	\$		19.	CY English Language Learner Students		
7.	Five-year Avg. Misc. Funds ¹	\$	310	20.	PY NSLA Students (Free and Reduced)		187
8.	2007-08 ADM (Quarters 1-3)		342.12	21.	Professional Development Funding Rate	\$	41.32
9.	2008-09 ADM (Quarters 1-3)		342.11	22.	Adjusted 1/1/05 Scheduled Debt Payment	\$	88,130.25
10.	2009-10 ADM (Quarter 1)		325.02	23.	Bonded Debt Assistance Funding Factor	\$	18.03
11.	Estimated 2009-10 ADM (Quarter 2)		328.84	24.	State Wealth Index (for BDA)	\$.17339
12.	Estimated 2009-10 ADM (Quarter 3)		335.03	25.	ADM of Isolated School Area		
13.	Estimated 2009-10 ADM (Quarter 4)		332.20	26.	Isolated Funding Amount	\$	

FUNDING						
Funding Category	Amount	Statutory Code/Act	Restricted	Rev. Code	SOF Code	
27. State Foundation Funding Aid	\$ 1,105,959	6-20-2303 & 2305, Acts 1469 & 1474 of 2009	No	31101	000	
28. Educational Excellence Trust ² - R	\$ 118,515	6-5-301 et seq.	Yes			
29. Enhanced Educational Funding	\$ 11,974	6-20-2305, Act 1474 of 2009	No	31102	000	
30. Alternative Learning Environment - R	\$	6-20-2305	Yes	32370	275	
31. English Language Learners - R	\$	6-20-2305	Yes	32371	276	
32. National School Lunch Act ³ - R	\$ 92,752	6-20-2305, Act 1469 of 2009	Yes	32381	281	
33. NSLA Transitional Funding ³ - R	\$	6-20-2305, Act 1469 of 2009	Yes	32381	281	
34. NSLA Growth Funding ³ - R	\$	6-20-2305	Yes	32381	281	
35. Professional Development - R	\$ 14,136	6-20-2305, Act 1421 of 2009	Yes	32256	223	
36. Bonded Debt Assistance - R	\$ 2,527	6-20-2503, Act 1479 of 2009	Yes	32915	001	
37. State Financial Assistance - GFF - R	\$ 1,888	6-20-2503	No	32912	392	
38. State Financial Assistance - SMIF - R	\$	6-20-2503	No	31620	001	
39. Isolated Funding	\$ 18,752	6-20-601 et seq., Acts 811 & 1421 of 2009	Yes	31500	212	
40. Isolated Special Needs Funding ⁴ - R	\$ 101,008	6-20-601 et seq., Acts 811 & 1421 of 2009	Yes	31500	212	
41. Isolated Special Needs Transportation	\$	6-20-601 et seq., Acts 811 & 1421 of 2009	Yes	32248	228	
42. Isolated Special Needs Adequacy	\$	6-20-2305	No	31500	212	
43. Declining Enrollment Funding ⁵ - R	\$	6-20-2305	No	31460	218	
44. Declining Enrollment Adequacy - R	\$	6-20-2305	No	31460	218	
45. Student Growth-Qtr.1 & Est. Qtrs. 2, 3 & 4 ⁶ - R	\$	6-20-2303 & 2305, Act 1501 of 2009	No	31450	217	
46. 98% of URT less Actual URT Collections - R	\$	6-20-2303 & 2305, Acts 1186 & 1397 of 2009	No	31103	000	

A.C.A.-Arkansas code annotated, ADM-average daily membership, Avg.-average, ALE-alternative learning environment, CY-current year, Est.-estimated, FTE-full-time equivalent, GFF-general facilities funding, LEA-local education agency, M&O-maintenance & operation, Misc.-miscellaneous, NSLA-national school lunch act, PY-prior year, Qtrs.-quarters, R-state board rule, Rev.-revenue, SFF-state foundation funding, SMIF-supplemental millage incentive funding, SOF-source of fund, URT-uniform rate of tax

1) Miscellaneous funds per Act 1469 of 2009 = for categories of miscellaneous funds received in FY08 (average of FY04 through FY08) X (URT/total mills)
 2) Educational excellence trust funds are included in state foundation funding aid, and are restricted pursuant to A.C.A. § 6-5-307.
 3) The combination of NSLA, NSLA transitional (plus or minus) and NSLA growth equals the total net NSLA received by a school district.
 4) Eligible school districts shall receive isolated special needs funding under A.C.A. § 6-20-604 or declining enrollment funding under A.C.A. § 6-20-2305 (a) (3) (A) (i). Funds received due to eligibility under A.C.A. § 6-20-604 (f) are unrestricted.
 5) No school district shall receive both declining enrollment funding under A.C.A. § 6-20-2305 (a) (3) (A) (i) and student growth funding under A.C.A. § 6-20-2305 (c) or isolated special needs funding under A.C.A. § 6-20-604. The initial state aid notice provides declining enrollment funding that has not been compared to estimated student growth funding and/or isolated special needs funding. The mid-year state aid notice reflects the result of these comparisons.
 6) The final determination of FY10 student growth funding will be made in FY11 pursuant to A.C.A. § 6-20-2305 as amended by Act 1501 of 2009.

DATA							
1.	2008 Real Assessment	\$	35,710,751	14.	Local Revenue Per Student	\$	1,072.36
2.	2008 Personal Assessment	\$	10,524,405	15.	Foundation Funding Amount Per Student	\$	5,905.00
3.	2008 Utility Assessment	\$	3,802,895	16.	State Foundation Funding Aid Per Student	\$	4,832.64
4.	2008 Total Assessment	\$	50,038,051	17.	Enhanced Educational Funding Rate	\$	35.00
5.	98% of URT X Assessment	\$	1,225,932	18.	PY ALE FTEs (Quarters 1-4)		7.27
6.	Actual URT Collections	\$		19.	CY English Language Learner Students		9
7.	Five-year Avg. Misc. Funds ¹	\$	1,662	20.	PY NSLA Students (Free and Reduced)		863
8.	2007-08 ADM (Quarters 1-3)		1,118.41	21.	Professional Development Funding Rate	\$	41.32
9.	2008-09 ADM (Quarters 1-3)		1,144.76	22.	Adjusted 1/1/05 Scheduled Debt Payment	\$	330,705.00
10.	2009-10 ADM (Quarter 1)		1,139.96	23.	Bonded Debt Assistance Funding Factor	\$	18.03
11.	Estimated 2009-10 ADM (Quarter 2)		1,148.20	24.	State Wealth Index (for BDA)	\$.77810
12.	Estimated 2009-10 ADM (Quarter 3)		1,157.98	25.	ADM of Isolated School Area		
13.	Estimated 2009-10 ADM (Quarter 4)		1,149.63	26.	Isolated Funding Amount	\$	

FUNDING						
Funding Category	Amount	Statutory Code/Act	Restricted	Rev. Code	SOF Code	
27. State Foundation Funding Aid	\$ 5,532,213	6-20-2303 & 2305, Acts 1469 & 1474 of 2009	No	31101	000	
28. Educational Excellence Trust ² - R	\$ 592,832	6-5-301 et seq.	Yes			
29. Enhanced Educational Funding	\$ 40,067	6-20-2305, Act 1474 of 2009	No	31102	000	
30. Alternative Learning Environment - R	\$ 29,538	6-20-2305	Yes	32370	275	
31. English Language Learners - R	\$ 2,637	6-20-2305	Yes	32371	276	
32. National School Lunch Act ³ - R	\$ 856,096	6-20-2305, Act 1469 of 2009	Yes	32381	281	
33. NSLA Transitional Funding ³ - R	\$ -142,688	6-20-2305, Act 1469 of 2009	Yes	32381	281	
34. NSLA Growth Funding ³ - R	\$	6-20-2305	Yes	32381	281	
35. Professional Development - R	\$ 47,301	6-20-2305, Act 1421 of 2009	Yes	32256	223	
36. Bonded Debt Assistance - R	\$ 106,142	6-20-2503, Act 1479 of 2009	Yes	32915	001	
37. State Financial Assistance - GFF - R	\$ 15,383	6-20-2503	No	32912	392	
38. State Financial Assistance - SMIF - R	\$ 9,235	6-20-2503	No	31620	001	
39. Isolated Funding	\$	6-20-601 et seq., Acts 811 & 1421 of 2009	Yes	31500	212	
40. Isolated Special Needs Funding ⁴ - R	\$	6-20-601 et seq., Acts 811 & 1421 of 2009	Yes	31500	212	
41. Isolated Special Needs Transportation	\$	6-20-601 et seq., Acts 811 & 1421 of 2009	Yes	32248	228	
42. Isolated Special Needs Adequacy	\$	6-20-2305	No	31500	212	
43. Declining Enrollment Funding ⁵ - R	\$	6-20-2305	No	31460	218	
44. Declining Enrollment Adequacy - R	\$	6-20-2305	No	31460	218	
45. Student Growth-Qtr. 1 & Est. Qtrs. 2, 3 & 4 ⁶ - R	\$ 31,776	6-20-2303 & 2305, Act 1501 of 2009	No	31450	217	
46. 98% of URT less Actual URT Collections - R	\$	6-20-2303 & 2305, Acts 1186 & 1397 of 2009	No	31103	000	

A.C.A.-Arkansas code annotated, ADM-average daily membership, Avg.-average, ALE-alternative learning environment, CY-current year, Est.-estimated, FTE-full-time equivalent, GFF-general facilities funding, LEA-local education agency, M&O-maintenance & operation, Misc.-miscellaneous, NSLA-national school lunch act, PY-prior year, Qtrs.-quarters, R-state board rule, Rev.-revenue, SFF-state foundation funding, SMIF-supplemental millage incentive funding, SOF-source of fund, URT-uniform rate of tax

1) Miscellaneous funds per Act 1469 of 2009 = for categories of miscellaneous funds received in FY08 (average of FY04 through FY08) X (URT/total mills)
 2) Educational excellence trust funds are included in state foundation funding aid, and are restricted pursuant to A.C.A. § 6-5-307.
 3) The combination of NSLA, NSLA transitional (plus or minus) and NSLA growth equals the total net NSLA received by a school district.
 4) Eligible school districts shall receive isolated special needs funding under A.C.A. § 6-20-604 or declining enrollment funding under A.C.A. § 6-20-2305 (a) (3) (A) (i). Funds received due to eligibility under A.C.A. § 6-20-604 (f) are unrestricted.
 5) No school district shall receive both declining enrollment funding under A.C.A. § 6-20-2305 (a) (3) (A) (i) and student growth funding under A.C.A. § 6-20-2305 (c) or isolated special needs funding under A.C.A. § 6-20-604. The initial state aid notice provides declining enrollment funding that has not been compared to estimated student growth funding and/or isolated special needs funding. The mid-year state aid notice reflects the result of these comparisons.
 6) The final determination of FY10 student growth funding will be made in FY11 pursuant to A.C.A. § 6-20-2305 as amended by Act 1501 of 2009.

Annual Statistical Report 2008-2009

County: POINSETT

WEINER SCHOOL DISTRICT

LEA:5607000

		2008-2009 Actual	2009-2010 Budget		2008-2009 Actual	2009-2010 Budget
1	Area In Square Miles		197	CURRENT EXPENDITURES		
2	ADA		316	Instruction:		
3	ADA pct Change over 5 Yrs.		(6%)	49 Regular Instruction	1,396,790	1,369,483
4	4 QTR ADM		343	50 Special Education	258,406	216,098
5	Prior Year 3QTR ADM		342	51 Workforce Education	140,909	149,277
6	Assessment	37,301,681		52 Adult Education	0	0
7	M&O Mills	36.40		53 Compensatory Education	133,127	128,407
8	URT Mills	25.00		54 Other	98,316	107,034
9	M&O Mills in Excess of URT	11.40		55 Total Instruction	2,027,547	1,970,298
10	Dedicated M&O Mills	0.00		District Level Support:		
11	Debt Service Mills	3.50		56 General Administration	209,537	206,386
12	Total Mills	39.90		57 Central Services	65	400
13	Total Debt Bond/Non-Bond	1,343,565		58 Maintenance & Operations of Plant	361,951	491,007
State and Local Revenue:				59 Student Transportation	154,567	139,111
14	Property Tax Receipts (Including URT)	1,471,044	1,518,363	60 Other District Level Support Services	0	0
15	Other Local Receipts	307,085	178,591	61 Total District Support Services	726,120	836,904
16	Revenue from Intermediate Sources	0	0	School Level Support:		
17.1	Foundation Funding (Excl URT)	1,085,363	1,206,492	62 Student Support Services	100,657	88,249
17.2	Enhanced Educational Funding	29,764	0	63 Instructional Staff Support Services	108,745	107,123
17.3	Tax Collection Rate Guarantee	19,792	0	64 School Administration	206,734	217,568
18	Student Growth Funding	15,978	0	65 Total School Level Support Services	416,136	412,940
19	Declining Enrollment Funding	0	0	Non-Instructional Services:		
20	Consolidation Incentive/Assistance	0	0	66 Food Service Operations	140,642	138,078
21	Isolated Funding	99,027	100,000	67 Other Enterprise Operations	0	0
22	Supplemental Millage Incentive Funding	0	0	68 Community Operations	180	0
23	Other Unrestricted State Funding	1,288	0	69 Other Non-Instructional Services	0	0
24	Total Unrestricted Revenue from State and Local Sources	3,029,341	3,003,446	70 Total Non-Instructional Services	140,822	138,078
Restricted Revenue from State Sources:				71 Facilities Acquisition and Construction	193,133	0
25	Adult Education	0	0	72 Debt Service	114,849	102,464
Regular Education:				73 Payment to Other LEAs Within State	0	0
26	Professional Development	14,140	14,136	74 Payment to Other LEAs Outside State	0	0
27	Other Regular Education	13,384	13,000	75 Other Non-Programmed Costs	0	0
Special Education:				76 Total Expenditures	3,618,607	3,460,684
28	Gifted & Talented	1,100	0	77 Less: Capital Expenditures	276,006	79,361
29	Alternative Learning Environment (ALE)	0	0	78 Less: Debt Service	114,849	102,464
30	English Language Learner (ELL)	0	0	79 Total Current Expenditures	3,227,753	3,278,859
31	National School Lunch Act (NSLA)	87,792	92,752	80 Exclusions from Current Expenditures	214,638	
32	Other Special Education	26,953	2,500	81 Net Current Expenditures	3,013,116	
33	Workforce Education	8,125	8,000	82 Per Pupil Expenditures	9,523	
34	School Food Service	1,228	1,250	83 Personnel - Non-Federal Certified Clsm FTEs	33.61	
35	Educational Service Cooperatives	0	0	84 Avg Salary - Non-Fed Certified Clsm FTEs	38,059	
36	Early Childhood Programs	0	0	85 Personnel - Non-Federal Certified FTEs	36.63	
37	Magnet School Programs	0	0	86 Avg Salary - Non-Fed Certified FTEs	40,386	
38	Other Non-Instructional Programs	4,745	4,500	87.1 Legal Balance (funds 1-2-4)	911,678	
39	Total Restricted Revenue from State Sources	157,467	136,138	87.2 Categorical Fund Balance	10,278	
40	Total Restricted Revenue from Federal Sources	227,668	260,846	87.3 Deposits with Paying Agents (QZAB)	0	
Other Sources of Funds:				87.4 Net Legal Balance (Excluding Categorical and QZAB)	901,400	
41	Financing Sources	327,814	0	88 Building Fund Balance (fund 3)	54,965	
42	Balances from Consolidated/Annexed District	0	0	89 Capital Outlay Fund Balance (fund 5)	0	
43	Indirect Cost Reimbursement	0	0			
44	Gains and Losses from Sale of Fixed Assets	0	0			
45	Compensation for Loss of Fixed Assets	0	0			
46	Other	0	0			
47	Total Other Sources of Funds	327,814	0			
48	Total Revenue and Other Sources of Funds from All Sources	3,742,289	3,400,430			

Annual Statistical Report 2008-2009

County: POINSETT

HARRISBURG SCHOOL DISTRICT

LEA:5602000

	2008-2009 Actual	2009-2010 Budget
1 Area in Square Miles	171	
2 ADA	1,053	
3 ADA pct Change over 5 Yrs.	6%	
4 QTR ADM	1,145	
5 Prior Year 3QTR ADM	1,145	
6 Assessment	50,038,051	
7 M&O Mills	25.00	
8 URT Mills	25.00	
9 M&O Mills in Excess of URT	0.00	
10 Dedicated M&O Mills	0.00	
11 Debt Service Mills	10.50	
12 Total Mills	35.50	
13 Total Debt Bond/Non-Bond	6,478,925	
State and Local Revenue:		
14 Property Tax Receipts (Including URT)	1,686,565	1,660,000
15 Other Local Receipts	304,615	38,500
16 Revenue from Intermediate Sources	0	0
17.1 Foundation Funding (Excl URT)	5,291,784	5,532,213
17.2 Enhanced Educational Funding	97,302	40,067
17.3 Tax Collection Rate Guarantee	15,690	0
18 Student Growth Funding	167,548	0
19 Declining Enrollment Funding	0	0
20 Consolidation Incentive/Assistance	0	0
21 Isolated Funding	0	0
22 Supplemental Millage Incentive Funding	10,774	9,235
23 Other Unrestricted State Funding	700	0
24 Total Unrestricted Revenue from State and Local Sources	7,574,978	7,280,015
Restricted Revenue from State Sources:		
25 Adult Education	0	0
Regular Education:		
26 Professional Development	46,224	47,301
27 Other Regular Education	34,089	6,000
Special Education:		
28 Gifted & Talented	150	0
29 Alternative Learning Environment (ALE)	29,782	29,538
30 English Language Learner (ELL)	2,344	0
31 National School Lunch Act (NSLA)	531,048	713,408
32 Other Special Education	240,910	194,128
33 Workforce Education	15,438	13,000
34 School Food Service	9,072	9,000
35 Educational Service Cooperatives	0	0
36 Early Childhood Programs	0	0
37 Magnet School Programs	0	0
38 Other Non-Instructional Programs	128,465	121,504
39 Total Restricted Revenue from State Sources	1,037,521	1,133,879
40 Total Restricted Revenue from Federal Sources	1,406,281	1,317,688
Other Sources of Funds:		
41 Financing Sources	68,989	0
42 Balances from Consolidated/Annexed District	0	0
43 Indirect Cost Reimbursement	0	0
44 Gains and Losses from Sale of Fixed Assets	0	0
45 Compensation for Loss of Fixed Assets	9,014	0
46 Other	0	0
47 Total Other Sources of Funds	78,003	0
48 Total Revenue and Other Sources of Funds from All Sources	10,096,783	9,731,582

CURRENT EXPENDITURES

Instruction:

	2008-2009 Actual	2009-2010 Budget
49 Regular Instruction	3,745,652	3,592,221
50 Special Education	770,872	783,607
51 Workforce Education	213,234	207,512
52 Adult Education	0	0
53 Compensatory Education	224,282	403,169
54 Other	321,146	361,797
55 Total Instruction	5,275,186	5,348,306

District Level Support:

56 General Administration	327,882	356,452
57 Central Services	187,515	214,767
58 Maintenance & Operations of Plant	867,749	872,750
59 Student Transportation	446,959	455,825
60 Other District Level Support Services	9,063	9,000
61 Total District Support Services	1,839,168	1,908,794

School Level Support:

62 Student Support Services	688,593	793,630
63 Instructional Staff Support Services	702,112	524,505
64 School Administration	375,832	395,813
65 Total School Level Support Services	1,766,537	1,713,948

Non-Instructional Services:

66 Food Service Operations	456,819	520,450
67 Other Enterprise Operations	0	0
68 Community Operations	250	1,000
69 Other Non-Instructional Services	0	0
70 Total Non-Instructional Services	457,069	521,450

71 Facilities Acquisition and Construction	101,612	43,000
72 Debt Service	498,020	514,664
73 Payment to Other LEAs Within State	0	0
74 Payment to Other LEAs Outside State	0	0
75 Other Non-Programmed Costs	13,254	0
76 Total Expenditures	9,950,845	10,050,162
77 Less: Capital Expenditures	477,735	241,850
78 Less: Debt Service	498,020	514,664
79 Total Current Expenditures	8,975,091	9,293,648
80 Exclusions from Current Expenditures	659,074	
81 Net Current Expenditures	8,316,017	

82 Per Pupil Expenditures	7,894	
83 Personnel - Non-Federal Certified Clsm FTEs	80.02	
84 Avg Salary - Non-Fed Certified Clsm FTEs	40,848	
85 Personnel - Non-Federal Certified FTEs	84.98	
86 Avg Salary - Non-Fed Certified FTEs	43,079	
87.1 Legal Balance (funds 1-2-4)	1,062,673	
87.2 Categorical Fund Balance	70,521	
87.3 Deposits with Paying Agents (QZAB)	0	
87.4 Net Legal Balance (Excluding Categorical and QZAB)	992,152	
88 Building Fund Balance (fund 3)	0	
89 Captial Outlay Fund Balance (fund 5)	0	

EXHIBIT 7

**Arkansas Department of Education
Consolidation/Annexations of LEA's
(1983-2010)**

<u># of Dist.</u> <u>After Merge</u>	<u>Effective</u> <u>Date</u>	<u>LEA</u>	<u>County</u>	<u>New District</u>	<u>Districts that Consolidated/Annexed to form new district</u>				
369	1-Jul-83	3606	Johnson	Westside	Coal Hill	Hartman			
368	1-Jul-83	3804	Lawrence	Hoxie	Hoxie	Cloverbend			
367	1-Jul-83	3508	Jefferson	Wabbaseka Tucker	Wabbaseka Tuck	Plum Bayou			
366	1-Jul-84	1106	Clay	Clay County Central	Greenway	Rector			
365	1-Jul-84	4708	Mississippi	Gosnell	Gosnell	Dell			
364	1-Jul-84	1605	Craighead	Buffalo Island Central	Monette	Leachville			
363	1-Jul-84	2803	Greene	Marmaduke	Marmaduke	Lafe			
362	1-Jul-84	203	Ashley	Hamburg	Hamburg	Portland			
361	1-Jul-84	3505	Jefferson	Pine Bluff	Pine Bluff	Linwood			
360	1-Jul-85	4003	Lincoln	Star City	Star City	Glendale			
359	1-Jul-85	1613	Craighead	Riverside	Caraway	Lake City			
358	1-Jul-85	306	Baxter	Tri County	Big Flat	Fifty Six			
357	1-Jul-85	3306	Izard	Izard County Consolidated	Oxford	Violet Hill			
356	1-Jul-85	7509	Yell	Western Yell County	Havana	Belleville			
355	1-Jul-85	2705	Grant	Sheridan	Sheridan	Grapevine			
354	1-Jul-85	3201	Independence	Batesville	Batesville	Desha			
353	1-Jul-85	602	Bradley	Warren	Warren	Banks			
352	1-Jul-85	3403	Jackson	Newport	Newport	Beedeville			
351	1-Jul-85	1101	Clay	Corning	Corning	Knobel			
347	1-Jul-85	5008	Nevada	Nevada County S.D.	Cale	Oakgrove	Willisville	Laneburg	Bodcaw
346	1-Jul-85	2808	Greene	Northeast AR	Oak Grove	Paragould			
345	1-Jul-85	3211	Independence	Midland	Floral	Pleasant Plains			
344	1-Jul-85	101	Arkansas	DeWitt	DeWitt	St Charles			
343	1-Jul-85	5201	Ouachita	Bearden	Bearden	Thornton			
342	1-Jul-85	1301	Cleveland	Kingsland	Kingsland	New Edinburg			
341	1-Jul-85	902	Chicot	Eudora	Eudora	Ross Van Ness			
340	1-Jul-86	5605	Poinsett	Trumann	Trumann	Common			
339	1-Jul-86	5608	Poinsett	East Poinsett	Tyronza	Lepanto			
338	1-Jul-86	4706	Mississippi	So. Miss County	So. Miss County	Luxora			
337	1-Jul-86	303	Baxter	Mountain Home	Mountain Home	Oakland			
336	1-Jul-86	203	Ashley	Hamburg	Hamburg	Wilmot			
335	1-Jul-86	4712	Mississippi	Manila	Manila	Etowah			
334	1-Jul-86	6701	Sevier	DeQueen	DeQueen	Gillham			

333	1-Jul-86	1402	Columbia	Magnolia	Magnolia	Village		
332	1-Jul-87	5204	Ouachita	Fairview	Fairview	Chidester		
331	1-Jul-87	2705	Grant	Sheridan	Sheridan	Leola		
330	1-Jul-87	6205	St. Francis	Palestine-Wheatley	Palestine	Wheatley		
329	1-Jul-87	1001	Clark	Amity	Amity	Okolona		
329	1-Jul-87	1002	Clark	Arkadelphia	Arkadelphia	Okolona		
329	1-Jul-87	1003	Clark	Gurdon	Gurdon	Okolona		
329	1-Jul-87	5501	Pike	Delight	Delight	Okolona		
328	1-Jul-90	2202	Drew	Drew Central	Drew Central	Wilmar		
327	1-Jul-90	3206	Independence	Newark	Newark	Oil Trough		
327	1-Jul-90	3209	Independence	Southside	Southside	Oil Trough		
326	1-Jul-90	3702	Lafayette	Lewisville	Lewisville	Garland		
325	1-Jul-90	2901	Hempstead	Blevins	Blevins	Washington		
325	1-Jul-90	2903	Hempstead	Hope	Hope	Washington		
325	1-Jul-90	2905	Hempstead	Saratoga	Saratoga	Washington		
324	16-Oct-90	5204	Ouachita	Fairview	Fairview	Camden		
322	1-Jul-91	7307	White	Riverview	Griffithville	Judsonia	Kensett	
321	1-Jul-91	2306	Faulkner	Mt Vernon-Enola	Mt. Vernon	Enola		
320	1-Jul-92	6703	Sevier	Horatio	Horatio	Winthrop		
319	1-Jul-92	3807	Lawrence	River Valley	Strawberry	Poughkeepsie		
318	1-Jul-93	304	Baxter	Norfork	Norfork	Tri-County		
318	1-Jul-93	3301	Izard	Calico Rock	Calico Rock	Tri-County		
318	1-Jul-93	6502	Searcy	Marshall	Marshall	Tri-County		
318	1-Jul-93	6901	Stone	Mountain View	Mountain View	Tri-County		
318	1-Jul-93	6902	Stone	Stone County	Stone County	Tri-County		
317	1-Jul-93	2104	Desha	Dumas	Dumas	Desha-Drew		
317	1-Jul-93	2105	Desha	McGehee	McGehee	Desha-Drew		
316	1-Jul-93	3405	Jackson Co	Jackson Co	Tuckerman	Grubbs		
315	1-Sep-93	3501	Jefferson	Alzheimer Unified	Alzheimer-Sherr	Wabbaseka Tucker		
314	1-Jul-94	203	Ashley	Hamburg	Hamburg	Parkdale		
313	1-Jul-94	2705	Grant	Sheridan	Sheridan	Prattsville		
312	1-Jul-94	2808	Greene	Northeast AR	Northeast AR	Stanford		
311	1-Jul-95	5502	Pike	Centerpoint	Glenwood	Amity		
310	1-Jul-98	4303	Lonoke	Carlisle	Carlisle	Humnoke		
309	1-Jul-03	6502	Searcy	Marshall	Marshall	Witts Springs		
308	1-Jul-03	3704	Lafayette	Lafayette County	Lewisville	Stamps		
306	1-Jul-04	101	Arkansas	DeWitt	DeWitt	Gillett	Humphrey	
305	1-Jul-04	203	Ashley	Hamburg	Hamburg	Fountain Hill		
304	1-Jul-04	1101	Clay	Corning	Corning	Biggers-Reyno		

303	1-Jul-04	1201	Cleburne	Concord	Concord	Wilburn			
302	1-Jul-04	1305	Cleveland	Cleveland County	Rison	Kingsland			
301	1-Jul-04	1402	Columbia	Magnolia	Magnolia	Walker			
300	1-Jul-04	1408	Columbia	Emerson-Taylor	Emerson	Taylor			
299	1-Jul-04	1704	Franklin	Mulberry/Pleasant View Bi-County	Mulberry	Pleasant View			
298	1-Jul-04	1804	Crittenden	Marion	Marion	Crawfordsville			
297	1-Jul-04	2104	Desha	Dumas	Dumas	Gould			
295	1-Jul-04	2105	Desha	McGehee	McGehee	Arkansas City	Delta Special		
294	1-Jul-04	2404	Franklin	Ozark	Ozark	Altus-Denning			
293	1-Jul-04	2807	Greene	Greene County Tech	Greene County T	Delaplaine			
292	1-Jul-04	2901	Hempstead	Blevins	Blevins	Emmet			
291	1-Jul-04	3004	Hot Springs	Malvern	Malvern	Carthage			
290	1-Jul-04	3104	Howard	Mineral Springs	Mineral Springs	Saratoga			
289	1-Jul-04	3212	Independence	Cedar Ridge	Newark	Cord Charlotte			
288	1-Jul-04	3302	Izard	Melbourne	Melbourne	Mt. Pleasant			
287	1-Jul-04	3405	Jackson	Jackson County	Jackson County	Swifton			
286	1-Jul-04	3809	Lawerence	Hillcrest	River Valley	Lynn			
285	1-Jul-04	4003	Lincoln	Star City	Star City	Grady			
284	1-Jul-04	4401	Madison	Huntsville	Huntsville	St. Paul			
283	1-Jul-04	4603	Miller	Fouke	Fouke	Bright Star			
282	1-Jul-04	4802	Monroe	Clarendon	Clarendon	Holly Grove			
280	1-Jul-04	5102	Newton	Jasper	Jasper	Oark	Kingston		
279	1-Jul-04	5106	Newton	Deer/Mt Judea	Deer	Mt. Judea			
278	1-Jul-04	5205	Ouachita	Harmony Grove	Harmony Grove	Sparkman			
277	1-Jul-04	5206	Ouachita	Stephens	Stephens	McNeil			
276	1-Jul-04	5401	Phillips	Barton-Lexa	Barton-Lexa	Lake View			
275	1-Jul-04	5703	Polk	Mena	Mena	Hatfield			
274	1-Jul-04	5705	Polk	Wickes	Wickes	Umpire			
273	1-Jul-04	5706	Montgomery	Ouachita River	Oden	Acorn			
272	1-Jul-04	6303	Saline	Bryant	Bryant	Paron			
271	1-Jul-04	6502	Searcy	Searcy County	Marshall	Leslie			
269	1-Jul-04	6505	Marion	Ozark Mountain	Bruno-Pyatt	St. Joe	Western Grove		
268	1-Jul-04	6802	Sharp	Cave City	Cave City	Evening Shade			
267	1-Jul-04	6806	Sharp	Twin Rivers	Williford	Randolph County			
265	1-Jul-04	6901	Stone	Mountain View	Mountain View	Stone County	Rural Special		
264	1-Jul-04	7001	Union	El Dorado	El Dorado	Union			
263	1-Jul-04	7008	Union	Smackover	Smackover	Mt. Holly			
262	1-Jul-04	7009	Union	Strong-Huttig	Strong	Huttig			
260	1-Jul-04	7102	Van Buren	Clinton	Clinton	Alread	Scotland		

EXHIBIT 8

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Article

SFGate.com

Better Schools Come on Smaller Campuses

Stacy Mitchell

Friday, September 8, 0

WHEN IT COMES to education, bigger is not better. There's a population boom in America's schools. The U.S. Department of Education reports that fall enrollments are at an all-time high. The growth is expected to continue at a brisk pace for the next decade. California will add 278,000 students by 2010. Texas will gain 219,000. Enrollments in Idaho, Nevada, Alaska and New Mexico will grow by more than 10 percent. This trend may exacerbate a pressing problem facing the nation's schools: most are too large to effectively educate our kids.

Over the last decade, the number of schools with more than 1,500 students has doubled. High schools with 2,000 or 3,000 students are now common. California's secondary schools are the second largest in the nation, averaging 1,400 students.

Proponents contend such schools benefit kids by offering a broader array of courses and more sophisticated equipment. But an extensive and compelling body of research has come to a different conclusion: large schools breed alienation and violence, sever the role of parents and neighbors and undermine student achievement.

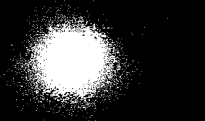
Last year, in the wake of the Columbine High School shootings, Education Secretary Richard Riley convened a panel of school security experts. Their top recommendation had nothing to do with gun control or metal detectors. Rather, panel members said, the most effective response to school violence is to reduce the size of the nation's schools.

According to the Department of Education, schools of 1,000 or more students experience 825 percent more violent crime, 270 percent more vandalism and 1,000 percent more weapons incidents, compared to those with fewer than 300 students.

At the heart of the matter are two radically different learning environments. Large schools tend to function like factories, small schools more like communities.

Small schools nurture a sense of belonging. They enable teachers to work more closely with a smaller number of students and to respond to individual needs. This fosters a stronger relationship between teacher and child. Not surprisingly, research has found that students who attend small schools have a more positive attitude about learning. Attendance rates are higher and fewer kids drop out.

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Although small schools may not offer as many extracurricular activities, participation rates are much higher. Just think about trying out for the basketball team or a play in a school of 2,000. Only the most talented will make the cut. As schools get bigger, more kids end up on the sidelines.

Parents and neighbors are often sidelined as well. Large schools require layers of administration. Small schools can't afford the overhead and prefer instead to recruit teachers, parents and neighbors to help run the school. Decisions focus on the educational needs of students, rather than the organizational needs of a bureaucracy.

All of this adds up to improved academic achievement. Dozens of studies have found that students at small schools outperform those at large schools. They have higher grades and test scores. They are more likely to graduate and attend college.

In her review of more than 100 studies on school size, Mary Anne Raywid of Hofstra University writes that the relationship between small schools and positive education outcomes has been "confirmed with a clarity and at a level of confidence rare in the annals of education research."

Perhaps most important of all, small schools narrow the achievement gap between poor children and their more affluent classmates.

According to a four-state study released earlier this year, small schools substantially reduce the damaging impact poverty has on student learning. Researchers Craig Howley of Ohio University and Robert Bickel of Marshall University found that poor children who attend small schools have higher test scores than those who attend large schools.

Reducing the size of the nation's schools need not be an expensive proposition. In rural areas, where small schools are still plentiful, it's a matter of putting resources into renovation, rather than constructing new consolidated schools.

Existing big schools can be divided into several smaller schools housed within the same building. This has been done at a number of schools with great success. The key, according to education experts, is that the schools must be truly autonomous. Simply grouping kids into separate units, or houses, doesn't always work.

Education promises to take center stage in the fall elections. As we debate ways to improve schools, a mountain of empirical evidence and real-world success suggests that reversing the trend toward bigger schools ought to be our top priority.

Get informed

More information on small schools is available at www.newrules.org.

Stacy Mitchell is a researcher with the Institute for Local Self-Reliance in Minneapolis and Washington, D.C., and author of ``The Home Town Advantage," (Institute for Local Self-Reliance, February 200

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2000/09/08/ED110169.DTL>

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EXHIBIT 9



This is a Testimony On Homeland Security

Hearing on the Weapons of Mass Destruction Prevention and Preparedness Act of 2010

Published on *April 21, 2010* by Bob Graham and Jim Talent

**U.S. House of Representatives
Committee on Homeland Security
Hearing on the WMD Prevention and Preparedness Act of 2010
April 21, 2010**

Statement from Chairman Bob Graham and Vice Chairman Jim Talent, Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Mr. Chairman and distinguished members, thank you for the opportunity to speak to you today on behalf of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. Congress created our Commission early in 2008, based on the recommendation of the 9/11 Commission, assigning us the task of assessing the risk of WMD terrorism and recommending steps that could be taken to prevent a successful attack on the United States. Our Commission interviewed hundreds of experts and reviewed thousands of pages of information. We want to thank those Commissioners--Graham Allison, Robin Cleveland, Stephen Rademaker, Timothy Roemer, Wendy Sherman, Henry Sokolski, and Rich Verma--who worked tirelessly to produce our Report, *World at Risk*, in December, 2008.

In 2009, the Commission was authorized for an additional year of work, to assist Congress and the Administration to improve understanding of its findings and turn its concrete recommendations into actions. In accordance with that authorization, and based upon close consultation with Commissioners, we submitted a report card assessing the U.S. Government's progress in protecting the United States from weapons of mass destruction proliferation and terrorism. This report card provided an assessment of the progress that the U.S. government has made in implementing the recommendations of the Commission.

While progress had been made in many areas, the overall assessment for biological threats was not good. We submit a copy of that report card for the record. While certainly not every assessment was poor, we found that the government simply had not paid consistent and urgent attention to the means of responding quickly and effectively so that bioweapons no longer constitute a threat of mass destruction. The failures did not begin with the current group of leaders. Each of the last three Administrations has been slow to recognize and respond to the biothreat. The difference is that the danger has grown to the point that we no longer have the luxury of a slow learning curve. The clock is ticking, and time is running out.

The Commission has concluded its work as a congressionally mandated organization, as of February 26,

2010. We are committed to continuing this bipartisan work, however, and will continue to monitor progress on the Commission's recommendations in our newly formed WMD Center, a bipartisan, not-for-profit research and education organization. It is our hope that by identifying areas of progress, as well as those in need of further attention, appropriate action will be taken to mitigate the threat posed by weapons of mass destruction to the United States.

The Commission's Findings

The Commission's Report assessed both nuclear and biological threats, and provided 13 recommendations and 49 action items. The Commissioners unanimously concluded that unless we act urgently and decisively, it was more likely than not that terrorists would attack a major city somewhere in the world with a weapon of mass destruction by 2013. Furthermore, we determined that terrorists are more likely to obtain and use a biological weapon than a nuclear weapon. Shortly thereafter, this conclusion was publicly affirmed by then Director of National Intelligence (DNI) Mike McConnell.

There are several reasons for our conclusion that a bioattack is actually more likely than a nuclear attack. Many pathogens suitable for use in a biological attack are found in the natural environment, all over the globe. The lethality of an effectively dispersed biological weapon could rival or exceed that of an improvised nuclear device. The equipment required to produce a large quantity from a small seed stock, and then "weaponize" the material--that is, to make it into a form that could be effectively dispersed--is of a dual-use nature and readily available on the Internet. The most effective delivery methods are well known in the pharmaceutical, agricultural, and insect-control industries. It is much more straightforward to stockpile weaponized pathogens than nuclear material, raising the terrible specter that terrorists could attack an American city using a bioweapon, then quickly "reload" and attack again within a matter of days or weeks.

So, while it is certainly possible for terrorist groups to get a nuclear weapon, it is less difficult for them to develop and disperse a bio-weapon. There may be even fewer barriers for terrorist groups with close ties to those nation states which are accumulating both the materials and scientific capability for weaponization. All of the ingredients are in place for a biological weapon to be in the hands of a terrorist organization, which is subject to none of the international law constraints and retaliatory consequences which might impede a nation state from its use.

None of this is speculation. Al-Qaeda was well down the road to producing such weapons prior to 9/11. Due to the ease in creating a clandestine production capability, our intelligence community had no knowledge of two such facilities in Afghanistan prior to their capture by U.S. troops and a separate, but parallel bioweapons development program al-Qaeda ran in Malaysia. Facilities with more sophisticated equipment than those found could be in operation today without our knowledge.

When would we find out about such a facility? It is possible, even likely, that we would not know until after an attack took place. Consider this scenario: a team of engineers sympathetic to al-Qaeda bring a seed culture of anthrax spores to the U.S. from an overseas laboratory. They purchase and modify a truck so that it sprays anthrax spores into the air. They load up the truck with its deadly cargo, and slowly drive it through the downtown traffic of a mid-sized city during rush hour, at the end of the day. No one notices the truck, or finds it at all unusual that the truck is emitting fumes. No BioWatch sensors go off. Days later, however, desperately ill people start flooding emergency rooms. In the following weeks, 13,000 people die. The city may need to be cleaned up so that people can safely enter the downtown area, at a cost of billions of dollars. And as tragic as this event could be, the terrorists remain at large, free to commit the same murder twice. Antibiotics would likely arrive quickly, but there would be national demands for a vaccine--but there is not nearly enough anthrax vaccine to satisfy the demands from even one small city. Unfortunately, this scenario is not considered "worst-case" or unrealistic, but

it is in fact the National Planning Scenario for a biological attack. It was released five years ago this month. Five years--the clock is ticking, and we are not prepared.

The Obama administration appears to agree with our concern regarding the threat of 21st century bioterrorism. The following is a quote from National Strategy for Countering Biological Threats signed by President Obama on November 23, 2009.

The effective dissemination of a lethal biological agent within an unprotected population could place at risk the lives of hundreds of thousands of people. The unmitigated consequences of such an event could overwhelm our public health capabilities, potentially causing an untold number of deaths. The economic cost could exceed one trillion dollars for each such incident. In addition, there could be significant societal and political consequences that would derive from the incident's direct impact on our way of life and the public's trust in government.

Weapons of Mass Destruction Prevention and Preparedness Act of 2010

First, Mr. Chairman, we want to thank you and your committee for the extraordinary leadership you have shown by holding this hearing about the WMD Prevention and Preparedness Act of 2010. We realize that the WMD issue spreads across many committee jurisdictions and will require unprecedented leadership, coordination and cooperation. The biggest internal enemy we face in dealing with this threat is the natural inertia of government. The only way to overcome this inertia is for our top political leaders to take bold actions.

As of the time we prepared this statement, we had not seen actual bill language, but we appreciate the summary of the bill provided by your staff, and are happy to provide comments based on that summary.

Intelligence

As we understand it, the bill, if enacted, would require the DNI, in coordination with the Secretary of Homeland Security and other appropriate Federal Agencies to develop and maintain a National Intelligence Strategy for Countering WMDs. It also calls for improving national capabilities to collect, analyze, and disseminate intelligence related to WMDs. We understand the DNI is already working on the 2010 National Intelligence Strategy for Countering Biological Threats.

Based on a recently completed tour of nations in two of the most vulnerable regions, there are significant gaps in our intelligence relating the nation state-terrorist links. Recognizing the inherent difficulty of collecting intelligence in these venues, doing so should be the highest priority of American intelligence.

We commend these provisions. Increased attention in this area is of vital importance and, we understand, would underscore the DNI's own initiatives. We hope that the drive to produce this report would spur the intelligence community to acquire and retain additional expertise in the nuclear and biological fields; prioritize pre-service and in-service training and retention of people with critical scientific, language, and foreign area skills; and ensure that the threat posed by biological weapons remains among the highest national intelligence priorities for collection and analysis. Indeed, recommendation 11 in our report, *World at Risk*, was that the United States must build a national security workforce for the 21st century.

One important issue not addressed in the intelligence section is the problem of not including public health personnel in many of the fusion centers. Only a handful of these centers currently include public health officials. We all need to understand, in the 21st century, public health is a critical element of

national and homeland security. Public health resources need to be fully integrated with law enforcement and traditional first responders.

We also recommend that the bill include a provision directing the Secretary of Defense to provide a classified report to the committees with primary oversight of the Department of Defense, Intelligence Community and Department of Homeland Security on the efficacy of the biological weapons tests conducted by the United States during the 1950s and 1960s. Some commentators assert that bioweapons are not of concern, primarily because they have not been used on a widespread basis. We are entirely confident that the report we call for, if properly done, would dispel any doubts about the threat that bioweapons pose to the safety and security of our society and our allies.

Preparedness: getting first responders Ready, and engaging the Public

We strongly believe that a well-informed, organized and mobilized citizenry has long been one of the United States' greatest resources. An engaged citizenry is, in fact, the foundation for national resilience in the event of a natural disaster or a WMD attack.

Consistent with the Commission's Report, we must create a culture of preparedness and resilience across our nation. There are vast arrays of capabilities found across our society that can and must be organized and, when needed, mobilized in the event of a natural disaster or WMD attack. These capabilities are primarily the combined assets of state and local governments, our diverse business communities, nongovernmental organizations, professional and service organizations and all citizens. The federal government cannot hope by itself to possess the capabilities needed in the event of a major disaster--but it can lend vital support if local and regional actors have organized beforehand. We submit for the record the WMD Commission's final product, a brochure for community preparedness: *We All Have Role: Working with your Community to Prepare for Natural and Man-Made Disasters*.

We have found that the federal government can do more to make sure that state, local, and tribal governments can respond in a crisis, and so we support this legislation's call for sharing security information with state, local, and tribal governments (Title 1, section 111). State and local governments, as well as health departments, need more comprehensive threat information in order to prepare for emergencies, as well as gain support from leadership and staff in preparedness activities.

We support the bill's provisions for the Department of Homeland Security to put forward threat bulletins and guidance to local governments (Title 2, section 202), and crafting important messages ahead of a crisis (Title 204). We recommend that the public be involved in the creation and approval of threat information and alerts. This will help to ensure that these alerts effectively reach and motivate their target audience.

Secure, productive U.S. laboratories at the forefront of Science

Certain principles animated the section of our Report dealing with laboratory security. We were concerned about (1) the proliferation of high-containment labs, which were not only unregulated but often unknown to the government, (2) the fragmentation of government oversight among several agencies, (3) the need for a thorough review and update of the Select Agent Program, and (4) the importance of regulating labs in a way that enhanced security but did not discourage robust scientific research in the United States.

Enhanced biosecurity measures should improve security, streamline oversight, and focus our resources on the greatest risks. By correctly applying risk management principles, the United States can increase

security without impeding science or critical U.S. industries. Without robust scientific research, we will not have the drugs, vaccines, and diagnostic tests needed to protect the American people in the event of a biological attack. The work of developing medicines is difficult, takes a long time, and is fraught with challenges. We still do not, for example, have drugs or vaccines for many of the biological agents weaponized by the Soviet Union. Therefore, it is in our national security interest to make sure that our laboratories continue to develop medical countermeasures, while still operating safely and securely.

We believe that this legislation highlights many of the provisions of our Report, and in certain respects improves on our recommendations. For example, the bill introduces into the Select Agent Program the idea of stratifying risks, which we think is a real advance in achieving the right regulatory balance. *Stratification of risks into tiers allows for more realistic assessments of risk, and will benefit public health investigations.* The bill calls for the designation of "Tier I" agents to be the most dangerous subset of the pathogens that have clear potential for use as biological weapons. Multiple studies were conducted as a result of our Report. Virtually all of them, from both the public and private sectors, have called or will call for the stratification of agents. The overwhelming recommendation from the scientific community is that any legislation employs a tiered approach.

We therefore commend the Committee for introducing the stratification approach into this bill and recommend that the Tier 1 list be developed by the Secretary of DHS in consultation with the Secretary of HHS. Today, 82 Select Agents receive the highest level of security focus and regulation. We believe the correct number of top-tier agents is closer to 8 than 80.

Stratifying the Select Agent list should allow us to focus increased security on the highest risks and allow public health-related research involving non-Tier I agents to proceed without excessive regulation. We suggest that care be taken to avoid duplicating the unintended negative consequences of the current Select Agent program. Security restrictions must not preclude international cooperation, which is necessary for public health and infectious disease surveillance, as well as our national security. For example, we should not repeat what happened at the beginning of the H1N1 pandemic, when flu samples from sick patients in Mexico were not shipped to U.S. laboratory scientists to analyze, but to Canada--because U.S. import and shipping regulations were so restrictive. We also do not want to "close our windows," so to speak, into the activities of other nations' laboratories. Scientists from the U.S. should be able to collaborate on Rift Valley Fever or Venezuelan equine encephalitis research with scientists where those diseases are endemic. If we don't, other countries' scientists will. For these reasons, the Select Agent program status quo needs to be changed, and we recommend calling for adjustments to ease restrictions on non-Tier 1 agents.

Our recommendation to stratify biological agents for *security* purposes is distinct from the measures that scientists need to take for *safety*. Many pathogens, including those that cause tuberculosis, HIV, and herpes B, require special safety precautions, though most experts do not consider them to be feasible for use as bioweapons. We encourage the further refinement of safety systems and procedures for all types of biological research, so that research can be conducted with the highest level of safety.

Fragmentation of oversight should be eliminated in pathogen security

In our Report, we concluded that the fragmentation of government oversight of laboratories was a national security problem. We determined that there should be *one* set of requirements concerning pathogens for the scientific community to follow, instead of having separate regulatory programs from multiple departments. The authority to oversee and enforce these requirements must be vested in one lead agency so that the regulated community has a single coherent, consolidated and streamlined set of regulations to follow.

Currently, under the Select Agent Rule, as defined by 42 CFR 73, 7 CFR 331 and 9 CFR 121, HHS and the Department of Agriculture (USDA) regulate select agents. Human pathogens are regulated by HHS; plant and animal pathogens are regulated by USDA, and facilities that house pathogens that are a concern for humans and livestock are inspected jointly. Accounts of this process suggest that HHS and USDA cooperate well in meeting their regulatory responsibilities. Given the distinct expertise on these pathogens in USDA and HHS, it is appropriate that USDA's expertise be brought to bear on livestock and crops, and that of HHS for human pathogens. However, it is our belief that in constructing a regulatory system for pathogens that can infect humans, *one* cabinet secretary should be in charge. As Commissioner Robin Cleveland stated last December, we "have too many agencies, too many turf fights, and unclear oversight entities." That must end.

We recognize that the bill would require the Secretary of the Department of Homeland Security to develop enhanced biosecurity measures, and would require them to inspect all Tier 1 laboratories. In our Report, we recommended that HHS "lead an interagency review." This recommendation was implemented by Executive Order in January. The review called for will soon be completed. The Report also called for HHS "to lead an interagency effort to tighten government oversight on high-containment laboratories." Based on what we have learned from several recent studies, numerous meetings with representatives from the executive and legislative branches, and the scientific community, we continue to recommend that overall oversight authority and responsibility for lab security be assigned to the Secretary of Health and Human Services, with recommendations on scientific matters from USDA and security matters from DHS. The Secretary should solicit, possibly through the creation of an advisory council, the recommendations from the scientific and security communities with a view towards constantly improving the regulatory model given all the concerns of the communities involved. To sum up, we recommend that HHS take the lead. We continue to take that position, and believe that it will lead to the improved regulatory process that we all seek. We also do not have the luxury of time to bring another agency up to speed. HHS has been doing a positive service in this area, and we do not want to change ships in midstream.

Building a Response and Recovery plan that acts as a deterrent

The bill requires the Secretary of Health and Human Services, in coordination with the Secretary of Homeland Security and other appropriate Federal agencies, to develop and implement a National Medical Countermeasure Dispensing Strategy. A national strategy is sorely needed to establish effective and timely distribution of emergency medical countermeasures (MCMs). Countermeasures could serve to blunt the impact of an attack, save lives, and thwart the terrorists' objectives--but only if they are delivered when and where they are needed. We commend the Obama Administration for issuing an executive order in December, 2009, to establish federal capabilities for the timely provision of medical countermeasures following a biological attack, and we commend this committee for taking up this important, as well as complicated, effort. But, dispersal of medical countermeasures is but one link in the chain of actions that are needed to respond to a bio attack. Rapid detection and diagnosis capabilities are the first links, followed by providing actionable information to federal, state, and local leaders and the general public; having adequate supplies of appropriate medical countermeasures; quickly distributing those countermeasures; treating and isolating the sick in medical facilities; protecting the well through vaccines and prophylactic medications; and in certain cases, such as anthrax, environmental cleanup. All parts of the chain need considerable attention.

Public health agencies at the federal, state, and local levels have made great strides since 2001 to prepare the nation for biological attacks and other disasters. This is in spite of the challenges of preparing for such events, especially in light of limited and decreasing budgets. However, much more can be done to support public health, and also traditional first responders, so that the nation can effectively respond to a biological attack.

One way that the burden on public health may be eased is if the public is more prepared. We commend this committee for including provisions for the public and especially first responders, to access the vaccines and antibiotics they might need in an attack, before such an event occurs. (Title I, Section 105) For example, anthrax vaccine could and should be available to first responders, and we agree with the Committee that the government should seriously review the issue of whether and under what conditions home MedKits should be available for concerned citizens who wish to prepare themselves and their families. In considering the policies for vaccination and antimicrobial distribution in light of known biological threats to the U.S., however, we recommend that public health responders also be given priority, and that vaccination be done on a voluntary, not a mandatory, basis.

We also feel obligated to comment on a key issue regarding medical countermeasures not addressed in this bill. Yes, we must have a system capable of rapidly dispensing MCMs during a crisis, but we must first have the required items to dispense. A world-class delivery system that does not have the appropriate products is of no value. Several months ago the Administration attempted to raid the BioShield Reserve Fund to pay for H1N1 flu preparedness--certainly an important program, but one that needed funding on its own merits. Thankfully, this raid was not successful because leaders in Congress, who understand the importance of BioShield to our biodefense program, prevented it. Unfortunately, the story on funding for the Biomedical Advanced Research and Development Act (BARDA) does not have a similar good ending--at least not yet. There is, however, still time to correct this funding shortfall. The current funding request for FY 2011 is \$476 million. The Center for Biosecurity at the University of Pittsburgh Medical Center recently estimated that \$3.39 billion per year in medical countermeasure development support would be required to achieve a 90 percent probability of developing one FDA-licensed countermeasure for each of those requirements. The cost estimates of developing these pharmaceuticals were based on in-depth surveys of historical vaccine and drug development data, and reflect the high failure rate of biopharmaceutical development. It now falls to the U.S. government to fund the development of medical countermeasures based upon the level of risk that is deemed tolerable. An amount of \$1.7 billion per year would meet roughly half the estimated need to provide a significant and necessary down-payment on the nation's preparedness. Given the threat, \$1.7 billion per year for prevention and consequence management is a reasonable and comparatively sound investment.

America must develop the capability to produce vaccines and therapeutics rapidly and inexpensively. Both the BioShield Reserve Fund and BARDA will be key elements in reaching this goal, but only if they receive proper support and funding. Developing this capability over the long-term will lead us to a security environment where biological weapons can be removed from the category of WMD. That must be the long-term biodefense strategy for America, but it will be unattainable if we do not properly fund these key programs. We submit for the record an article we co-authored on this subject in the summer of 2009 for the Journal of Biodefense and Biosecurity.

Decontamination--resolving longstanding questions so we are prepared

We commend the committee for including the provision that DHS issue guidelines in coordination with the Environmental Protection Agency for cleaning and restoring indoor and outdoor areas affected by the release of a biological agent. These guidelines should also address methods of decontamination following a large-scale event, and should address some of the remaining questions of a technical and scientific nature that make decontamination of a large area difficult. Currently, U.S. environmental laboratory capacity is insufficient for the challenge of sampling and testing following a large biological release. Federal leadership roles should also be clarified--many federal agencies currently have roles in decontamination, but it is still unclear which agency would lead. Likewise, it is unclear who will cover the costs of decontamination, as well as the temporary relocation of building occupants. Private building owners would rightly question what their role is, at this time--if private industry is to be responsible for decontamination of their own property, there should be guidance for decontamination practices and

qualified decontamination contractors available to industry in the event that they are needed.

The WMD Commission sponsored a small study to review current bio-decontamination capabilities and responsibilities. The conclusions were not encouraging. We submit the recently published article for the record.

The Biological Weapons Convention--An opportunity to lead

Section 112 of the legislation intends to require the Secretary of State to promote confidence in the Biological Weapons Convention (BWC) implementation and compliance by its States Parties. It also calls for promoting universal membership in the Convention. One of the WMD Commission recommendations in *World At Risk* was that the U.S. should propose a new action plan for achieving universal adherence to the BWC (recommendation 2-4). We are supportive of the goal, as well as moving forward to address the other important gaps in our preparedness. In order to provide leadership at the 2011 BWC Conference and take advantage of this once every five years opportunity, we should be doing more to lead by example.

The Clock is Ticking

We cannot overstate the urgency of this crisis, and the need for action, now. The international situation is fragile, with Israel and its neighbors, on the India-Pakistan border, and this fragility substantially increases the risk of terrorism with a WMD. While there are issues at stake that have gone unresolved for over 60 years, we may have only three more years of procrastination before the consequences reveal not a *World at Risk*, but a world immobilized by crisis.

One of our recommendations was for Congress to reform congressional oversight to better address intelligence, homeland security, and cross-cutting 21st century national security missions. The fact that we are having this hearing on April 21, 2010--more than 16 months after *World at Risk* was issued--is evidence of the difficulty that Congress has in organizing itself to protect the people of America, and the world, from this ultimate catastrophe.

Conclusion

We commend the committee for taking up this important issue. We look forward to participating in a robust discussion on Capitol Hill and with the Administration and stakeholders as the *WMD Prevention and Preparedness Act of 2010* is introduced, and makes its way through the legislative process, and stand ready to help where we can, to promote important strides for our national security.

About the Author

Bob Graham



Jim Talent Distinguished Fellow

Other Experts on this Issue

James Carafano, Ph.D.

Nile Gardiner, Ph.D.

Peter Brookes

Theodore Bromund

This report discusses:

Biological Security

Department of Homeland Security

Missile Defense

Missile Defense Threats

National Security and Defense

Nuclear Biological Chemical and Radiological Weapons

Terrorism

War Against Terrorism

Weapon of Mass Destruction

Other Research By This Author

Commentary How to prevent terrorists from using weapons of mass destruction

Commentary Nuclear proliferation endangers world stability

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EXHIBIT 10

**TO REVIEW BIOSECURITY PREPAREDNESS
AND EFFORTS TO ADDRESS
AGROTERRORISM THREATS**

WEDNESDAY, JULY 20, 2005

U.S. SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC.

The committee met, pursuant to notice, at 10:02 a.m., in room SR-328a, Russell Senate Office Building, Hon. Saxby Chambliss, chairman of the committee, presiding.

Present or submitting a statement: Senators Chambliss, Roberts, Thomas, Dayton, Cochran, and Salazar.

**STATEMENT OF HON. SAXBY CHAMBLISS, A U.S. SENATOR
FROM GEORGIA, CHAIRMAN, COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY**

The CHAIRMAN. Good morning. I welcome you this morning to this hearing to review the efforts by public and private entities to increase biosecurity and agroterrorism preparedness. I appreciate our witnesses and members of the public being here to review this very important topic as well as those who are listening through our web site. Agriculture is a significant sector within the U.S. economy, accounting for 13 percent of the U.S. gross domestic product and 18 percent of domestic employment. A deliberate attack on the U.S. food supply and agriculture operations would cause severe economic loss from farm to plate.

As we have seen with naturally occurring plant and animal disease, these losses could be particularly severe where States where animal and crop production is connected and largely responsible for the majority of economic activity. For example, three states, Arkansas, Alabama, and my home State of Georgia account for 31 percent of the chickens produced in the United States. North Carolina, Iowa, and Minnesota account for 53 percent of hog production; and five others, Nebraska, Missouri, Oklahoma, Texas, and California produce 35 percent of the cattle. Four States, Illinois, Iowa, Nebraska, and Minnesota produce 54 percent of the corn; and three of those, Illinois, Iowa and Minnesota, produce 39 percent of all soybeans.

Current Federal efforts to prevent and respond to a terrorist attack are governed by two main Presidential directives. We will hear testimony from representatives of the Department of Agriculture, Department of Homeland Security, and the Food and Drug Administration outlining existing efforts and capabilities and what

we must do to deter, detect, and respond effectively to an attack. I am particularly interested in hearing a status report on the implementation of Homeland Security Presidential Directives 7 and 9 and what, if any, additional authorities are necessary to prevent and deter a terrorist attack on the food supply.

While the Homeland Security Act of 2002 and the Bioterrorism Act of 2002 increased biosecurity efforts, it is clear that more needs to be done. This hearing will serve as a useful dialog as this committee works with Senators Burr and Enzi and members of the Health Committee in drafting follow-up legislation to the Project Bioshield Act passed and signed by the President last year.

And while we are talking about that, I want to take a minute to commend the leadership of Senator Burr in this respect. He was a colleague and friend of my mine in the House. He was a leader during his House days, and now he has brought that same leadership and that knowledge and experience to the Senate and is providing real positive direction on this issue.

As we will hear, the responsibility to counter an agroterrorist attack spans the various agencies with different regulatory functions; however, a new partner and often overlooked component in any response is the integration of national and local law enforcement agencies. A recent symposium on agroterrorism hosted by the Federal Bureau of Investigation highlighted the need for our nation to respond quickly and to ensure local producers and first responders are a part of any national response plan. I welcome our colleagues from the law enforcement community to the Agriculture Committee and look forward to your testimony.

As anyone in agriculture knows, farmers, ranchers, extension agents, and many others are an integral part of detecting and responding to any disease outbreak, whether naturally occurring or deliberate. The second panel highlights this important partnership between public and private sectors, and we will hear what is being done to increase our preparedness at the local level in coordination with farmers and ranchers, the scientific community, and industry. No effort to prepare for an attack can be successful without a healthy and strong public-private partnership.

This will be the third hearing in the Senate since 1999 devoted to biosecurity and agroterrorism. My friend and colleague, Senator Roberts, who is with us this morning, held the first hearing in 1999. I think it is fair to say that he recognized early on the need to address the issue and, in his capacity as Chairman of the Senate Intelligence Committee, has continued to highlight the need for direction relative to this issue.

The events of September 11, 2001, propelled the Government into action and forced the Federal agencies to re-think the threats facing agriculture and the need to take steps to prevent agroterrorist attacks. Later, Senator Talent, also a member of this committee, highlighted the importance of the topic at a hearing before the Homeland Security and Government Affairs Committee chaired by Senator Collins almost 2 years ago. I look forward to working with members of this committee to make sure that this aspect of homeland security receives the attention and the resources it deserves. To do otherwise would place a critical sector of the economy at risk.

Before we proceed, I would like to request unanimous consent to insert testimony submitted by the Environmental Protection Agency for the record, and without objection, that will be done.

[The EPA statement follows:]

The CHAIRMAN. I would ask my colleagues, Senator Thomas, Senator Roberts, if you would like to make any opening statement at this point.

Senator THOMAS. Mr. Chairman, I thank you for having this. This is an important issue. I have no statement. I am anxious to hear the testimony.

The CHAIRMAN. Senator Roberts.

Senator ROBERTS. Mr. Chairman, thank you. I also would like to hear from the witnesses, but I do have an opening statement.

**STATEMENT OF HON. PAT ROBERTS, A U.S. SENATOR FROM
KANSAS**

Senator ROBERTS. Let me just say thank you for your very kind remarks and for holding this hearing. This is one of the most important issues that we face in agriculture, and it is true back in 1999, as Chairman of the Armed Services Subcommittee on Emerging Threats, we held it so important that it we held it in the Armed Services Committee. That was the first hearing on the topic, and at that time, our president of Kansas State University testified on the real need and urgency to really try to accelerate the research and response to efforts in this area. I argued at the time that this was a topic we couldn't ignore because it was simply too easy a target and would create absolute havoc and chaos in our food supply and our ag markets if it were to occur.

You know, at first, quite a few people wanted to ignore the issue or at least they didn't want me to talk about the issue. I know on one visit to western Kansas, I had a farmer come up to me and say, Pat, you have got to quit talking about all this agroterrorism stuff; you are scaring the dickens out of people here and you are hurting the markets. Actually, he put it a little more colorfully than that, but I think you get the picture. That was the reaction I got until the tragic events of 9-11. Obviously, we started to pay a lot more attention after that.

We have since learned that several of the 9-11 hijackers had agriculture training. I think four of them—no six, and we know that they had an interest in crop dusters. It is my belief those crop dusters may have never been intended for people, but possibly could be used on agriculture. The threat is real. We know the former USSR had worked to try and simply weaponize many agriculture diseases, including foot and mouth disease and glanders and wheat rust, just to name a few. In many instances, these stockpiles still remain in loosely guarded facilities. That is what the non-limiter program is all about, and we don't know whose hands some of it may have ended up in.

We traveled to Ordzhonikidze in Russia to take a look. That was one of the centers where if you looked at what they were making, it gave a real true picture, I think, of what President Ronald Reagan said in terms of the evil empire in terms of what they were making in terms of stockpiles. By the way, you didn't open up any

EXHIBIT 11

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Districtwide Facility Condition and Educational Suitability Cost Summary

(All Costs in 2004 Dollars)

(See Note)

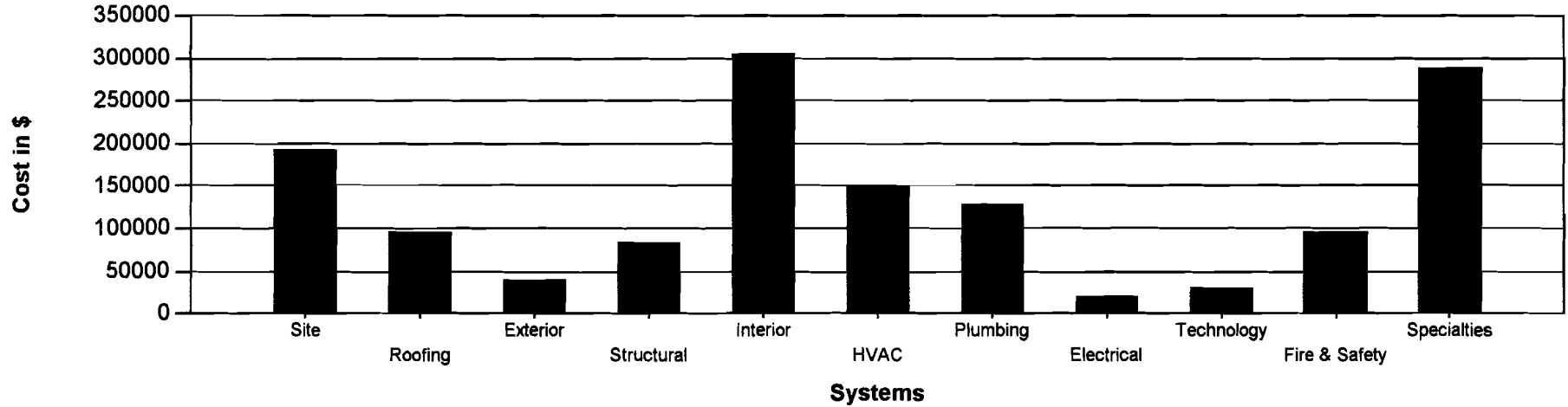
LEA	School	Grades Served	Current Master Plan Enrollment	Permanent Buildings	Temporary Buildings	Gross Square Feet	A		B		A + B	
							Facility Condition Cost	FCI	Cost Per Square Foot	Educational Suitability Cost	Total Cost	Cost Per Student
721	5607 - Weiner ES	K-06	176	2	0	33,102	\$861,399	26.45%	\$26.02	\$277,530	\$1,138,929	\$4,894.31
722	5607 - Weiner HS	07-12	184	7	0	74,837	\$455,879	6.02%	\$6.09	\$0	\$455,879	\$2,477.60
1356	5607 - Administration		176	4	0	9,104	\$120,083	13.45%	\$13.19	\$0	\$120,083	\$682.29
Totals			536	13	0	117,043	\$1,437,361	12.26%	\$12.28	\$277,530	\$1,714,891	\$2,681.64

Opd ; U i f l f t j n b u f ! p g F e d v b y p o b r f T v j u c b j z ! t i p x o l b c p w l v t f e l h s p t l t r v b s f l g p u h f t l b o e ! 3 1 1 : ! b d u v r f o s p m f o u t ! ! U i f ! C b s o f s t i j q ! C a p h s n l s v r f t ! d p o u b j o t ! u f l q s p d f t t ! p l e f u f s n j o f !
 t v j u c b j z ! b o e ! q s p k d u f r h j c j z l g s u f ! C b s o f s t i j q ! C a p h s n /

Districtwide Facility Condition & Life Cycle Forecast

System	Facility Condition Cost	\$ / GSF	Zf bs2	Zf bs3	Zf bs4	Zf bs5	Zf bs6	UpbrtMg !Dzdrh
			2010	2011	2012	2013	2014	
Site	\$192,827	\$1.65	\$0	\$0	\$0	\$0	\$0	\$0
Roofing	\$96,399	\$.82	\$0	\$15,150	\$0	\$0	\$309,081	\$324,231
Exterior	\$41,218	\$.35	\$0	\$0	\$0	\$0	\$31,722	\$31,722
Structural	\$84,072	\$.72	\$0	\$0	\$0	\$0	\$0	\$0
Interior	\$305,636	\$2.61	\$81,615	\$0	\$13,800	\$3,204	\$594,358	\$692,977
HVAC	\$151,183	\$1.29	\$0	\$0	\$0	\$0	\$0	\$0
Plumbing	\$128,356	\$1.10	\$11,400	\$0	\$55,410	\$0	\$9,600	\$76,410
Electrical	\$21,654	\$.19	\$150,576	\$108,534	\$1,050	\$0	\$3,543	\$263,703
Technology	\$30,674	\$.26	\$120,043	\$97,979	\$42,992	\$257,652	\$2,565	\$521,231
Fire & Safety	\$95,739	\$.82	\$27,520	\$119,251	\$47,487	\$0	\$0	\$194,258
Specialties	\$289,604	\$2.47	\$0	\$0	\$0	\$0	\$8,000	\$8,000
Total	\$1,437,361	\$12.28	\$391,154	\$340,914	\$160,739	\$260,856	\$958,869	\$2,112,532

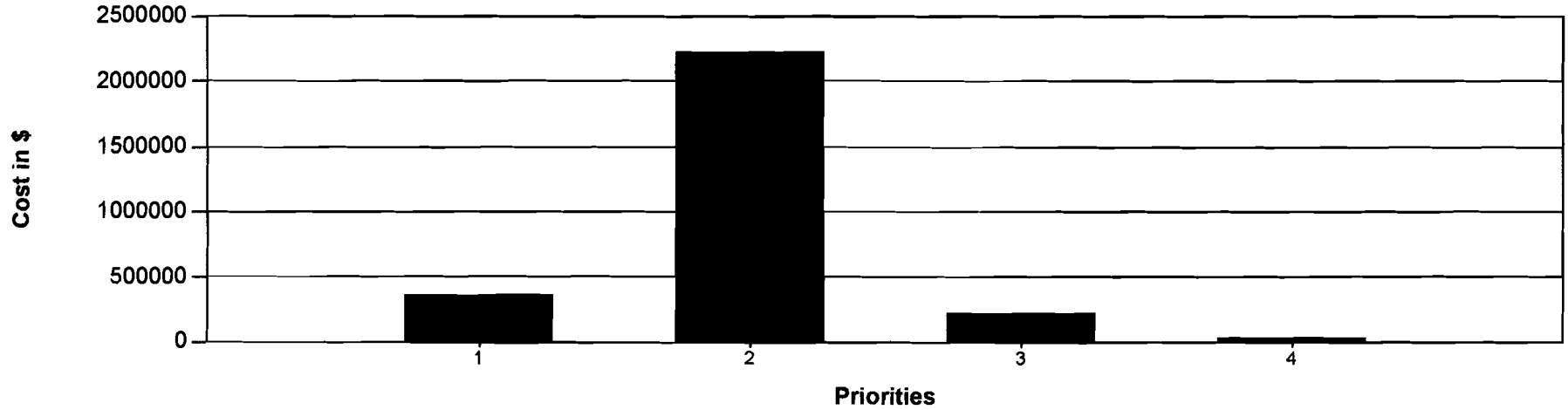
Facility Condition Cost by System



Ejt usidux jef !Gbdjrjuz !Dpoejypolcz!Tzt uf n !cz!Qspjuz

System	Total	Qspjuz			
		1	2	3	4
Site	\$192,827	\$0	\$174,313	\$0	\$18,514
Roofing	\$96,399	\$0	\$96,399	\$0	\$0
Exterior	\$41,218	\$0	\$41,218	\$0	\$0
Structural	\$84,072	\$0	\$84,072	\$0	\$0
Interior	\$305,636	\$0	\$305,636	\$0	\$0
HVAC	\$151,183	\$0	\$151,183	\$0	\$0
Plumbing	\$128,356	\$0	\$127,000	\$0	\$1,356
Electrical	\$21,654	\$0	\$13,222	\$0	\$8,432
Technology	\$30,674	\$0	\$0	\$18,434	\$12,240
Fire & Safety	\$95,739	\$95,739	\$0	\$0	\$0
Specialties	\$289,604	\$40,821	\$46,633	\$0	\$202,150
Total	\$1,437,361	\$136,560	\$1,039,675	\$18,434	\$242,693

Total Cost by Priority



Enrollment Projection Summary

Grade	2009-10	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11
	Enrollment	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Kindergarten	17	23	26	25	24	24	24	24	24	24	24	0
Grade 1	24	15	21	23	23	21	22	22	22	22	22	0
Grade 2	16	24	15	21	23	22	21	22	22	22	22	0
Grade 3	21	16	24	15	21	23	23	21	22	22	22	0
Grade 4	24	20	15	23	14	20	22	22	20	21	21	0
Grade 5	28	23	19	15	22	14	19	21	21	19	20	0
Grade 6	22	29	24	20	16	23	15	20	22	22	20	0
Grade 7	24	24	32	26	21	17	25	16	21	24	23	0
Grade 8	27	24	23	31	26	21	16	24	15	21	23	0
Grade 9	34	27	24	23	31	26	21	17	24	16	21	0
Grade 10	38	33	26	23	23	30	25	21	16	24	15	0
Grade 11	19	37	32	26	22	22	30	24	20	16	23	0
Grade 12	29	18	36	31	25	22	21	28	23	19	15	0

Enrollment Projection Summary

	2009-10	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11
Grade	Enrollment	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	323	313	317	302	291	285	284	282	272	272	271	0

5 Year Enrollment Growth	
2009-10 Enrollment	323
2014-15 Enrollment	285
Difference	-38
Sq. Ft. / Student	143
Additional Sq. Ft. Required	-5,434
Enrollment Growth Cost - Year 5	-\$543,400

10 Year Enrollment Growth	
2009-10 Enrollment	323
2019-20 Enrollment	271
Difference	-52
Sq. Ft. / Student	143
Additional Sq. Ft. Required	-7,436
Enrollment Growth Cost - Year 10	-\$743,600

Projected Enrollment

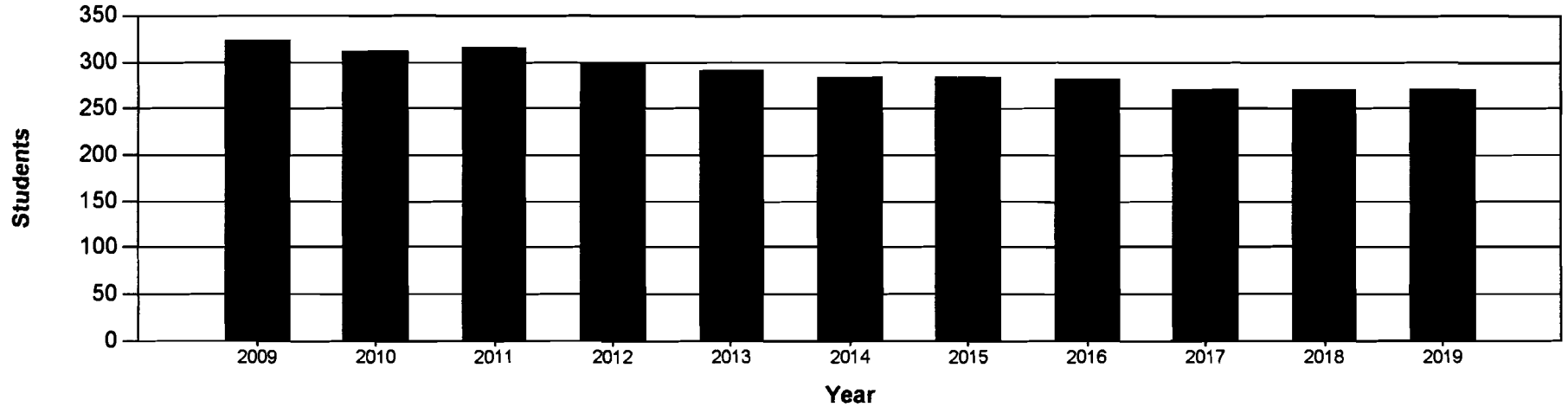


EXHIBIT 12



Rice

Crop Acreage, Yield, and Production, by County, 2006-2007

District & County	Acres Planted		Acres Harvested		Yield		Production	
	2006	2007	2006	2007	2006	2007	2006	2007
	Acres		Acres		Pounds		Cwt	
District 30								
Clay	80,000	73,500	79,800	73,000	6,740	7,120	5,378,500	5,197,600
Craighead	79,700	78,200	79,600	78,000	6,760	7,210	5,381,000	5,623,800
Greene	73,700	67,700	73,600	67,700	6,760	7,480	4,975,400	5,064,000
Independence	10,000	1	10,000	1	5,970	1	597,000	1
Jackson	89,800	92,500	89,400	91,500	6,500	6,800	5,811,000	6,222,000
Lawrence	103,000	98,500	102,900	98,000	6,520	7,150	6,709,000	7,007,400
Mississippi	39,600	37,500	39,200	37,500	7,090	7,390	2,779,300	2,771,500
Poinsett	120,500	117,500	120,000	117,000	6,950	7,340	8,340,000	8,589,000
Randolph	33,200	32,600	33,000	32,000	6,970	7,500	2,300,000	2,400,000
White	14,000	1	14,000	1	6,520	1	912,800	1
Other Counties		23,000		22,800		6,650		1,516,700
District 30 Total	643,500	621,000	641,500	617,500	6,730	7,190	43,184,000	44,392,000
District 40								
Other Counties	2,000	2	1,800	2	6,930	2	124,700	2
District 40 Total	2,000	2	1,800	2	6,930	2	124,700	2
District 50								
Pulaski	3,400	3,800	3,300	3,700	6,980	7,360	230,400	272,500
Other Counties	6,100	5,200	5,700	4,400	6,480	6,950	369,300	305,700
District 50 Total	9,500	9,000	9,000	8,100	6,660	7,140	599,700	578,200
District 60								
Arkansas	111,000	106,000	110,900	105,500	7,620	7,770	8,450,000	8,197,800
Crittenden	36,100	36,800	36,100	36,800	6,690	7,110	2,415,000	2,616,500
Cross	98,000	85,200	97,600	85,100	6,780	7,120	6,617,000	6,059,100
Lee	23,100	17,900	23,000	17,900	7,040	7,300	1,619,000	1,306,700
Lonoke	76,100	73,700	75,900	73,600	7,280	7,220	5,525,500	5,313,900
Monroe	48,000	46,700	48,000	46,600	6,670	7,010	3,201,400	3,266,700
Phillips	28,100	19,900	28,000	19,900	6,840	7,490	1,915,000	1,490,500
Prairie	65,600	60,000	65,500	59,900	7,420	7,430	4,860,000	4,450,600
St. Francis	39,600	34,300	39,500	34,300	6,970	7,470	2,753,100	2,562,200
Woodruff	57,900	56,500	57,500	56,400	6,520	6,950	3,749,000	3,920,000
District 60 Total	583,500	537,000	582,000	536,000	7,060	7,310	41,105,000	39,184,000
District 70								
Lafayette	4,100	2,100	4,000	2,000	6,030	6,500	241,100	130,000
Other Counties	3,900	1,100	3,500	1,100	5,540	6,950	193,900	76,400
District 70 Total	8,000	3,200	7,500	3,100	5,800	6,660	435,000	206,400
District 90								
Ashley	11,600	11,200	11,500	11,000	6,320	6,900	726,700	759,000
Chicot	25,300	25,100	25,000	25,000	6,840	6,870	1,710,000	1,717,500
Desha	26,600	27,600	26,500	27,500	7,180	7,330	1,902,300	2,015,800
Drew	11,200	10,300	11,000	10,300	6,900	7,110	759,000	732,300
Jefferson	56,100	58,200	56,000	58,100	7,120	7,140	3,987,000	4,148,300
Lincoln	27,700	26,600	27,500	26,600	7,240	7,350	1,991,000	1,955,100
District 90 Total	158,500	159,000	157,500	158,500	7,030	7,150	11,076,000	11,328,000
Other Districts	1,000	1,800	700	1,800	5,800	6,970	40,600	125,400
State Total	1,406,000	1,331,000	1,400,000	1,325,000	6,900	7,230	96,565,000	95,814,000

¹ Included in Other Counties.

² Included in Other Districts.



Rice

Crop Acreage, Yield, and Production, by County, 2007-2008

District & County	Acres Planted		Acres Harvested		Yield		Production	
	2007	2008	2007	2008	2007	2008	2007	2008
	Acres		Acres		Pounds		Cwt	
District 30								
Clay	73,500	75,400	73,000	75,300	7,120	6,940	5,197,600	5,226,400
Craighead	78,200	78,800	78,000	78,500	7,210	6,320	5,623,800	4,961,200
Greene	67,700	77,000	67,700	76,700	7,480	6,920	5,064,000	5,307,600
Independence		10,000		10,000		6,010		601,000
Jackson	92,500	97,000	91,500	96,500	6,800	6,080	6,222,000	5,868,200
Lawrence	98,500	103,000	98,000	102,500	7,150	6,340	7,007,400	6,499,000
Mississippi	37,500	36,800	37,500	36,700	7,390	6,890	2,771,500	2,528,600
Poinsett	117,500	117,000	117,000	116,500	7,340	6,690	8,589,000	7,794,200
Randolph	32,600	33,000	32,000	32,900	7,500	6,830	2,400,000	2,247,200
White		14,000		13,900		6,450		896,600
Other Counties	23,000		22,800		6,650		1,516,700	
District 30 Total	621,000	642,000	617,500	639,500	7,190	6,560	44,392,000	41,930,000
District 50								
Faulkner		3,100		2,900		6,000		174,100
Pulaski	3,800	3,300	3,700	3,200	7,360	6,520	272,500	208,700
Other Counties	5,200	2,600	4,400	2,400	6,950	6,430	305,700	154,200
District 50 Total	9,000	9,000	8,100	8,500	7,140	6,320	578,200	537,000
District 60								
Arkansas	106,000	103,000	105,500	102,800	7,770	7,350	8,197,800	7,556,600
Crittenden	36,800	39,300	36,800	39,200	7,110	6,550	2,616,500	2,567,600
Cross	85,200	80,100	85,100	80,000	7,120	6,520	6,059,100	5,216,000
Lee	17,900	23,000	17,900	22,700	7,300	6,870	1,306,700	1,559,500
Lonoke	73,700	75,200	73,600	75,000	7,220	6,750	5,313,900	5,063,000
Monroe	46,700	52,400	46,600	52,300	7,010	6,870	3,266,700	3,593,000
Phillips	19,900	35,400	19,900	35,200	7,490	6,380	1,490,500	2,246,200
Prairie	60,000	61,300	59,900	61,200	7,430	7,340	4,450,600	4,492,100
St. Francis	34,300	38,600	34,300	38,500	7,470	7,020	2,562,200	2,702,700
Woodruff	56,500	53,700	56,400	53,600	6,950	6,420	3,920,000	3,441,300
District 60 Total	537,000	562,000	536,000	560,500	7,310	6,860	39,184,000	38,438,000
District 70								
Lafayette	2,100	1,900	2,000	1,900	6,500	5,350	130,000	101,700
Other Counties	1,100	2,100	1,100	1,800	6,950	5,330	76,400	96,000
District 70 Total	3,200	4,000	3,100	3,700	6,660	5,340	206,400	197,700
District 90								
Ashley	11,200	12,800	11,000	12,500	6,900	6,560	759,000	820,000
Chicot	25,100	31,300	25,000	31,200	6,870	6,660	1,717,500	2,077,900
Desha	27,600	26,700	27,500	26,600	7,330	6,540	2,015,800	1,739,600
Drew	10,300	12,500	10,300	12,400	7,110	6,570	732,300	814,700
Jefferson	58,200	68,000	58,100	67,800	7,140	6,380	4,148,300	4,325,600
Lincoln	26,600	29,700	26,600	29,500	7,350	6,360	1,955,100	1,876,200
District 90 Total	159,000	181,000	158,500	180,000	7,150	6,470	11,328,000	11,654,000
Other Districts	1,800	3,000	1,800	2,800	6,970	6,480	125,400	181,300
State Total	1,331,000	1,401,000	1,325,000	1,395,000	7,230	6,660	95,814,000	92,938,000

¹ Included in Other Counties



Rice

Crop Acreage, Yield, and Production, by County, 2008-2009

District & County	Acres Planted		Acres Harvested		Yield		Production	
	2008	2009	2008	2009	2008	2009	2008	2009
	<i>Acres</i>		<i>Acres</i>		<i>Pounds</i>		<i>Cwt</i>	
District 30								
Clay	75,400	76,200	75,300	75,300	6,940	6,920	5,226,400	5,208,100
Craighead	78,800	79,000	78,500	78,500	6,320	6,860	4,961,200	5,385,100
Greene	77,000	80,500	76,700	79,900	6,920	6,820	5,307,600	5,446,300
Independence	10,000	10,800	10,000	10,300	6,010	6,710	601,000	691,100
Jackson	97,000	95,000	96,500	93,600	6,080	6,660	5,868,200	6,229,800
Lawrence	103,000	99,000	102,500	98,500	6,340	6,180	6,499,000	6,087,300
Mississippi	36,800	44,300	36,700	44,000	6,890	7,080	2,528,600	3,115,200
Poinsett	117,000	120,000	116,500	119,000	6,690	6,960	7,794,200	8,278,400
Randolph	33,000	33,500	32,900	33,400	6,830	6,700	2,247,200	2,237,800
White	14,000	15,700	13,900	15,500	6,450	5,580	896,600	864,900
District 30 Total	642,000	654,000	639,500	648,000	6,560	6,720	41,930,000	43,544,000
District 50								
Faulkner	3,100	2,000	2,900	1,800	6,000	6,190	174,100	111,400
Pulaski	3,300	4,000	3,200	3,900	6,520	6,020	208,700	234,700
Other Counties	2,600	3,000	2,400	2,800	6,430	6,030	154,200	168,900
District 50 Total	9,000	9,000	8,500	8,500	6,320	6,060	537,000	515,000
District 60								
Arkansas	103,000	116,500	102,800	116,000	7,350	7,350	7,556,600	8,521,000
Crittenden	39,300		39,200		6,550		2,567,600	
Cross	80,100	85,000	80,000	84,400	6,520	7,050	5,216,000	5,947,900
Lee	23,000		22,700		6,870		1,559,500	
Lonoke	75,200	75,300	75,000	75,000	6,750	7,020	5,063,000	5,262,000
Monroe	52,400	54,500	52,300	54,000	6,870	6,940	3,593,000	3,747,600
Phillips	35,400	36,000	35,200	33,300	6,380	6,380	2,246,200	2,124,500
Prairie	61,300	66,000	61,200	65,600	7,340	7,290	4,492,100	4,781,700
St. Francis	38,600	46,800	38,500	46,700	7,020	6,980	2,702,700	3,259,700
Woodruff	53,700	58,300	53,600	58,000	6,420	6,620	3,441,300	3,839,600
Other Counties		70,600		70,000		6,800		4,760,000
District 60 Total	562,000	609,000	560,500	603,000	6,860	7,010	38,438,000	42,244,000
District 70								
Lafayette	1,900		1,900		5,350		101,700	
Other Counties	2,100	5,700	1,800	5,500	5,330	5,580	96,000	307,000
District 70 Total	4,000	5,700	3,700	5,500	5,340	5,580	197,700	307,000
District 90								
Ashley	12,800	12,500	12,500	12,000	6,560	5,850	820,000	702,000
Chicot	31,300	40,300	31,200	39,900	6,660	6,540	2,077,900	2,609,500
Desha	26,700	41,400	26,600	39,700	6,540	6,690	1,739,600	2,655,900
Drew	12,500	12,300	12,400	12,200	6,570	6,130	814,700	747,900
Jefferson	68,000	67,000	67,800	66,700	6,380	6,590	4,325,600	4,392,400
Lincoln	29,700	31,500	29,500	31,500	6,360	6,420	1,876,200	2,022,300
District 90 Total	181,000	205,000	180,000	202,000	6,470	6,500	11,654,000	13,130,000
Other Districts	3,000	3,300	2,800	3,000	6,480	6,130	181,300	184,000
State Total	1,401,000	1,486,000	1,395,000	1,470,000	6,660	6,800	92,938,000	99,924,000

¹ Included in Other Counties.



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Arkansas County Data - Crops									
Commodity ↑	Practice	Year	State	County	District	Planted All Purposes	Harvested	Yield	Production
Rice All	Total For Crop	1999	Arkansas	Poinsett	30	135,000 acres	134,000 acres	5,950 pounds	7,973,000 hundredweight
Rice All	Total For Crop	2000	Arkansas	Poinsett	30	122,500 acres	122,000 acres	6,230 pounds	7,601,000 hundredweight
Rice All	Total For Crop	2001	Arkansas	Poinsett	30	136,500 acres	136,000 acres	6,400 pounds	8,704,000 hundredweight
Rice All	Total For Crop	2002	Arkansas	Poinsett	30	135,100 acres	133,000 acres	6,300 pounds	8,379,000 hundredweight
Rice All	Total For Crop	2003	Arkansas	Poinsett	30	127,700 acres	126,700 acres	6,440 pounds	8,159,480 hundredweight
Rice All	Total For Crop	2004	Arkansas	Poinsett	30	135,200 acres	135,000 acres	7,040 pounds	9,504,000 hundredweight
Rice All	Total For Crop	2005	Arkansas	Poinsett	30	133,700 acres	133,100 acres	6,670 pounds	8,877,770 hundredweight
Rice All	Total For Crop	2006	Arkansas	Poinsett	30	120,500 acres	120,000 acres	6,950 pounds	8,340,000 hundredweight
Rice All	Total For Crop	2007	Arkansas	Poinsett	30	117,500 acres	117,000 acres	7,340 pounds	8,589,000 hundredweight
Rice All	Total For Crop	2008	Arkansas	Poinsett	30	117,000 acres	116,500 acres	6,690 pounds	7,794,200 hundredweight
Rice All	Total For Crop	2009	Arkansas	Poinsett	30	120,000 acres	119,000 acres	6,960 pounds	8,278,400 hundredweight

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U.S. & All States Data - Crops Planted, Harvested, Yield, Production, Price (MYA), Value of Production								
Commodity ↑	Year	State	Planted All Purposes	Harvested	Yield	Production	Price per Unit	Value of production
Rice All	1999	Arkansas	1,630 thousand acres	1,625 thousand acres	5,850 pounds	95,054 thousand hundredweight	5.71 dols / cwt	542,758 thousand dollars
Rice All	1999	California	510 thousand acres	505 thousand acres	7,270 pounds	36,690 thousand hundredweight	6.97 dols / cwt	255,729 thousand dollars
Rice All	1999	Louisiana	620 thousand acres	616 thousand acres	5,000 pounds	30,825 thousand hundredweight	5.99 dols / cwt	184,642 thousand dollars
Rice All	1999	Mississippi	325 thousand acres	323 thousand acres	5,650 pounds	18,250 thousand hundredweight	5.49 dols / cwt	100,193 thousand dollars
Rice All	1999	Missouri	186 thousand acres	184 thousand acres	5,400 pounds	9,936 thousand hundredweight	5.60 dols / cwt	55,642 thousand dollars
Rice All	1999	Texas	260 thousand acres	259 thousand acres	5,900 pounds	15,272 thousand hundredweight	6.04 dols / cwt	92,243 thousand dollars
Rice All	1999	United States	3,531 thousand acres	3,512 thousand acres	5,866 pounds	206,027 thousand hundredweight	5.93 dols / cwt	1,231,207 thousand dollars
Rice All	2000	Arkansas	1,420 thousand acres	1,410 thousand acres	6,110 pounds	86,112 thousand hundredweight	5.60 dols / cwt	482,227 thousand dollars
Rice All	2000	California	550 thousand acres	548 thousand acres	7,940 pounds	43,521 thousand hundredweight	4.99 dols / cwt	217,170 thousand dollars
Rice All	2000	Louisiana	485 thousand acres	480 thousand acres	5,080 pounds	24,402 thousand hundredweight	5.82 dols / cwt	142,020 thousand dollars
Rice All	2000	Mississippi	220 thousand acres	218 thousand acres	5,900 pounds	12,862 thousand hundredweight	5.68 dols / cwt	73,056 thousand dollars
Rice All	2000	Missouri	170 thousand acres	169 thousand acres	5,700 pounds	9,633 thousand hundredweight	5.40 dols / cwt	52,018 thousand dollars
Rice All	2000	Texas	215 thousand acres	214 thousand acres	6,700 pounds	14,342 thousand hundredweight	5.82 dols / cwt	83,470 thousand dollars
Rice All	2000	United States	3,060 thousand acres	3,039 thousand acres	6,281 pounds	190,872 thousand hundredweight	5.61 dols / cwt	1,049,961 thousand dollars
Rice All	2001	Arkansas	1,631 thousand acres	1,621 thousand acres	6,350 pounds	102,858 thousand hundredweight	3.93 dols / cwt	404,232 thousand dollars
Rice All	2001	California	473 thousand acres	471 thousand acres	8,170 pounds	38,490 thousand hundredweight	5.28 dols / cwt	203,227 thousand dollars
Rice All	2001	Louisiana	548 thousand acres	546 thousand acres	5,500 pounds	30,014 thousand hundredweight	4.47 dols / cwt	134,163 thousand dollars
Rice All	2001	Mississippi	255 thousand acres	253 thousand acres	6,600 pounds	16,698 thousand hundredweight	4.15 dols / cwt	69,297 thousand dollars
Rice All	2001	Missouri	211 thousand acres	207 thousand acres	6,000 pounds	12,420 thousand hundredweight	3.70 dols / cwt	45,954 thousand dollars
Rice All	2001	Texas	216 thousand acres	216 thousand acres	6,850 pounds	14,790 thousand hundredweight	4.61 dols / cwt	68,182 thousand dollars

Rice All	2001	United States	3,334 thousand acres	3,314 thousand acres	6,496 pounds	215,270 thousand hundredweight	4.25 dols / cwt	925,055 thousand dollars
Rice All	2002	Arkansas	1,516 thousand acres	1,503 thousand acres	6,440 pounds	96,752 thousand hundredweight	4.16 dols / cwt	402,488 thousand dollars
Rice All	2002	California	533 thousand acres	528 thousand acres	8,140 pounds	42,989 thousand hundredweight	6.32 dols / cwt	271,690 thousand dollars
Rice All	2002	Louisiana	540 thousand acres	535 thousand acres	5,500 pounds	29,400 thousand hundredweight	4.14 dols / cwt	121,716 thousand dollars
Rice All	2002	Mississippi	255 thousand acres	253 thousand acres	6,400 pounds	16,192 thousand hundredweight	4.94 dols / cwt	79,988 thousand dollars
Rice All	2002	Missouri	190 thousand acres	182 thousand acres	6,050 pounds	11,011 thousand hundredweight	3.90 dols / cwt	42,943 thousand dollars
Rice All	2002	Texas	206 thousand acres	206 thousand acres	7,100 pounds	14,616 thousand hundredweight	4.16 dols / cwt	60,803 thousand dollars
Rice All	2002	United States	3,240 thousand acres	3,207 thousand acres	6,578 pounds	210,960 thousand hundredweight	4.49 dols / cwt	979,628 thousand dollars
Rice All	2003	Arkansas	1,466 thousand acres	1,455 thousand acres	6,610 pounds	96,188 thousand hundredweight	7.70 dols / cwt	740,648 thousand dollars
Rice All	2003	California	509 thousand acres	507 thousand acres	7,700 pounds	39,036 thousand hundredweight	10.40 dols / cwt	405,974 thousand dollars
Rice All	2003	Louisiana	455 thousand acres	450 thousand acres	5,870 pounds	26,397 thousand hundredweight	7.68 dols / cwt	202,729 thousand dollars
Rice All	2003	Mississippi	235 thousand acres	234 thousand acres	6,800 pounds	15,912 thousand hundredweight	7.34 dols / cwt	116,794 thousand dollars
Rice All	2003	Missouri	176 thousand acres	171 thousand acres	6,130 pounds	10,484 thousand hundredweight	7.20 dols / cwt	75,485 thousand dollars
Rice All	2003	Texas	181 thousand acres	180 thousand acres	6,600 pounds	11,880 thousand hundredweight	7.35 dols / cwt	87,318 thousand dollars
Rice All	2003	United States	3,022 thousand acres	2,997 thousand acres	6,670 pounds	199,897 thousand hundredweight	8.08 dols / cwt	1,628,948 thousand dollars
Rice All	2004	Arkansas	1,561 thousand acres	1,555 thousand acres	6,980 pounds	108,560 thousand hundredweight	7.13 dols / cwt	774,033 thousand dollars
Rice All	2004	California	595 thousand acres	590 thousand acres	8,600 pounds	50,759 thousand hundredweight	7.34 dols / cwt	372,571 thousand dollars
Rice All	2004	Louisiana	538 thousand acres	533 thousand acres	5,390 pounds	28,730 thousand hundredweight	7.77 dols / cwt	223,232 thousand dollars
Rice All	2004	Mississippi	235 thousand acres	234 thousand acres	6,900 pounds	16,146 thousand hundredweight	7.48 dols / cwt	120,772 thousand dollars
Rice All	2004	Missouri	196 thousand acres	195 thousand acres	6,800 pounds	13,261 thousand hundredweight	6.98 dols / cwt	92,562 thousand dollars
Rice All	2004	Texas	222 thousand acres	218 thousand acres	6,840 pounds	14,906 thousand hundredweight	7.96 dols / cwt	118,652 thousand dollars
Rice All	2004	United States	3,347 thousand acres	3,325 thousand acres	6,988 pounds	232,362 thousand hundredweight	7.33 dols / cwt	1,701,822 thousand dollars
Rice All	2005	Arkansas	1,643 thousand acres	1,635 thousand acres	6,650 pounds	108,792 thousand hundredweight	7.27 dols / cwt	790,918 thousand dollars
Rice All	2005	California	528 thousand acres	526 thousand acres	7,380 pounds	38,836 thousand hundredweight	10.10 dols / cwt	392,244 thousand dollars
Rice All	2005	Louisiana	530 thousand acres	525 thousand acres	5,900 pounds	30,983 thousand hundredweight	7.47 dols / cwt	231,443 thousand dollars
Rice All	2005	Mississippi	265 thousand acres	263 thousand acres	6,400 pounds	16,832 thousand hundredweight	7.36 dols / cwt	123,884 thousand dollars
Rice All	2005	Missouri	216 thousand acres	214 thousand acres	6,600 pounds	14,124 thousand hundredweight	6.87 dols / cwt	97,032 thousand dollars
Rice All	2005	Texas	202 thousand acres	201 thousand acres	6,600 pounds	13,266 thousand hundredweight	7.77 dols / cwt	103,077 thousand dollars
Rice All	2005	United States	3,384 thousand acres	3,364 thousand acres	6,624 pounds	222,833 thousand hundredweight	7.65 dols / cwt	1,738,598 thousand dollars
Rice All	2006	Arkansas	1,406 thousand acres	1,400 thousand acres	6,900 pounds	96,565 thousand hundredweight	9.43 dols / cwt	910,608 thousand dollars

Rice All	2006	California	526 thousand acres	523 thousand acres	7,660 pounds	40,040 thousand hundredweight	13.00 dols / cwt	520,520 thousand dollars
Rice All	2006	Louisiana	350 thousand acres	345 thousand acres	5,880 pounds	20,294 thousand hundredweight	9.83 dols / cwt	199,490 thousand dollars
Rice All	2006	Mississippi	190 thousand acres	189 thousand acres	7,000 pounds	13,230 thousand hundredweight	9.38 dols / cwt	124,097 thousand dollars
Rice All	2006	Missouri	216 thousand acres	214 thousand acres	6,400 pounds	13,696 thousand hundredweight	9.38 dols / cwt	128,468 thousand dollars
Rice All	2006	Texas	150 thousand acres	150 thousand acres	7,170 pounds	10,760 thousand hundredweight	10.00 dols / cwt	107,600 thousand dollars
Rice All	2006	United States	2,838 thousand acres	2,821 thousand acres	6,898 pounds	194,585 thousand hundredweight	9.96 dols / cwt	1,990,783 thousand dollars
Rice All	2007	Arkansas	1,331 thousand acres	1,325 thousand acres	7,230 pounds	95,814 thousand hundredweight	12.10 dols / cwt	1,159,349 thousand dollars
Rice All	2007	California	534 thousand acres	533 thousand acres	8,200 pounds	43,684 thousand hundredweight	16.20 dols / cwt	707,681 thousand dollars
Rice All	2007	Louisiana	380 thousand acres	378 thousand acres	6,140 pounds	23,222 thousand hundredweight	12.70 dols / cwt	294,919 thousand dollars
Rice All	2007	Mississippi	190 thousand acres	189 thousand acres	7,350 pounds	13,892 thousand hundredweight	12.60 dols / cwt	175,039 thousand dollars
Rice All	2007	Missouri	180 thousand acres	178 thousand acres	6,900 pounds	12,279 thousand hundredweight	11.90 dols / cwt	146,120 thousand dollars
Rice All	2007	Texas	146 thousand acres	145 thousand acres	6,550 pounds	9,497 thousand hundredweight	12.40 dols / cwt	117,763 thousand dollars
Rice All	2007	United States	2,761 thousand acres	2,748 thousand acres	7,219 pounds	198,388 thousand hundredweight	12.80 dols / cwt	2,600,871 thousand dollars
Rice All	2008	Arkansas	1,401 thousand acres	1,395 thousand acres	6,660 pounds	92,938 thousand hundredweight	15.00 dols / cwt	1,394,070 thousand dollars
Rice All	2008	California	519 thousand acres	517 thousand acres	8,320 pounds	43,030 thousand hundredweight	27.50 dols / cwt	1,183,325 thousand dollars
Rice All	2008	Louisiana	470 thousand acres	464 thousand acres	5,830 pounds	27,037 thousand hundredweight	15.40 dols / cwt	416,370 thousand dollars
Rice All	2008	Mississippi	230 thousand acres	229 thousand acres	6,850 pounds	15,687 thousand hundredweight	15.40 dols / cwt	241,580 thousand dollars
Rice All	2008	Missouri	200 thousand acres	199 thousand acres	6,620 pounds	13,173 thousand hundredweight	13.80 dols / cwt	181,787 thousand dollars
Rice All	2008	Texas	175 thousand acres	172 thousand acres	6,900 pounds	11,868 thousand hundredweight	15.70 dols / cwt	186,328 thousand dollars
Rice All	2008	United States	2,995 thousand acres	2,976 thousand acres	6,846 pounds	203,733 thousand hundredweight	16.80 dols / cwt	3,603,460 thousand dollars
Rice All	2009	Arkansas	1,486 thousand acres	1,470 thousand acres	6,800 pounds	99,924 thousand hundredweight	13.40 dols / cwt	1,338,982 thousand dollars
Rice All	2009	California	561 thousand acres	556 thousand acres	8,600 pounds	47,804 thousand hundredweight	18.60 dols / cwt	889,154 thousand dollars
Rice All	2009	Louisiana	470 thousand acres	464 thousand acres	6,300 pounds	29,217 thousand hundredweight	12.60 dols / cwt	368,134 thousand dollars
Rice All	2009	Mississippi	245 thousand acres	243 thousand acres	6,700 pounds	16,281 thousand hundredweight	12.80 dols / cwt	208,397 thousand dollars
Rice All	2009	Missouri	202 thousand acres	200 thousand acres	6,710 pounds	13,423 thousand hundredweight	13.10 dols / cwt	175,841 thousand dollars
Rice All	2009	Texas	171 thousand acres	170 thousand acres	7,770 pounds	13,201 thousand hundredweight	12.50 dols / cwt	165,013 thousand dollars
Rice All	2009	United States	3,135 thousand acres	3,103 thousand acres	7,085 pounds	219,850 thousand hundredweight	14.30 dols / cwt	3,145,521 thousand dollars
Rice All	2010	Arkansas	1,631 thousand acres					
Rice All	2010	California	600 thousand acres					
Rice All	2010	Louisiana	510 thousand acres					

Rice All	2010	Mississippi	270 thousand acres
Rice All	2010	Missouri	217 thousand acres
Rice All	2010	Texas	183 thousand acres
Rice All	2010	United States	3,411 thousand acres

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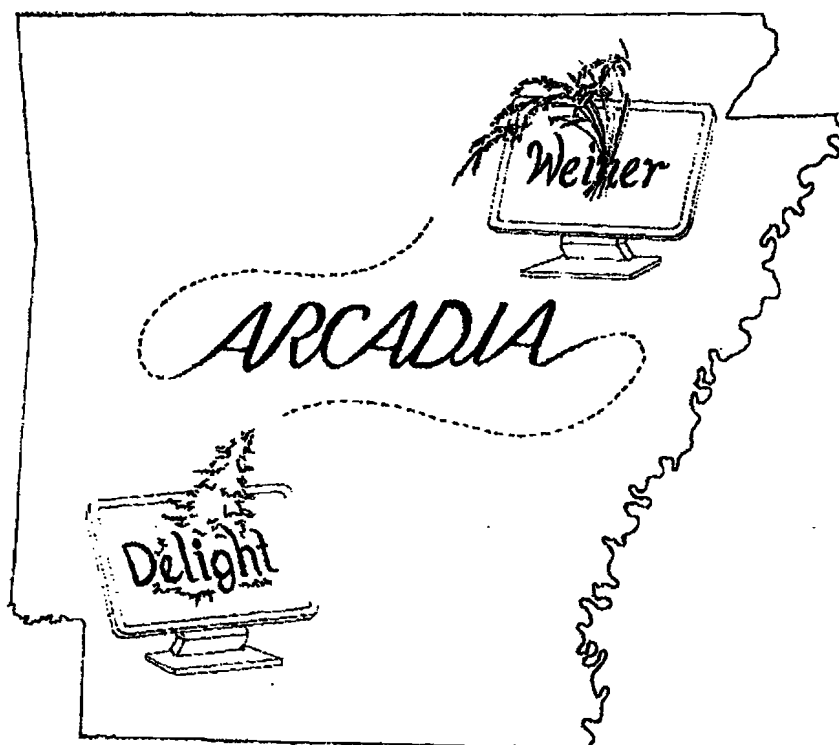
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EXHIBIT 13

Arcadia School District



*Joining together to educate and
equip students for citizenship in a
global, digital society*

Table of Contents

**Justification for the Administrative Consolidation of
the Delight and Weiner School DistrictsTab 1**

**Petition for Administrative Consolidation, including
Memorandum in Support of ConsolidationTab 2**

Photographs of District facilitiesTab 3

Campus Comparison chart of proposed Arcadia DistrictTab 4

Relevant newspaper reportsTab 5

Selected letters of support from communityTab 6

Justification for the Administrative Consolidation of Delight/Weiner

Delight and Weiner are far apart geographically, but very close in those things that indicate a successful school—proficient test scores, financial stability, small teacher to student ratio, ready access to technology, and strong parent and community support. Although both districts are academically and financially sound and meeting state standards, each school's enrollment has fallen below the 350 mandated by the state. Rather than focusing on breaking down something that's working, the schools have found a way to build up something that's better. The Arcadia district is a solution that turns a negative situation into a positive one for both school districts.

Recognizing the reality of their situations, both districts looked at those schools near them for possible annexation or consolidation and were unable to find a district that was comparable in financial stability, student achievement, and other factors that enhance student success. On first thought, the idea of consolidating with a district in another part of the state appeared ridiculous; however the way our world operates has changed drastically in recent years. The new district resulting from the administrative consolidation of Weiner and Delight school will be called Arcadia and will mirror the way businesses in today's global economy operate. The name comes from the Greek word "arcadia"— a region of ancient Greece in the Peloponnesus. Its inhabitants, relatively isolated from the rest of the known civilized world, proverbially lived an idealistic, simple, pastoral life.

The focus of the new district will be to bring classroom instruction in line with the real world, utilizing technologies to both teach and as a means for student response and research. The federal No Child Left Behind legislation establishes technology literacy as a core foundation for learning, calling for academic excellence in the context of 21st century technologies. A goal of the new district will be to serve as a model for rural education within our own state and other states as well—preparing rural students for today's world. The approach addresses the problem of many schools in our nation that struggle with isolation problems. The new innovative district with its real world applications will prepare students for today and the future. Examples of 21st Century learning and activities include: school board meetings held as

video-conferences, collaborative problem based projects between classes at Delight and Weiner using a wide variety of Web 2.0 programs such as wikis, blogs, and special networking sites. Distance Learning Labs would allow for sharing of teacher power, and online courses would be utilized. These class methods would prepare students for the work force of today and for college courses which make much use of online interaction (many college classes are completely online). A district-wide "technology-curriculum" specialist would be hired to coordinate activities between the two campuses and provide in-service training to insure teacher competence in utilizing the approach in their classrooms. Technology courses could be added, such as introductory computer programming and website design. Keyboarding could be taught at the elementary level, giving even young students the ability to easily use technology as a learning tool. Another goal would be to provide each student in middle school through high school a laptop to use at school and at home. Textbooks could be accessed using the laptop, connecting students to information and skills in keeping with the way they learn.

How will the consolidation make the new district better than their former schools?

Each school can benefit from programs available that one has and the other doesn't. For instance, Delight has an ABC Pre-K program which could be extended within the Weiner district—a real need in the Weiner area. Weiner has Pre-AP and an EAST lab which could become part of Delight's curriculum. Delight offers the JAG (Jobs for Arkansas Graduates) program, an alternative education program for at-risk students which is a web based real word application. The Weiner Gifted and Talented Program has received several Act 56 Outstanding Program Awards from the state. While the district offers students AP courses mandated by the state, the district's G.T. program has been commended by state monitors for its weekly enrichment seminar class for secondary students, focusing on creative and critical thinking. The success of this concept could be extended into the Delight district, providing their gifted and talented students the opportunity to explore topics not addressed in the regular classroom in a differentiated manner that encourages independent research and affective development.

currently available, such as Spanish for elementary students. Chinese, a language that certainly is prominent in the new world economy now and proving to be even more important in the future, could be added for both schools through Distance Learning. Sharing teacher power through Distance Learning technology will save money and will allow more students to benefit from exceptional teachers and advanced or specialized classes. Delight has a Spanish teacher whereas Weiner has been providing Spanish through the ADE's Distance Learning program. The two campuses could share the Spanish teacher. Filling positions affected by teacher shortages will be aided by the ability to recruit from two separate areas of the state. Collaborative class projects, utilizing 21st Century learning skills can take place between Delight and Weiner. Programs such as ProtoPage, Etherpad, Qipit, podcasts, virtual reality websites (Second Life), and other online programs can be used to teach subject matter as students also practice and learn real world communication skills.

Teachers on both campuses would be able to share curriculum ideas and in-service. For example, Weiner has a teacher who is a Teacher Fellow for the United States Memorial Holocaust Museum in Washington D.C.—this teacher would be able to educate teachers and students at the Delight campus. Teachers from both campuses could share their expertise through video conferencing and multimedia productions. In like manner, students could also present projects and other types of learning with their peers at the other campus.

After school activities would be enhanced. For instance, Delight has a martial arts program that could be shared with Weiner through Distance Learning.

The two locations have different industries; exposure to these could broaden students' opportunities and knowledge about the work experience. A student exchange program could take place for small groups for short periods of time, allowing students to experience a different part of the state, meet new people, and broaden their experiences—many low income, rural students live isolated lives in only one location.

Both the Delight and Weiner communities would benefit from the consolidation. Students at both campuses could collaborate on service projects, enhancing future scholarship

access a Leadership Service Learning course offered on the Delight campus through Distance Learning.

How would the students be better served by the formation of Arcadia as opposed to being annexed to a neighboring school?

Combining the two districts will result in offering students a comparable number of courses as neighboring districts. Students in the Arcadia district will be attending a school whose very operation functions with a dependence on 21st Century learning skills. These skills will be utilized by the new district's school board, administration, and on down through its Kindergarten as opposed to more traditional methods which Delight and Weiner students will experience and use if placed in neighboring districts. In addition, the Arcadia district would have a higher ratio of technology available per student than would occur if Weiner and Delight were absorbed by neighbor districts. Currently, the Weiner School District has a Smartboard, document camera, and multiple laptops in each classroom. Delight, too, has worked in recent years to do the same and is in the process of installing Smartboards and document cameras in their classrooms as well. Both schools have a Distance Learning Lab that allows students and teachers to see and talk with students and teachers in other locations. None of the districts contiguous to Weiner offer a comparable Gifted-and-Talent Program with weekly enrichment seminar classes for secondary students.

Research proves that students benefit from smaller student/teacher ratios; the focus on the individual decreases the likelihood of children falling through the cracks, making all students more transparent. Research also proves that students, especially at-risk students, do better in smaller, more personal environments and would, therefore, be better served by the schools of the Arcadia district. Opportunities for leadership and participation in certain extracurricular activities can be diminished in a bigger school; each club has just one president, each team has a set number of players whether it's a large or small school. Participation in extracurricular activities helps develop self-confidence, preparing students for assuming

Case 3:10-cv-00138-JMM Document 3-2 Filed 06/30/10 Page 10 of 90
leadership roles in the future at the workplace and in their communities. The smaller school setting increases the opportunity for student development of leadership.

During difficult economic times such as now, driving to school functions places an added hardship on families. Parents will have a more difficult time attending school events after work if their children are moved to a neighboring school. The Arcadia district plan would result in better parental involvement.

With the formation of the Arcadia district, students would still be attending school in the environment their parents chose for them. Community support will be stronger if Delight and Weiner form a new district than if those students are sent to schools in other towns. Both Delight and Weiner consider their schools to be a vital part of their towns, as evidenced by their patrons' millage support. Students and parents will experience more of a feeling of ownership with the Arcadia district. The administrative consolidation of Delight and Weiner would allow the children to remain in an environment in which they feel comfortable and safe and in schools that have proven themselves to be academically and financially sound.

CONCLUDING THOUGHTS

The innovations and vision of the new Arcadia district are exciting, preparing students for a future world that requires problem solving, confidence, new ways of communicating, and a giving spirit. The creation of Arcadia will result in a true Twenty-First Century School for its students. The "International Society for Technology in Education" cites ten priorities essential for making good on the commitment to technology within today's schools. As both Delight and Weiner look to the future for the betterment of all students, those guidelines provide a clear blueprint. The last priority in the ISTE recommendations states: "Promote global digital citizenship. Growing competition in a flat world means technology is a great equalizer. It breaks down artificial barriers to effective teaching and learning, and provides incredible opportunities for collaboration across borders." The proposed Arcadia District believes that what will work across borders, will work across our state, bringing students opportunities for extending their learning by connecting with others.

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

IN THE MATTER OF THE CONSOLIDATION OF Delight SCHOOL DISTRICT(S) OF Pike COUNTY AND THE Weimer SCHOOL DISTRICT OF Poinsett COUNTY:

PETITION FOR CONSOLIDATION

COMES NOW the Delight School District(s) of Pike County and the Weimer School District of Poinsett County (Petitioners), acting by and through their respective Superintendent(s) duly authorized, pursuant to A.C.A. § 6-13-1601 et seq., and petition the Arkansas State Board of Education (Board) to approve the consolidation of the Petitioners into the resulting Acadia School District, and hereby would submit to the Board as follows:

1. Pursuant to A.C.A. § 6-13-1601 et seq., the Petitioners hereby submit and incorporate in this petition as Exhibit A attached hereto, proof of legally binding local board resolutions to consolidate the Delight and Weimer School District(s) into the resulting Acadia School District as approved by a majority of the quorum present of the local boards of education of the respective Petitioners.
2. The Petitioners hereby submit and incorporate in this petition as Exhibit B attached hereto, proof of public notice of intent to petition this Board to consolidate the Petitioners into the resulting Acadia School District. Said public notice of intent to consolidate (was) was not published in the local newspaper(s) of general circulation (or in state newspaper of local daily circulation if local newspaper does not exist on weekly basis) of the affected districts for a time period of no less than once a week for two (2) consecutive weeks immediately prior to the filing of this petition with this Board.

3. The Petitioners submit that at the first proper school election following the petitioned consolidation, the resulting Arcadia School District shall elect 7 local board members in compliance with A.C.A. §§ 6-13-1405, 6-13-1406 and 6-13-1412 or 6-13-1413.

4. The Petitioners submit that their respective school districts are geographically contiguous or that the Board should approve the petitioned non-contiguous consolidation because the consolidation will result in (a) the overall improvement in the educational benefits to students in all of the school districts involved, or (b) will provide a significant advantage in transportation costs or services to all of the school districts involved based on the following factual reasons:

See Attached Memorandum

5. The Petitioners submit that they hereby request through the State Board, an Attorney General Opinion declaring whether the petitioned consolidation will or will not hamper, delay or in any manner negatively affect the desegregation of another school district or districts in this state. Upon receipt, the resulting opinion shall be incorporated herein and attached hereto as Exhibit C.

6. Pursuant to A.C.A. § 6-13-1601 et seq., the Petitioners hereby submit and declare that the effective date of this petitioned consolidation shall be July 1, and that there shall be only one local school board and one local superintendent of the resulting Arcadia School District.

7. The Petitioners hereby submit an affidavit of facts by the superintendent of the affected school district, which is incorporated as Exhibit D, concerning the relevant status of any federal court-ordered supervision or jurisdiction of desegregation cases involving the affected districts.

WHEREFORE, Petitioners request that the Board approve the consolidation of the Delight School District(s) of Pike County and the Werner School District of Poinsett County into the resulting Arcadia School District; that it issue an Order dissolving the affected school districts and establishing the resulting school district; that it issue an Order establishing the boundary lines of the resulting school district; and that it file its Order with the County Clerks of the Pike and Poinsett Counties, Arkansas.

Respectfully submitted,

Werner School District

Poinsett County

By: [Signature] 1-20-10
Superintendent Date

[Signature] 1-20-10
President, School Board Date

_____ School District

_____ County

By: _____
Superintendent Date

President, School Board Date

7. The Petitioners hereby submit an affidavit of facts by the superintendent of the affected school district, which is incorporated as Exhibit D, concerning the relevant status of any federal court-ordered supervision or jurisdiction of desegregation cases involving the affected districts.

WHEREFORE, Petitioners request that the Board approve the consolidation of the _____ School District(s) of _____ County and the _____ School District of _____ County into the resulting _____ School District; that it issue an Order dissolving the affected school districts and establishing the resulting school district; that it issue an Order establishing the boundary lines of the resulting school district; and that it file its Order with the County Clerks of the _____ and _____ Counties, Arkansas.

Respectfully submitted,

_____ School District

_____ County

By: J. Flaker 1-25-10
Superintendent Date

Citronella Dixon 1-25-10
President, School Board Date

_____ School District

_____ County

By: _____
Superintendent Date

Citronella Dixon 1-25-10
President, School Board Date

Exhibit A

SCHOOL BOARD RESOLUTION

COMES NOW the Weiner School District Board acting by and through its Superintendent duly authorized and do herein declare:

A special or regular school board meeting was held on _____, wherein a quorum was present and a majority of the quorum voted to approve the consolidation annexation of the Delight School District with the Weiner School District, and the minutes of said meeting reflect such. Therefore, this document is to serve as the formal resolution of the Weiner School District Board of Directors, pursuant to Arkansas law, that said consolidation annexation is hereby approved.

Weiner School District
of Poinsett County

By: [Signature] 1-20-10
Superintendent Date

By: [Signature] 1-20-10
President, School Board Date

Exhibit A

SCHOOL BOARD RESOLUTION

COMES NOW the DELIGHT School District Board acting by and through its Superintendent duly authorized and do herein declare:

A special or regular school board meeting was held on 01-19-09, wherein a quorum was present and a majority of the quorum voted to approve the consolidation/annexation of the DELIGHT School District with the WEINER School District, and the minutes of said meeting reflect such. Therefore, this document is to serve as the formal resolution of the DELIGHT School District Board of Directors, pursuant to Arkansas law, that said consolidation/annexation is hereby approved.

DELIGHT School District
of PIKE County

By: JF Caler
Superintendent Date

By: Citronella Dixon 1-25-10
President, School Board Date

Exhibit C

AFFIDAVIT OF AVERAGE DAILY MEMBERSHIP

COMES NOW the affiant, Chuck Hansard, Superintendent of the Weiner School District, and having been duly sworn, states under oath as follows:

1. The average daily membership (ADM) of the Weiner School District, as that term is defined in Ark. Code Ann. § 6-13-1601(4), was 342.12 students for the 2007-2008 school year and 342.11 students for the 2008-2009 school year.

2. The combined average daily membership of the affected school districts was 671.96 for the 2008-2009 school year, an average daily membership meeting or exceeding three hundred fifty (350) total students.

FURTHER, affiant says not.

IN WITNESS WHEREOF, I hereunto set my hand this 20th day of January, 2010.

Chuck Hansard
Superintendent

County of Poinsett
State of Arkansas

Sworn and subscribed before me, Notary Public, this 20th day of January, 2010.

Samuel S. Davis
Notary Public

My Commission expires:
9-14-11

NOTARY PUBLIC
POINSETT COUNTY
ARIZONA

Exhibit C

AFFIDAVIT OF AVERAGE DAILY MEMBERSHIP

COMES NOW the affiant, LAVON FLAHERTY Superintendent of the DELIGHT School District, and having been duly sworn, states under oath as follows:

1. The average daily membership (ADM) of the DELIGHT School District, as that term is defined in Ark. Code Ann. § 6-13-1601(4), was 329.16 students for the 07-08 school year and 329.85 students for the 08-09 school year.

2. The combined average daily membership of the affected school districts was 671.96 for the 08-09 school year, an average daily membership meeting or exceeding three hundred fifty (350) total students.

FURTHER, affiant says not.

IN WITNESS WHEREOF, I hereunto set my hand this 25 day of January, 2010.

[Signature]
Superintendent

County of Pike
State of Arkansas

Sworn and subscribed before me, Notary Public, this 25 day of January, 2010.



[Signature]
Notary Public #12369892

My Commission expires: 02/14/2019

EXHIBIT D

AFFIDAVIT CONCERNING DESEGREGATION ORDERS

COMES NOW the Weiner School District, acting by and through its Superintendent, and hereby states and represents to the State Board of Education that, to the best of my knowledge, the Weiner School District currently (circle one) (is)(is not) involved in desegregation litigation in a United States Federal Court or is under the continuing jurisdiction of a United States Federal Court Order regarding desegregation of a public school or schools (see "*" at bottom of affidavit).

Further the affiant sayeth not.

IN WITNESS WHEREOF, I hereunto set my hand this 20th day of January, 2010.

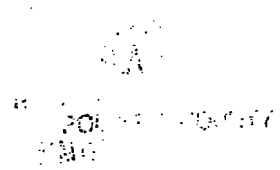
Chuck Hoover
Superintendent

COUNTY of Garrett
STATE OF ARKANSAS

Sworn and subscribed before me, Notary Public, this 20th day of Jan., 2010.

Arnold A. News
Notary Public

My Commission expires:
9-14-11



* = If you answered, "is involved in desegregation litigation, etc." above, please attach a copy of any applicable Court orders or other relevant documentation.

EXHIBIT D

AFFIDAVIT CONCERNING DESEGREGATION ORDERS

COMES NOW the DELIGHT School District, acting by and through its Superintendent, and hereby states and represents to the State Board of Education that, to the best of my knowledge, the DELIGHT School District currently (circle one) (is) (is not) involved in desegregation litigation in a United States Federal Court or is under the continuing jurisdiction of a United States Federal Court Order regarding desegregation of a public school or schools (see "*" at bottom of affidavit).

Further the affiant sayeth not.

IN WITNESS WHEREOF, I hereunto set my hand this 25 day of JANUARY, 2010

[Signature]
Superintendent

COUNTY of Pike
STATE OF ARKANSAS

Sworn and subscribed before me, Notary Public, this 25 day of January 2010.



[Signature]
Notary Public #12369892

My Commission expires: 02/14/2019

* = If you answered, "is involved in desegregation litigation, etc." above, please attach a copy of any applicable Court orders or other relevant documentation.

Delight School District

Pike County

By: J. Flaherty 1-25-10
Superintendent Date

Citronella Dixon 1-25-10
President, School Board Date

Exhibit E

AFFIDAVIT OF ISOLATED SCHOOL STATUS

Comes the affiant, Chuck Hanson, Superintendent of the Weiner

School District, and having been duly sworn, states under oath as follows:

1. My name is Chuck Hanson. I am the Superintendent of the Weiner School District.

2. My business address is 313 N Garfield Dr. Weiner, AR 72479

3. I am aware that pursuant to A.C.A. § 6-20-601 a school district must meet four of five criteria to qualify as an isolated school.

4. I am aware that pursuant to A.C.A. § 6-20-602 an isolated school must qualify as an isolated school district under § 6-20-601 prior to the administrative consolidation or annexation petitioned for herein.

5. I hereby submit that prior to the effective date of the administrative consolidation or annexation, the Weiner School District qualified as an isolated school district and, therefore, is entitled to the rights and privileges conferred on an isolated school pursuant to § 6-20-602 (Act 60 of the Second Extraordinary Session of 2003).

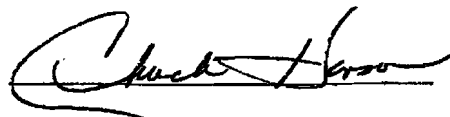
6. I hereby declare that the Weiner School District qualifies for isolated status because the school district meets the following list of at least four (4) of the five (5) criteria of being an isolated school district:
(circle appropriate responses and provide relevant data in the blanks)

- (1) There is a distance of twelve (12) miles or more by hard-surfaced highway from the high school of the district to the nearest adjacent high school in an adjoining district. The distance is 16.5 miles
- (2) The density ratio of transported students is less than three (3) students per square mile of area. The density ratio is 1.74 students per square mile
- (3) The total area of the district is ninety-five (95) square miles or greater. The total area is 196 square miles.
- (4) Less than fifty percent (50%) of bus route miles are on hard-surfaced roads. The percent of bus route miles on hard-surface roads is 36%. 58.25 miles of paved roads
103.32 miles of unpaved roads
- (5) There are geographic barriers such as lakes, rivers, and mountain ranges which would impede travel to schools that otherwise would be appropriate for consolidation, cooperative programs, and shared services. The geographic barriers are flooding from Bayou De View and Lauguelle Tributaries. Flooded rice fields that cover roads.

7. Further the affiant sayeth not.

IN WITNESS WHEREOF, I hereunto set my hand this 23rd day of

January, 2010.



Superintendent

COUNTY OF Cornwall
STATE OF ARKANSAS

Sworn and subscribed before me, Notary Public, this 23rd day of Jan., 2010.


Notary Public

My Commission expires:

9-14-11

ADMINISTRATION

Lavon Flaherty
Superintendent

Kathaleen Cole
K-12 Principal

SCHOOL BOARD

Ricky Buck

Citronella Dixon

Jeff Hill

Jim Kirkham

Rob Lee

Renita Leeper

Laura Wofford

January 25, 2010

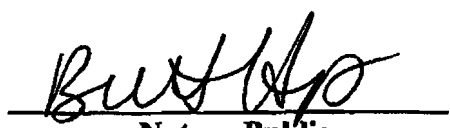
Exhibit A for the petition to consolidate was presented to the reporters from the Murfreesboro Diamond and the Nashville Leader on Tuesday evening, January 19, 2010. Both said that their paper is weekly and comes out on Wednesday. The first day the legal notice could be printed is Wednesday, January 27 and the second is Wednesday, February 3. Both papers committed to printing the notice of consolidation.

Sincerely,


Lavon Flaherty

County of Pike
State of Arkansas

Sworn and subscribed before me, Notary Public, this 25 day
of January, 2010.


Notary Public
#12369892

My Commission expires:
02/14/2010

WEINER SCHOOL BOARD REGULAR MEETING MINUTES

January 20, 2010

The meeting was called to order by Susan Johnson. All members were present.

The minutes for the December 15, 2009 regular meeting and the January 6, 2010 special meeting were reviewed and approved as read.

The December financial statement was reviewed and approved as presented.

Mrs. Shannon Rogers gave the high school report and Mrs. Cindy Armstrong gave the elementary report.

A motion was made by Troy Harris and seconded by Todd Bartholomew to accept the recommendation of the Superintendent to accept the bid from Ramsey, Krug, Farrell & Lensing, the appointed agent for the Arkansas School Board Association's School Board Legal Liability program in the amount of \$3,694.00 for 2/1/2010 to 2/1/2011. Motion carried 5 – 0.

A motion was made by Troy Harris and seconded by Todd Bartholomew to accept the recommendation of the Superintendent to approve a onetime bonus of 4.3% of the base Salary of all Certified and Classified Personnel. Total including matching social security and teacher's retirement is \$73,076.07. Motion carried 5 – 0.

A motion was made by Todd Bartholomew and seconded by Mike Gillis to accept the recommendation of the Superintendent to approve the proposal of the PPC committee to amend the Family Medical Leave Act policy to the policy provided in the ASBA policy manual. Motion carried 5 – 0.

A motion was made by Mike Gillis and seconded by Todd Bartholomew to accept the recommendation of the Superintendent to approve the proposal of the PPC committee to amend the travel reimbursement from \$.39 a mile to \$.42 a mile. Motion carried 5 – 0.

A motion was made by Mike Gillis and seconded by Troy Harris approve the Superintendent recommendation to amend the school's drug testing policy and allow the administration the flexibility to change a year suspension from all extra-curricular activities to six months if the student meets all the expected criteria of consequences. Motion failed 3 – 2.

A motion was made by Todd Bartholomew and seconded by Myra Schwarz to approve the Proposal for Administrative Consolidation with the Delight School District. Motion carried 5 – 0.

A motion was made by Todd Bartholomew and seconded by Troy Harris to approve the Petition for Consolidation with Delight School District. Motion carried 5 – 0.

A motion was made by Todd Bartholomew and seconded by Myra Schwarz to approve Exhibit A to the Petition for Consolidation. Motion carried 5 – 0.

Adjournment

**DELIGHT SCHOOL DISTRICT
WEINER SCHOOL DISTRICT
SPECIAL DUAL MEETING**

January 25, 2010

7:30 p.m.

AGENDA

1. Delight Board President Citronella Dixon calls meeting to order and insures there is a quorum.
2. Weiner Board President Susan Johnson calls meeting to order and insures there is a quorum.
3. Delight Board approves the Proposal for an Administrative Consolidation of the Delight and Weiner School District, the Petition for Consolidation, Exhibits A, C, F
4. Delight Board introduces themselves: Citronella Dixon, Ricky Buck, Jeff Hill, Jim Kirkham, Robbie Lee, Renieta Leeper, Laura Wofford
5. Weiner Board introduces themselves: Susan Johnson, Todd Bartholomew, Mike Gillis, Troy Harris, Myra Schwarz
6. Delight Administration introduces themselves: Lavon Flaherty, Kathaleen Cole
7. Weiner Administration introduces themselves: Chuck Hanson, Cindy Armstrong, Shannon Rogers
8. Updates by the Superintendents on the upcoming meeting with the State Board of Education.
9. Boards will discuss upcoming administrative consolidation.
10. Adjournment

MEMORANDUM IN SUPPORT OF
PETITION FOR ADMINISTRATIVE CONSOLIDATION

Introduction

The Delight School District ("Delight") and the Weiner School District ("Weiner," together, Delight and Weiner are sometimes the "Schools") may be far apart geographically, but they are remarkably close in many other ways. In fact, the Schools are so administratively similar, that they could already be sister campuses of the same district. Importantly, both Schools share a great deal of success in the education of their students, and a consolidation of Delight and Weiner into the Arcadia School District ("Arcadia") will, without a doubt, result in the improvement of the educational experience of both Schools' students.

Reasons for Approval

1. *The non-contiguous consolidation will result in the overall improvement in the educational benefit to students in all of the school districts involved*
 - a. One of Arcadia's goals will be to serve as a model for rural education and prepare rural students for today's business world. The education of Arcadia's students will mirror the way today's global economy operates through the use of *distance learning, video conferencing, online communication and interaction, and Web 2.0 programs*.
 - i. Both Schools already have access to Distance Learning Labs, and their students have greatly benefited from their use. The continued utilization of Distance Learning between the Delight and Weiner campuses will better prepare rural students for today's multinational business environment. Each Weiner classroom is equipped with a Smart Board, document camera, and multiple computers. Delight is similarly equipped with classroom technology.
 - b. The formation of Arcadia will allow Delight and Weiner to share resources in the form of finances, materials, technology, and faculty.
 - i. Distance Learning classes would enhance the experiences of students at both campuses. For instance, Delight's Spanish teacher will be able to teach classes at both campuses via Distance Learning, and Weiner's Pre-AP instruction will be provided to both campuses via the same channels.
 - ii. Becoming acclimated to distance learning and online interaction will prepare students for a collegiate environment, where many classes are taught online, and for the workforce, where business is often done over a great distance.
 - c. Each School has strengths from which the other School may benefit.
 - i. Weiner provides Pre-AP classes, and Delight has an outstanding ABC Pre-K program; Weiner has an EAST program, and Delight has a Jobs for Arkansas Graduates ("JAG") program. The Arcadia

- district will have the benefit of the resources and knowledge associated with all of these programs, and would have the ability to implement them at *both* campuses.
- ii. Not only will Delight's Spanish teacher be able to teach Spanish at Weiner via Distance Learning, the Schools propose to offer a *second* foreign language option, such as Mandarin Chinese, at both campuses via Distance Learning.
 - iii. Weiner's certified AP Art teacher will be able to provide an AP course to students at the Delight campus that they would otherwise not have access to. In addition, Delight's Healthy Cooking class, that is taught in conjunction with the University of Arkansas, could be extended to students at the Weiner campus.
 - iv. Professional development opportunities would be enhanced with the ability of the two faculties to share their knowledge and innovative practices. As an example, Weiner's certified Washington D.C. Holocaust Museum Fellow and writing specialist could share her expertise with her Delight counterparts.
 - v. The Schools will have the opportunity to coordinate and share extracurricular activities. Delight's martial arts program will be broadcast to Weiner students.
 - vi. Arcadia will investigate the implementation of an inter-campus exchange programs, giving rural students the opportunity to visit and experience a different area, meet new people, and learn about the different agricultural industries that support the individual communities
 - vii. Weiner's secondary gifted students participate in a weekly gifted and talented seminar class that received an ACT 56 Exemplary Program Award in 2007. This secondary program focuses on affective development and critical and creative thinking. No districts contiguous to the Schools offer such a seminar class for secondary students. The Arcadia district proposes to implement this seminar district-wide; however, if the consolidation is not approved, the seminar could potentially be eliminated.
- d. There will be significant monetary savings through consolidation.
 - i. Joint purchasing will allow Arcadia to receive better rates on purchases than Weiner and Delight had alone.
 - ii. Distance Learning will enable the Arcadia district to more efficiently use teachers.
 - iii. The Arcadia district will only have one Superintendent.
 - iv. Other positions—such as district treasurers, paraprofessionals, etc.—can be consolidated, resulting in further savings.
 - e. Students will remain in an environment in which they feel comfortable and safe, and in schools that have continually proven themselves to be academically and financially sound.

- f. **The creation of the Arcadia District would be more beneficial to the students of Weiner and Delight than any other consolidation/annexation option.**
 - i. **Students in the Arcadia district will be attending a school whose very operation requires a dependence on 21st Century technology skills. These skills will be practiced by its administrators through its Kindergarteners as opposed to more traditional methods which Weiner and Delight students would experience and use if placed in neighboring districts.**
 - ii. **During difficult economic times—much like the times we’re experiencing—driving to school functions places an added hardship on families. Parents will have a harder time making it to school events after work if their children are moved to a neighboring school. The Arcadia district plan would result in better parental involvement.**
 - iii. **The State of Arkansas will save incentive dollars (2.25 million dollars), since the administrative annexation/consolidation incentive funds would only be provided to *one* district instead of *two*.**
 - iv. **After consolidation Arcadia’s course offerings will be comparable to neighboring districts.**
 - v. **Research shows that students benefit from low student/teacher ratios, and at-risk students are more successful in smaller, more personal environments. Therefore, students would be better served by the Arcadia district with its capability for providing more individual attention.**
 - vi. **Due to the district’s two distinct campuses, students of the Arcadia school district would be more likely to hold leadership positions in clubs or have the opportunity to play on teams than would their counterparts at a larger school where more students vie for the same number of positions.**
 - vii. **The Arcadia district would provide more technology on a per-student basis than would be available to students if Weiner and Delight were absorbed by neighboring districts.**
 - viii. **With the formation of the Arcadia School District, community support will be stronger than if students from Weiner and Delight were sent to other districts, and parents and students would have more of a feeling of ownership. This will lead to a greater degree of parental participation, since students will be attending school in the environments their parents chose for them.**
2. ***The non-contiguous consolidation will provide a significant advantage in transportation costs or services to all of the school districts involved***
 - a. **If the Delight and Weiner consolidation petition is not approved, then the Schools will likely be annexed by other districts. In that case, students from the Delight and Weiner districts will be bussed to the campuses of the annexing districts. This will result in longer, more costly bus routes**

for the annexing districts, and will result in students spending more time on busses—time that would be better spent resting, studying, or visiting with their families.

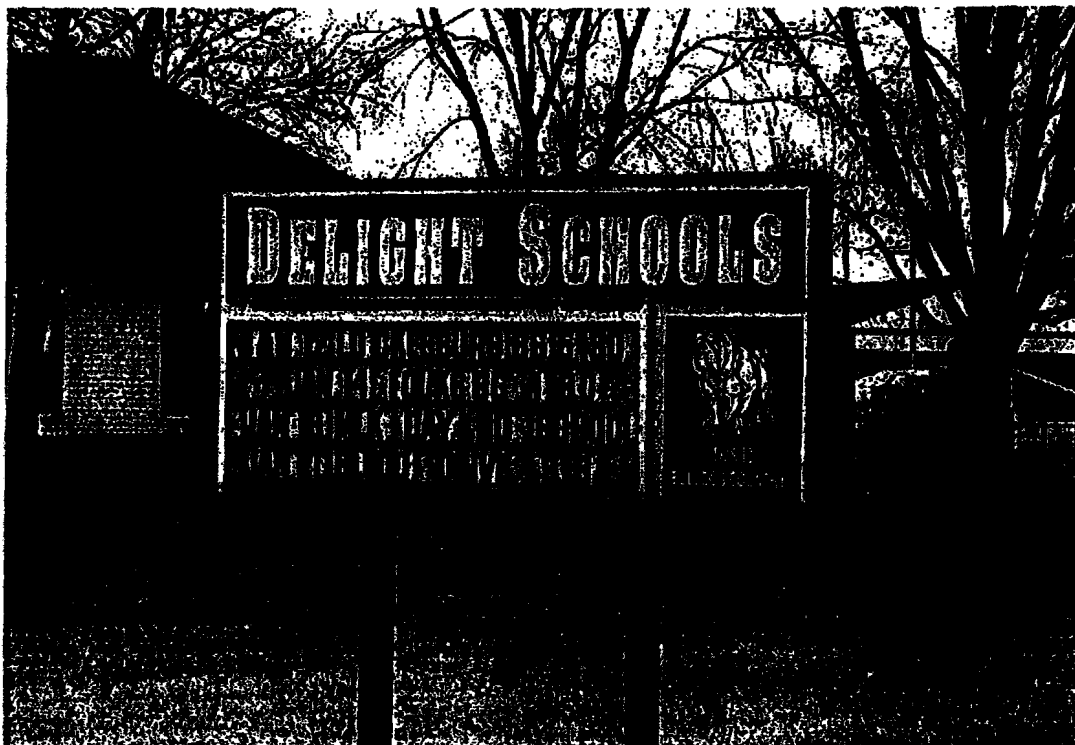
- b. If the Delight and Weiner Consolidation is approved, then there would be no increase in length of bus routes. Therefore, the creation of the Arcadia School District provides a significant advantage in transportation costs and services when compared to any alternative annexation/consolidation plan for the Districts.**

Conclusion

The innovations and vision of the new Arcadia district will prepare students for a future world that requires problem solving, confidence, new ways of communicating, and a giving spirit. Arcadia can be a model of how technology can be a great equalizer for rural areas.

Delight/Weiner

Facilities



High School (north)

- Distance Learning Lab
- Art Department
- Business Department



**View of
Interior Hallways**

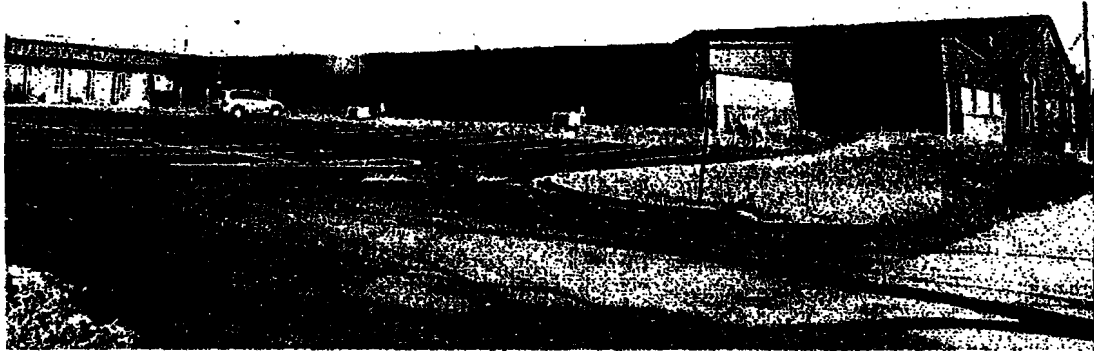


Weiner

Weiner High School
- Classroom wing to the right
- Gymnasium at left
(southeast side of campus)



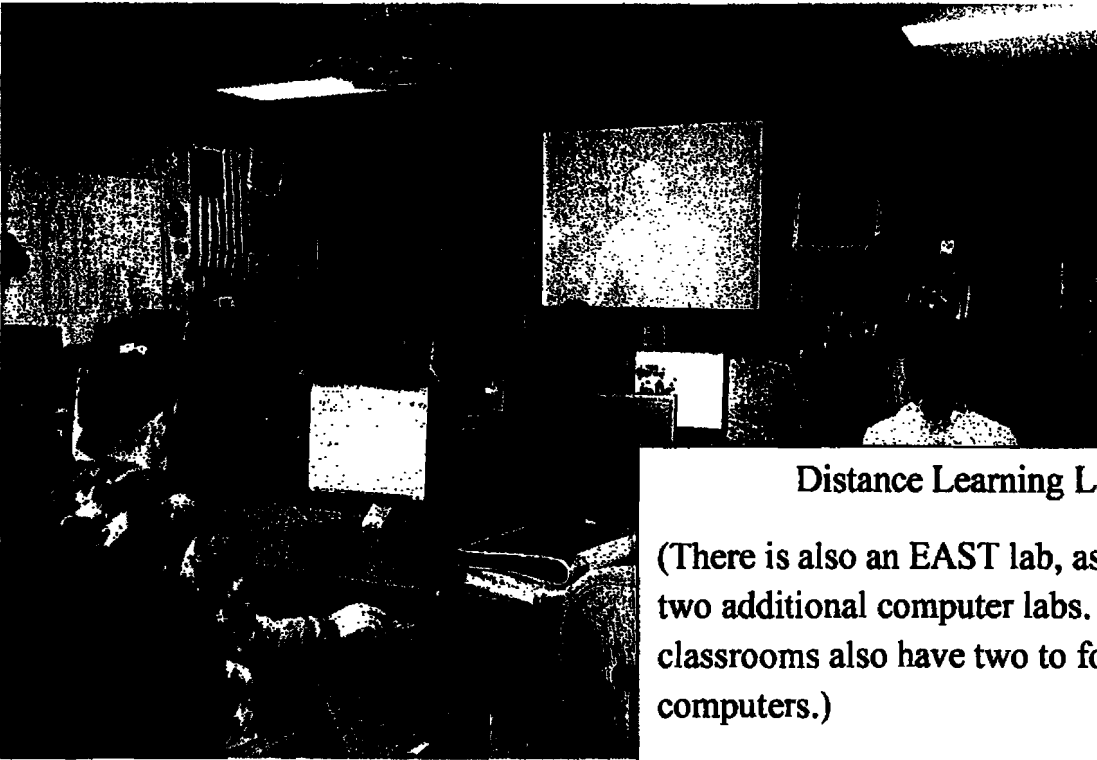
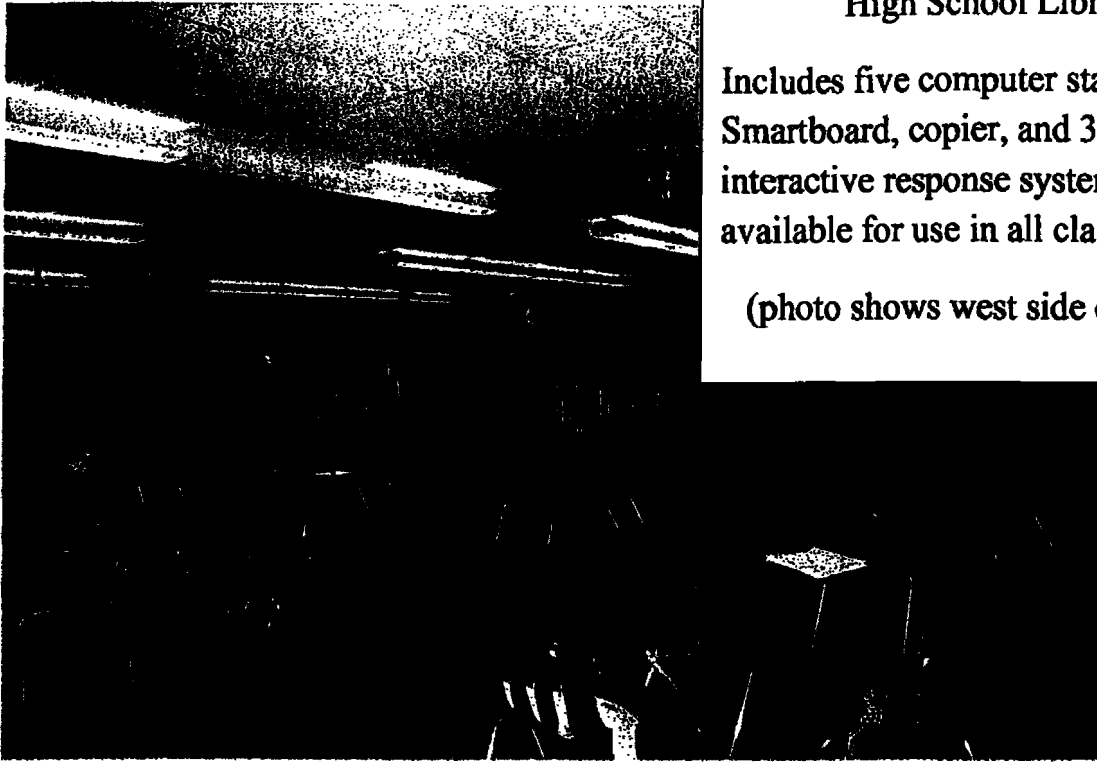
- High School Classrooms
- Administration Office
(southwest side of building)



High School Library

**Includes five computer stations,
Smartboard, copier, and 3 Senteo
interactive response systems
available for use in all classrooms**

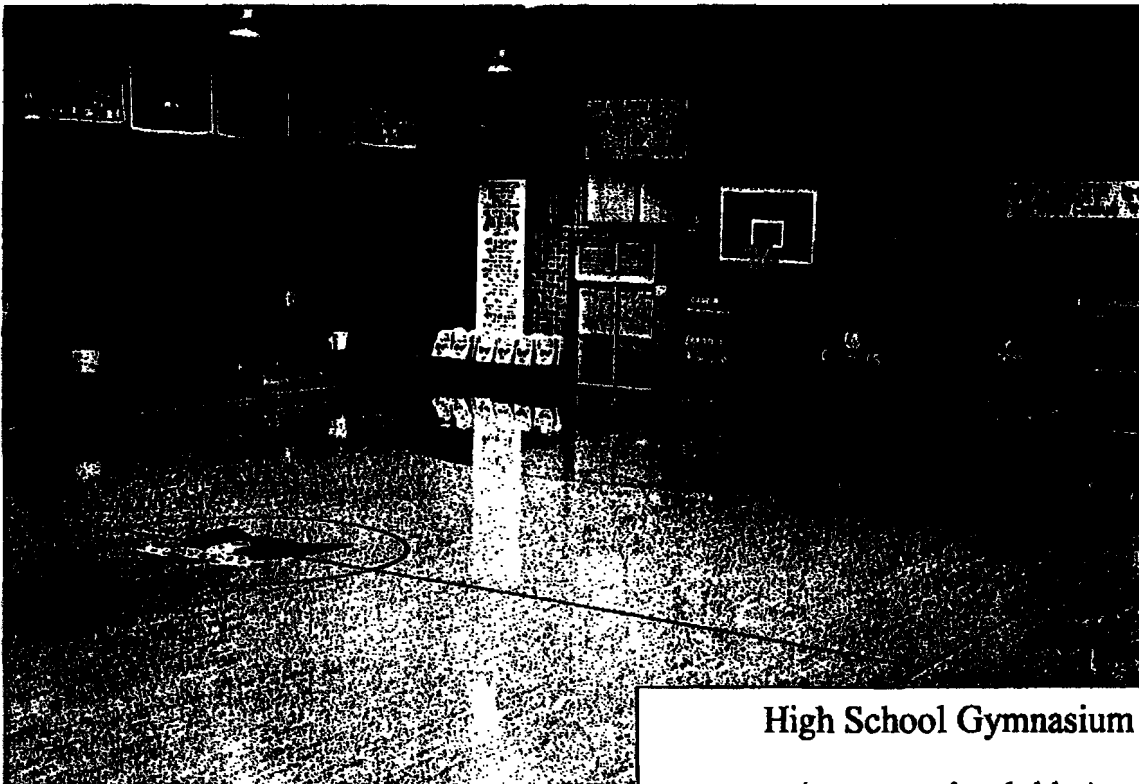
(photo shows west side of library)



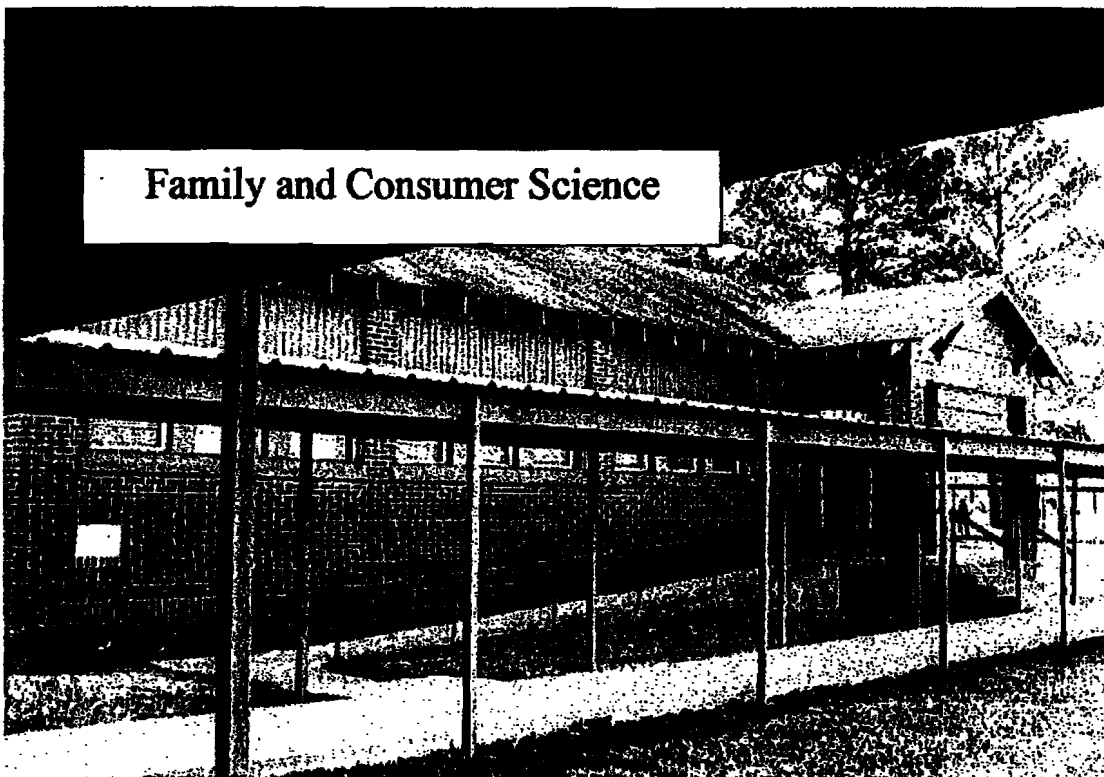
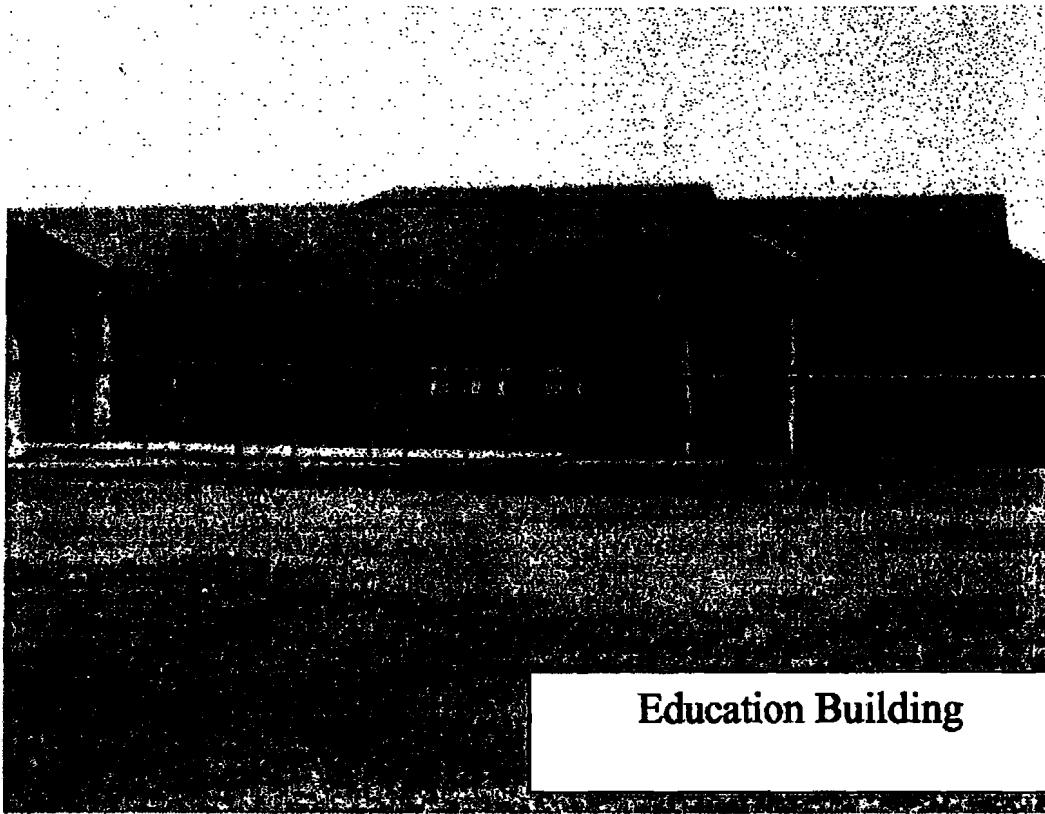
Distance Learning Lab

**(There is also an EAST lab, as well as
two additional computer labs. Individual
classrooms also have two to four
computers.)**

High School Lobby Area



High School Gymnasium
(connected to lobby)



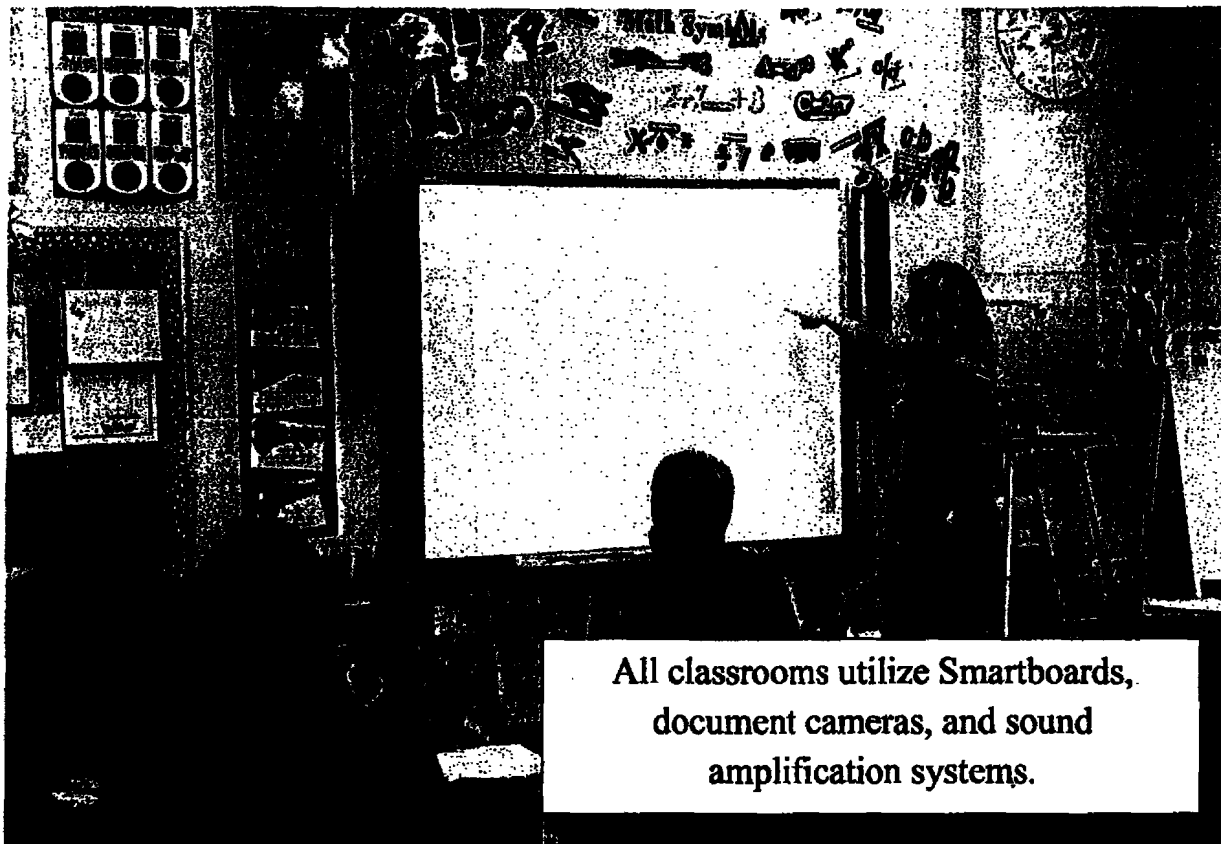
Safe Room

(attached to cafeteria—also serves as Music Department)

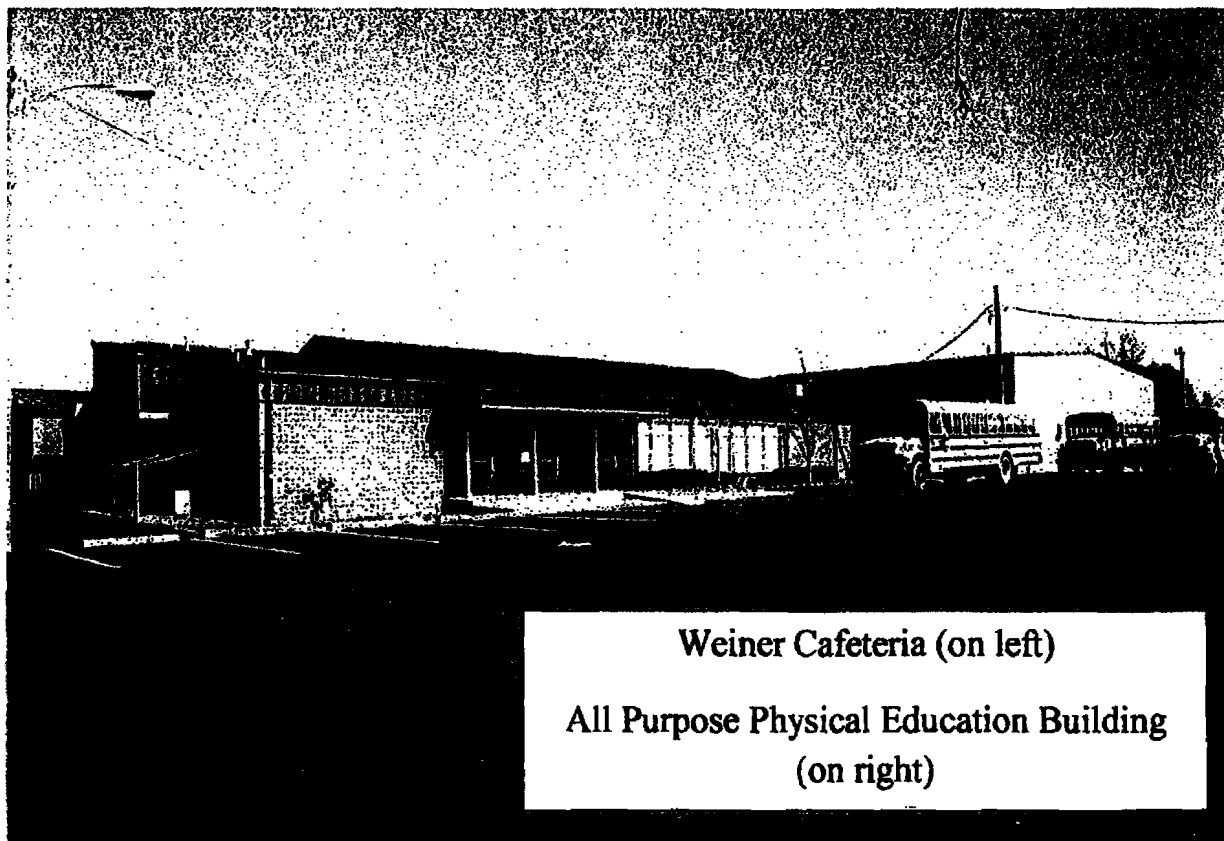


Bus Barn, Maintenance & Storage





All classrooms utilize Smartboards, document cameras, and sound amplification systems.



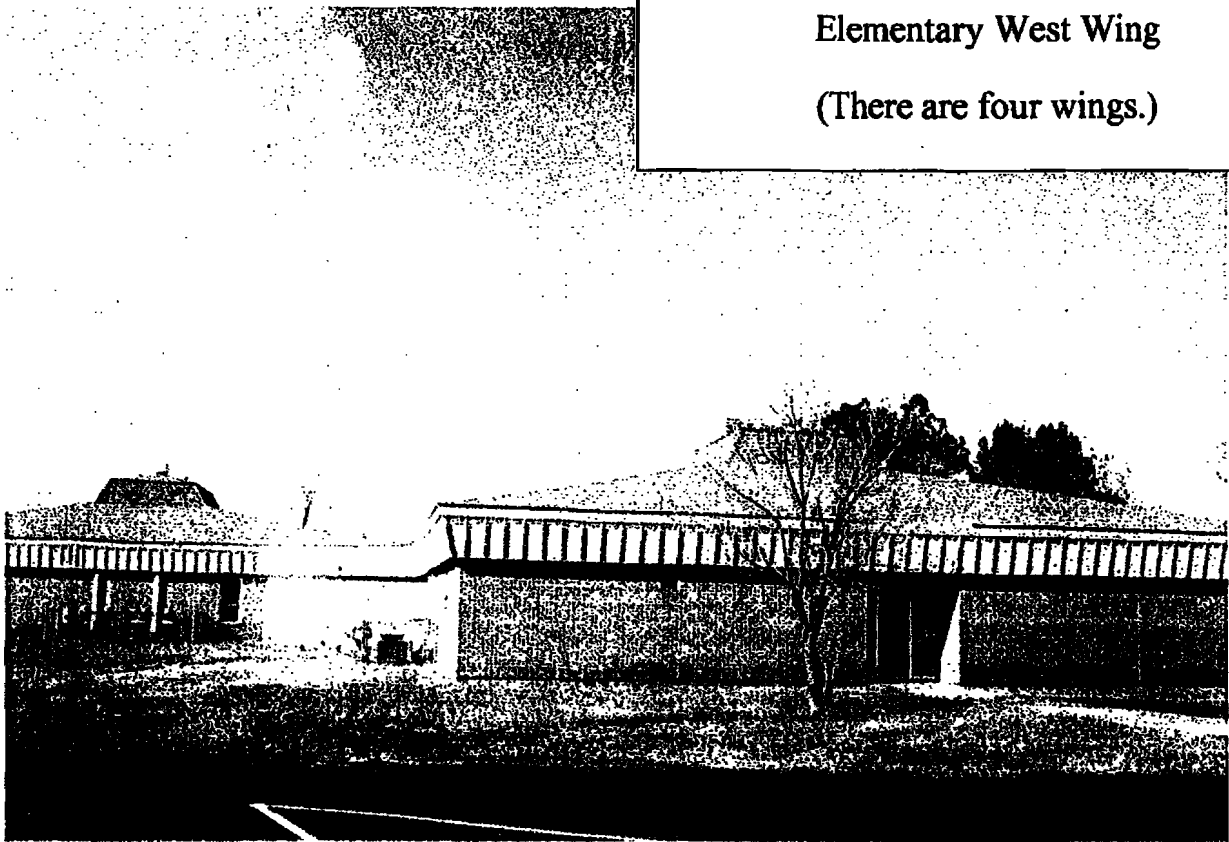
Weiner Cafeteria (on left)

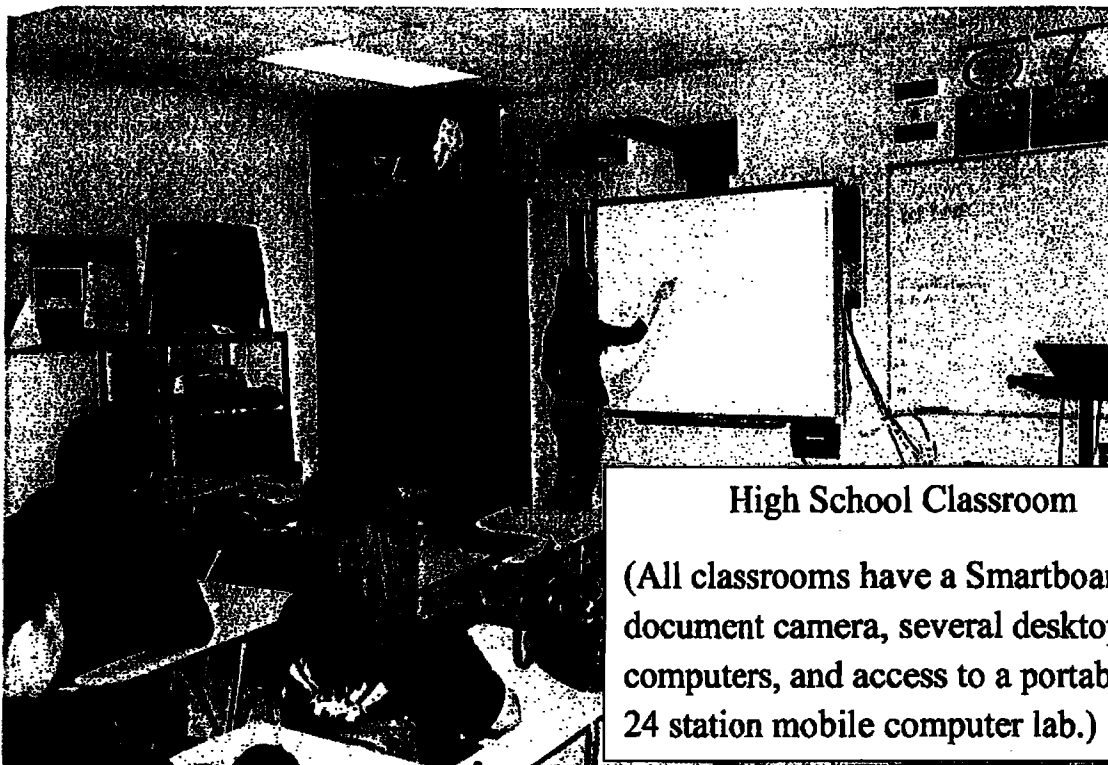
All Purpose Physical Education Building
(on right)

Weiner Elementary School
(east, main entrance)



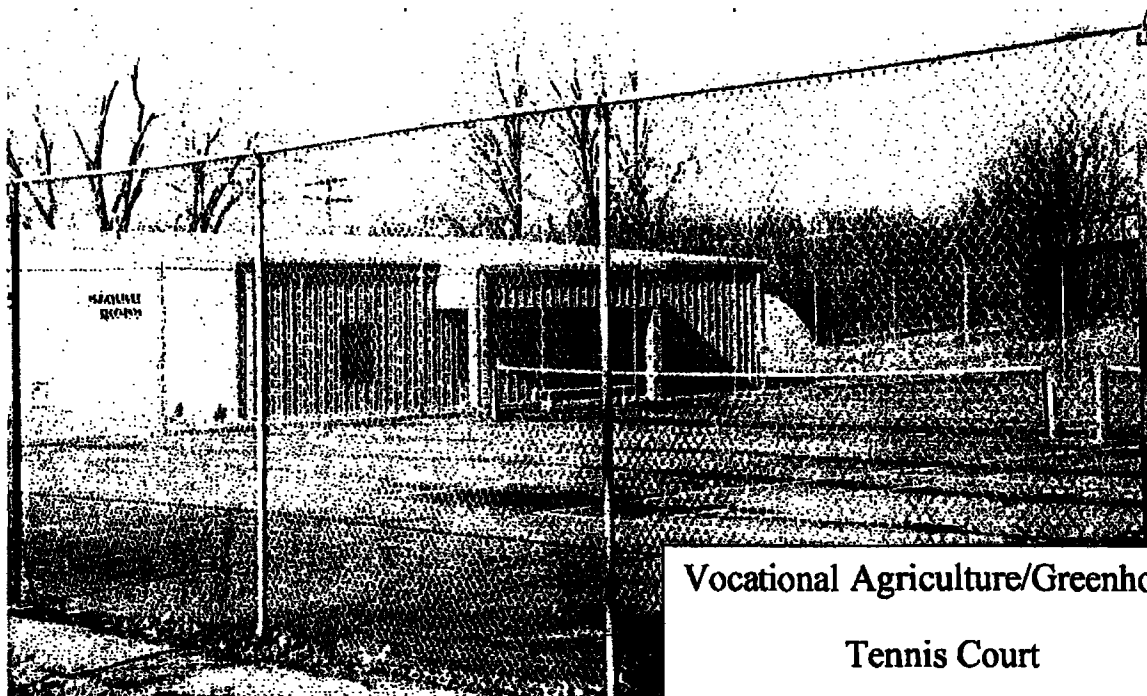
Elementary West Wing
(There are four wings.)





High School Classroom

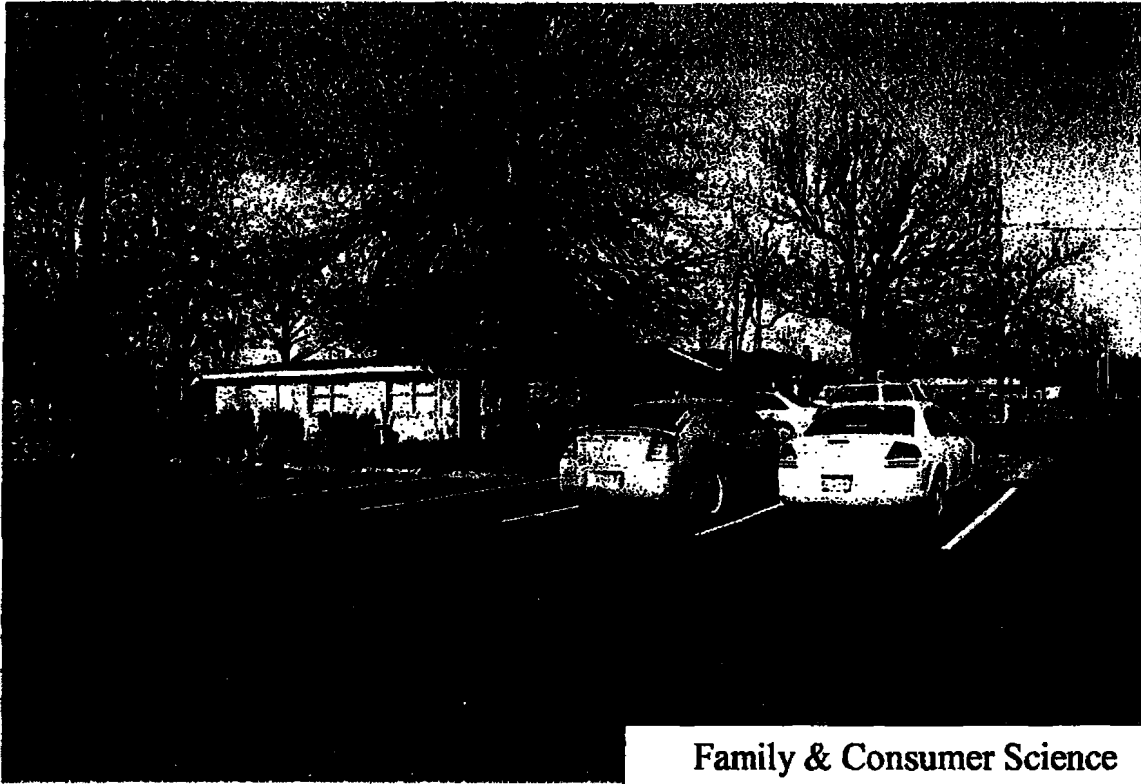
(All classrooms have a Smartboard, document camera, several desktop computers, and access to a portable, 24 station mobile computer lab.)



Vocational Agriculture/Greenhouse

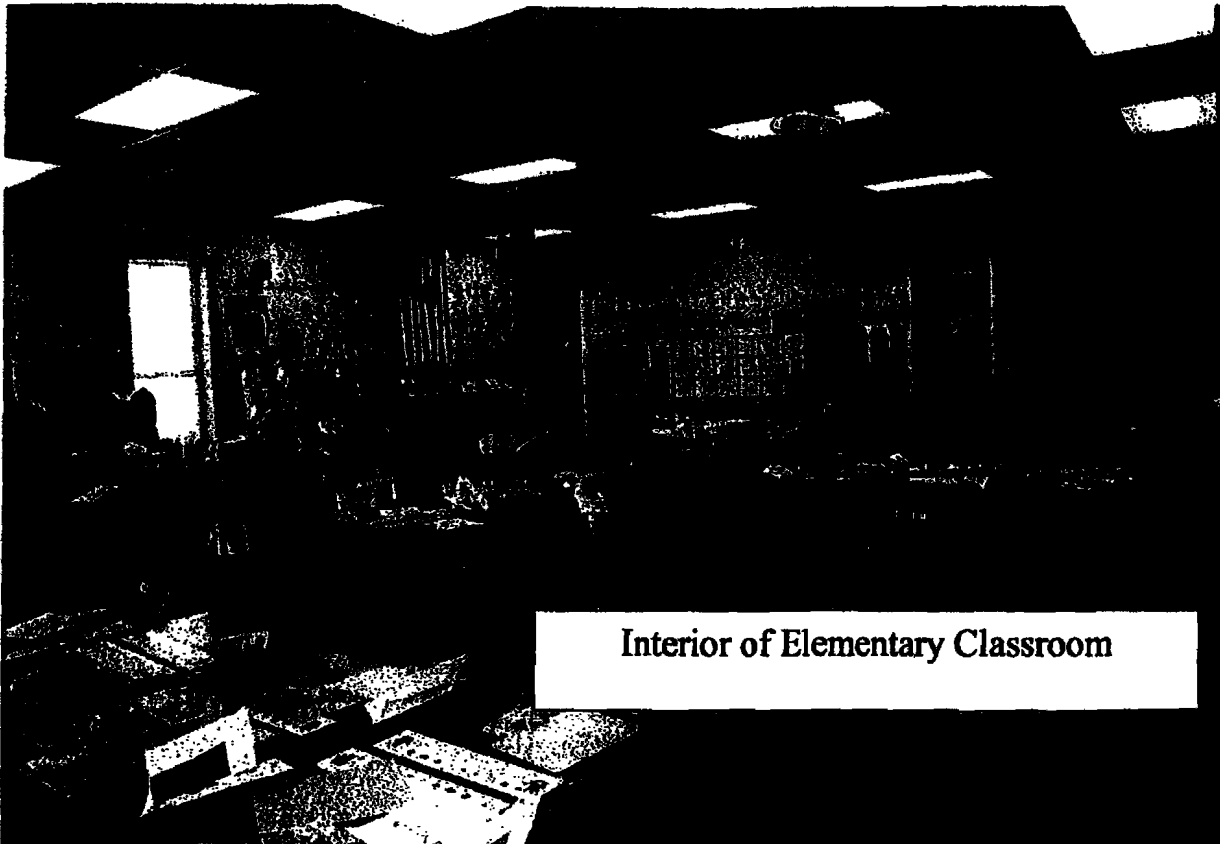
Tennis Court

(west side of campus)

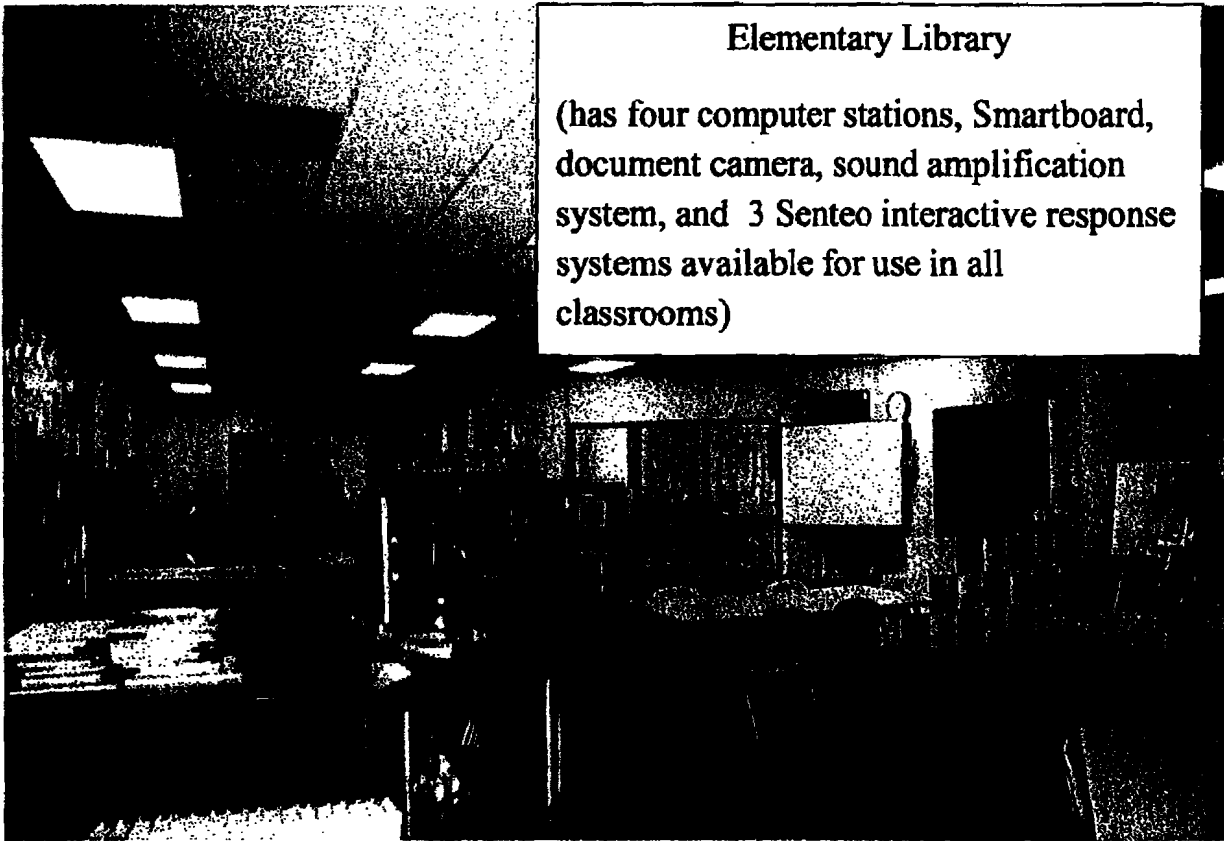


Family & Consumer Science

(west side of campuse)

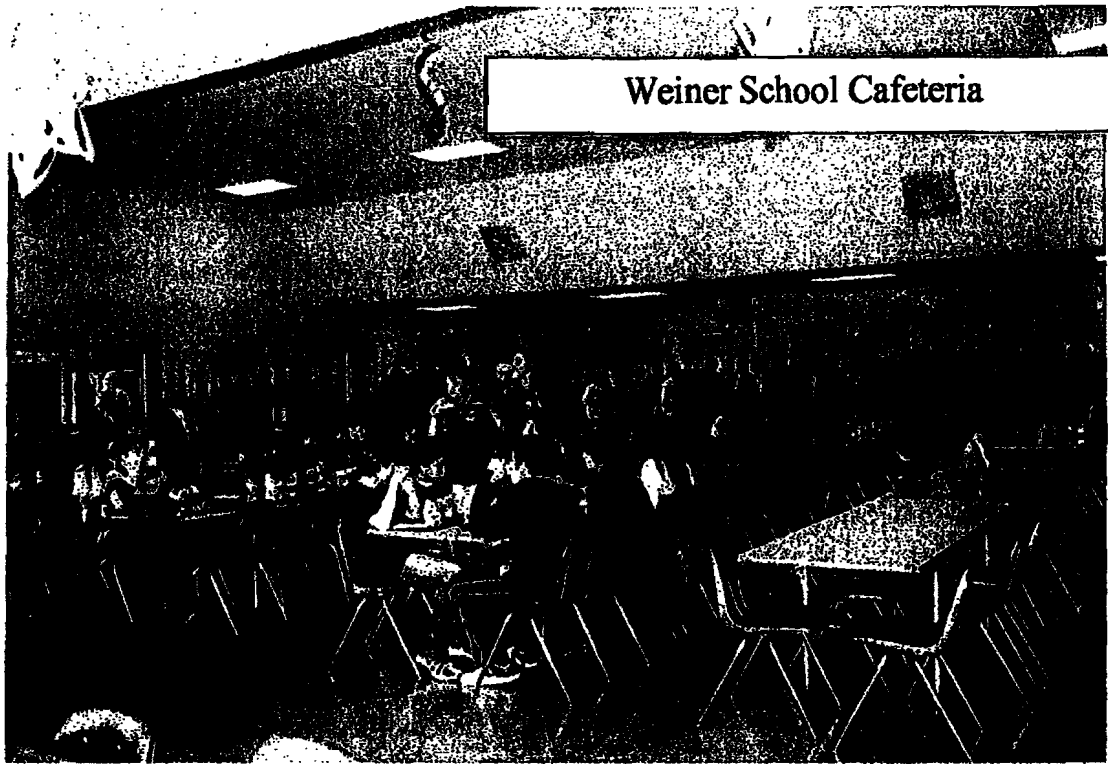


Interior of Elementary Classroom



Elementary Library

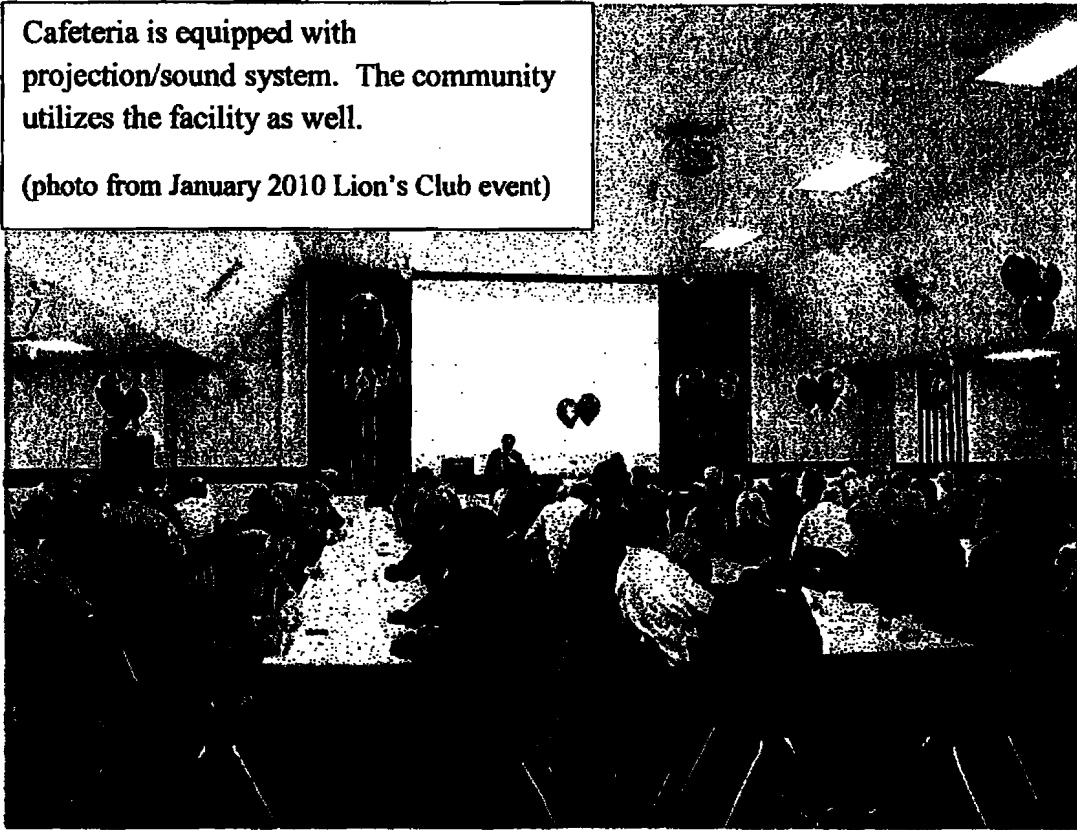
(has four computer stations, Smartboard, document camera, sound amplification system, and 3 Senteo interactive response systems available for use in all classrooms)



Weiner School Cafeteria

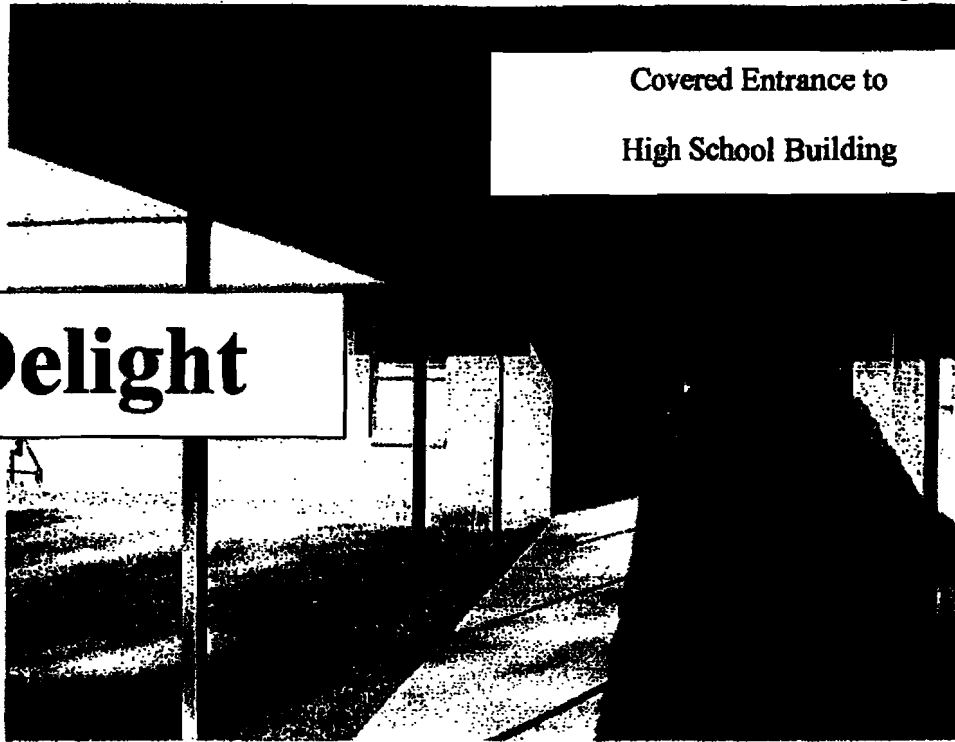
**Cafeteria is equipped with
projection/sound system. The community
utilizes the facility as well.**

(photo from January 2010 Lion's Club event)



**Covered Entrance to
High School Building**

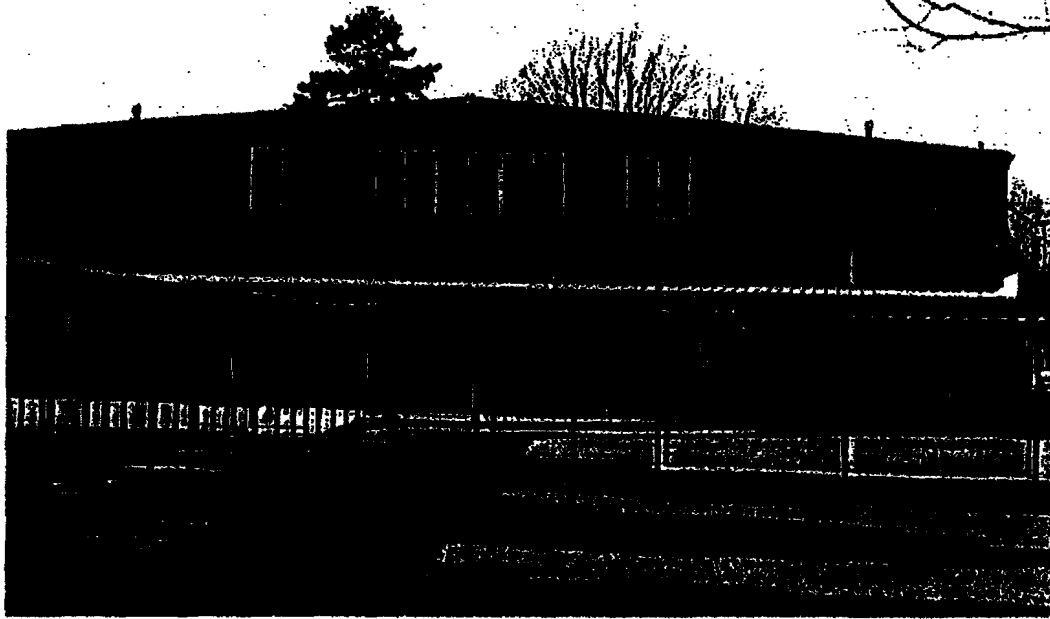
Delight



High School Hallway



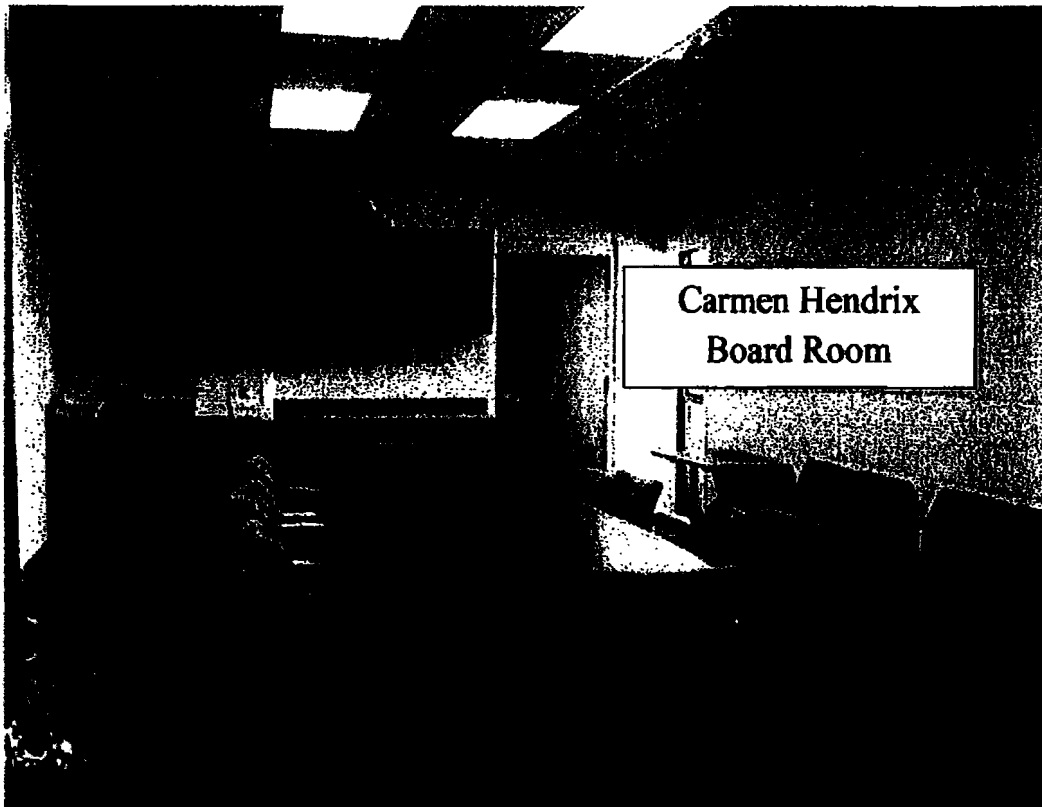
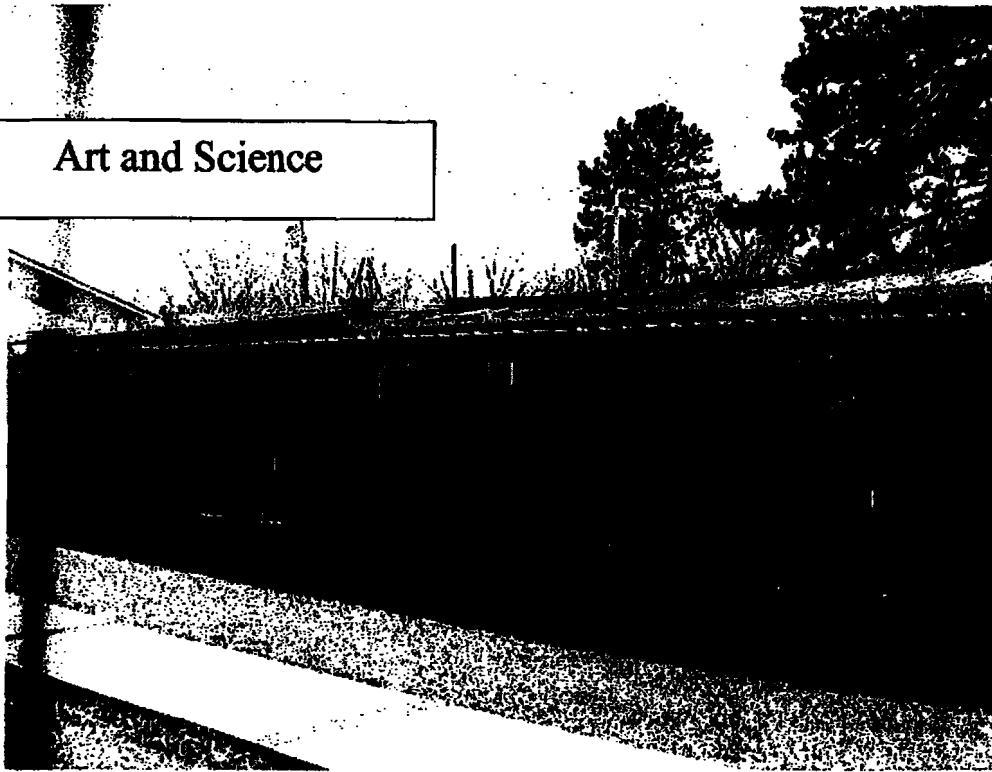
High School Gymnasium



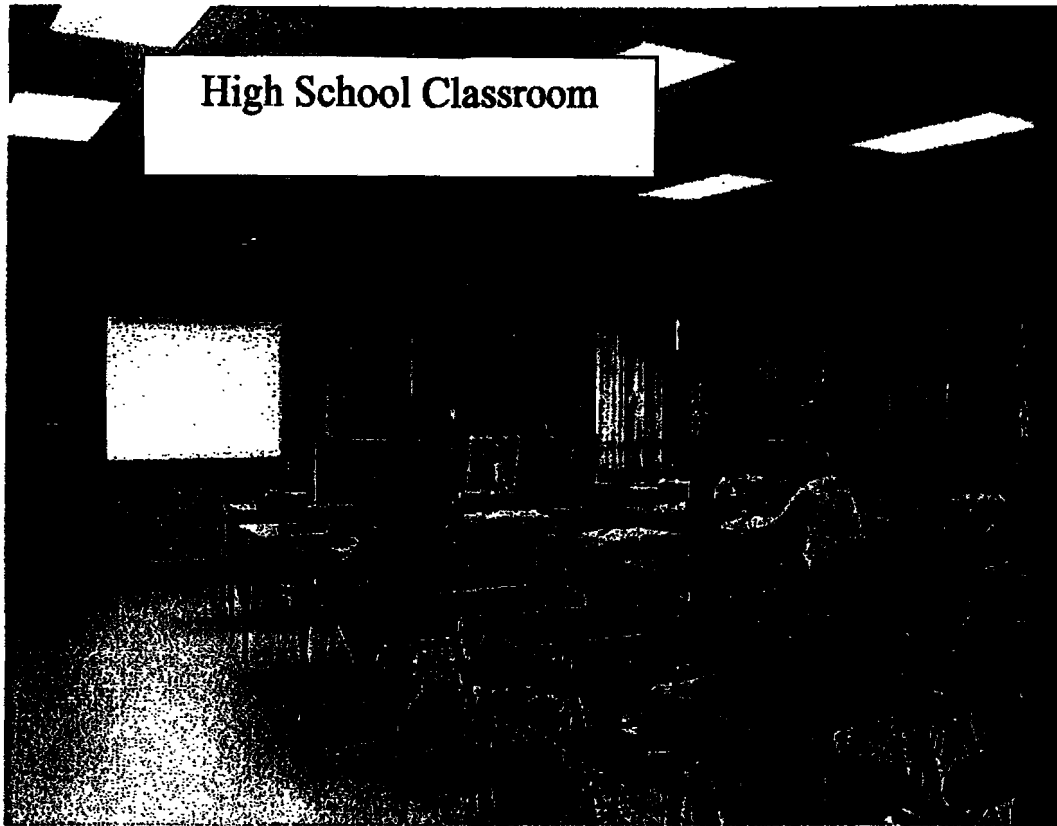
Carmen Hendrix Building



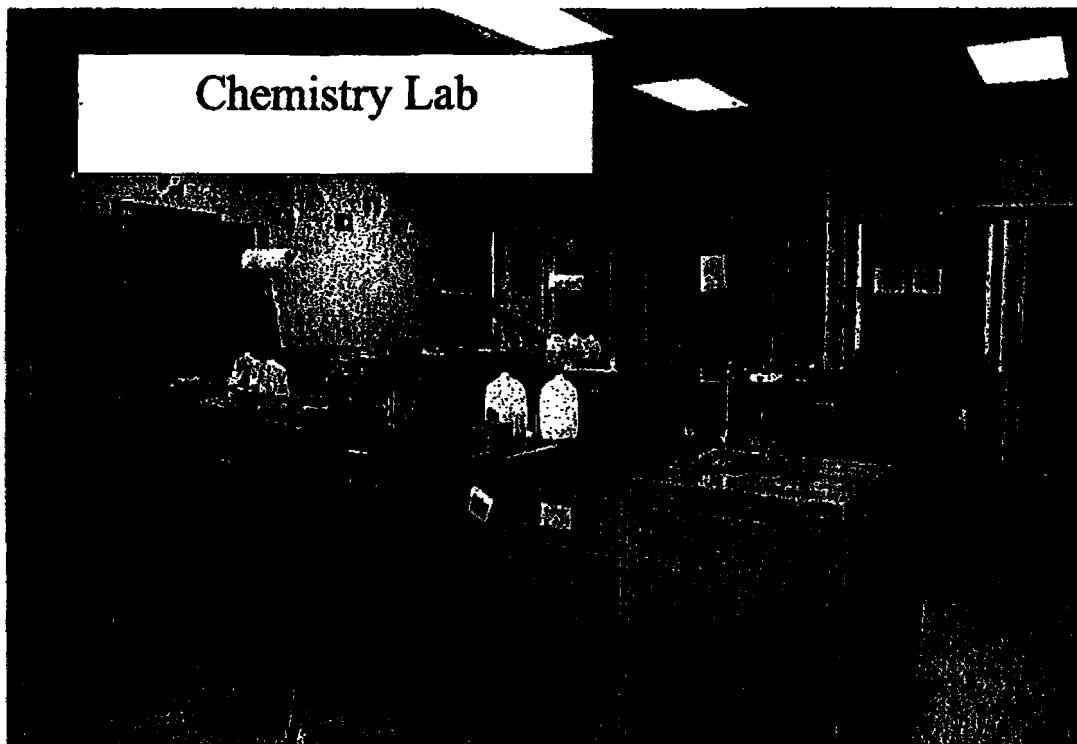
Art and Science



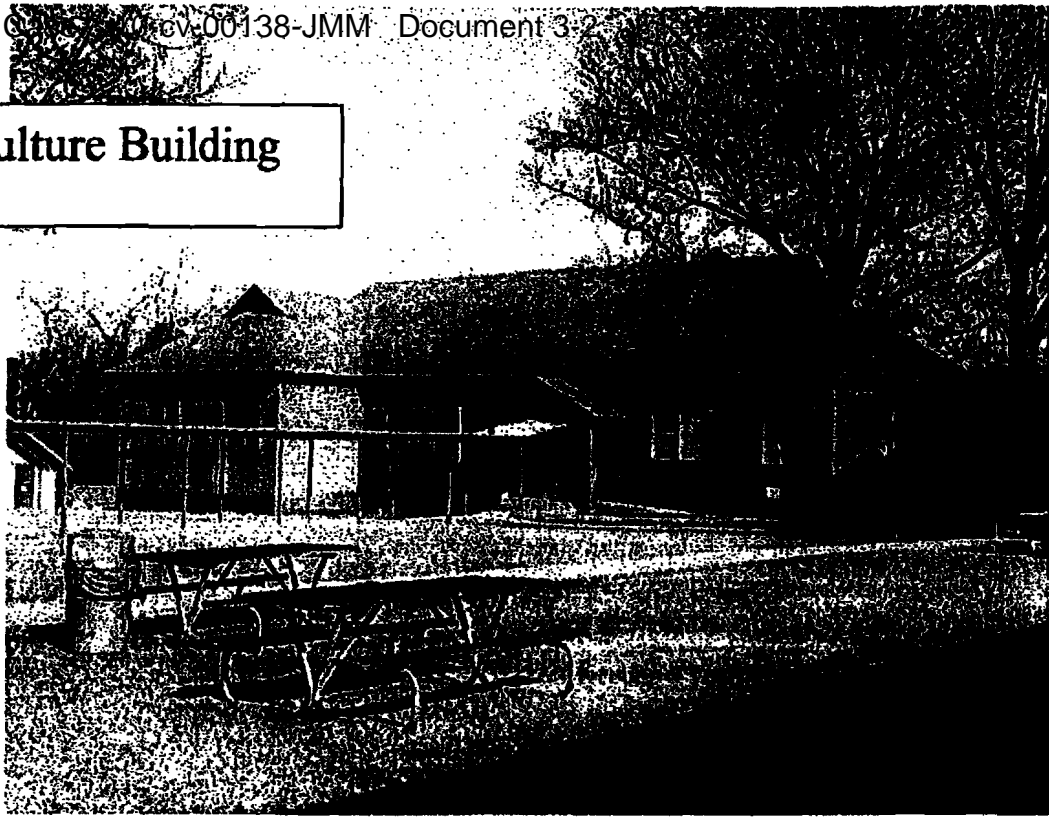
High School Classroom

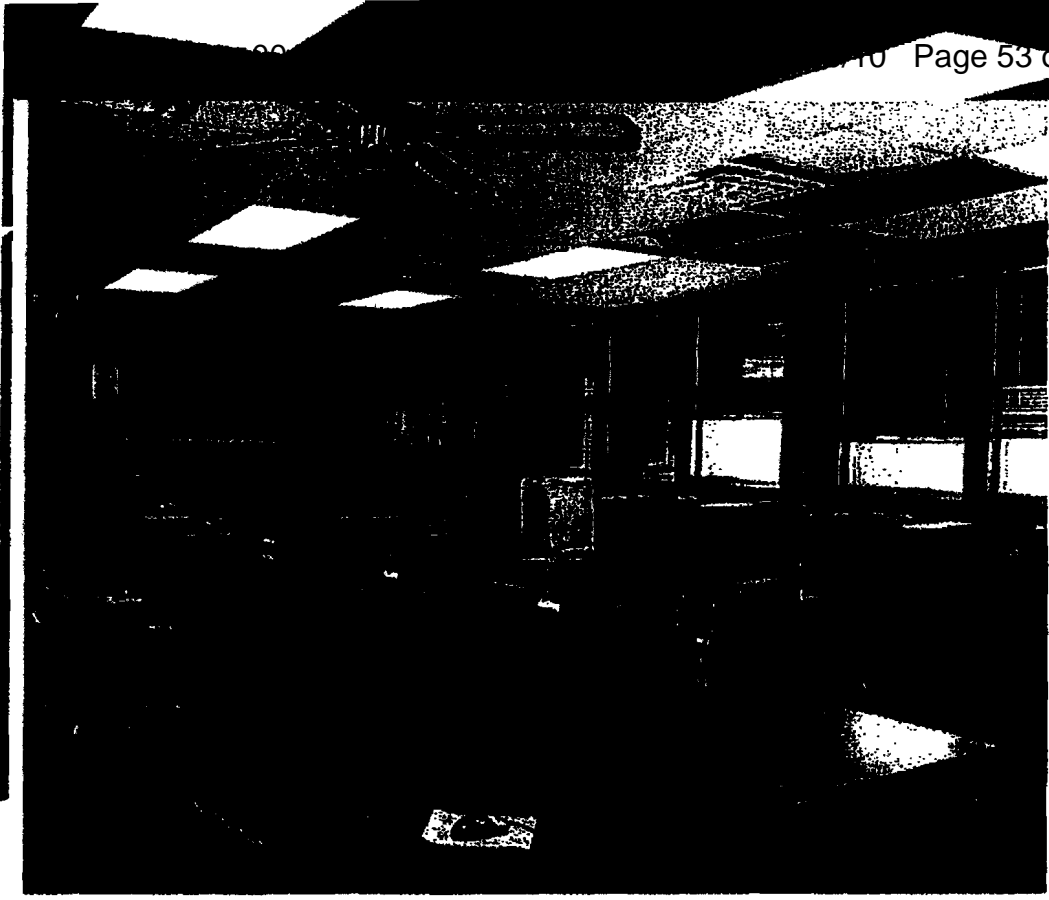


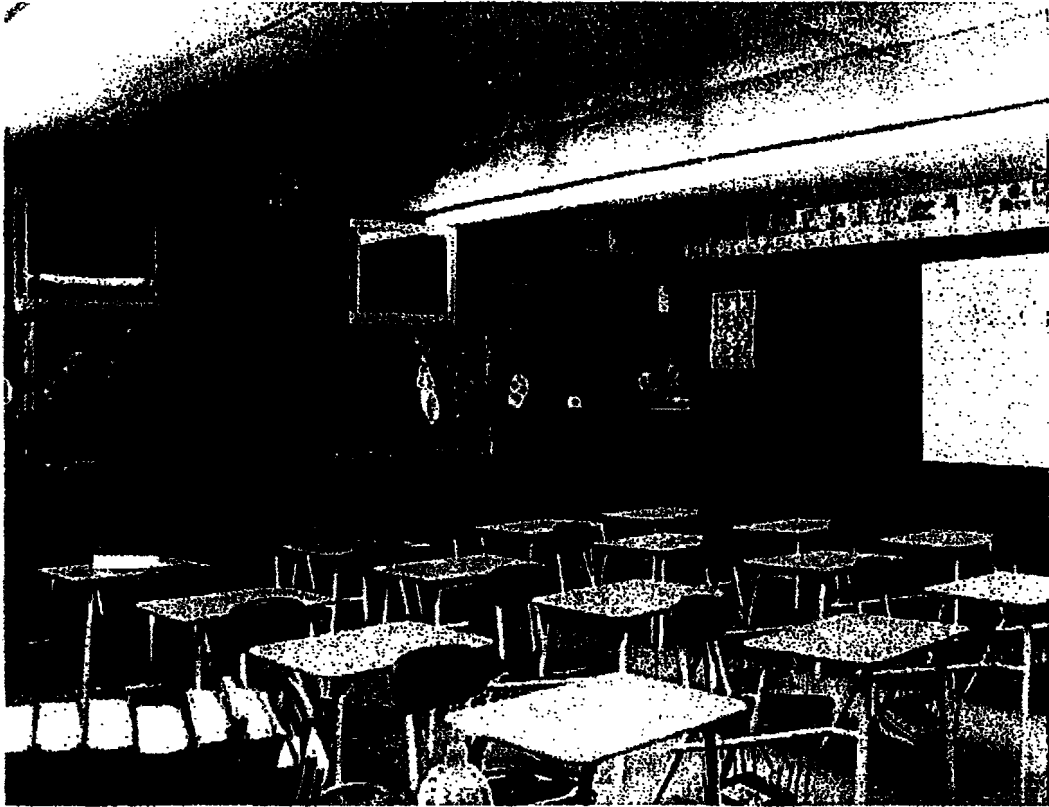
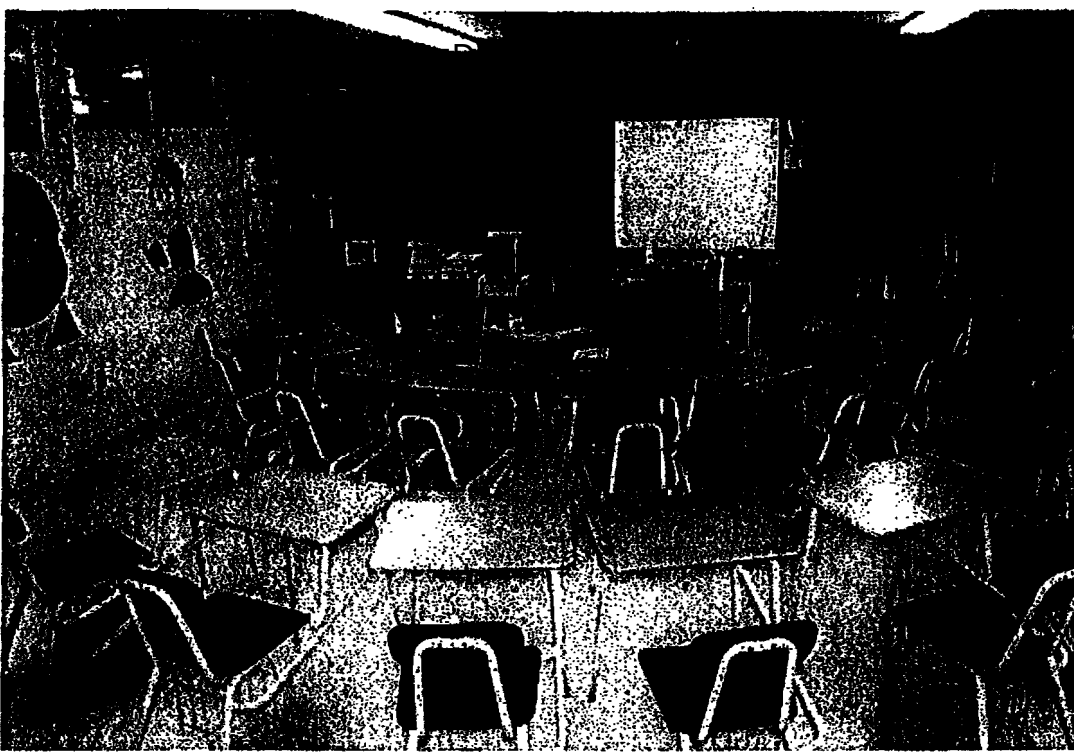
Chemistry Lab



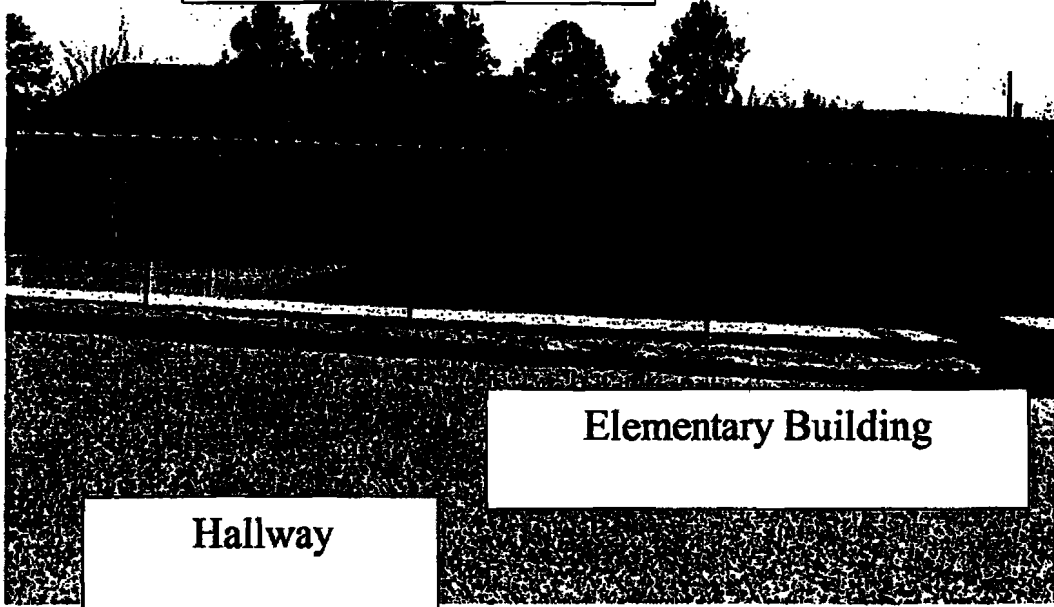
Agriculture Building





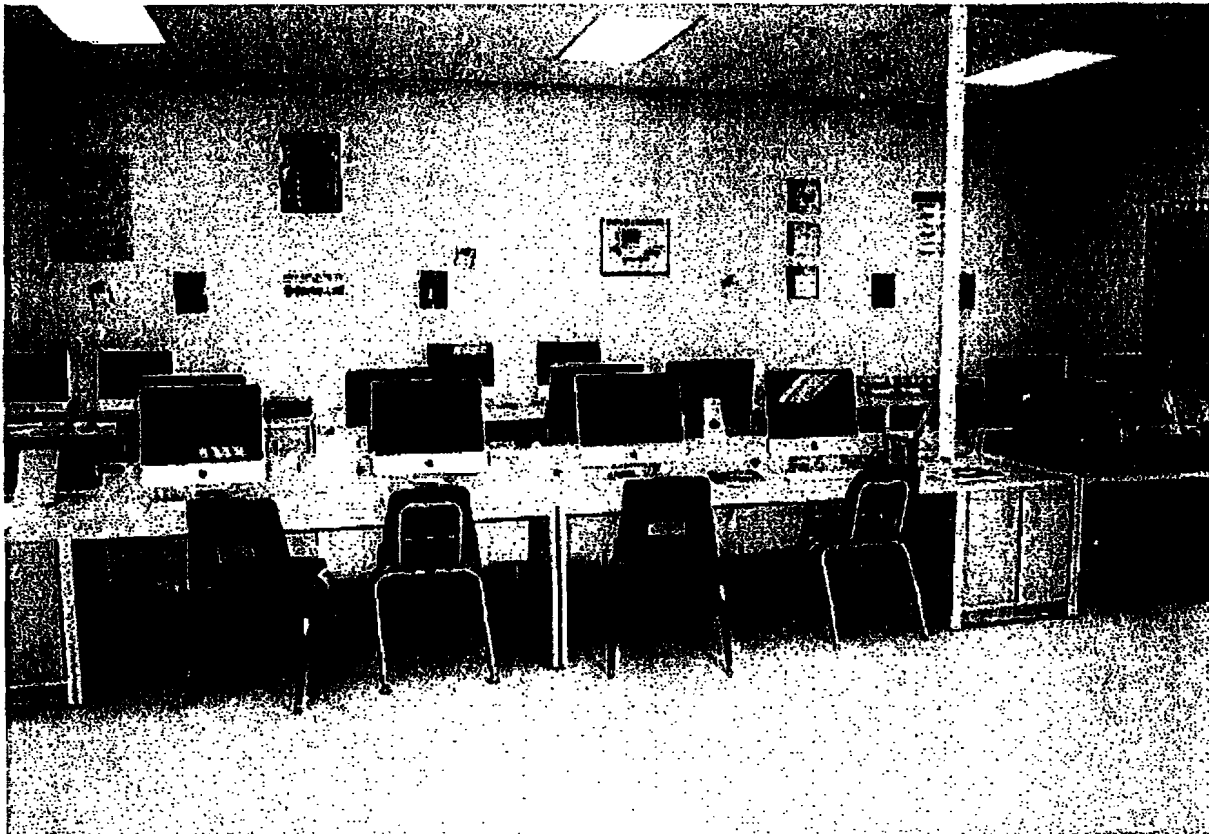


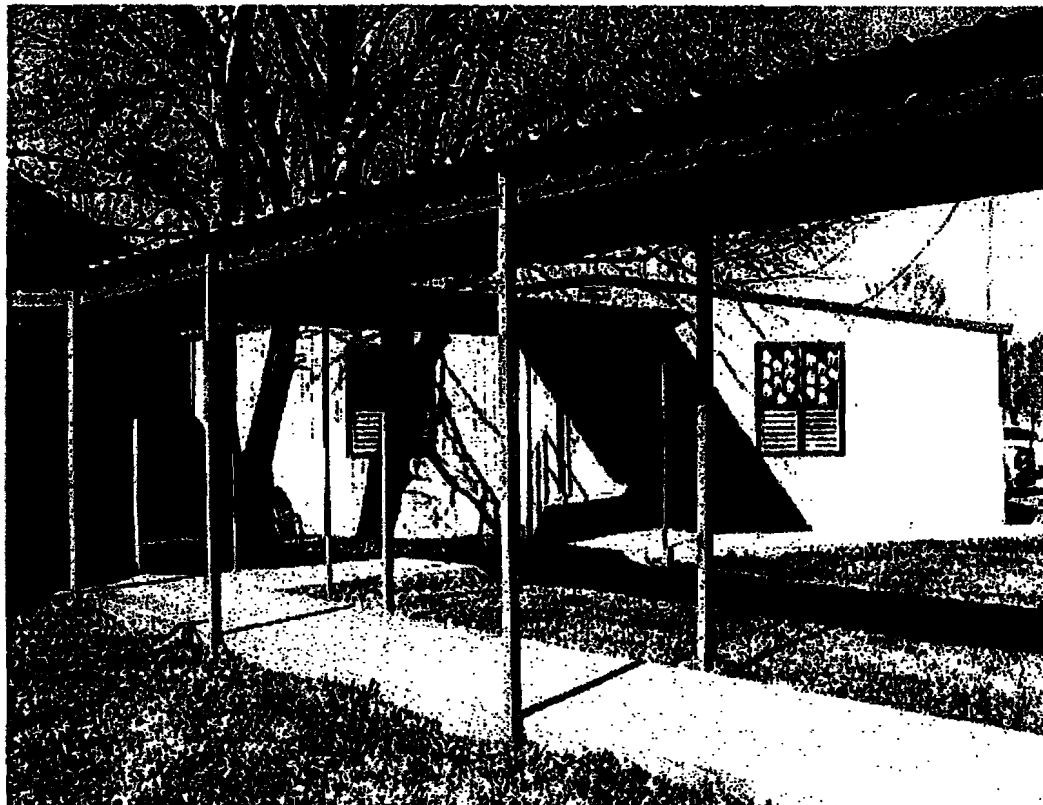
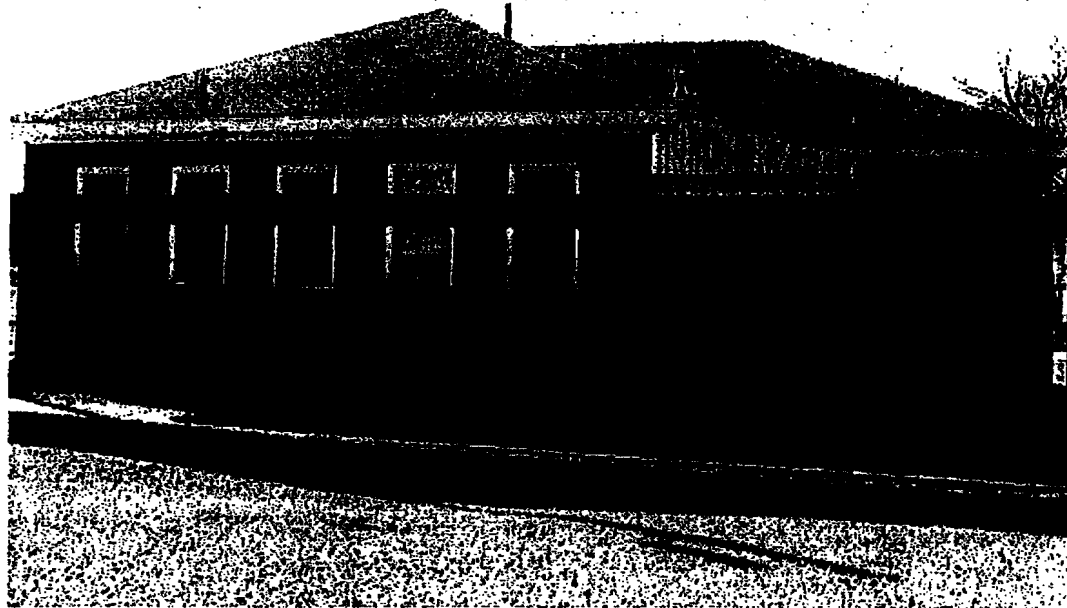
Gym Lobby

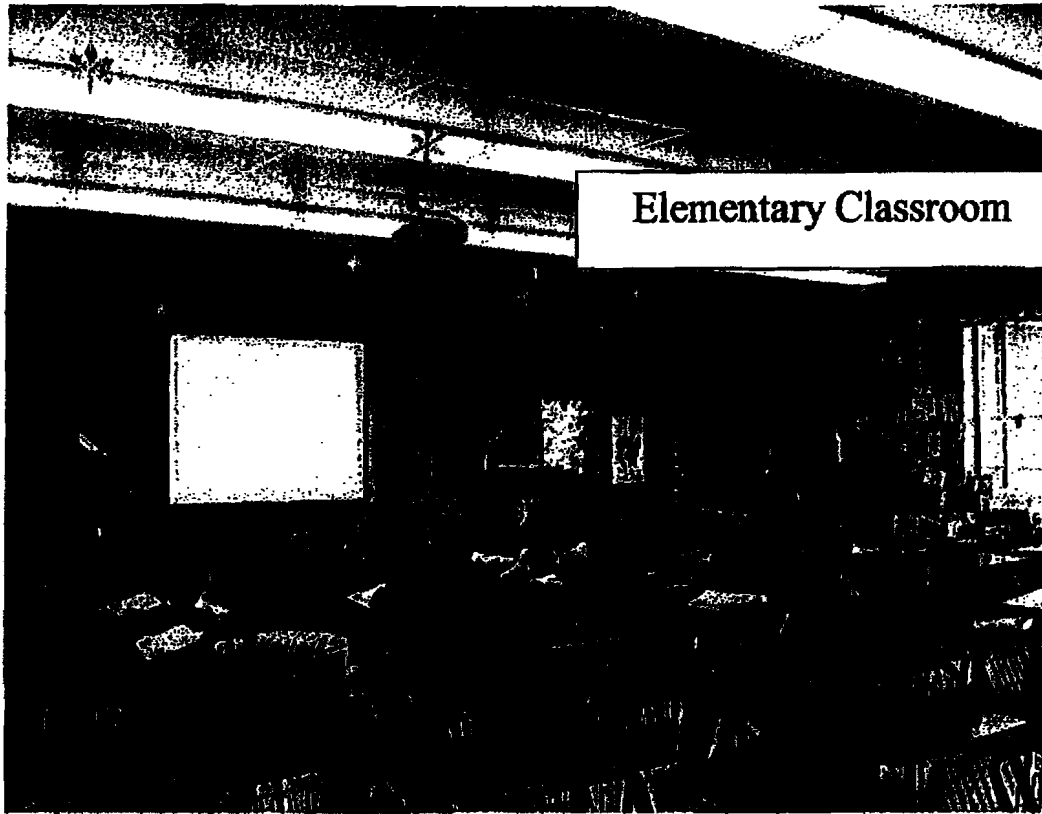


Elementary Building

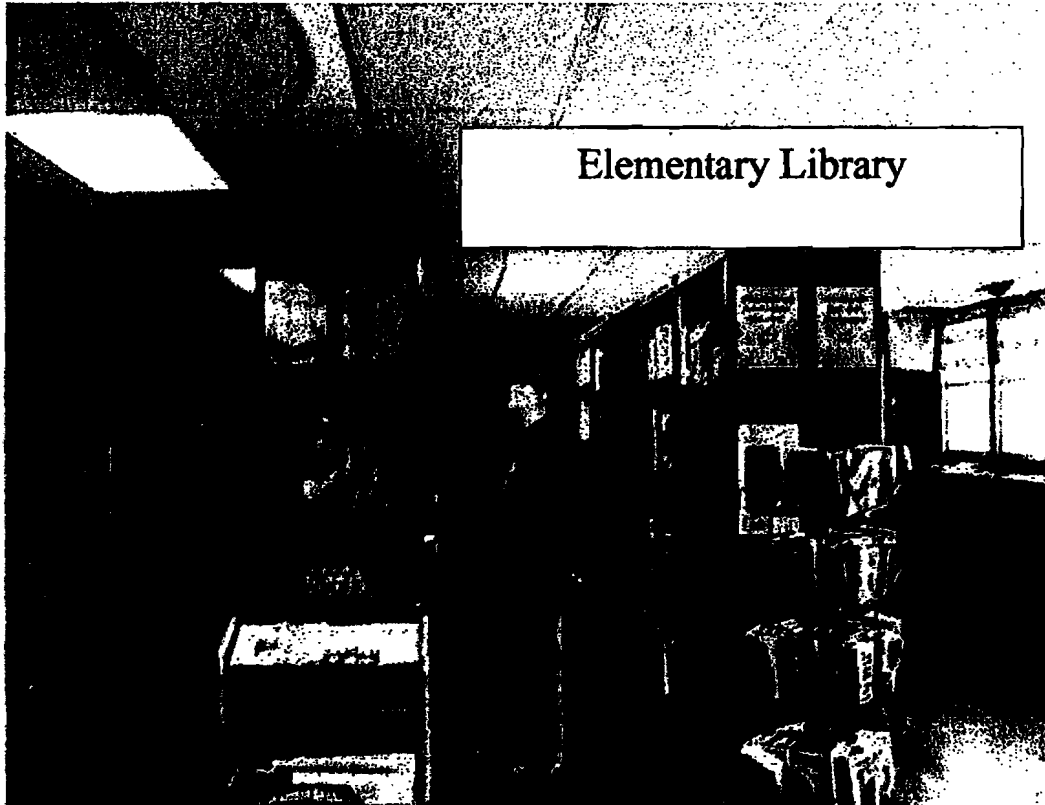
Hallway





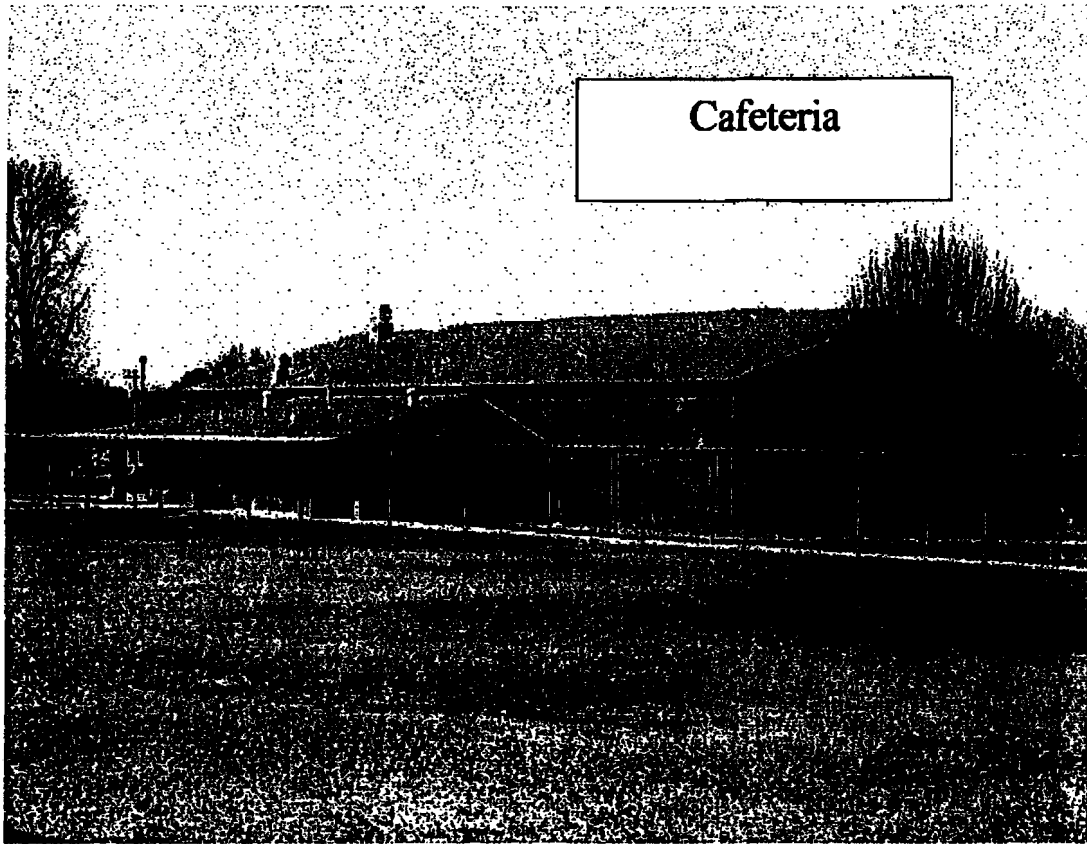


Elementary Classroom



Elementary Library

Cafeteria



Proposed Arcadia School District

Campus Comparisons

Category	Delight	Weiner
Ending Balance 06-07 (less categorical funds)	\$516,705	\$1,102,885
Ending Balance 07-08 (less categorical funds)	\$658,340	\$846,596
District Mills	40.0	39.9
Expenditure per student	\$9,257	\$8,461
08/09 ADM	328.43	342.69
07/08 ADM (qtrs 1-3)	329.16	342.12
06/07 ADM (qtrs 1-3)	362.10	354.66
Total District Population 2007 Census data	2158	1747
Age 5 -17 Population 2007 Census data	354	322
Attendance Rate 07-08	95.7	91.8
Graduation Rate 07-08	75.6	89
Grade Inflation Rate 07-08	14.3	12.5
Remediation Rate 07-08	75	50
AYP Status 08-09 (Elem/HS)	MS/SI1 MS	MS/MS
Proficiency Levels 08-09		
3rd grade literacy	87.5	86.4
3rd grade math	87.5	90.9
4th grade literacy	77.4	90.3
4th grade math	71	87.1
5th grade literacy	73.7	65
5th grade math	84.2	65

6th grade literacy	66.7	70.4
6th grade math	75	85.2
7th grade literacy	44.4	57.7
7th grade math	51.9	65.4
8th grade literacy	75	69.7
8th grade math	48	51.5
Literacy EOC	47.7	84
Algebra I	(9th grade) 81.2	(8th grade) 100
Geometry	47.8	71
ACT Composite 07-08	18.9	19.6
Students in AP courses 07-08	9	40
AP exams taken	9	52
Discipline 07-08		
Weapons incidents	0.6	0.0
Expulsions	0.3	0.0
Staff assaults	0.0	0.0
Student assaults	0.0	0.0
Teacher:Student	10.5:1	11.5:1
Average teacher salary	\$39,609	\$36,592
% teachers w/ Masters	46.8	36.4

Education gone awry

The biggest problem with a forced consolidation policy based solely on head count is that hammer syndrome sets in.

Before you know it, every small school starts to look like a nail.

That is especially troublesome with education policy because it gives a totally false sense of progress. Change for its own sake gets confused with improvement, even to the point that actions detrimental to actual learning are vigorously pursued in the name of advancement.

There's no inherent educational accomplishment in meeting a so-called standard of only operating public schools with 350 students or more. But education officials seem satisfied that "something is happening" when small schools are closed. What gets lost in the consolidation frenzy fog is a definitive itemization of what exactly that something is.

The idea of state legislators focusing so much on how many kids are enrolled in a school rather than how many are demonstrably learning anything has always fallen short of the state Constitution's "intelligence and virtue" stipulation for good government.

The first question surrounding any government action toward any school should be whether it will improve student performance. Presumably, nobody associated with Arkansas public education policy wants to see a well-performing school closed, especially one with good test scores and enthusiastic parental and community support.

Yet that's happened over and over again as a result of the state's minimum student requirement, and it may well happen again in the town of Weiner.

By educational performance measures, Weiner is a good school. It betters the state average in graduation rate (by 20 points), dropout rate and ACT scores. Its per-student spending is right in line with the state average,

Dana D. Kelley



it offers all the required courses and it even exceeds the 350-student threshold—this year.

But because enrollment fell below that number for two consecutive years, Weiner is on the chopping block.

What's happening with Weiner is a whole lot worse than fixing what isn't broken. It's a chronic case of having blinders on about where the real shortcomings in education exist.

For every small school teetering on the minimum-enrollment threshold, there's a megadistrict posting horrendous Benchmark test scores and leaving many, many more children without the education that the state is supposed to be providing.

Back when the consolidation issue was being debated, the Rural School and Community Trust prepared a comprehensive report analyzing and comparing performance in large and small districts. At the time, one proposal was to set the minimum enrollment at 700 students.

Of the nearly 450,000 public school students in Arkansas, only 13 percent attend school in districts smaller than 700 students. Reducing the enrollment number to 350 shrinks that percentage even further.

The study revealed that districts above 700 students are more likely to be academically low-performing than smaller districts. If the state is interested in head counts, there are more than 10 times as many students, more than 120,000, attending "very low-performing" large districts, in which fewer than 50 percent achieve basic or better test scores, than small districts, those with fewer than 12,000.

Weiner High School, for example, boasts 160 students in grades 7-12, with an 11th-Grade Literacy Benchmark score of 67 percent, well above the state's 51 percent average. How that school winds up in the education establishment's crosshairs ahead of, say, Pine Bluff is a complete mystery.

Pine Bluff High counts 1,140 students in grades 10-12. Its 11th-Grade Literacy score is only 29 percent. Or consider J.A. Fair High in Little Rock with an enrollment of 1,169 in grades 9-12, whose 11th-Grade Literacy score is 11 percent. The score for the entire Little Rock district, which represents 26,000 kids, is an anemic 38 percent.

Neither Pine Bluff nor J.A. Fair made adequate yearly progress under state minimum guidelines, and both the Pine Bluff and Little Rock districts have dropout rates twice the national average. (Weiner's rate is zero.)

Finally, in the dollars-and-sense category, Pine Bluff spends \$8,827 per student and Little Rock spends \$9,818, making Weiner's \$7,858 price tag seem like a bargain.

In fact, maybe it's time for a deconsolidation plan to emulate the success enjoyed by small schools, which continually do more with less, by setting a limit on school size. The data overwhelming show that smaller schools are more effective in low-income areas.

Forced consolidation is nothing but a feel-good substitute for real education reform. Tens of thousands of kids aren't learning in large districts, but the only schools we see fit to bulldoze are small schools like Weiner that work.

Perhaps one benefit of our new annual legislative sessions will be that such ineptitude won't have to wait two whole years for a chance to be remedied.

Dana D. Kelley is a free-lance writer from Jonesboro.

Arkansas Democrat Gazette

Jan. 22, 2010

Imagine a visitor from Mars inspecting our Arkansas education landscape. One of his stops is the town of Weiner in Poinsett County, where he's busy recording data on a voice-activated digital clipboard. With the aid of an interplanetary linguistic device, the high-pitched data sounds he makes are translated into soothing, reassuring English.

"Weiner School District, current enrollment 352 students."

Beep, beep, whirr.

"Graduation rate: 96.4 percent. State average: 76 percent."

Clicks and whistles.

"School dropout rate: Zero. State rate: 3.6 percent."

A final low hum.

"Average ACT score: 21.8. State average: 20.8."

Then the shiny, prism-colored clipboard glows red, and the Martian scratches his elongated cranium.

"This school district is scheduled for termination," he says, his alien visage incapable of expressing human incredulity. "This does not compute."

It's the hallmark of spurious legislation that its results often defy common sense, and the tragedy befalling Weiner schools, by all measures an effective and efficient education system, is a textbook example of all that's wrong with forced consolidation.

The arguments against numerical consolidation were well documented in other states before Arkansas adopted Act 60 in 2004. Proponents first argued that consolidation would save money. But in other states administrative costs went up, not down, as larger districts absorbed smaller ones. Not only that, but in rural states like Arkansas, transportation costs soared with consolidation, in some instances forcing elementary-age children to spend hours on buses.

Then proponents argued that school district consolidation wasn't the same as school consolidation, implying that local schools wouldn't always have to be shuttered. But a 2006 study by the Rural School and Community Trust revealed that nearly three-fourths of small schools annexed in the Arkansas Delta were closed within two years.

The Weiner School District is facing

Dana D. Kelley



closure mandated by Act 60 because its average enrollment over the past two years fell short of the picked-out-of-a-hat number of 350 students. Never mind that this year enrollment is back up above the threshold. An amendment to expand the average computation from two years to four failed this past legislative session. Never mind that study after study has shown that smaller schools are particularly effective in educating students from poorer communities, too.

Legislators are quick to point out that the 350-enrollment figure isn't an educational number, but a financial one. Oh, really? You don't have to be an observer from Mars to see that schools like Weiner's often spend far less per student than larger districts.

The National Center for Education Statistics lives up to its name when it comes to facts and figures per-school district, all of which are available on its Web site and easily searchable by town. The fiscal data for each district are comprehensive, breaking down revenues from local, state and federal funds, and organizing expenditures into instructional, student support, administration and operations (including food service) categories. All is presented in total dollar formats as well as per-student amounts.

Weiner's per student expenditure of \$7,868 puts it right at the state average. That constitutes a true bargain since its educational products, students, are besting the state average in categories like ACT score and graduation rates. But what about spending at other districts that aren't even close to being considered for consolidation?

Earle School District in neighboring Crittenden County has more than twice as many students as Weiner (877 vs. 352), and yet its per-student expenditure is 33

percent more, or 10,504. True, administrative costs are higher at Weiner, but by a mere \$17 per student.

The local tax revenues for both districts are about the same, and Earle gets three times as much in federal funds as Weiner, primarily because of the economic disparity between the two towns. Still, the state has to kick in more money per student in Earle than in Weiner.

The most telling line item on the expense chart is the instructional expenditure. That's where the educational rubber meets the road. Weiner's is \$4,915 per student; Earle's is \$5,679. So much for 350 being a financial number, the minimum size at which a district can be financially sound and provide the required education, to paraphrase the official Arkansas line.

I'm weary of the specious "affordability" excuse, which was burped out almost as an involuntary reflex to the reasonable question of why a performing school district like Weiner, where kids are learning and graduating and going on to college, has to go on the chopping block.

How low do you go, one legislator asked, before it's no longer affordable for a small school to educate students? A counter question might be: How high do you go? Many districts besides Earle outspend Weiner in instructional expenditures, including the mammoth Little Rock School District.

And many of these higher-spending districts rank far below Weiner—and state averages—on important education standards and measures.

Weiner is a prime example of what education author Deborah Meier has chronicled again and again in her research on school size—successful schools in small communities doing more with less.

Success is a key word that somehow failed to make the grade when Act 60 was being drafted. Consolidating a successful small school is foolish policy, and throwing the weight of law behind folly doesn't make it smart. It just makes the law dumb.



Dana D. Kelley is a free-lance writer from Jonesboro.

Arkansas State Board of Education
Little Rock, AR

To whom it may concern,

As a patron of the Weiner School District in Weiner, Arkansas, I would like to ask your attention to the matter of an Administrative Consolidation of our district with the Delight School District. We have been placed in this position not because of academic or financial distress, but because we are a small school serving a rural community. I know you have been presented with the credentials of our school and that speaks very strongly of the dedication of our administration, teachers, students, and our community. I would like to tell you why I want to see our school remain intact. My father graduated from Weiner in 1941. My husband and I graduated in 1973. We have two daughters who graduated in 1999 and 2001, respectively. They both went on to graduate from Lyon College in Batesville with BS degrees in Accounting, majoring in Accounting, Finance and Economics. I believe they received a superior education at Weiner which prepared them to succeed in college and in life.

I cannot be convinced that merging smaller schools into mega schools helps either the school or the student. Without indulging in that debate, let me simply say that I believe it is evident students respond better academically and socially when they are offered more individual time with teachers in a safe atmosphere surrounded by the support of their community.

This proposal may seem at first to be far-fetched, but it may be a bold step in the right direction not only for the Weiner and Delight school districts but for others, like us, who find themselves in this same situation. What an opportunity to let today's technology propel us into the forefront of tomorrow's education! With the technology already in place, these two districts can draw from each other's strengths and increase the range of education offered. It will allow the students to attend school close to their homes and be involved in extra-curricular activities while expanding their knowledge and experience with the technology that is surely a life skill for today.

I told you I wanted to tell you why I want to see our school remain here at Weiner. I have a granddaughter who will start kindergarten next year. I have another granddaughter who is seven months old now and another grandchild on the way. The best education I could hope for all of them is right here in the new Arcadia School District.

Thank you for your time and attention.

Regards,



Greta Greeno

Penny Wolf
6164 Logan Lane
Fisher, Arkansas 72429

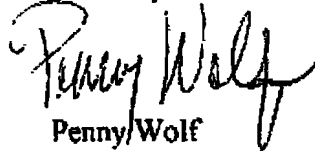
To: Arkansas School Board

Re: Arcadia School District Proposal

I am writing in support of the consolidation of Weiner School District and Delight School District into Arcadia School District. The consolidation of the two districts will allow the academic excellence of both schools to be enhanced. While at first glance, the distance between them might seem a deterrent, the distance learning capabilities and innovative planning of the teachers at both schools have surpassed any expectations of the benefit of combining these two schools. If there are any doubts as to the efficacy of this, please note that Patrica Hesse, from Weiner School District, is just one of the teachers who have been part of this planning. She was the first recipient in Arkansas of the Christa McAuliffe award and has received many other prestigious awards, both state and national and is currently the Arkansas Rural Teacher of the Year.

Delight and Weiner have many similarities and each would enhance the other. Unlike districts that are in closer proximity, we excel academically, our facilities are good, and our finances are sound. We are not on any "distress" list. In fact, we (Weiner) have been in the top 10 of public schools in Arkansas for many years. I do not have the figures on scholarship amounts given to our graduating seniors but it is more than impressive. Allowing the Weiner and Delight schools to merge would provide our children with an even better and more diverse education and that is a perfect reason to allow the two districts to be consolidated into Arcadia School District.

Sincerely,


Penny Wolf

January 25, 2010

To Whom It May Concern:

My name is Jill Gillis. I have lived in the Welner community for my entire life. I attended school in Weiner as did my daughter. Her oldest son will graduate from Weiner High School in May. All through the years I have always been proud to say that I went to school in Weiner. The school here has a great reputation for providing an excellent education to all students who attend. The three communities that compile the Welner School District have never waivered when asked to pass millage increases to assure that these outstanding standards were never compromised.

I have three other grandchildren who attend another school in Arkansas that is much larger than Weiner. One of those children, a girl, has attended two large schools in Arkansas. She has a learning disability. Even though she has an IEP that should be following her from grade to grade it has been a tremendous problem to keep her where she needs to be on the learning scale. When she was in the first grade, we personally had her tested because we could recognize that there was a problem. I dare say that if we had not done it ourselves she would have been well into the second grade before anyone would have noticed. Each year since there has been conference after conference and we are well into the school year before we can convince anyone that she needs and deserves extra help. This help is mandated by law. I say all of this to make a point. In a small school setting, where there aren't as many children, who need extra help, as well as other problems, i.e. discipline, standards, etc, there is a much better chance that she would get the help needed. I wonder about the children whose families aren't observant enough to recognize that their child has a problem and because of the over-population in these schools and huge work load, they go unrecognized and fall between the cracks.

It definitely takes a village to raise children and in the Welner School district we can be assured that the three villages that

make up this district are ready and willing to help any and all children, whatever their problem might be. We demand quality and fair education for all of the children in this district and are excited to become partners with Delight to continue with the rich tradition of providing quality education for the children in both districts. We are also proud and would be honored to be a part of a new wave of education that could provide our children with a new innovative way of learning.

I am asking you to give this a chance. Be open-minded when you are considering this merger. Give us the opportunity to prove that this can be done and that the students in this new Arcadia School District will have something that they can be proud of; a great education and a new cutting-edge way of preparing them for a bright promising future.

Thank you for taking the time to read my letter.

Jill Gillis

Gary Sitzer
626 W 3rd ext.
P.O. Box 386
Weiner, AR 72479

Member of the Board :
Sitzer Farms, inc.
Farm Credit MidSouth
Arkansas Soybean Promotion
Arkansas Soybean Association
St. Bernard Regional Medical Center Advisory
Poinsett County Emergency Food & Shelter
Poinsett County Farm Bureau

To: Arkansas State Board of Education
Ref: Consolidation of Weiner and Delight School Districts

I want to thank all of you for your service on this board and take this opportunity to comment on the proposal to consolidate two non-contiguous school districts.

As a lifelong resident and businessman in the Weiner area I fully support the consolidation.

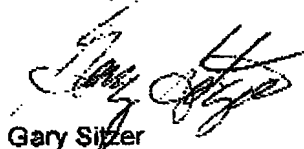
I presently serve on several Boards and know that without a doubt you must always follow the law and applicable rules. It is my understanding that the decision will mainly fall on your evaluation of the "betterment of the education of the students" provision, hence I will focus my comments on that provision.

The geography of the proposal necessitates the use of technology which I know will enhance the student's educational experience by putting modern business practices into their daily school work. This will create not only familiarity with the current technological workplace environment they will be entering but enhance the ability of students to interact on a daily basis with the students in Delight, therefore increasing diversity. Working with off-site partners, which is common in today's world, will put the students ahead of their peers and ready to step into the job market or further their studies in college. I see this everyday and know it can work.

Top notch teachers are the key to all learning. I feel that this plan will improve the ability of the consolidated district to hire better instructors. Each district is now bound by the travel constraints of those wishing to commute or live nearby. By using the electronically joined classes, the best teachers can be drawn from a larger area. They could base out of Weiner or Delight and teach at both schools using present equipment.

Recently Arthur Rothkopf, US Chamber of Commerce senior vice president said "Education institutions lack opportunities to reinvent themselves in more effective ways. Educators should have opportunities to devise smarter solutions." I agree. I think that objectively you must approve this proposal.

Sincerely



Gary Sitzer

January 27, 2010

Arkansas Department of Education

Little Rock, AR

Greetings!

As an alum and mother of an alum of the Weiner School District, I am extremely excited about the prospect of an administrative consolidation with the Delight School District. These two districts present the perfect opportunity to allow an administrative consolidation to work. Both of these districts are fulfilling what this department professes as a mission: they are doing a great job educating students. These districts have community and parental support that many districts dream of possessing. Both of these districts are succeeding at educating students with less state dollars than the majority of districts in our state. These facts alone place the possibility of the success of this plan extremely high. Weiner and Delight have a proven record of success educating students at a high level while remaining not only financially sound, but being economically efficient.

This option will avoid the disenfranchisement to the students, parents, and patrons that a consolidation with a contiguous district will present:

Teacher to student ratios will remain low. This low ratio allows students access to educators should they need personal assistance and instruction. It allows educators personal knowledge of their students and families that often provides invaluable insight to changes in a student's performance/behavior providing the educator the opportunity to take actions to assist that individual student during a time of difficulty or stress.

Remaining on their local campuses continues providing parents more convenient access to their children's school and teachers which promotes parental involvement in students' education. This parental involvement is critical and key to the success of the school as well as the individual students. This parental involvement will be severely limited should the students of these districts be consolidated with a contiguous school and bussed to a different campus.

It goes without saying that many of the students who are active in extra-curricular activities in their current districts will be denied that opportunity should they be sent to a larger district. This is particularly true in the area of athletics. These activities are essential to a well-rounded education. It provides the instruction of relating to others in a successful and healthy way that the classroom cannot as

Hogue & Greeno Oil Co., Inc.
P.O. Box 305
Weiner, Arkansas 72479
870-684-2227

January 25, 2010

To Whom it May Concern:

I am writing in support of the administrative consolidation of the Weiner School District and the Delight School District. I understand that the job set before you now is to determine if the new proposed district - the Arcadia School District - can afford my 4 year old daughter a better education than her brothers received in the Weiner School District as it is today. Although I believe my sons both received an excellent education here in Weiner (one is a law student at the University of Arkansas, the younger teaches Spanish at Arkansas State University), I do believe that the proposed consolidation plan will better serve my daughter.

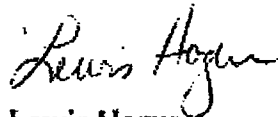
In a world that is becoming smaller and smaller, the idea of working with a district some 200 miles away from Weiner is not only plausible but a natural progression in twenty-first century education. I know that in my small business, much of what I do on a daily basis is through the use of technology. The dispatcher that I contract to deliver fuel to my terminal is located over 100 miles away. We use email and electronic transfers to conduct our business for the most part. Additionally, I work with the Murphy Fuel Terminal near Jonesboro in a like manner and with their parent company in Louisiana. Long distance relationships are now the norm instead of the exception.

I am excited about the opportunities that will be available to my daughter with this proposed merger. Although I have been very satisfied with the teachers in the Weiner District, I do realize that there are courses that my sons could have taken that were not offered because of a lack of staff. With the shared staff, those opportunities for advanced classes as well as a wide array of electives should open up to all students on both the Weiner and Delight campuses. Schools across the state currently use compressed interactive video to receive effective instruction from ASMSA or the ADE Distance Learning Center - just as it would be effective between campuses within the same district.

The advantage that I see with the proposed merger as opposed to a merger with a contiguous district is in the personal attention that students in both the Weiner and Delight schools receive now. The 1:11 teacher/student ratio of the proposed district greatly exceeds the ratios in neighboring districts. Both districts have been able to maintain this low ratio while operating efficiently - the Weiner district with little state aid due to our "wealth" index.

I ask that you enter into the hearing on February 8 with an open mind and give this proposal a fair consideration. I believe that with politics aside, you will be able to see that the proposed Arcadia School District is a plan that will enable the students in both Delight and Weiner to receive the best education possible – and that is the job of us all.

Sincerely,



Lewis Hogue
President

Hogue & Greeno Oil Co., Inc.

January 25, 2010

Arkansas State Board of Education Members:

Thank you for allowing us to express our ideas and give our support for the Weiner and Delight school district proposal. My wife and I, our parents, and our children have all attended Weiner School. Our grandchild is currently enrolled in the elementary school. It has been a great convenience to have a school nearby because our family owns and operates a farm in the vicinity.

We have farmed in the area for four generations and have operated some of the same property for three. We, our parents, and our children have built homes in this area. Relocating to a larger town is both prohibitively expensive and impractical.

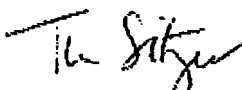
We have a successful farming operation and continuing it depends on future generations acquiring a good education. Running any competitive business is an increasingly complex task and requires knowledge, understanding and a willingness to change with the times. I am truly confident that if the proposed administrative consolidation between Delight and Weiner schools takes place, our grandchildren will be afforded a great education.

Farming has changed dramatically since the time of my grandparents. Technology has allowed for new opportunities and created challenges that could not have been imagined a generation ago, furthermore, the pace of change has accelerated. It is clear that modern communication abilities far surpass anything possible in the past. These changes have allowed colleges and businesses as well as government to do things that were difficult or impossible only a short time ago. That is why I am so confident that this proposed consolidation will succeed. The alternative would be for my grandchildren to be forced to spend an excessive amount of time traveling to and from another school. I am concerned about this, because I believe that it is both unhealthy and not conducive to learning.

Some research has speculated that long bus rides contribute to overweight and obese students. Another idea that has been put forth by Australian economist, Mark Witham, states that the number of hours spent on long bus rides is lost opportunity time. Time on the bus is time lost. He compared the cost savings of closing schools and children's time and concluded that the resulting low wages could be considered child exploitation.

(Witham 1997)

Thank you for your time.



Mr. Tim Sitzer
Weiner, AR

This solution avoids the long, unproductive bus rides and wasted dollars that will be spent on additional transportation that will result should these schools be consolidated with a contiguous district. These hours will be better, more productively (and more safely) spent by these students by remaining on their current campuses. These hours can then be used for personal one-on-one instruction, homework, extra-curricular activities – all or any of which is more productive than sitting on a school bus.

I hope that you catch the excitement and anticipation that we have for the prospect of administrative consolidation. The technological abilities we have in our world today minimize the problem of these schools being geographically distant. Any parent or person will still have the access to board meetings and community school meetings that we currently enjoy with these two schools. Both campuses will have local administrators and school board members with which to interact and address concerns and problems just as they do now.

I firmly believe that you will never have a better opportunity or set of circumstances to explore the option of administrative consolidation. It is my opinion that these two schools provide a prime and ideal opportunity for this to be a huge success. Please do not let political pressure or pressure from contiguous districts prevent you from giving administrative consolidation due consideration and an opportunity to succeed.

Sincerely,

Annie Pace

Annie Pace

Proud Weiner High School Graduate

Dear sirs:

My name is Roger Gebhart and I live in Waldenburg Ar. Waldenburg is part of the Weiner school district.

The reason I am writing is to express my feelings about this district and the upcoming decision about our consolidation. First I would like to say that I have had three children attend Weiner school and my grand daughter is currently in second grade.


Of the three, one works as a maintenance supervisor for a nuclear powerplant in Ill. Another as a nurse in Jonesboro Ar. And the youngest is attending graduate school at UALR after graduating Hendrix college. I'm bragging a bit here but I really feel were it not for the education and care given these kids in the Weiner school they might not be where they are now.

The Weiner school district is academically sound as evidenced by their scores. Its financially sound and meets or exceeds state standard except for one thing. enrollment

You are currently being asked to review a request for consolidation between Weiner and Delight school districts. It seems that one of the biggest issues is a question of distance. I see this as a positive. It will allow these kids to communicate and learn in a way that is more consistent with how the world meets and solves current business and political problems. I'm speaking of online classes, video conference and on and on.

A small school environment is conducive to a better and more directed education. Lets give this a try and see these schools meet the challenges put before them. I think the board members, faculty and students are ready for this challenge and ready to move forward in an electronic age. I see this as an opportunity to move forward and explore new ways in educating our kids.

Thank you


Roger Gebhart

CRAFT FLYING SERVICE, INC.

January 26, 2010

Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201

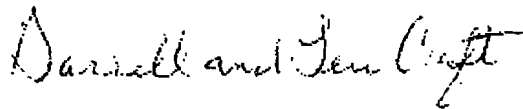
To whom it may concern,

We are writing to you as concerned citizens of Weiner School District, in the proposal being brought to you by the district and also the Delight School District. We along with many other citizens are in favor of this proposal to keep our school intact. We believe that this is in the best interest for our children.

We also think this could be a new expansion to the educational system as it is nowadays. To have small rural schools combine at any distance for the better of the students would be a blessing. Colleges nation wide make satellite campuses work. Why could we not pilot a satellite elementary and high schools if the districts are similar and agree to it?

Please take this into consideration for all the children in these districts who would love to graduate with their family and friends instead of being separated and moved to different schools districts.

Sincerely,



Darrel and Terri Craft

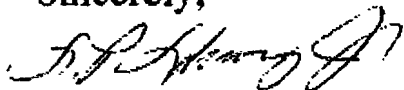
State Department of Education Board

The proposed merger of the Weiner School System and the Delight School System is a positive move to further the education of students in both school systems.

The sharing of technology between the districts presents a method of learning for the school districts and the preparation for higher education that can be beneficial for all students.

Please give this proposal your approval, as I believe it will improve the education of all students.

Sincerely,



S. P. Schwarz, Jr.
Former Weiner Mayor

State Department of Education Board

I am very excited about the proposed merger of the Weiner School System and the Delight School System.

Weiner is an excellent school and Delight is a school like ours. The Weiner Community is very involved in our school and I am very proud of our award winning school. My immediate family has four Weiner graduates.

This merger of the Weiner School Systems and the Delight School Systems gives Arkansas schools an opportunity to be involved in a ground -breaking program. Technology is important for our students in their preparation for their futures and this is an unbelievable opportunity for both schools.

Thank your for considering our proposal regarding the merger of the Weiner School System and the Delight School System.

Sincerely,



Elizabeth Schwarz

Weiner Resident and Poinsett County Quorum Member

223 West Second St.
Weiner, AR 72479
January 25, 2010

To Whom It May Concern:

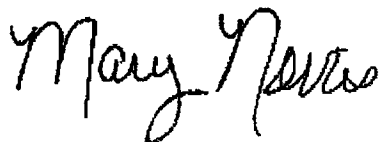
I am writing this letter in support of the proposed Arcadia School District as a patron, grandparent of a Weiner District student and educator who retired from the ADE's Reading Department this past year. As an educational professional development provider for the past 18 years, we have been urging schools to move into the 21st Century in the way they educate and use technology. We encourage them to think outside the box in ways that will provide as good or better instruction to reach their students. The proposed Arcadia School District is such a plan.

As an educator my chief concern of the effect consolidation with surrounding schools would have for Weiner School's students is academic. The academic performance levels of surrounding districts, with the exception of two, Valley View and Jackson County, will be lower for our students. An additional concern has been that our students will not be able to participate in extracurricular activities due to the distances that students will be required to drive and the limited number of students that can participate in these programs. At Weiner School any student that wants to participate in the band, sports programs and clubs is able to be a part of those activities. I think this has contributed to students' staying in school, at a higher rate than state average. We have watched many of our students win state competitions and participate in national ones.

Weiner School District provides an excellent education and has community support. Delight School District is a very good match to us. Arcadia would allow both communities to continue providing quality education as they forge a path into the new technological era that our students will be required to work with during their lives.

Please consider this with an open mind and the best interest of the students of these communities. Our children's future is in your hands. We ask for nothing less than what they have been receiving.

Sincerely,

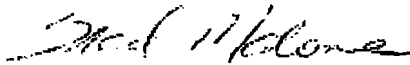
A handwritten signature in cursive script that reads "Mary Norris".

Mary Norris

January 25, 2010

My name is Brad Malone and I am writing this letter to show my support for the Weiner/Delight administrative consolidation. My wife and I live and farm in the Fisher area and our son and daughter attend Weiner High School. I, along with my brother and sister, are also graduates of Weiner. I feel my children are getting a great education and believe the consolidation will help in continuing their education. After hearing all the facts I hope you feel this is the best possible answer for both schools.

Thank you,

A handwritten signature in cursive script that reads "Brad Malone".

Brad Maone

NEWBERRY

170 Auction St.
P.O. Box 98
Weiner, AR 72479

I am writing this letter in support of the merger between Weiner and Delight. I would first like to commend both school boards for doing such wonderful jobs and working so hard to make this happen.

I feel like this is a very positive and sensible approach that is being taken. I have three children enrolled in the Weiner School district. I don't want them to have to uproot and go to another school. I want the best for every child concerned. This is a groundbreaking event and we could all be proud of being a part of this.

We as a school and a community need your support and have faith that you will all have an open mind and open hearts.

We are small business owners in Weiner. Of the welfare of our children is our biggest concern but we also fear for our business being able to stay. Everyone knows what happens when a town loses a school. They lose their community as well. The kids from Weiner and Delight are worried about being given a chance to keep their schools. The welfare of all kids in these two towns are at risk if just given a chance.

NEWBERRY

170 Auction St.

P.O. Box 98

Weiner, AR 72479

A lot of people from our community have prayed long and hard about this. We hope this is an answer to our prayers. We will be praying for you as well as the kids from Weiner and Delight on the day that you make your decision.

I can't stress enough how important this is to let two great schools carry on their deep rooted traditions. Please, vote yes to letting us be able to continue to thrive as small, well functioning schools.

Thank you for your time

Sincerely,

Wm. Newberry

Jan. 25, 2010

To Whom It May Concern:

I would like to take this time to express my voice in the consolidation between the Weiner and Delight school districts. I feel that the merging of these two districts would be beneficial to all students concerned.

We at Weiner district take great pride in our school. It is a very fine school with wonderful students and staff. We have never been in academic or financial distress. It is my understanding Delight District is very much the same as we are. My main concern with a consolidation is that we do not want the students to fall backward instead of going forward. We have strived so hard at Weiner to keep our standards high. So far, Delight seems to be the school that has the same standards that we want to keep.

This consolidation may seem far fetched to some. The way technology is today, I can't see a problem. I can only see an opportunity for all schools in the state of Arkansas to join together and adopt this technology. Think of the possibilities that we could have and the money that could be saved in transportation. Instead of being behind in the nation in education, we could pave the way for a new way of education and administration.

Let these two districts merge and lead the way for a new and exciting journey. We can be the ones to do this.

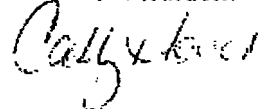
Our school board has already shown that we are proud of our school and the type of education that we want to keep. Please help us to do this by voting for this consolidation.

My family has three generations of graduates from Weiner and we have all had wonderful educations. We have all went on to successful jobs. We currently have five students that are benefiting greatly from this school and they make excellent grades. They are all wonderful athletes. We don't want them to be put in a school that doesn't hold education up on a pedestal. This is a standard for our family and we don't want to falter.

I moved my two children at one time to a different school. One was moved to Harrisburg in 2006 and one to Nettleton in 1987. They were both moved back due to the type of education that they were receiving at those schools versus what they received in Weiner.

Prayerfully consider this consolidation.

Thank you,
Cathy Hood
Weiner Resident



John D. Hood, CPA
813 W. Third Street
Weiner, Arkansas 72479

January 26, 2010

Arkansas Department of Education
Four Capitol Mall
Little Rock, Arkansas 72201

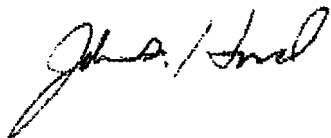
To Whom It May Concern:

This letter is to voice my opinion regarding the consolidation of the Weiner School System with the Delight School System. I feel that we have a very strong school system in Weiner due to the fact that our test scores rank very high in the state, we have a tax base that easily supports the school, our physical plant is in top notch condition, the staff is superior and the community whole heartedly supports the school.

I submit that consolidation with the Delight School System will be a benefit in the long run to both systems. These days with advent of technology, the administration of these two schools as one should run almost flawlessly. Our school board and our community are totally in favor of this consolidation as are the school board and community of Delight, Arkansas.

I urge the Arkansas Department of Education to unanimously vote in favor of this school consolidation as soon as possible.

Respectfully,



To the State of Arkansas School Board:

As a resident of the City of Weiner, Arkansas, I support the annexation between the Delight Schools and the Weiner Schools. With the remote learning process that many successful business are using today, I feel that the annexation of these two schools would be proof to the State of Arkansas the successes of using today's advanced technology is the "new way" of obtaining an education as well as pursuing a career. I personally work from home, but my company is located in Hampton, Virginia. I feel that this annexation would give our students a great example that anything is possible and they will also be able to maintain, reside in, and be proud of their hometown atmosphere.

Rural locations, like Weiner, are constantly battling against deteriorating economic conditions. If this school does not have a satisfactory outcome, our community will continue to fall and our children will lose the atmosphere that we value.

Our school gives parents the security that their children are in a safe place and not being bussed across remote locations for long periods of time. They will be able to get home at a reasonable hour in order to complete their homework, study for tests, play with other children, participate in school activities and have decent family time.

Our school staff is a caring group of people who strive for success and build confidence in our children. My kids have struggled with school in the past. The faculty here has welcomed them with kindness, understanding and encouragement. For example, my daughter was carrying a D in her math course late last year, she is now getting a high B (almost an A). I don't think she would have been able to do this without the dedication and caring of a teacher in a school like ours.

Our school has met all requirements with the exception of a "number" of students required by the State of Arkansas. While I disagree with the current law and have heard from political members of the State of Arkansas on many occasions that it is the best for children that we consolidate or annex with other schools. I strongly encourage you to approve the annexation of Delight and Weiner.

Sincerely,

Mike Lewis
119 McKinley St.
Weiner, AR 72479

(870) 684-7270

As President of the Weiner Chamber of Commerce I throw my support to the annexation of the Delight Schools and the Weiner Schools. With the remote learning process that many Big Businesses are using today I feel that a combination of the two schools would work out fine. As rural areas are constantly battling the deteriorating conditions of our small towns due to conglomeration of schools has left so many thriving communities skeleton of once good places to live. Small schools offer parents security for their children after school until they get home from work and the knowledge that neighbors look out for these children and know them personally. As our school (Weiner and Delight) have met every mandate of the state except the numbers makes me feel that the combination of the two would accomplish two things. Those two being, maintaining a good and safe education and a continued community growth pattern which would be in the students best interest.

I have two grown children who graduated from Weiner and grand children now attending. My son who works for NASA conducts his work from his home here in Weiner and loves living in a small town. He moved back home from Virginia to give his children a good education in a safe environment. I implore you to give us consideration to keep our schools and we will work hard to expand and make you proud of your decision.

Sincerely,
Juanita Syre
P.O. Box 274
Weiner, Ar. 72479
Ph: 870-6842336
e-mail address: juanitasyre@mac.com

To State Board of Education;

I'm a Third generation graduate of Weiner High School. My oldest daughter (21) is the fourth generation. We have had a great school in this rural farming community for 126 years, our record surely precedes us. I have a daughter in eleventh grade who truly wants to graduate from this school. I also have a son in the ninth grade. I along with my husband and children support this plan more than any other to become the Arcadia School District. It is a ground breaking idea for our school districts & State. The possibilities are endless; computers, internet, distant learning classes, commutation skills, where high school students can learn how it all works. They will be better prepared for the business world and colleges with this new approach, as it will be second nature to them to communicate this way. We will be taking our children to the next level of learning. That is exciting! We can keep our children secure in the environment they are used to. Good news for the state is no more extra transportation costs, no new building to build, just maintain the wonderful facility we already have. In turn by patrons knowing we will be able to have school here for a long time, people will build and buy homes in the area and it is possible we may even be able to grow if the local economy is stable again. We need our school in our community, please consider this with an open mind and heart. Here's to innovation!

Sincerely; Reed, Tisha, Krista, Kylee, Kurt Westerman



ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell
Commissioner

February 1, 2010

State Board
of Education

Dr. Naccaman Williams
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Chair

Jim Cooper
Melbourne
Vice Chair

Sherry Burrow
Jonesboro

Brenda Gullett
Fayetteville

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Dr. Ben Mays
Clinton

Toyce Newton
Crossett

Mr. Lavon Flaherty
Superintendent
Delight School District
P. O. Box 369
Delight, AR 72384

Mr. Chuck Hanson
Superintendent
Weiner School District
P. O. Box 637
Weiner, AR 72331

Re: Petition for Voluntary Administrative Consolidation of the
Delight School District with the Weiner School District

Dear Mr. Flaherty and Mr. Hanson:

This letter is to notify you that the State Board of Education (Board) will hold a hearing on the Petition for the Voluntary Administrative Consolidation of the Delight School District with the Weiner School District on **Monday, February 8, 2010, at 9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

As representatives of the Delight and Weiner School Districts, you, along with any School Board members and/or other representatives of your districts, are requested to attend the hearing to address any questions of the State Board. Please contact me at (501) 682-4227 should you have any questions or require additional information.

Respectfully,

Jeremy Lasiter
General Counsel

cc: Dr. Tom Kimbrell, Commissioner of Education
State Board Office
Rep. Buddy Lovell
Rep. Randy Stewart
Senator Steve Bryles
Senator Larry Teague

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

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Case 3:10-cv-00138-JMM Document 3-2 Filed 06/30/10 Page 90 of 90

ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell
Commissioner

February 1, 2010

State Board
of Education

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Chair

Jim Cooper
Melbourne
Vice Chair

Sherry Burrow
Jonesboro

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Sam Ledbetter
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Alice Mahony
El Dorado

Dr. Ben Mays
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Toyce Newton
Crossett

Donnie Whitten, Superintendent
Arkadelphia School District
235 North 11th
Arkadelphia, AR 71923

Randy Treat, Superintendent
Blevins School District
P. O. Box 98
Blevins, AR 71825

Lewis Diggs, Superintendent
Centerpoint School District
755 Highway 8 East
Amity, AR 71921

Dr. Matt McClure, Superintendent
Cross County School District
21 CR 215
Cherry Valley, AR 72324

Jack Brown, Superintendent
Newport School District
406 Wilkerson Drive
Newport, AR 72112

Ronald Waleszonia, Superintendent
Trumann School District
221 Pine Avenue
Trumann, AR 72472

Dr. James Best, Superintendent
Westside Consolidated School District
1630 Highway 91 West
Jonesboro, AR 72404

Allen Blackwell, Superintendent
Gurdon School District
314 Cheatam St.
Gurdon, AR 71743

Danny Sample, Superintendent
Harrisburg School District
207 West Estes
Harrisburg, AR 72432

Chester Shannon, Superintendent
Jackson County School District
P. O. Box 1070
Tuckerman, AR 72473

Curtis Turner, Superintendent
Murfreesboro School District
P. O. Box 339
Murfreesboro, AR 71958

Hyacinth Deon, Superintendent
Prescott School District
762 Martin Street
Prescott, AR 71857

Dr. Radius Baker, Superintendent
Valley View School District
2131 Valley View Drive
Jonesboro, AR 72404

Re: Petition for Voluntary Administrative Consolidation of the Delight School District
with the Weiner School District

Dear Superintendents:

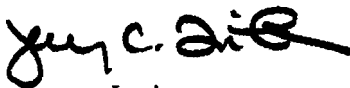
This letter is to notify you that the State Board of Education (Board) will hold a hearing on the
Petition of the Delight and Weiner School Districts for voluntary administrative consolidation on
**Monday, February 8, 2010, at 9:00 a.m. in the Auditorium of the Arch Ford Education
Building, Four Capitol Mall, Little Rock, Arkansas.**

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
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As representatives of the contiguous school districts of the Delight and Weiner Districts, you are invited to attend the hearing to address any possible questions of the State Board. Please do not hesitate to contact me at (501) 682-4227 should you have any questions or require additional information.

Respectfully,



Jeremy Lasiter
General Counsel

cc: Dr. Tom Kimbrell, Commissioner of Education
State Board Office



Case 3:10-cv-00138-JMM Document 3-3 Filed 06/30/10 Page 2 of 91
**ARKANSAS
DEPARTMENT
OF EDUCATION**

February 1, 2010

Dr. Tom W. Kimbrell
Commissioner

**State Board
of Education**

Dr. Naccaman Williams
*Springdale
Chair*

Jim Cooper
*Melbourne
Vice Chair*

Sherry Burrow
Jonesboro

Brenda Gullett
Fayetteville

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Dr. Ben Mays
Clinton

Toyce Newton
Crossett

The Honorable Attorney General Dustin McDaniel
ATTN: Senior Assistant Attorney General Warren T. Readnour
Office of the Attorney General
323 Center Street, Suite 200
Little Rock, AR 72201

Re: Proposed Consolidation of School Districts

Dear Attorney General McDaniel:

Pursuant to Ark. Code Ann. § 6-13-1603, the State Board of Education (SBE) is required to accomplish consolidations or annexations of school districts in a way that does not create a school district which hampers, delays, or in any manner negatively affects the desegregation of another school district.

Therefore, I respectfully request your opinion as to whether the proposed administrative consolidation of Delight School District with the Weiner School District would negatively affect, hamper or delay the desegregation efforts of the affected or any other school districts. I have attached desegregation information in the possession of the Arkansas Department of Education concerning the affected districts. A copy of the consolidation petition from the districts is also attached. Finally, I have enclosed relevant enrollment information for your review.

As the SBE must make a decision on this consolidation on Monday, February 8, 2010, your earliest response to this request is greatly appreciated.

Respectfully,

Dr. Tom Kimbrell
Commissioner
Department of Education

TK/jl/tw/slr
Attachments

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
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of administrative annexation or administrative consolidation;

(4) (A) "Average daily membership" means the total number of days 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.

(B) Students who may be counted for average daily membership are:

(i) 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 of Education;

(ii) Legally transferred students living outside the school district but attending a public school in the school district; and

(iii) Students who reside within the boundaries of the school district and who are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program;

(5) "Receiving district" means a school district or districts that receive territory or students, or both, from an affected district as a result of administrative annexation; and

(6) "Resulting district" means the new school district created from an affected district or districts as a result of administrative consolidation.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 2151, § 21.

6-13-1602. Administrative consolidation list.

By February 1, 2004, and each January 1 thereafter, the Department of Education shall publish a consolidation list that includes all school districts with fewer than three hundred fifty (350) students according to the school district average daily membership in each of the two (2) school years immediately preceding the current school year.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 2151, § 22.

6-13-1603. Administrative reorganization.

(a) (1) Any school district included in the Department of Education's consolidation list under § 6-13-1602 may voluntarily agree to administratively consolidate with or be annexed to another school district or districts in accordance with the requirements and limitations of this section.

(2) (A) Any school district on the consolidation list choosing to voluntarily administratively consolidate or annex shall submit a petition for approval to the State Board of Education by March 1 immediately following publication of the list and shall set forth the terms

of the administrative consolidation or annexation agreement in the petition.

(B) If the petition is approved by the state board, the administrative consolidation or annexation shall be completed by May 1, to be effective July 1 immediately following the publication of the list required under § 6-13-1602.

(3) Any school district on the consolidation list that does not submit a petition under subdivision (a)(2)(A) of this section or that does not receive approval by the state board for a voluntary consolidation or annexation petition shall be administratively consolidated by the state board with or into one (1) or more school districts by May 1, to be effective July 1 immediately following the publication of the list required under § 6-13-1602.

(4) The state board shall promptly consider petitions or move on its own motion to administratively consolidate a school district on the consolidation list in order to enable the affected school districts to reasonably accomplish any resulting administrative consolidation or annexation by July 1 immediately following the publication of the list required under § 6-13-1602.

(5) The state board shall not deny the petition for voluntary administrative consolidation or annexation of any two (2) or more school districts unless:

(A) The provisions contained in the articles of administrative consolidation or annexation would violate state or federal law; or

(B) The voluntary consolidation or annexation would not contribute to the betterment of the education of students in the school district.

(b) Any school district required to be administratively consolidated under this subchapter shall be administratively consolidated in such a manner as to create a resulting district with an average daily membership meeting or exceeding three hundred fifty (350).

(c) All administrative consolidations or annexations under this section shall be accomplished so as not to create a school district that hampers, delays, or in any manner negatively affects the desegregation of another school district in this state.

(d) In the administratively consolidated or annexed school districts created under this subchapter, the ad valorem tax rate shall be determined as set forth under § 6-13-1409.

(e) Nothing in this section shall be construed to require the closing of any school or school facility.

(f) No administratively consolidated or annexed school district shall have more than one (1) superintendent.

(g) Any school district not designated as being in academic or fiscal distress for the current school year and previous two (2) school years that administratively receives by consolidation or annexation a school district designated by the state board as being in academic or fiscal distress at the time of consolidation or annexation shall not be subject to academic or fiscal distress sanctions for a period of three (3) years from the effective date of consolidation unless:

(1) The school district fails to meet minimum teacher salary requirements; or

(2) The school district fails to comply with the Standards for Accreditation of Arkansas Public Schools and School Districts issued by the department.

(h) Noncontiguous school districts may voluntarily consolidate if the facilities and physical plant of each school district:

(1) Are within the same county, and the state board approves the administrative consolidation; or

(2) Are not within the same county, and the state board approves the administrative consolidation or administrative annexation and finds that:

(A) The administrative consolidation or administrative annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved; or

(B) The administrative consolidation or administrative annexation will provide a significant advantage in transportation costs or service to all of the school districts involved.

(i) Contiguous school districts may administratively consolidate even if they are not in the same county.

(j) The state board shall promulgate rules to facilitate the administration of this subchapter.

(k) The provisions of § 6-13-1406 shall govern the board of directors of each resulting or receiving school district created under this subchapter.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 1397, § 1; 2005, No. 1962, § 9; 2005, No. 2151, § 23.

6-13-1604. [Repealed.]

6-13-1605. [Repealed.]

6-13-1606. Development of plan to track student progress.

(a) Following the administrative consolidation or administrative annexation under §§ 6-13-1601 — 6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] effective before December 1, 2004, and before any consolidation, annexation, detachment, approval of a conversion charter, or any other type of reclassification or reorganization of a school district after December 1, 2004, each receiving district or resulting district and the Department of Education shall develop a plan to track the educational progress of all students from the affected district and the following subgroups of those students:

(1) Students who have been placed at risk of academic failure as required under §

**ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING ADMINISTRATIVE CONSOLIDATION OR
ANNEXATION OF PUBLIC SCHOOL DISTRICTS
AND BOARDS OF DIRECTORS OF LOCAL SCHOOL DISTRICTS**

Draft December 2005

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Administrative Consolidation and Annexation of Public School Districts.

2.00 AUTHORITY

The State Board of Education's authority for promulgation of these rules is pursuant to Ark. Code Ann. § 6-11-105, Ark. Code Ann. §§ 6-13-1601 et seq., 25-15-204 and Act 2151 of 2005.

3.00 DEFINITIONS

3.01 "Administrative annexation" means the joining of an affected school district or a part of the school district with a receiving district.

3.02 "Administrative consolidation" means the joining of two (2) or more school districts to create a new single school district with one (1) administrative unit and one (1) board of directors that is not required to close school facilities.

3.03 "Affected district" means a school district that loses territory or students as a result of administrative annexation or consolidation.

3.04 "Average daily membership" (ADM) means the total number of days 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 district during that period of time rounded up to the nearest one hundredth. Students who may be counted for average daily membership are: (i) students who reside within the boundaries of the school district and who are enrolled in a public school operated by the district or a private school for special education students, with their attendance resulting from a written tuition agreement approved by the Department of Education; (ii) legally transferred students living outside the district but attending a public school in the district; and (iii) students who reside within the boundaries of the school district and who are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program.

- 3.05 "Isolated school" means a school within a school district that prior to administrative consolidation or annexation qualified as an isolated school district under A.C.A. § 6-20-601 and is subject to administrative consolidation or annexation.
- 3.06 "Petition for voluntary administrative annexation" means the official forms and documents published by the Department and hereby attached and incorporated into these rules as Attachment A, which are the official forms and documents necessary for school districts to properly petition the State Board for administrative annexation of a school district or districts into a receiving school district.
- 3.07 "Petition for voluntary administrative consolidation" means the official forms and documents published by the Department and hereby attached and incorporated into these rules as Attachment B, which are the official forms and documents necessary for school districts to properly petition the State Board for administrative consolidation of a school district or districts into a resulting school district.
- 3.08 "Receiving district" means a school district or districts that receive territory or students, or both, from an affected district as a result of administrative annexation.
- 3.09 "Resulting district" means the new school district created from an affected district or districts as a result of administrative consolidation.
- 4.00 PROCEDURES OF THE STATE BOARD OF EDUCATION CONCERNING VOLUNTARY ADMINISTRATIVE CONSOLIDATION OR ANNEXATION UNDER ACT 60 (SECOND EXTRAORDINARY SESSION OF 2003)
- 4.01 By January 1 of each year, the ADE shall publish a consolidation list that includes all school districts with fewer than three hundred fifty (350) students according to the district's average daily membership in each of the two (2) school years immediately preceding the current school year.
- 4.02 Any school district submitting a Petition for Voluntary Administrative Consolidation or Annexation pursuant to Act 60 may submit a single petition for State Board consideration. A school district's Petition for Voluntary Administrative Consolidation or Annexation (Petition), including all required attachments, **MUST** be received in the Office of the Commissioner, Department of Education, #4 Capitol Mall, Little Rock, AR 72201, **NO LATER THAN 4:30 p.m.** on March 1, of the year of petition. Petitions **MUST** be submitted on the proper official Department of Education petition form and attached documents hereby incorporated into these rules as Attachments A and B respectively. A school district may attach additional information to the petition form, if necessary, to

fully present its information. If mailed, the petition and all required attachments must be sent by certified mail, return receipt requested. PETITIONS RECEIVED AFTER 4:30 P.M. ON MARCH 1, OF THE YEAR OF PETITION, SHALL NOT BE CONSIDERED BY THE STATE BOARD REGARDLESS OF DATE MAILED.

- 4.03 While there is no provision in Act 60 that notice be published, the petitioning school districts are strongly encouraged to publish their intent to petition the State Board to consolidate or annex into a resulting or receiving school district by running said publication in a local newspaper of general circulation once a week for two (2) consecutive weeks. The petitioning parties may publish their intention to petition the State Board in a statewide newspaper of daily circulation, if the local newspaper does not publish on a daily or weekly basis.
- 4.04 The State Board may consider the petition at either a regular or special board meeting. All petitions for administrative consolidation or annexation timely filed with the State Board shall be heard by the State Board at either a regularly scheduled or specially called meeting after March 1, of the year of petition, with appropriate notice to all parties.
- 4.05 The State Board shall give at least five (5) calendar days advance written notice from the date of receipt to a petitioning school district of the date, time and place of the State Board meeting at which its petition will be considered. Notice may be provided via U.S. mail, facsimile or ADE electronic Commissioner's Memo.
- 4.06 At the hearing before the State Board, the order of presentation shall be as follows:
- A) Remarks by petitioning school districts' spokesperson(s);
 - B) Remarks by opposing school districts and citizens' groups' spokesperson(s);
 - C) Closing remarks by opposing school districts and citizen's groups' spokesperson(s); and
 - D) Closing remarks by petitioning school districts' spokesperson(s).
- 4.07 Each petitioning school district shall have twenty (20) minutes to present the district's remarks. The district may allocate its time to one (1) or more spokespersons, but the total time allocated should not exceed twenty (20) minutes. In its sole discretion, the State Board may allow a district's spokesperson(s) more than twenty (20) minutes to speak.
- 4.08 Any school district or group of citizens, which opposes a petition, shall have the opportunity to present its opposition to the State Board. The State Board may, on its own motion, choose to hear from more than one

(1) spokesperson per opposing school district or group of citizens. However, the spokesperson(s) representing the opposing school district(s) or group of citizens shall have a total time allocated not to exceed twenty (20) minutes. In its sole discretion, the State Board may allow the spokesperson(s) more than twenty (20) minutes to speak.

- 4.09 Both the district and the opposition shall be given ten (10) minutes to present closing remarks to the State Board, allocated among one (1) or more spokesperson(s) as each side sees fit.
- 4.010 Time taken by a spokesperson to respond to a question by a State Board member shall not count against the respective side's time allotment.
- 4.11 Any documents to be considered by the State Board shall be submitted via first class mail to the Commissioner's Office at least three (3) business days prior to the State Board hearing of the petition for administrative consolidation or annexation.
- 4.12 The State Board shall issue a written decision approving the administrative consolidations or annexations requested in the petitions, if the petitions are granted. If the State Board denies a petition, it shall issue a written decision stating the reasons for such denial.
- 4.13 The State Board's written decision shall be made on or before May 1, of the year of petition.
- 4.14 Under no circumstances shall the State Board be obligated to grant a petition where to do so would hamper, delay, or in any manner negatively affect the desegregation efforts of any school district or districts in the state including school districts which are not petitioners for the administrative consolidation or annexation before the State Board.
- 4.15 If the State Board denies a school district's petition or does not receive a petition from a school district on the consolidation list, then the State Board shall, on its own motion, administratively consolidate all of the school district with or into one (1) or more other school districts by May 1, of the year of petition.
- 4.16 For administrative consolidations considered under the provisions of Section 4.15, the notice requirements placed upon the State Board by Section 4.05 shall not apply. Instead, the State Board shall provide such advance notice to the districts of the State Board's meeting at which the administrative consolidation will be considered as is practicable and required by law.

5.00 STATE BOARD OF EDUCATION ACTION ON PETITIONS FOR ADMINISTRATIVE CONSOLIDATION OR ANNEXATION

5.01 Except as otherwise provided for in these rules or law and in addition to any other requirements herein, the State Board shall not deny a petition for voluntary administrative consolidation or annexation of any two (2) or more school districts unless:

- (A) The provisions contained in the articles of administrative consolidation or annexation would violate state or federal law; or**
- (B) The voluntary administrative consolidation or annexation would not contribute to the betterment of the education of students in the districts; or**
- (C) The proposed consolidation or annexation does not result in a resulting or receiving school district with an average daily membership meeting or exceeding three hundred fifty (350) based upon the prior year third (3rd) quarter average daily membership.**

In making a determination under (B) of Section 5.01, certain considerations will be taken into account by the State Board. The State Board will consider the extent to which the respective districts are or have been in compliance with certain provisions of Arkansas law or State Board rules, including academic and fiscal distress, Standards for Accreditation, and Arkansas teacher salary schedules.

For those resulting or receiving districts in compliance with Section 5.01 (C), the projected ADM of the proposed resulting or receiving district shall not be a factor in making the determination to approve or deny the petition for administrative consolidation or annexation.

If the State Board, after consideration of the petition and the evidence produced at the hearing, shall determine that significant reason(s) exist why the proposed administrative consolidation or annexation would not contribute to the betterment of the education of the students in the districts, it may deny the petition and shall state its specific findings in the order entered in the proceedings.

5.02 Prior to the entry of any order approving a petition for administrative consolidation or annexation, the State Board shall seek an advisory opinion from the Attorney General concerning the impact of the proposed annexation or consolidation on the effort of the state to assist a district or districts in desegregation of the public schools of this state.

5.03 In addition to all other requirements in these rules, the State Board shall not approve any petition nor order any annexation or consolidation of school districts when the effect of such annexation or consolidation

hampers, delays, or in any manner negatively affects the desegregation efforts of a school district or districts in this state.

- 5.04 In addition to the standards set forth in Section 5.01 of these rules, noncontiguous school districts may voluntarily consolidate if:
- (A)(1) The facilities and physical plant of each school district are within the same county, and
 - (2) The State Board approves the administrative consolidation, or
 - (B) (1) The facilities and physical plant of each school district are not within the same county, and
 - (2) The State Board approves the administrative consolidation or annexation and finds that:
 - (i) (i) The consolidation or annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved, or
 - (ii) (ii) The consolidation or annexation will provide a significant advantage in transportation costs or service to all of the school districts involved.
- 5.05 If the resulting district in an administrative consolidation fails to establish an interim school board by May 31 of the year of petition, the State Board shall appoint an interim board to serve until the next elected school board assumes office, in the following manner:
- (A) The interim board shall be made up of seven (7) board members;
 - (B) The interim board shall be made up of board members from the boards of directors of the affected school districts;
 - (C) The proportion of board members from each of the affected school districts shall be equal to the proportion of the student population in the resulting school district that came from each affected school district, with no less than one (1) board member being selected from the board of each affected school district;
 - (D) Unless provided otherwise by the State Board, the board membership of each interim resulting school district under Section 5.05 shall be selected first of the board presidents; second, board secretaries; and third, any other remaining current local board members selected by the State Board;
 - (E) The interim board shall have no authority to govern the resulting consolidated school district until the July 1 effective date of the consolidation; and
 - (F) The interim board shall serve until the new school board directors have been sworn in and commissioned after the September school board election immediately following the effective date of the consolidation unless the resulting district opts to follow the procedures set forth in Section 2 of Act 274 of 2005.

- 5.06 If the resulting district in an administrative consolidation voluntarily agrees to establish an interim school board by May 31, of the year of petition, the board shall be selected as follows:
- (A) The board of directors of the affected districts may by agreement establish an interim board of directors of the resulting district composed of not fewer than five (5) nor more than seven (7) directors;
 - (B) The proportion of board members from each of the affected school districts shall be equal to the proportion of the student population in the resulting school district that came from each affected school district, with no less than one (1) board member being selected from the board of each affected school district;
 - (C) The board of each affected school district shall select the board members that it wishes to have placed on the interim board of the resulting district. If the affected district is unable to select membership by a majority vote of the local board, the affected district(s) may select members to the interim resulting board by drawing lots.
 - (D) The interim board shall have no authority to govern the resulting consolidated school district until the July 1 effective date of the consolidation; and
 - (E) The interim board shall serve until the new school board directors have been sworn in and commissioned after the September school board election immediately following the effective date of the consolidation unless the resulting district opts to follow the procedures set forth in Section 2 of Act 274 of 2005.
- 5.07 If a school district fails to petition the State Board for administrative consolidation or annexation as required by A.C.A. § 6-13-1603(a)(2)(A) or the State Board denies a petition for administrative consolidation or annexation, the State Board shall, on its own motion, administratively consolidate a school district with or into any one (1) or more school districts in Arkansas by May 1, and the administrative consolidation shall be effective the July 1 immediately following the publication of the list required under A.C.A. § 6-13-1602.
- 5.08 The State Board shall promptly consider petitions or move on its own motion to administratively consolidate a school district on the consolidation list in order to enable the affected school districts to reasonably accomplish any resulting administrative consolidation or annexation by July 1 immediately following the publication of the list required under A.C.A. § 6-13-1602.

- 5.09 Upon approving a petition for administrative consolidation or annexation or acting on its own motion to administratively consolidate school districts, the State Board shall prepare a written order of administrative consolidation or annexation and file such order with the county clerk's office of each county clerk in the counties where the resulting or receiving school district is located.
- 5.10 The State Board shall not order the closing of any isolated school facility as a result of an administrative consolidation or annexation of an isolated school except as allowed by law.
- 5.11 The board of directors of any receiving school district created after an administrative annexation (whether interim or permanent) shall be in compliance with A.C.A. § 6-13-1406 and Act 274 of the Arkansas 85th General Assembly.

6.00 GENERAL PROVISIONS GOVERNING ADMINISTRATIVE CONSOLIDATIONS OR ANNEXATIONS

- 6.01 All administrative consolidations or annexations shall be accomplished so as not to create a school district that hampers, delays, or in any manner negatively affects the desegregation of another school district in this state.
- 6.02 The millage rate of the electors of the affected districts of an administrative consolidation or annexation shall remain the same until an election may be held to change the rate of taxation for the resulting or receiving district.
- 6.03 No administrative consolidation or annexation shall be construed to require the closing of any school or school facility except as allowed by law.
- 6.04 All resulting or receiving school districts created from an administrative consolidation or annexation shall have no more than one (1) superintendent and no more than one (1) local school board.
- 6.05 Any school district not designated as being in academic or fiscal distress for the current school year and previous two (2) school years that administratively receives by consolidation or annexation a school district classified by the State Board as being in academic or fiscal distress at the time of the consolidation or annexation shall not be subject to academic or fiscal distress sanctions for a period of three (3) years from the July 1 effective date of consolidation unless:
 - (A) The school district fails to meet minimum teacher salary requirements set forth in law and rules; or

(B) The school district fails to comply with the Standards for Accreditation of Arkansas Public Schools issued by the Department of Education.

6.06 The provisions of A.C.A. § 6-13-1406, Act 25 of the Second Extraordinary Session 2003 and Act 2151 of 2005 shall govern the board of directors of each resulting or receiving school district created from an administrative consolidation or annexation.

7.00 ISOLATED SCHOOLS

7.01 Prior to July 1, 2004, and each July 1 thereafter, the Department shall determine which schools meet the definition of "isolated schools" based upon the verified information submitted in the district's petition for administrative consolidation or annexation or based upon relevant data submitted to the Department pursuant to A.C.A. § 6-20-601 and 602.

7.02 Any isolated school within a resulting or receiving school district shall remain open except as allowed by law.

7.03 Funding for isolated schools shall be expended by the resulting or receiving district only on the operation, maintenance, and other expenses of the isolated schools within the resulting or receiving school district.

8.0 BOARDS OF DIRECTORS OF LOCAL SCHOOL DISTRICTS

8.01 All boards of directors of local school districts shall be made up of five (5), seven (7) or nine (9) members as allowed by law, unless the school district is under a valid court order otherwise directing the number and composition of the local board.

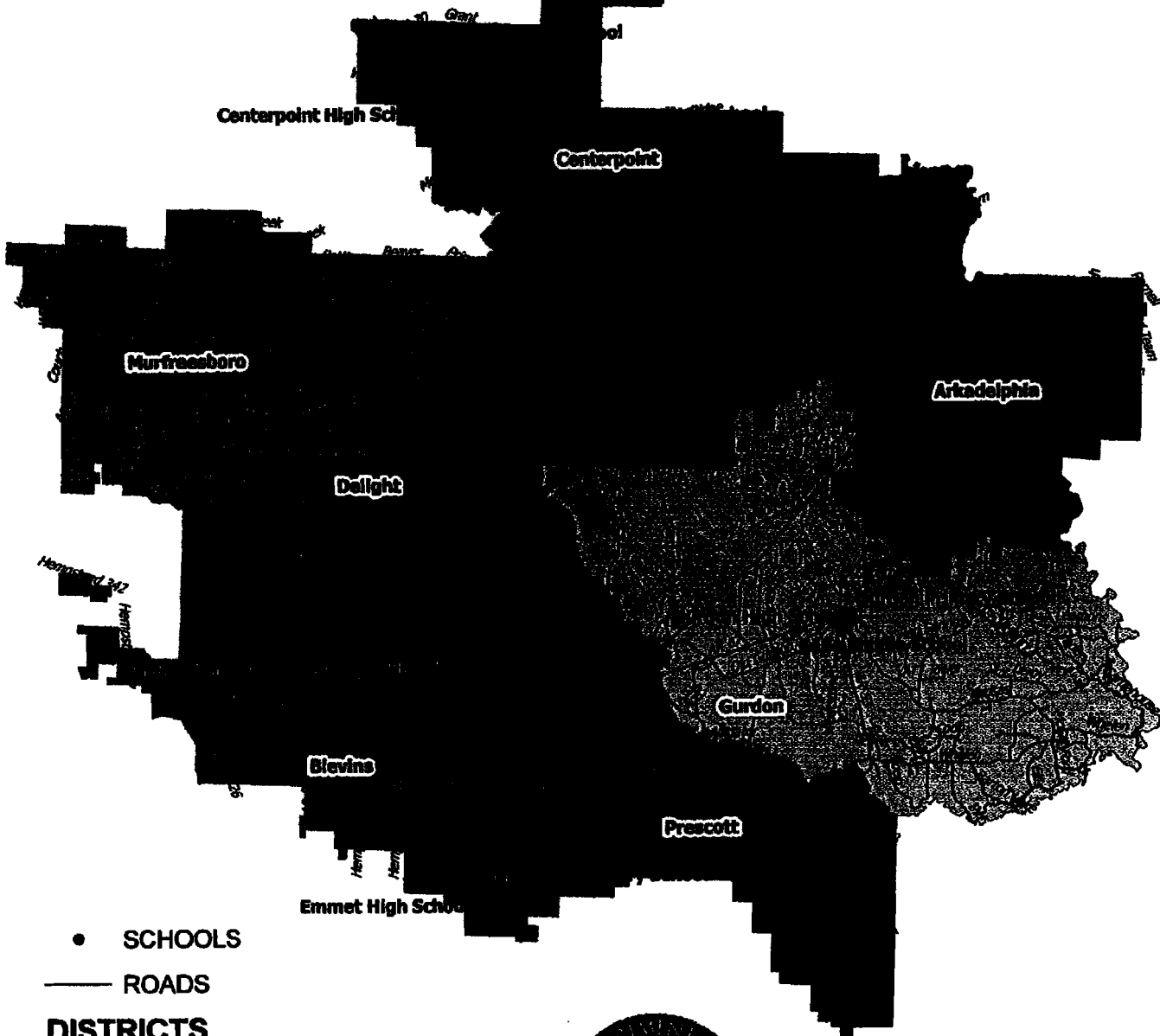
8.02 No board of directors shall have an even number of directors whether or not the number of directors of a school district's board of directors was established by an agreement between or among the former school districts, which comprise the school district incident to a consolidation or annexation of the former school districts.

8.03 No less than ninety (90) days prior to the 2005 annual school election, any school district with an even number of directors shall file a petition with the State Board of Education to establish the requisite odd number of directors.

8.04 If the number of board members needs to be reduced to create a required odd number of directors and the members cannot agree on the method of reduction, the board of directors in office as of August 12, 2005, shall draw lots to determine which board positions will be eliminated.








- 8.05 Any change in the number of directors serving on the local school district board of directors required by Arkansas law and these Rules shall be effective upon the directors' taking office following the 2005 annual school election.
- 8.06 Except as otherwise provided by law, any school district which elects its school board members from single-member zones shall be subject to the requirements of these Rules.

DEMOGRAPHIC INFORMATION



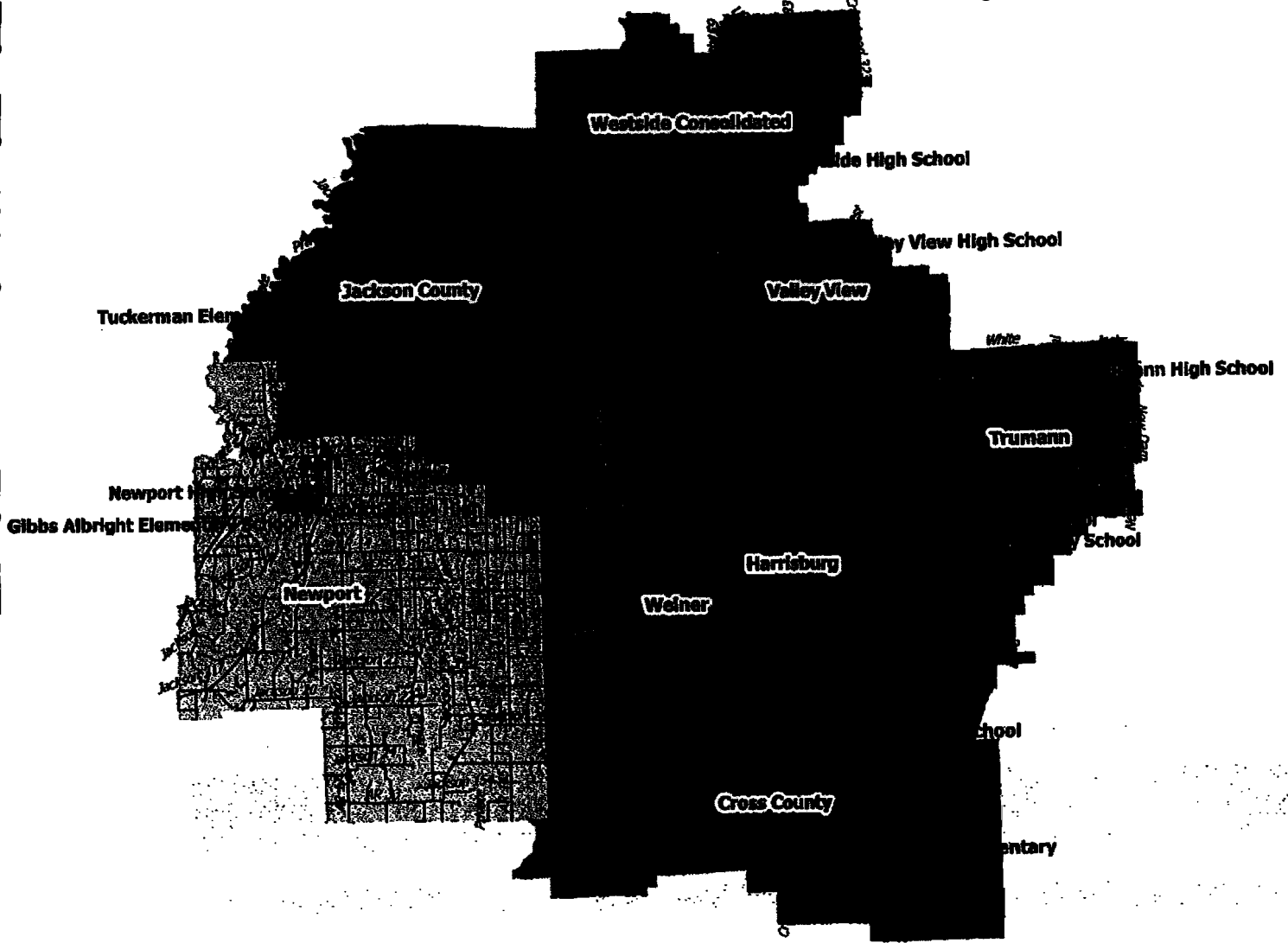
- SCHOOLS
- ROADS
- DISTRICTS**

NAME

-  Arkadelphia
-  Blevins
-  Centerpoint
-  Delight
-  Gurdon
-  Murfreesboro
-  Prescott



**DELIGHT
AND CONTIGUOUS
SCHOOL DISTRICTS**











• SCHOOLS

— ROADS

DISTRICTS

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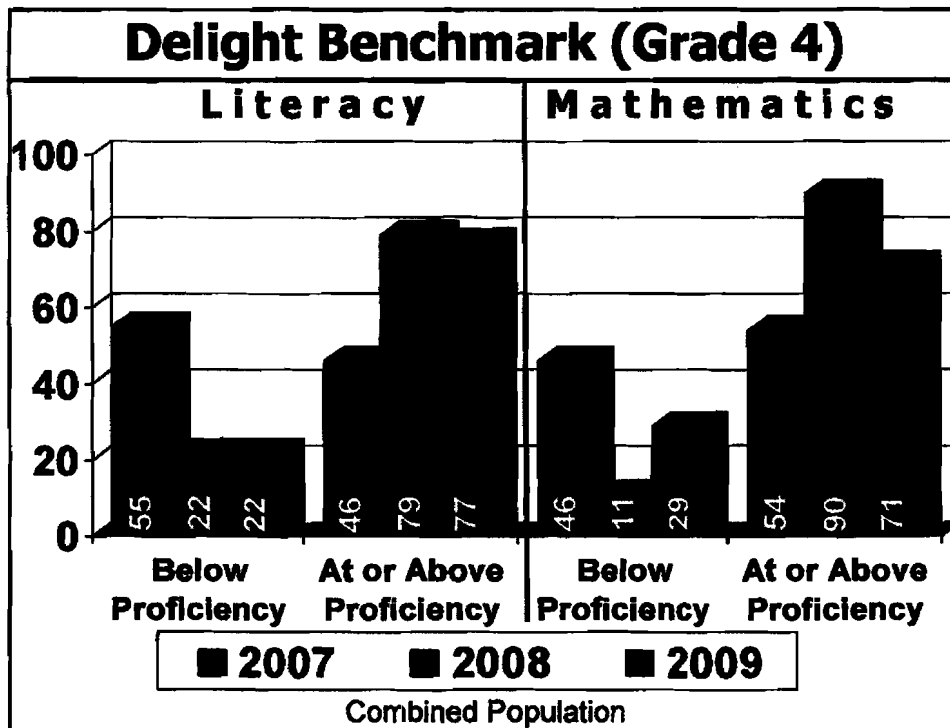
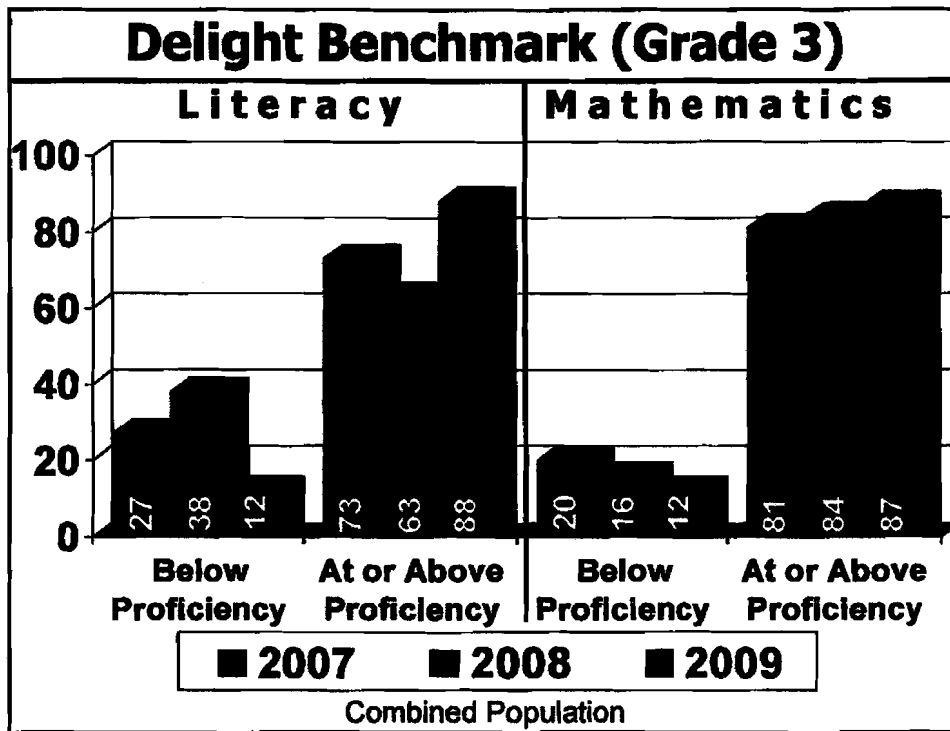
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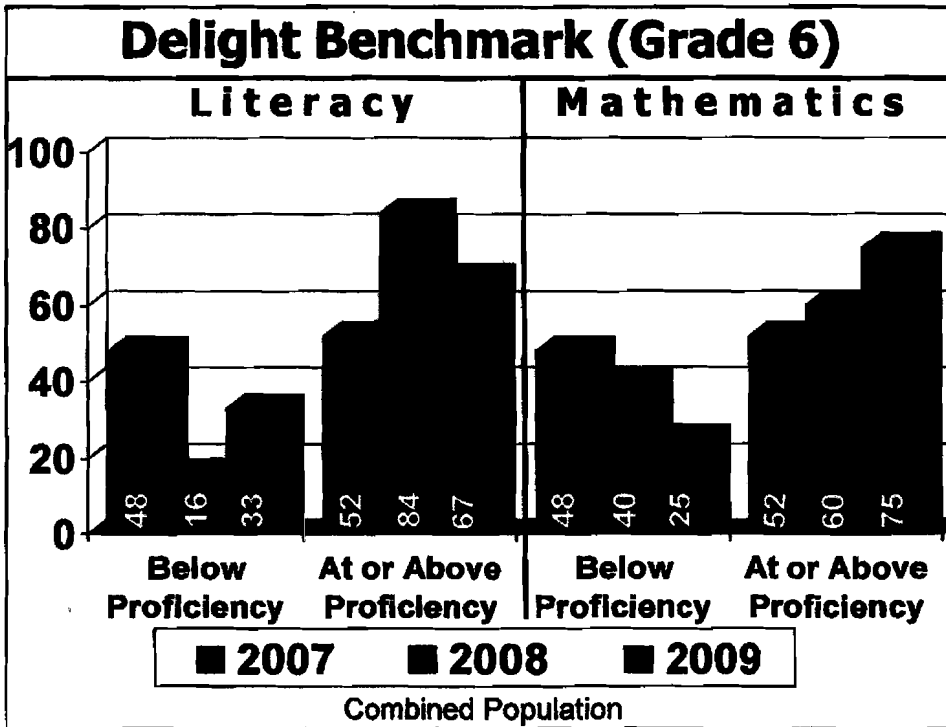
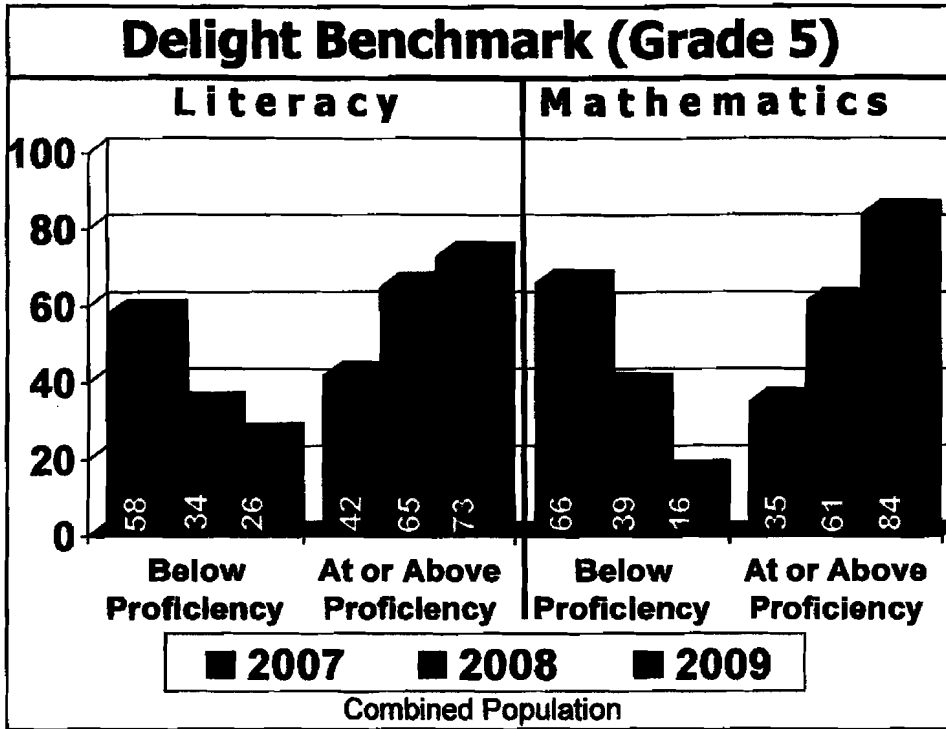
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-  Harrisburg
-  Jackson County
-  Newport
-  Trumann
-  Valley View
-  Weiner
-  Westside Consolidated

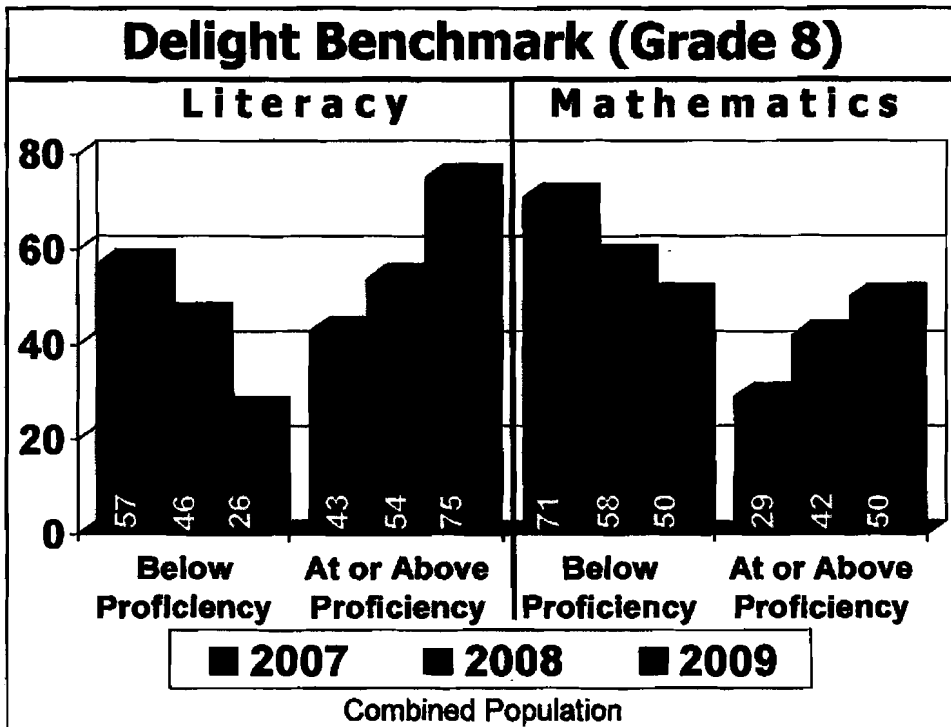
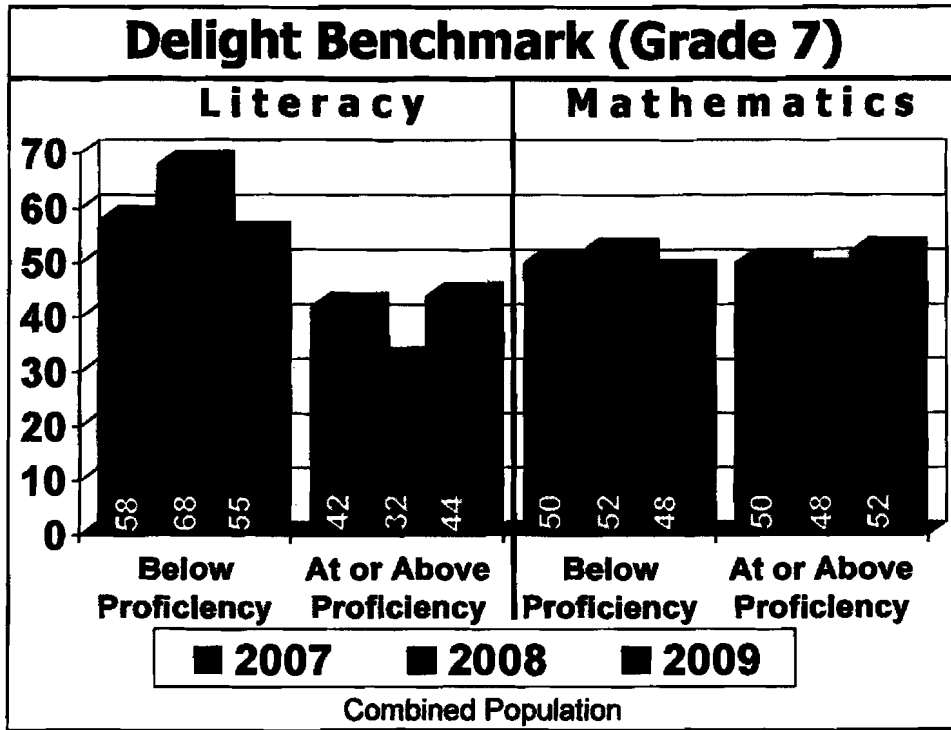


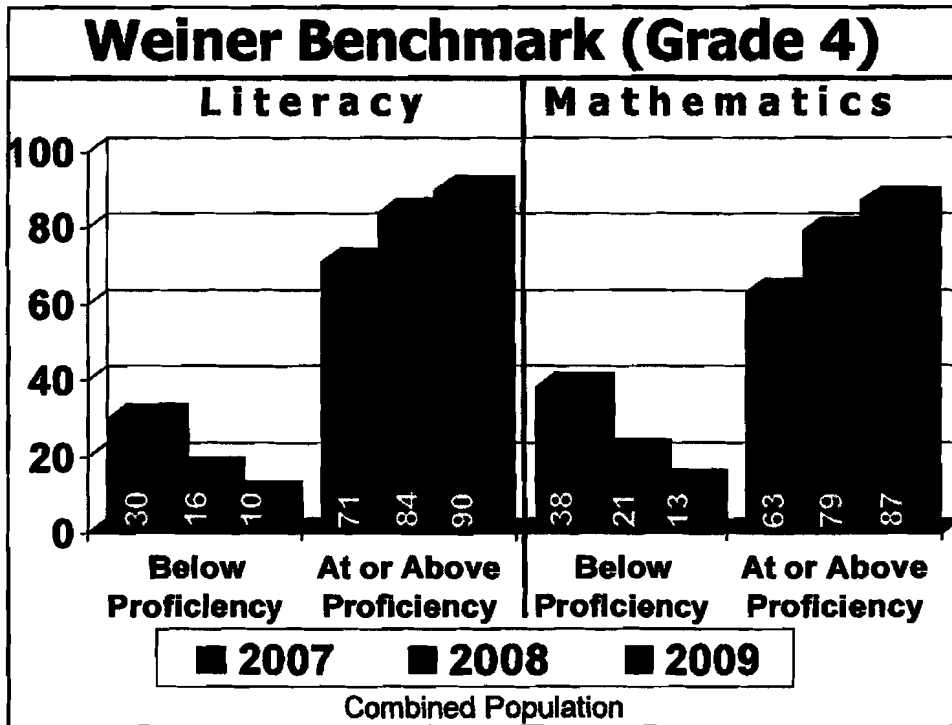
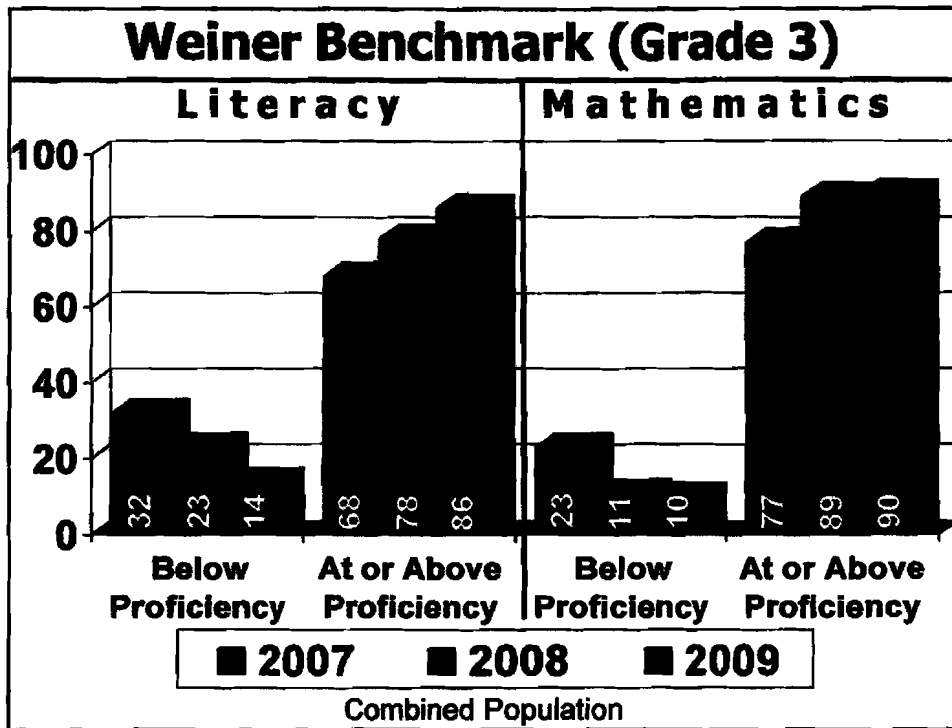
**WEINER
AND CONTIGUOUS
SCHOOL DISTRICTS**

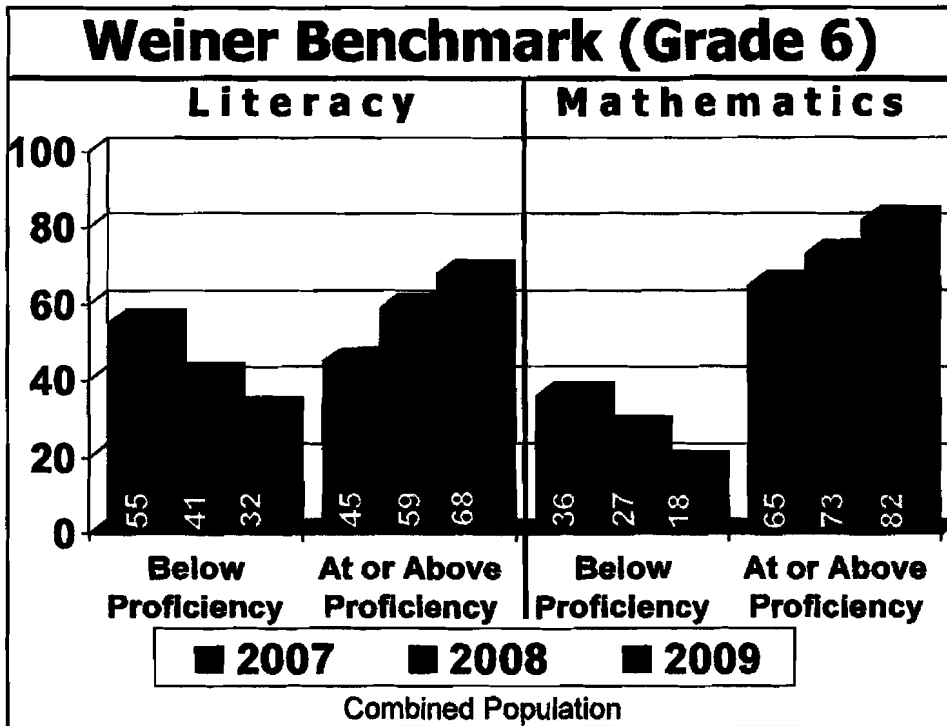
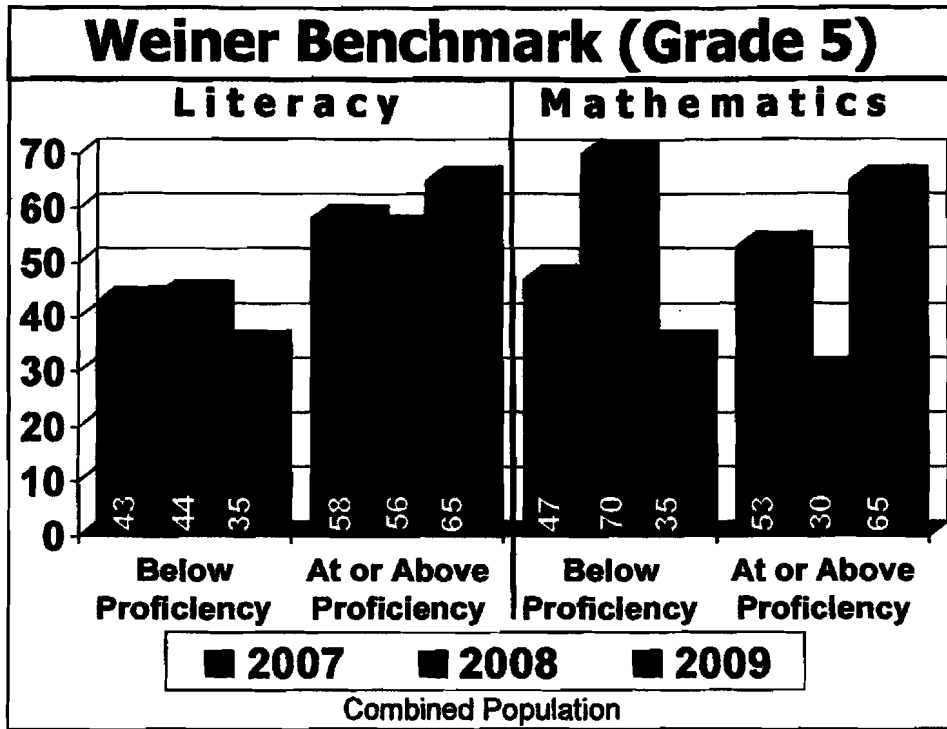
ACADEMIC INFORMATION

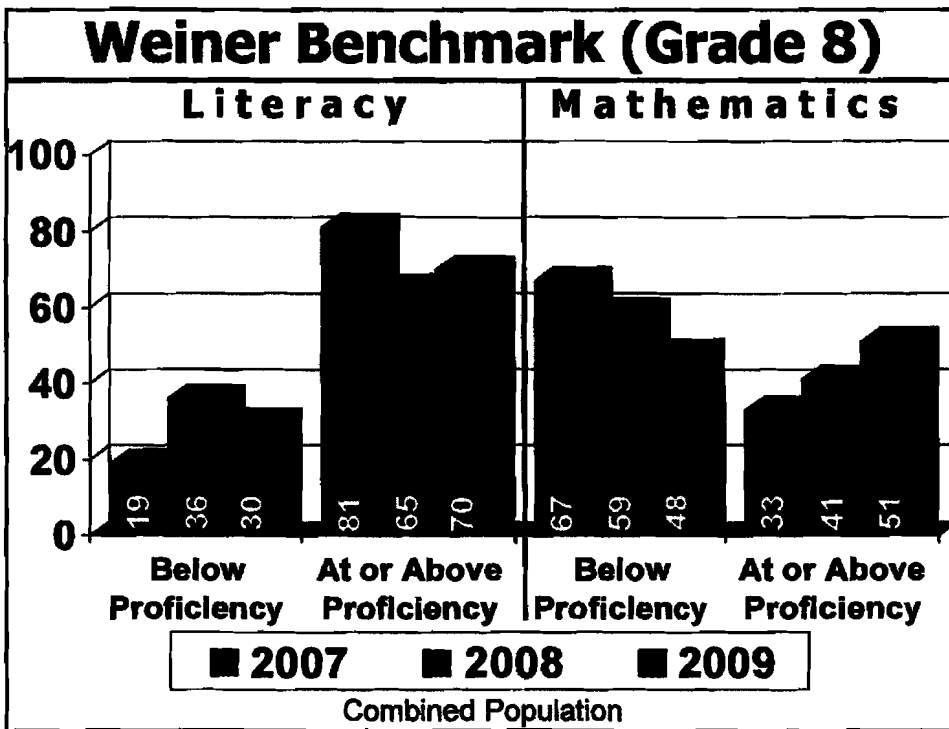
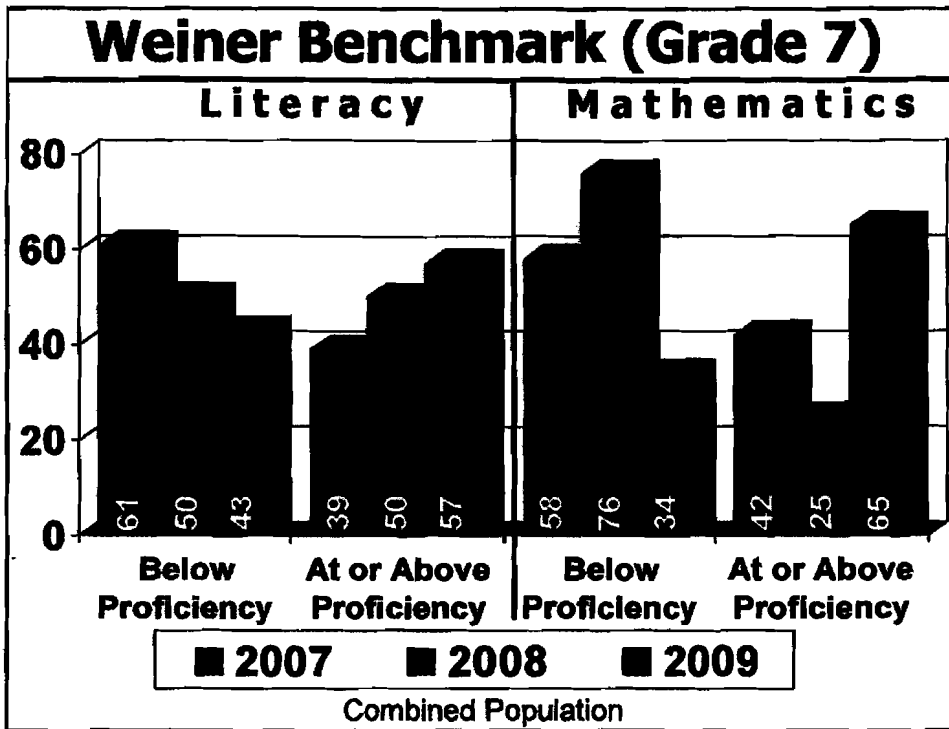












DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: **55-01**
 District Name: **DELIGHT SD**
 Total Number of Students Tested: **24**

Date of Test: **April 2009**

LITERACY	Number & Percentage of Students Below Basic (BEL) 329 and below				Number & Percentage of Students Basic (BAS) 330 - 499				Number & Percentage of Students Proficient (PRO) 500 - 653				Number & Percentage of Students Advanced (ADV) 654 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		1	576	5.224		2	722	6.708		11	1,132	11,806		10	1,022	11,934
		4%	17%	15%		8%	21%	19%		46%	33%	33%		42%	30%	33%
Gender																
Female		1	181	1,690		0	305	2,887		8	565	5,989		5	590	6,966
		7%	11%	10%		0%	19%	16%		57%	34%	34%		38%	38%	40%
Male		0	395	3,528		2	417	3,817		3	567	5,813		5	432	4,936
		0%	22%	19%		20%	23%	21%		30%	31%	32%		50%	24%	27%
Not Indicated		0	0	6		0	0	4		0	0	4		0	0	2
		0%	0%	38%		0%	0%	25%		0%	0%	25%		0%	0%	13%
Ethnicity																
Asian/Pacific Islander		0	2	93		0	1	100		0	3	170		0	7	266
		0%	15%	15%		0%	8%	16%		0%	23%	27%		0%	54%	42%
African American		0	315	1,965		1	318	2,122		2	325	2,463		1	171	1,312
		0%	28%	25%		25%	28%	27%		50%	29%	31%		25%	15%	17%
Hispanic		0	60	695		0	79	801		0	125	1,158		0	81	685
		0%	17%	21%		0%	23%	24%		0%	38%	35%		0%	23%	21%
Native American		0	2	41		0	3	58		0	7	74		0	8	87
		0%	10%	16%		0%	15%	22%		0%	35%	28%		0%	40%	33%
Caucasian		1	197	2,424		1	321	3,621		9	672	7,937		9	755	9,581
		5%	10%	10%		5%	17%	15%		45%	35%	34%		45%	39%	41%
Not Indicated		0	0	6		0	0	6		0	0	4		0	0	3
		0%	0%	32%		0%	0%	32%		0%	0%	21%		0%	0%	16%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	0	30		0	0	47		0	1	92		0	5	163
		0%	0%	9%		0%	0%	14%		0%	17%	28%		0%	83%	49%
African American		0	100	638		0	158	1,029		1	177	1,391		1	107	842
		0%	18%	15%		0%	29%	26%		50%	33%	36%		50%	20%	22%
Hispanic		0	23	249		0	32	366		0	66	633		0	46	414
		0%	14%	15%		0%	19%	22%		0%	40%	38%		0%	28%	25%
Native American		0	0	11		0	1	28		0	1	37		0	6	53
		0%	0%	9%		0%	13%	22%		0%	13%	29%		0%	75%	41%
Caucasian		1	58	763		0	114	1,415		7	320	3,835		4	426	5,524
		8%	6%	7%		0%	12%	12%		58%	35%	33%		33%	48%	48%
Not Indicated		0	0	1		0	0	2		0	0	1		0	0	0
		0%	0%	25%		0%	0%	50%		0%	0%	25%		0%	0%	0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	2	63		0	1	53		0	2	78		0	2	103
		0%	29%	21%		0%	14%	18%		0%	29%	26%		0%	29%	35%
African American		0	215	1,329		1	160	1,093		1	148	1,072		0	64	470
		0%	37%	34%		50%	27%	28%		50%	25%	27%		0%	11%	12%
Hispanic		0	37	446		0	47	435		0	59	525		0	35	271
		0%	21%	27%		0%	26%	26%		0%	33%	31%		0%	20%	16%
Native American		0	2	30		0	2	30		0	6	37		0	2	34
		0%	17%	23%		0%	17%	23%		0%	50%	28%		0%	17%	26%
Caucasian		0	139	1,659		1	207	2,206		2	352	4,101		5	329	4,057
		0%	14%	14%		13%	20%	18%		25%	34%	34%		63%	32%	34%
Not Indicated		0	0	1		0	0	0		0	0	0		0	0	1
		0%	0%	50%		0%	0%	0%		0%	0%	0%		0%	0%	50%
Migrant		0	10	94		0	12	97		0	21	125		0	8	74
		0%	20%	24%		0%	24%	25%		0%	41%	32%		0%	16%	19%

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.
 PAGE: 10

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: 55-01
 District Name: DELIGHT SD
 Total Number of Students Tested: 24

Date of Test: April 2009

MATHEMATICS	Number & Percentage of Students Below Basic (BEL) 408 and below				Number & Percentage of Students Basic (BAS) 409 - 499				Number & Percentage of Students Proficient (PRO) 500 - 585				Number & Percentage of Students Advanced (ADV) 588 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		1	153	1,388		2	627	5,453		13	1,152	11,936		8	1,520	16,895
		4%	4%	4%		8%	18%	15%		54%	33%	33%		33%	44%	47%
Gender																
Female		1	55	530		0	275	2,515		10	566	5,968		3	745	8,549
		7%	3%	3%		0%	17%	14%		71%	34%	34%		21%	45%	49%
Male		0	98	855		2	352	2,935		3	586	5,962		5	775	8,342
		0%	5%	5%		20%	19%	18%		30%	32%	33%		50%	43%	46%
Not Indicated		0	0	3		0	0	3		0	0	6		0	0	4
		0%	0%	19%		0%	0%	19%		0%	0%	36%		0%	0%	25%
Ethnicity																
Asian/Pacific Islander		0	1	19		0	1	95		0	2	163		0	9	352
		0%	8%	3%		0%	8%	15%		0%	15%	26%		0%	69%	56%
African American		0	89	666		1	325	2,127		2	437	3,024		1	278	2,045
		0%	8%	8%		25%	29%	27%		50%	39%	38%		25%	25%	26%
Hispanic		0	11	135		0	82	671		0	111	1,259		0	141	1,274
		0%	3%	4%		0%	24%	20%		0%	32%	38%		0%	41%	38%
Native American		0	1	8		0	2	45		0	6	92		0	11	115
		0%	5%	3%		0%	10%	17%		0%	30%	35%		0%	55%	44%
Caucasian		1	51	559		1	217	2,511		11	595	7,389		7	1,081	13,104
		5%	3%	2%		5%	11%	11%		55%	31%	31%		35%	56%	58%
Not Indicated		0	0	1		0	0	4		0	0	9		0	0	5
		0%	0%	5%		0%	0%	21%		0%	0%	47%		0%	0%	26%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	0	9		0	0	40		0	1	79		0	5	204
		0%	0%	3%		0%	0%	12%		0%	17%	24%		0%	83%	61%
African American		0	34	248		0	141	997		1	223	1,558		1	144	1,095
		0%	6%	6%		0%	26%	26%		50%	41%	40%		50%	27%	28%
Hispanic		0	3	53		0	40	312		0	62	659		0	62	638
		0%	2%	3%		0%	24%	19%		0%	37%	40%		0%	37%	38%
Native American		0	0	1		0	0	28		0	1	46		0	7	54
		0%	0%	1%		0%	0%	22%		0%	13%	36%		0%	88%	42%
Caucasian		1	18	219		0	94	1,138		9	279	3,622		2	527	6,558
		8%	2%	2%		0%	10%	10%		75%	30%	31%		17%	57%	57%
Not Indicated		0	0	0		0	0	0		0	0	4		0	0	0
		0%	0%	0%		0%	0%	0%		0%	0%	100%		0%	0%	0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	1	10		0	1	55		0	1	84		0	4	148
		0%	14%	3%		0%	14%	19%		0%	14%	28%		0%	57%	50%
African American		0	55	418		1	184	1,130		1	214	1,486		0	134	950
		0%	9%	11%		50%	31%	29%		50%	36%	37%		0%	23%	24%
Hispanic		0	8	82		0	42	358		0	49	600		0	79	636
		0%	4%	5%		0%	24%	21%		0%	28%	36%		0%	44%	36%
Native American		0	1	7		0	2	17		0	5	46		0	4	61
		0%	8%	5%		0%	17%	13%		0%	42%	35%		0%	33%	47%
Caucasian		0	33	338		1	123	1,373		2	317	3,766		5	554	6,546
		0%	3%	3%		13%	12%	11%		25%	31%	31%		63%	54%	54%
Not Indicated		0	0	0		0	0	1		0	0	0		0	0	1
		0%	0%	0%		0%	0%	50%		0%	0%	0%		0%	0%	50%
Migrant		0	2	14		0	12	84		0	21	158		0	16	134
		0%	4%	4%		0%	24%	22%		0%	41%	41%		0%	31%	34%

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: **55-01**
 District Name: **DELIGHT SD**
 Total Number of Students Tested: **31**

Date of Test: **April 2009**

LITERACY	Number & Percentage of Students Below Basic (BEL) 353 and below				Number & Percentage of Students Basic (BAS) 354 - 558				Number & Percentage of Students Proficient (PRO) 559 - 747				Number & Percentage of Students Advanced (ADV) 748 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		1 3%	305 8%	2,527 7%		6 19%	939 26%	8,019 23%		14 45%	1,366 38%	14,093 40%		10 32%	980 27%	10,911 31%
Gender																
Female		0 0%	93 5%	746 4%		2 14%	378 22%	3,363 19%		7 50%	689 40%	6,880 39%		5 36%	580 33%	6,463 37%
Male		1 6%	212 11%	1,780 10%		4 24%	561 30%	4,654 26%		7 41%	677 37%	7,208 40%		5 29%	400 22%	4,447 25%
Not Indicated		0 0%	0 0%	1 11%		0 0%	0 0%	2 22%		0 0%	0 0%	5 56%		0 0%	0 0%	1 11%
Ethnicity																
Asian/Pacific Islander		0 0%	2 13%	49 9%		0 0%	3 20%	107 19%		0 0%	4 27%	216 36%		0 0%	6 40%	199 35%
African American		0 0%	167 14%	999 13%		0 0%	417 36%	2,785 35%		3 50%	421 36%	2,956 38%		3 50%	159 14%	1,134 14%
Hispanic		0 0%	29 9%	316 10%		0 0%	100 32%	983 31%		0 0%	132 42%	1,260 40%		0 0%	56 18%	588 19%
Native American		0 0%	0 0%	21 9%		0 0%	5 28%	55 23%		0 0%	5 28%	93 39%		0 0%	8 44%	69 29%
Caucasian		1 4%	107 5%	1,141 5%		6 24%	414 20%	4,084 17%		11 44%	804 39%	9,582 40%		7 28%	751 36%	8,919 38%
Not Indicated		0 0%	0 0%	1 7%		0 0%	0 0%	5 36%		0 0%	0 0%	6 43%		0 0%	0 0%	2 14%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0 0%	1 17%	17 6%		0 0%	0 0%	45 17%		0 0%	2 33%	104 39%		0 0%	3 50%	104 39%
African American		0 0%	50 9%	309 8%		0 0%	184 32%	1,253 32%		2 50%	239 41%	1,626 41%		2 50%	110 19%	773 20%
Hispanic		0 0%	10 7%	99 6%		0 0%	33 22%	435 28%		0 0%	75 50%	681 45%		0 0%	31 21%	313 20%
Native American		0 0%	0 0%	4 3%		0 0%	2 29%	21 18%		0 0%	3 43%	53 46%		0 0%	2 29%	37 32%
Caucasian		0 0%	32 3%	317 3%		2 20%	159 16%	1,608 14%		5 50%	370 37%	4,415 38%		3 30%	434 44%	5,236 45%
Not Indicated		0 0%	0 0%	0 0%		0 0%	0 0%	1 50%		0 0%	0 0%	1 50%		0 0%	0 0%	0 0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0 0%	1 11%	32 11%		0 0%	3 33%	62 21%		0 0%	2 22%	112 37%		0 0%	3 33%	95 32%
African American		0 0%	117 20%	690 18%		0 0%	233 40%	1,532 39%		1 50%	182 31%	1,330 34%		1 50%	49 8%	361 9%
Hispanic		0 0%	19 11%	217 13%		0 0%	67 40%	548 34%		0 0%	57 34%	579 36%		0 0%	25 15%	275 17%
Native American		0 0%	0 0%	17 14%		0 0%	3 27%	34 28%		0 0%	2 18%	40 33%		0 0%	6 55%	32 26%
Caucasian		1 7%	75 7%	824 7%		4 27%	255 24%	2,476 20%		5 40%	434 40%	5,146 42%		4 27%	317 29%	3,683 30%
Not Indicated		0 0%	0 0%	0 0%		0 0%	0 0%	2 50%		0 0%	0 0%	1 25%		0 0%	0 0%	1 25%
Migrant		0 0%	8 22%	41 11%		0 0%	11 30%	116 31%		0 0%	13 35%	156 42%		0 0%	5 14%	59 16%

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

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062209 COMPLETE-45501000-000000

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: 55-01
 District Name: DELIGHT SD
 Total Number of Students Tested: 31

Date of Test: April 2009

MATHEMATICS	Number & Percentage of Students Below Basic (BEL) 494 and below				Number & Percentage of Students Basic (BAS) 495 - 558				Number & Percentage of Students Proficient (PRO) 559 - 639				Number & Percentage of Students Advanced (ADV) 640 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		3	359	2,956		6	598	4,971		10	1,181	10,771		12	1,472	16,852
		10%	10%	8%		19%	17%	14%		32%	32%	30%		39%	41%	47%
Gender																
Female		1	151	1,238		2	276	2,411		6	579	5,463		5	734	8,340
		7%	9%	7%		14%	16%	14%		43%	33%	31%		36%	42%	48%
Male		2	208	1,717		4	322	2,558		4	582	5,305		7	738	8,509
		12%	11%	9%		24%	17%	14%		24%	31%	29%		41%	40%	47%
Not Indicated		0	0	1		0	0	2		0	0	3		0	0	3
		0%	0%	11%		0%	0%	22%		0%	0%	33%		0%	0%	33%
Ethnicity																
Asian/Pacific Islander		0	1	47		0	2	66		0	5	172		0	7	286
		0%	7%	8%		0%	13%	12%		0%	33%	30%		0%	47%	50%
African American		0	200	1,318		0	289	1,813		4	413	2,719		2	262	2,024
		0%	17%	17%		0%	25%	23%		67%	35%	35%		33%	23%	26%
Hispanic		0	28	296		0	54	537		0	117	1,114		0	118	1,200
		0%	9%	9%		0%	17%	17%		0%	37%	35%		0%	37%	38%
Native American		0	0	22		0	1	36		0	7	67		0	10	113
		0%	0%	9%		0%	6%	15%		0%	39%	28%		0%	56%	47%
Caucasian		3	130	1,272		6	252	2,516		6	619	6,694		10	1,075	13,224
		12%	6%	5%		24%	12%	11%		24%	30%	28%		40%	52%	56%
Not Indicated		0	0	1		0	0	3		0	0	5		0	0	5
		0%	0%	7%		0%	0%	21%		0%	0%	36%		0%	0%	36%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	0	17		0	1	33		0	0	88		0	5	132
		0%	0%	6%		0%	17%	12%		0%	0%	33%		0%	83%	49%
African American		0	76	534		0	137	909		3	221	1,437		1	149	1,081
		0%	13%	13%		0%	23%	23%		75%	38%	38%		25%	26%	27%
Hispanic		0	11	123		0	29	270		0	55	575		0	54	560
		0%	7%	8%		0%	19%	18%		0%	37%	38%		0%	36%	37%
Native American		0	0	9		0	0	13		0	3	38		0	4	55
		0%	0%	8%		0%	0%	11%		0%	43%	33%		0%	57%	48%
Caucasian		1	64	555		2	109	1,186		3	300	3,323		4	522	6,512
		10%	6%	5%		20%	11%	10%		30%	30%	29%		40%	52%	56%
Not Indicated		0	0	0		0	0	0		0	0	2		0	0	0
		0%	0%	0%		0%	0%	0%		0%	0%	100%		0%	0%	0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	1	30		0	1	33		0	5	84		0	2	154
		0%	17%	10%		0%	11%	11%		0%	56%	28%		0%	22%	51%
African American		0	124	784		0	152	904		1	192	1,282		1	113	943
		0%	21%	20%		0%	26%	23%		50%	33%	33%		50%	19%	24%
Hispanic		0	17	173		0	25	267		0	62	539		0	64	640
		0%	10%	11%		0%	15%	16%		0%	37%	33%		0%	38%	40%
Native American		0	0	13		0	1	23		0	4	29		0	6	58
		0%	0%	11%		0%	9%	19%		0%	36%	24%		0%	55%	47%
Caucasian		2	66	717		4	143	1,329		3	319	3,371		6	553	6,712
		13%	6%	6%		27%	13%	11%		20%	30%	28%		40%	51%	55%
Not Indicated		0	0	0		0	0	2		0	0	0		0	0	2
		0%	0%	0%		0%	0%	50%		0%	0%	0%		0%	0%	50%
Migrant		0	6	37		0	5	75		0	14	132		0	12	128
		0%	16%	10%		0%	14%	20%		0%	38%	35%		0%	32%	34%

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

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062209 COMPLETE-45501000-000000

DISTRICT SUMMARY REPORT COMBINED POPULATION

Arkansas Comprehensive Testing, Assessment,
and Accountability Program

District Number: 55-01
District Name: DELIGHT SD
Total Number of Students Tested: 19

Date of Test: April 2009

LITERACY	Number & Percentage of Students Below Basic (BEL) 381 and below				Number & Percentage of Students Basic (BAS) 382 - 603				Number & Percentage of Students Proficient (PRO) 604 - 798				Number & Percentage of Students Advanced (ADV) 799 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		1	317	2,332		4	1,086	9,038		9	1,502	15,095		5	682	8,604
		5%	9%	7%		21%	30%	26%		47%	42%	43%		26%	19%	25%
Gender																
Female	0	85	728		2	504	3,870		3	779	7,570		3	403	5,097	
	0%	5%	4%		25%	28%	22%		38%	44%	44%		38%	23%	30%	
Male	1	232	1,602		2	581	5,165		6	723	7,524		2	279	3,506	
	9%	13%	9%		18%	32%	29%		55%	40%	42%		18%	15%	20%	
Not Indicated	0	0	4		0	1	3		0	0	1		0	0	1	
	0%	0%	44%		0%	100%	33%		0%	0%	11%		0%	0%	11%	
Ethnicity																
Asian/Pacific Islander	0	1	47		0	3	137		0	7	186		0	10	195	
	0%	5%	8%		0%	14%	24%		0%	33%	34%		0%	48%	34%	
African American	0	167	961		0	521	3,262		1	440	2,866		1	101	805	
	0%	14%	12%		0%	42%	41%		50%	36%	36%		50%	8%	10%	
Hispanic	0	35	299		0	112	995		0	129	1,259		0	55	476	
	0%	11%	10%		0%	34%	33%		0%	39%	42%		0%	17%	16%	
Native American	0	0	12		0	1	56		0	5	124		0	7	69	
	0%	0%	5%		0%	8%	21%		0%	38%	48%		0%	54%	26%	
Caucasian	1	114	1,007		4	449	4,584		8	921	10,648		4	509	7,058	
	6%	6%	4%		24%	23%	20%		47%	46%	46%		24%	26%	30%	
Not Indicated	0	0	6		0	0	4		0	0	2		0	0	1	
	0%	0%	46%		0%	0%	31%		0%	0%	15%		0%	0%	8%	
Gender/Ethnicity - Female																
Asian/Pacific Islander	0	0	12		0	1	59		0	2	102		0	5	103	
	0%	0%	4%		0%	13%	21%		0%	25%	37%		0%	63%	37%	
African American	0	49	310		0	264	1,539		1	266	1,634		1	65	498	
	0%	8%	8%		0%	41%	39%		50%	41%	41%		50%	10%	13%	
Hispanic	0	12	104		0	59	441		0	62	659		0	30	293	
	0%	7%	7%		0%	36%	29%		0%	38%	44%		0%	18%	20%	
Native American	0	0	2		0	0	24		0	3	64		0	5	40	
	0%	0%	2%		0%	0%	18%		0%	38%	49%		0%	63%	31%	
Caucasian	0	24	297		2	180	1,805		2	446	5,111		2	298	4,163	
	0%	3%	3%		33%	19%	16%		33%	47%	45%		33%	31%	37%	
Not Indicated	0	0	1		0	0	2		0	0	0		0	0	0	
	0%	0%	33%		0%	0%	67%		0%	0%	0%		0%	0%	0%	
Gender/Ethnicity - Male																
Asian/Pacific Islander	0	1	35		0	2	78		0	5	94		0	5	92	
	0%	8%	12%		0%	15%	26%		0%	38%	31%		0%	38%	31%	
African American	0	118	651		0	256	1,722		0	174	1,232		0	36	307	
	0%	20%	17%		0%	44%	44%		0%	30%	31%		0%	6%	8%	
Hispanic	0	23	195		0	53	554		0	67	600		0	25	183	
	0%	14%	13%		0%	32%	36%		0%	40%	39%		0%	15%	12%	
Native American	0	0	10		0	1	32		0	2	60		0	2	29	
	0%	0%	8%		0%	20%	24%		0%	40%	46%		0%	40%	22%	
Caucasian	1	90	710		2	269	2,779		6	475	5,537		2	211	2,895	
	9%	9%	6%		18%	26%	23%		55%	45%	48%		18%	20%	24%	
Not Indicated	0	0	1		0	0	0		0	0	1		0	0	0	
	0%	0%	50%		0%	0%	0%		0%	0%	50%		0%	0%	0%	
Migrant	0	5	36		1	18	133		0	14	130		0	4	34	
	0%	12%	11%		100%	44%	40%		0%	34%	39%		0%	10%	10%	

Combined Population includes all students tested except those classified as 1st Year LEP.
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062209 COMPLETE-45501000-0000000

DISTRICT SUMMARY REPORT COMBINED POPULATION

Arkansas Comprehensive Testing, Assessment,
and Accountability Program

District Number: 55-01
District Name: DELIGHT SD
Total Number of Students Tested: 19

Date of Test: April 2009

MATHEMATICS	Number & Percentage of Students Below Basic (BEL) 543 and below				Number & Percentage of Students Basic (BAS) 544 - 603				Number & Percentage of Students Proficient (PRO) 604 - 698				Number & Percentage of Students Advanced (ADV) 697 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		2 11%	628 18%	4,688 13%		1 5%	664 19%	5,668 18%		13 68%	1,328 37%	13,125 37%		3 16%	967 27%	11,588 33%
Gender																
Female		0 0%	267 15%	2,029 12%		0 0%	319 18%	2,759 16%		8 100%	690 39%	6,462 37%		0 0%	495 28%	6,013 35%
Male		2 18%	360 20%	2,654 15%		1 9%	345 19%	2,907 16%		5 45%	638 35%	6,662 37%		3 27%	472 26%	5,574 31%
Not Indicated		0 0%	1 100%	5 56%		0 0%	0 0%	2 22%		0 0%	0 0%	1 11%		0 0%	0 0%	1 11%
Ethnicity																
Asian/Pacific Islander		0 0%	1 5%	73 13%		0 0%	0 0%	81 14%		0 0%	9 43%	164 29%		0 0%	11 52%	257 45%
African American		0 0%	351 29%	2,104 27%		0 0%	292 24%	1,867 24%		2 100%	407 33%	2,693 34%		0 0%	179 15%	1,230 16%
Hispanic		0 0%	45 14%	478 16%		0 0%	75 23%	592 20%		0 0%	135 41%	1,185 39%		0 0%	76 23%	774 26%
Native American		0 0%	0 0%	22 8%		0 0%	1 8%	45 17%		0 0%	4 31%	114 44%		0 0%	8 62%	80 31%
Caucasian		2 12%	231 12%	2,004 9%		1 6%	296 15%	3,080 13%		11 65%	773 39%	8,967 36%		3 18%	693 35%	9,246 40%
Not Indicated		0 0%	0 0%	7 54%		0 0%	0 0%	3 23%		0 0%	0 0%	2 15%		0 0%	0 0%	1 8%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0 0%	0 0%	31 11%		0 0%	0 0%	40 14%		0 0%	3 38%	75 27%		0 0%	5 63%	130 47%
African American		0 0%	151 23%	923 23%		0 0%	149 23%	948 24%		2 100%	246 38%	1,429 36%		0 0%	98 15%	681 17%
Hispanic		0 0%	25 15%	213 14%		0 0%	36 22%	302 20%		0 0%	68 42%	588 39%		0 0%	34 21%	394 26%
Native American		0 0%	0 0%	13 10%		0 0%	0 0%	22 17%		0 0%	3 38%	55 42%		0 0%	5 63%	40 31%
Caucasian		0 0%	91 10%	847 7%		0 0%	134 14%	1,446 13%		6 100%	370 39%	4,315 38%		0 0%	353 37%	4,768 42%
Not Indicated		0 0%	0 0%	2 67%		0 0%	0 0%	1 33%		0 0%	0 0%	0 0%		0 0%	0 0%	0 0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0 0%	1 8%	42 14%		0 0%	0 0%	41 14%		0 0%	6 46%	89 30%		0 0%	6 46%	127 42%
African American		0 0%	199 34%	1,180 30%		0 0%	143 24%	919 23%		0 0%	161 28%	1,264 32%		0 0%	81 14%	549 14%
Hispanic		0 0%	20 12%	265 17%		0 0%	39 23%	290 19%		0 0%	67 40%	597 39%		0 0%	42 25%	380 25%
Native American		0 0%	0 0%	9 7%		0 0%	1 20%	23 18%		0 0%	1 20%	59 45%		0 0%	3 60%	40 31%
Caucasian		2 18%	140 13%	1,157 10%		1 9%	162 16%	1,634 14%		5 45%	403 39%	4,652 39%		3 27%	340 33%	4,478 38%
Not Indicated		0 0%	0 0%	1 50%		0 0%	0 0%	0 0%		0 0%	0 0%	1 50%		0 0%	0 0%	0 0%
Migrant		1 100%	10 24%	61 18%		0 0%	10 24%	82 25%		0 0%	15 37%	122 37%		0 0%	6 15%	68 20%

Combined Population includes all students tested except those classified as 1st Year LEP.
General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

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062209 COMPLETE-45501000-000000

SCHOOL NAME - DELIGHT ELEMENTARY SCHOOL
 DISTRICT NAME - DELIGHT SCHOOL DISTRICT

INDICATOR 1: ACHIEVEMENT Criterion Referenced Achievement by Grade and Subgroup

	Percent Tested 2007-08		2005-2006										2006-2007										2007-2008										
	School	District	Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		
			School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	
Grade Five Science																																	
Combined Population	100	100																				13	13	57	57	30	30	0	0	38	38		
African-American		100																				RV	RV	RV	RV	RV	RV	RV	RV	RV	RV		
Hispanic																																	
Caucasian	100																					5.9	5.9	59	59	35	35	0	0	35	35		
Economically Disadvantaged	100																					18	18	59	59	24	24	0	0	24	24		
Students with Disabilities	100																					RV	RV	RV	RV	RV	RV	RV	RV	RV	RV		
Limited English Proficient																																	
Migrant																																	
Male Students	NA																					8.3	8.3	58	58	33	33	0	0	33	33		
Female Students	NA																					18	18	55	55	27	27	0	0	27	27		
Grade Six Literacy																																	
Combined Population	95+	95+	4	4	44	44	36	36	16	16	52	52	12	12	36	36	38	38	16	16	52	52	4	4	12	12	56	56	28	28	84	84	
African-American	95+		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Hispanic			RV	RV	RV	RV	RV	RV	RV	RV	RV	RV																					
Caucasian	95+		5	5	35	35	45	45	15	15	60	60	11	11	33	33	33	33	22	22	36	36	5.8	5.8	5.6	5.6	61	61	28	28	89	89	
Economically Disadvantaged	95+		8.3	8.3	42	42	50	50	0	0	59	59	5.6	5.6	44	44	39	39	11	11	59	59	0	0	20	20	60	60	20	20	60	60	
Students with Disabilities	95+		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Limited English Proficient																																	
Migrant	95+																					RV	RV	RV	RV	RV	RV	RV	RV	RV	RV		
Male Students	95+		6.7	6.7	53	53	33	33	6.7	6.7	40	40	23	23	54	54	15	15	7.7	7.7	23	23	0	0	14	14	57	57	29	29	86	86	
Female Students	95+		0	0	30	30	40	40	30	30	70	70	0	0	17	17	58	58	25	25	83	83	9.1	9.1	9.1	9.1	55	55	27	27	82	82	
Grade Six Mathematics																																	
Combined Population	95+	95+	0	0	28	28	36	36	36	36	72	72	8	8	40	40	32	32	20	20	52	52	4	4	36	36	32	32	28	28	68	68	
African-American	95+		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Hispanic			RV	RV	RV	RV	RV	RV	RV	RV	RV	RV																					
Caucasian	95+		0	0	25	25	35	35	40	40	75	75	5.6	5.6	26	26	44	44	22	22	67	67	0	0	44	44	33	33	22	22	56	56	
Economically Disadvantaged	95+		0	0	25	25	58	58	17	17	75	75	5.6	5.6	44	44	28	28	22	22	50	50	6.7	6.7	53	53	13	13	27	27	40	40	
Students with Disabilities	95+		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Limited English Proficient																																	
Migrant	95+																					RV	RV	RV	RV	RV	RV	RV	RV	RV	RV		
Male Students	95+		0	0	33	33	40	40	27	27	67	67	7.7	7.7	54	54	15	15	23	23	39	39	7.1	7.1	36	36	21	21	36	36	57	57	
Female Students	95+		0	0	20	20	30	30	50	50	80	80	8.3	8.3	25	25	50	50	17	17	67	67	0	0	36	36	46	46	18	18	84	84	

Source: National Office for Research, Measurement and Evaluation Systems, University of Arkansas at Fayetteville. The standard for achievement in Arkansas is Proficient.

DISTRICT SUMMARY REPORT COMBINED POPULATION

Arkansas Comprehensive Testing, Assessment,
and Accountability Program

District Number: 55-01
District Name: DELIGHT SD
Total Number of Students Tested: 24

Date of Test: April 2009

LITERACY	Number & Percentage of Students Below Basic (BEL) 416 and below				Number & Percentage of Students Basic (BAS) 417 - 640				Number & Percentage of Students Proficient (PRO) 641 - 822				Number & Percentage of Students Advanced (ADV) 823 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		1 4%	480 13%	2,684 8%		7 29%	1,021 29%	8,932 26%		12 50%	1,303 36%	13,898 40%		4 17%	768 22%	9,462 27%
Gender																
Female		0 0%	178 10%	870 5%		3 30%	399 23%	3,634 21%		5 50%	671 39%	6,981 41%		2 20%	469 27%	5,703 33%
Male		1 7%	302 16%	1,812 10%		4 29%	622 34%	5,297 30%		7 50%	632 34%	6,909 39%		2 14%	299 16%	3,756 21%
Not Indicated		0 0%	0 0%	2 14%		0 0%	0 0%	1 7%		0 0%	0 0%	8 57%		0 0%	0 0%	3 21%
Ethnicity																
Asian/Pacific Islander		0 0%	0 0%	39 7%		0 0%	2 16%	103 19%		0 0%	4 36%	191 34%		0 0%	5 45%	223 40%
African American		1 17%	168 15%	1,150 15%		1 17%	468 43%	3,226 42%		4 67%	321 30%	2,522 33%		0 0%	128 12%	632 11%
Hispanic		0 0%	36 13%	294 10%		0 0%	97 35%	979 33%		0 0%	106 38%	1,163 40%		0 0%	41 15%	498 17%
Native American		0 0%	2 11%	19 7%		0 0%	5 28%	58 22%		0 0%	4 22%	111 42%		0 0%	7 39%	76 29%
Caucasian		0 0%	274 13%	1,180 5%		6 33%	448 21%	4,562 19%		8 44%	668 40%	9,904 42%		4 22%	587 27%	7,830 33%
Not Indicated		0 0%	0 0%	2 13%		0 0%	1 100%	4 25%		0 0%	0 0%	7 44%		0 0%	0 0%	3 19%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0 0%	0 0%	12 4%		0 0%	0 0%	45 16%		0 0%	2 33%	90 32%		0 0%	4 67%	133 48%
African American		0 0%	51 10%	366 10%		1 33%	206 39%	1,481 39%		2 67%	180 34%	1,428 37%		0 0%	87 17%	540 14%
Hispanic		0 0%	16 11%	109 8%		0 0%	40 27%	401 28%		0 0%	58 40%	615 42%		0 0%	32 22%	328 23%
Native American		0 0%	1 11%	5 4%		0 0%	1 11%	28 20%		0 0%	3 33%	53 39%		0 0%	4 44%	51 37%
Caucasian		0 0%	110 11%	377 3%		2 29%	151 15%	1,676 15%		3 43%	428 42%	4,795 42%		2 29%	342 33%	4,651 40%
Not Indicated		0 0%	0 0%	1 25%		0 0%	1 100%	3 75%		0 0%	0 0%	0 0%		0 0%	0 0%	0 0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0 0%	0 0%	27 10%		0 0%	2 40%	58 21%		0 0%	2 40%	101 37%		0 0%	1 20%	90 33%
African American		1 33%	117 21%	783 20%		0 0%	262 47%	1,745 45%		2 67%	141 25%	1,094 28%		0 0%	41 7%	292 7%
Hispanic		0 0%	20 15%	185 12%		0 0%	57 43%	578 39%		0 0%	48 36%	548 37%		0 0%	9 7%	170 11%
Native American		0 0%	1 11%	14 11%		0 0%	4 44%	30 24%		0 0%	1 11%	58 46%		0 0%	3 33%	25 20%
Caucasian		0 0%	164 14%	802 7%		4 36%	297 26%	2,885 24%		5 45%	440 38%	5,108 43%		2 18%	245 21%	3,179 27%
Not Indicated		0 0%	0 0%	1 50%		0 0%	0 0%	1 50%		0 0%	0 0%	0 0%		0 0%	0 0%	0 0%
Migrant		0 0%	9 25%	54 15%		0 0%	11 31%	122 34%		0 0%	14 39%	144 40%		0 0%	2 6%	44 12%

Combined Population includes all students tested except those classified as 1st Year LEP.
General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

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062209 COMPLETE-45501000-000000

**DISTRICT SUMMARY REPORT
COMBINED POPULATION**

District Number: 55-01
District Name: DELIGHT SD
Total Number of Students Tested: 24

Date of Test: April 2009

MATHEMATICS	Number & Percentage of Students Below Basic (BEL) 568 and below				Number & Percentage of Students Basic (BAS) 569 - 640				Number & Percentage of Students Proficient (PRO) 641 - 721				Number & Percentage of Students Advanced (ADV) 722 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		1	433	2,458		5	562	4,938		11	1,178	10,985		7	1,399	16,595
		4%	12%	7%		21%	16%	14%		46%	33%	31%		29%	39%	47%
Gender																
Female		0	184	912		2	240	2,226		6	538	5,311		2	755	8,739
		0%	11%	5%		20%	14%	13%		60%	31%	31%		20%	44%	51%
Male		1	249	1,544		3	322	2,711		5	640	5,669		5	644	7,850
		7%	13%	9%		21%	17%	15%		36%	35%	32%		36%	35%	44%
Not Indicated		0	0	2		0	0	1		0	0	5		0	0	6
		0%	0%	14%		0%	0%	7%		0%	0%	36%		0%	0%	43%
Ethnicity																
Asian/Pacific Islander		0	0	37		0	1	49		0	2	128		0	8	342
		0%	0%	7%		0%	9%	9%		0%	18%	23%		0%	73%	62%
African American		1	143	1,091		2	275	1,922		2	387	2,749		1	280	1,968
		17%	13%	14%		33%	25%	25%		33%	36%	36%		17%	26%	25%
Hispanic		0	23	217		0	41	521		0	101	1,009		0	115	1,187
		0%	8%	7%		0%	15%	18%		0%	36%	34%		0%	41%	40%
Native American		0	1	14		0	2	33		0	9	88		0	6	129
		0%	6%	5%		0%	11%	13%		0%	50%	33%		0%	33%	49%
Caucasian		0	266	1,097		3	242	2,412		9	679	7,004		6	990	12,863
		0%	12%	5%		17%	11%	10%		50%	31%	30%		33%	45%	55%
Not Indicated		0	0	2		0	1	1		0	0	7		0	0	6
		0%	0%	13%		0%	100%	6%		0%	0%	44%		0%	0%	38%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	0	13		0	0	26		0	0	58		0	6	183
		0%	0%	5%		0%	0%	9%		0%	0%	21%		0%	100%	65%
African American		0	52	387		2	115	896		1	191	1,438		0	166	1,094
		0%	10%	10%		67%	22%	23%		33%	38%	38%		0%	32%	29%
Hispanic		0	11	88		0	14	218		0	48	503		0	73	644
		0%	8%	6%		0%	10%	15%		0%	33%	35%		0%	50%	44%
Native American		0	1	5		0	0	14		0	4	44		0	4	74
		0%	11%	4%		0%	0%	10%		0%	44%	32%		0%	44%	54%
Caucasian		0	120	418		0	110	1,071		5	295	3,266		2	508	6,744
		0%	12%	4%		0%	11%	9%		71%	29%	28%		29%	49%	59%
Not Indicated		0	0	1		0	1	1		0	0	2		0	0	0
		0%	0%	25%		0%	100%	25%		0%	0%	50%		0%	0%	0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	0	24		0	1	23		0	2	70		0	2	159
		0%	0%	9%		0%	20%	8%		0%	40%	25%		0%	40%	58%
African American		1	91	703		0	160	1,026		1	196	1,311		1	114	874
		33%	16%	18%		0%	29%	26%		33%	35%	33%		33%	20%	22%
Hispanic		0	12	129		0	27	303		0	53	506		0	42	543
		0%	9%	9%		0%	20%	20%		0%	40%	34%		0%	31%	37%
Native American		0	0	9		0	2	19		0	5	44		0	2	55
		0%	0%	7%		0%	22%	15%		0%	56%	35%		0%	22%	43%
Caucasian		0	146	678		3	132	1,340		4	384	3,737		4	484	6,219
		0%	13%	6%		27%	12%	11%		36%	34%	31%		36%	42%	52%
Not Indicated		0	0	1		0	0	0		0	0	1		0	0	0
		0%	0%	50%		0%	0%	0%		0%	0%	50%		0%	0%	0%
Migrant		0	6	49		0	4	62		0	15	123		0	11	130
		0%	17%	13%		0%	11%	17%		0%	42%	34%		0%	31%	36%

Combined Population includes all students tested except those classified as 1st Year LEP. General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

Improvement School Rating (Gain)

Schools of Excellence for Improvement

SCHOOL NUMBER - 55-01-001

SCHOOL NAME - DELIGHT ELEMENTARY SCHOOL

DISTRICT NAME - DELIGHT SCHOOL DISTRICT

INDICATOR 1: ACHIEVEMENT Criterion Referenced Achievement by Grade and Subgroup

Grade Seven Literacy	Percent Tested 2007-08	2005-2006										2006-2007										2007-2008														
		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced						
		School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District			
Combined Population	95+	14	38	43	4.8	48	0	58	33	8.3	42	0	60	24	8	32	0	53	37	11	47	5.0	47	35	12	47	0	58	42	0	42	5.3	68	26	0	26
African-American	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Hispanic		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Caucasian	95+	18	31	48	7.7	54	0	53	37	11	47	0	53	37	11	47	5.0	47	35	12	47	5.0	47	35	12	47	0	53	37	11	47	5.0	47	35	12	47
Economically Disadvantaged	95+	18	55	27	0	27	0	58	42	0	42	0	58	42	0	42	5.3	68	26	0	26	5.3	68	26	0	26	0	58	42	0	42	5.3	68	26	0	26
Students with Disabilities	95+											RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Limited English Proficient		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Migrant							RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Male Students	95+	RV	RV	RV	RV	RV	0	69	23	7.7	31	15	77	7.7	0	7.7	15	77	7.7	0	7.7	15	77	7.7	0	7.7	15	77	7.7	0	7.7	15	77	7.7	0	7.7
Female Students	95+	19	33	47	8.7	53	0	46	46	9.1	55	0	46	46	9.1	55	0	46	46	9.1	55	0	46	46	9.1	55	0	46	46	9.1	55	0	46	46	9.1	55
Grade Seven Mathematics																																				
Combined Population	95+	28	29	38	4.8	43	25	25	29	21	60	36	16	40	8	48	25	25	29	21	60	36	16	40	8	48	25	25	29	21	60	36	16	40	8	48
African-American	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Hispanic		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Caucasian	95+	23	15	54	7.7	82	26	21	26	26	53	24	24	41	12	53	26	21	26	26	53	24	24	41	12	53	26	21	26	26	53	24	24	41	12	53
Economically Disadvantaged	95+	36	46	18	0	18	33	25	33	8.3	42	37	16	42	5.3	47	33	25	33	8.3	42	37	16	42	5.3	47	33	25	33	8.3	42	37	16	42	5.3	47
Students with Disabilities	95+						RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Limited English Proficient		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Migrant							RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Male Students	95+	RV	RV	RV	RV	RV	31	23	31	15	46	46	15	39	0	39	31	23	31	15	46	46	15	39	0	39	31	23	31	15	46	46	15	39	0	39
Female Students	95+	27	33	33	6.7	40	16	27	27	27	55	25	17	42	17	58	16	27	27	27	55	25	17	42	17	58	16	27	27	27	55	25	17	42	17	58
Grade Seven Science																																				
Combined Population	100											20	52	28	0	28																				
African-American	100											RV	RV	RV	RV	RV																				
Hispanic																																				
Caucasian	100											5.9	59	35	0	35																				
Economically Disadvantaged	100											26	47	26	0	26																				
Students with Disabilities	100											RV	RV	RV	RV	RV																				
Limited English Proficient																																				
Migrant																																				
Male Students	NA											23	62	15	0	15																				
Female Students	NA											17	42	42	0	42																				

10 Source: National Office for Research, Measurement and Evaluation Systems, University of Arkansas at Fayetteville. The standard for achievement in Arkansas is Proficient.

DISTRICT SUMMARY REPORT COMBINED POPULATION

Arkansas Comprehensive Testing, Assessment,
and Accountability Program

District Number: **55-01**
District Name: **DELIGHT SD**
Total Number of Students Tested: **27**

Date of Test: **April 2009**

LITERACY	Number & Percentage of Students Below Basic (BEL) 425 and below				Number & Percentage of Students Basic (BAS) 428 - 672				Number & Percentage of Students Proficient (PRO) 673 - 866				Number & Percentage of Students Advanced (ADV) 867 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		2	318	2,384		13	1,117	10,526		12	1,401	14,397		0	622	7,305
		7%	9%	7%		48%	32%	30%		44%	41%	42%		0%	18%	21%
Gender																
Female	1	81	633		6	443	4,108		7	771	7,437		0	430	4,870	
	7%	5%	4%		43%	26%	24%		50%	45%	44%		0%	25%	29%	
Male	1	237	1,747		7	674	6,413		5	630	6,957		0	192	2,434	
	8%	14%	10%		54%	39%	37%		38%	36%	40%		0%	11%	14%	
Not Indicated	0	0	4		0	0	5		0	0	3		0	0	1	
	0%	0%	31%		0%	0%	38%		0%	0%	23%		0%	0%	8%	
Ethnicity																
Asian/Pacific Islander	0	0	25		0	4	104		0	3	189		0	10	173	
	0%	0%	5%		0%	24%	21%		0%	18%	38%		0%	59%	35%	
African American	1	170	1,065		2	455	3,403		4	377	2,440		0	104	652	
	14%	15%	14%		29%	41%	45%		57%	34%	32%		0%	9%	9%	
Hispanic	0	24	232		1	93	1,046		0	118	1,127		0	36	394	
	0%	9%	8%		100%	34%	37%		0%	44%	40%		0%	13%	14%	
Native American	0	0	10		0	7	58		0	6	106		0	1	49	
	0%	0%	4%		0%	50%	26%		0%	43%	48%		0%	7%	22%	
Caucasian	1	124	1,045		10	558	5,908		8	897	10,529		0	471	6,035	
	5%	8%	4%		53%	27%	25%		42%	44%	45%		0%	23%	28%	
Not Indicated	0	0	7		0	0	7		0	0	6		0	0	2	
	0%	0%	32%		0%	0%	32%		0%	0%	27%		0%	0%	8%	
Gender/Ethnicity - Female																
Asian/Pacific Islander	0	0	13		0	2	41		0	1	87		0	5	101	
	0%	0%	5%		0%	25%	17%		0%	13%	36%		0%	63%	42%	
African American	0	54	302		1	209	1,545		3	234	1,467		0	78	463	
	0%	9%	8%		25%	36%	41%		75%	41%	39%		0%	14%	12%	
Hispanic	0	5	63		1	42	431		0	62	597		0	27	251	
	0%	4%	5%		100%	31%	32%		0%	46%	44%		0%	20%	19%	
Native American	0	0	2		0	2	22		0	3	52		0	1	33	
	0%	0%	2%		0%	33%	20%		0%	50%	48%		0%	17%	30%	
Caucasian	1	22	253		4	188	2,068		4	471	5,233		0	319	4,021	
	11%	2%	2%		44%	19%	18%		44%	47%	45%		0%	32%	35%	
Not Indicated	0	0	0		0	0	1		0	0	1		0	0	1	
	0%	0%	0%		0%	0%	33%		0%	0%	33%		0%	0%	33%	
Gender/Ethnicity - Male																
Asian/Pacific Islander	0	0	12		0	2	63		0	2	102		0	5	72	
	0%	0%	5%		0%	22%	25%		0%	22%	41%		0%	58%	29%	
African American	1	116	763		1	246	1,858		1	143	973		0	26	189	
	33%	22%	20%		33%	46%	49%		33%	27%	26%		0%	5%	5%	
Hispanic	0	19	169		0	51	615		0	56	529		0	9	143	
	0%	14%	12%		0%	38%	42%		0%	41%	36%		0%	7%	10%	
Native American	0	0	8		0	5	36		0	3	54		0	0	16	
	0%	0%	7%		0%	63%	32%		0%	38%	47%		0%	0%	14%	
Caucasian	0	102	791		6	370	3,839		4	426	5,295		0	152	2,014	
	0%	10%	7%		60%	35%	32%		40%	41%	44%		0%	14%	17%	
Not Indicated	0	0	4		0	0	2		0	0	4		0	0	0	
	0%	0%	40%		0%	0%	20%		0%	0%	40%		0%	0%	0%	
Migrant	0	4	38		0	16	142		1	16	122		0	3	39	
	0%	10%	11%		0%	41%	42%		100%	41%	36%		0%	8%	11%	

Combined Population includes all students tested except those classified as 1st Year LEP.
General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

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062209 COMPLETE-45501000-0000000

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: 55-01
 District Name: DELIGHT SD
 Total Number of Students Tested: 27

Date of Test: April 2009

MATHEMATICS	Number & Percentage of Students Below Basic (BEL) 621 and below				Number & Percentage of Students Basic (BAS) 622 - 672				Number & Percentage of Students Proficient (PRO) 673 - 763				Number & Percentage of Students Advanced (ADV) 764 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		4	702	5,972		9	541	5,221		10	1,172	11,411		4	1,043	12,008
		15%	20%	17%		33%	16%	15%		37%	34%	33%		15%	30%	35%
Gender																
Female		2	283	2,438		6	275	2,599		5	603	5,917		1	564	6,094
		14%	18%	14%		43%	16%	15%		36%	35%	35%		7%	33%	36%
Male		2	419	3,528		3	266	2,620		5	569	5,490		3	479	5,913
		15%	24%	20%		23%	15%	15%		38%	33%	31%		23%	28%	34%
Not Indicated		0	0	6		0	0	2		0	0	4		0	0	1
		0%	0%	46%		0%	0%	15%		0%	0%	31%		0%	0%	8%
Ethnicity																
Asian/Pacific Islander		0	1	53		0	1	45		0	4	140		0	11	253
		0%	6%	11%		0%	6%	8%		0%	24%	29%		0%	65%	52%
African American		1	351	2,509		3	214	1,533		2	368	2,388		1	173	1,130
		14%	32%	33%		43%	19%	20%		29%	33%	32%		14%	16%	15%
Hispanic		0	44	555		0	50	525		1	105	1,016		0	72	703
		0%	16%	20%		0%	18%	19%		100%	39%	36%		0%	27%	25%
Native American		0	3	26		0	2	41		0	3	74		0	6	82
		0%	21%	12%		0%	14%	18%		0%	21%	33%		0%	43%	37%
Caucasian		3	303	2,821		6	274	3,071		7	692	7,786		3	781	9,839
		16%	15%	12%		32%	13%	13%		37%	34%	33%		18%	38%	42%
Not Indicated		0	0	8		0	0	6		0	0	7		0	0	1
		0%	0%	36%		0%	0%	27%		0%	0%	32%		0%	0%	5%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	0	24		0	1	24		0	1	74		0	6	120
		0%	0%	10%		0%	13%	10%		0%	13%	31%		0%	75%	50%
African American		0	148	1,030		3	112	821		1	207	1,308		0	108	618
		0%	26%	27%		75%	19%	22%		25%	36%	35%		0%	19%	16%
Hispanic		0	19	228		0	23	250		1	55	523		0	39	341
		0%	14%	17%		0%	17%	19%		100%	40%	39%		0%	29%	25%
Native American		0	2	12		0	1	24		0	1	40		0	2	33
		0%	33%	11%		0%	17%	22%		0%	17%	37%		0%	33%	30%
Caucasian		2	114	1,144		3	138	1,479		3	339	3,971		1	409	4,981
		22%	11%	10%		33%	14%	13%		33%	34%	34%		11%	41%	43%
Not Indicated		0	0	0		0	0	1		0	0	1		0	0	1
		0%	0%	0%		0%	0%	33%		0%	0%	33%		0%	0%	33%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	1	29		0	0	21		0	3	66		0	5	133
		0%	11%	12%		0%	0%	8%		0%	33%	27%		0%	56%	53%
African American		1	203	1,479		0	102	712		1	161	1,080		1	65	512
		33%	38%	39%		0%	19%	19%		33%	30%	29%		33%	12%	14%
Hispanic		0	25	326		0	27	275		0	50	493		0	33	362
		0%	19%	22%		0%	20%	19%		0%	37%	34%		0%	24%	25%
Native American		0	1	14		0	1	17		0	2	34		0	4	49
		0%	13%	12%		0%	13%	15%		0%	25%	30%		0%	50%	43%
Caucasian		1	189	1,675		3	136	1,592		4	353	3,815		2	372	4,857
		10%	18%	14%		30%	13%	13%		40%	34%	32%		20%	35%	41%
Not Indicated		0	0	5		0	0	3		0	0	2		0	0	0
		0%	0%	50%		0%	0%	30%		0%	0%	20%		0%	0%	0%
Migrant		0	6	83		0	9	71		1	14	119		0	10	68
		0%	15%	24%		0%	23%	21%		100%	36%	35%		0%	26%	20%

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

Improvement School Rating (Gain)
Schools of Excellence for Improvement

SCHOOL NUMBER - DELIGHT ELEMENTARY SCHOOL
DISTRICT NAME - DELIGHT SCHOOL DISTRICT

INDICATOR 1: ACHIEVEMENT Criterion Referenced Achievement by Grade and Subgroup

	Percent Tested 2007-08	2005-2006										2006-2007										2007-2008										
		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		
		School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School
Grade Eight Literacy																																
Combined Population	95+	13	21	58	7.9	66	19	38	43	0	43	5.3	38	38	17	54																
African-American	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV																
Hispanic	95+						RV	RV	RV	RV	RV	RV	RV	RV	RV	RV																
Caucasian	95+	13	18	61	9.7	71	23	39	39	0	39	5.6	33	39	22	61																
Economically Disadvantaged	95+	15	22	59	3.7	63	21	43	36	0	36	13	53	27	6.7	33																
Students with Disabilities		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV																					
Limited English Proficient							RV	RV	RV	RV	RV																					
Migrant	95+						RV	RV	RV	RV	RV	RV	RV	RV	RV	RV																
Male Students	95+	29	21	36	14	50	RV	RV	RV	RV	RV	7.7	54	31	7.7	38																
Female Students	95+	4.2	21	71	4.2	75	7.1	36	57	0	57	9.1	18	46	27	73																
Grade Eight Mathematics																																
Combined Population	95+	53	18	24	5.3	29	57	14	24	4.8	29	25	33	38	4.2	42																
African-American	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV																
Hispanic	95+						RV	RV	RV	RV	RV	RV	RV	RV	RV	RV																
Caucasian	95+	45	23	26	6.5	32	54	15	23	7.7	31	22	28	44	5.6	50																
Economically Disadvantaged	95+	59	19	19	3.7	22	64	14	21	0	21	33	47	20	0	20																
Students with Disabilities		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV																					
Limited English Proficient							RV	RV	RV	RV	RV																					
Migrant	95+						RV	RV	RV	RV	RV	RV	RV	RV	RV	RV																
Male Students	95+	64	0	29	7.1	36	RV	RV	RV	RV	RV	31	46	15	7.7	23																
Female Students	95+	46	29	21	4.2	25	57	14	21	7.1	29	18	18	64	0	64																
Grade Eleven Literacy																																
Combined Population	95+	13	43	43	0	43	7.7	62	31	0	31	5	50	45	0	45																
African-American	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV																
Hispanic																																
Caucasian	95+	12	48	48	0	48	11	47	42	0	42	0	25	75	0	75																
Economically Disadvantaged	95+	25	44	31	0	31	11	61	28	0	28	10	60	30	0	30																
Students with Disabilities	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV																
Limited English Proficient																																
Migrant																																
Male Students	95+	12	47	41	0	41	9.1	73	18	0	18	7.1	50	43	0	43																
Female Students	95+	15	39	46	0	46	6.7	53	40	0	40	RV	RV	RV	RV	RV																

Source: National Office for Research, Measurement and Evaluation Systems, University of Arkansas at Fayetteville. The standard for achievement in Arkansas is Proficient.

DISTRICT SUMMARY REPORT COMBINED POPULATION

Arkansas Comprehensive Testing, Assessment, and Accountability Program

District Number: **55-01**
 District Name: **DELIGHT SD**
 Total Number of Students Tested: **24**

Date of Test: **April 2009**

LITERACY	Number & Percentage of Students Below Basic (BEL) 506 and below				Number & Percentage of Students Basic (BAS) 507 - 699				Number & Percentage of Students Proficient (PRO) 700 - 913				Number & Percentage of Students Advanced (ADV) 914 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		3	289	2,283		3	837	7,503		14	1,671	16,485		4	667	7,923
		13%	8%	7%		13%	24%	22%		58%	48%	48%		17%	19%	23%
Gender																
Female		0	85	611		1	332	2,837		7	835	8,208		4	438	5,069
		0%	5%	4%		8%	20%	17%		58%	49%	49%		33%	28%	30%
Male		3	203	1,661		2	504	4,664		7	836	8,274		0	229	2,852
		25%	11%	10%		17%	28%	27%		58%	47%	47%		0%	13%	16%
Not Indicated		0	1	11		0	1	2		0	0	3		0	0	2
		0%	50%	61%		0%	50%	11%		0%	0%	17%		0%	0%	11%
Ethnicity																
Asian/Pacific Islander		0	0	32		0	7	92		0	12	204		0	5	174
		0%	0%	6%		0%	29%	18%		0%	50%	41%		0%	21%	35%
African American		1	147	982		2	390	2,678		4	506	3,186		0	89	640
		14%	13%	13%		29%	34%	36%		57%	45%	43%		0%	8%	9%
Hispanic		0	23	233		0	64	714		0	132	1,315		0	44	448
		0%	9%	9%		0%	24%	26%		0%	50%	49%		0%	17%	17%
Native American		0	1	11		0	5	53		0	8	127		0	2	55
		0%	6%	4%		0%	31%	22%		0%	50%	52%		0%	13%	22%
Caucasian		2	117	1,016		1	370	3,964		10	1,012	11,635		4	527	6,605
		12%	6%	4%		6%	18%	17%		59%	50%	50%		24%	26%	28%
Not Indicated		0	1	9		0	1	2		0	1	8		0	0	1
		0%	33%	45%		0%	33%	10%		0%	33%	40%		0%	0%	5%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	0	11		0	3	38		0	4	88		0	4	110
		0%	0%	4%		0%	27%	15%		0%	36%	36%		0%	36%	45%
African American		0	49	283		1	179	1,205		2	285	1,849		0	62	444
		0%	9%	7%		33%	31%	32%		67%	50%	49%		0%	11%	12%
Hispanic		0	4	72		0	26	282		0	83	660		0	28	276
		0%	3%	6%		0%	18%	22%		0%	59%	51%		0%	20%	21%
Native American		0	0	3		0	2	18		0	7	59		0	1	40
		0%	0%	3%		0%	20%	15%		0%	70%	49%		0%	10%	33%
Caucasian		0	32	241		0	122	1,294		5	456	5,550		4	343	4,199
		0%	3%	2%		0%	13%	11%		56%	48%	49%		44%	36%	37%
Not Indicated		0	0	1		0	0	0		0	0	2		0	0	0
		0%	0%	33%		0%	0%	0%		0%	0%	67%		0%	0%	0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	0	21		0	4	54		0	8	116		0	1	64
		0%	0%	8%		0%	31%	21%		0%	62%	45%		0%	8%	25%
African American		1	98	695		1	211	1,473		2	221	1,347		0	27	196
		25%	18%	19%		25%	38%	40%		50%	40%	36%		0%	5%	5%
Hispanic		0	19	161		0	38	432		0	49	655		0	16	172
		0%	16%	11%		0%	31%	30%		0%	40%	46%		0%	13%	12%
Native American		0	1	8		0	3	35		0	1	68		0	1	15
		0%	17%	6%		0%	50%	28%		0%	17%	54%		0%	17%	12%
Caucasian		2	85	775		1	248	2,670		5	556	6,085		0	184	2,405
		25%	8%	6%		13%	23%	22%		63%	52%	51%		0%	17%	20%
Not Indicated		0	0	1		0	0	0		0	1	3		0	0	0
		0%	0%	25%		0%	0%	0%		0%	100%	75%		0%	0%	0%
Migrant		0	8	44		0	15	82		0	17	155		0	0	15
		0%	20%	15%		0%	38%	28%		0%	43%	52%		0%	0%	5%

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

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062209 COMPLETE-45501000-0000000

DISTRICT SUMMARY REPORT COMBINED POPULATION

Arkansas Comprehensive Testing, Assessment,
and Accountability Program

District Number: 55-01
District Name: DELIGHT SD
Total Number of Students Tested: 24

Date of Test: April 2009

MATHEMATICS	Number & Percentage of Students Below Basic (BEL) 654 and below				Number & Percentage of Students Basic (BAS) 655 - 699				Number & Percentage of Students Proficient (PRO) 700 - 801				Number & Percentage of Students Advanced (ADV) 802 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		8 33%	878 25%	7,922 23%	4 17%	590 17%	5,251 15%	11 46%	1,345 39%	13,219 39%	1 4%	653 19%	7,802 23%			
Gender																
Female	2 17%	411 24%	3,598 22%	1 8%	276 16%	2,583 15%	8 67%	689 40%	6,655 40%	1 8%	334 20%	3,889 23%				
Male	6 50%	463 26%	4,309 25%	3 25%	314 18%	2,667 15%	3 25%	676 38%	6,562 38%	0 0%	319 18%	3,913 22%				
Not Indicated	0 0%	2 100%	15 83%	0 0%	0 0%	1 6%	0 0%	0 0%	2 11%	0 0%	0 0%	0 0%				
Ethnicity																
Asian/Pacific Islander	0 0%	4 17%	97 19%	0 0%	4 17%	56 11%	0 0%	9 38%	169 34%	0 0%	7 29%	180 36%				
African American	5 71%	467 41%	3,389 45%	1 14%	238 21%	1,433 19%	1 14%	337 30%	2,166 29%	0 0%	90 8%	508 7%				
Hispanic	0 0%	67 25%	764 28%	0 0%	44 17%	482 18%	0 0%	110 42%	1,084 40%	0 0%	42 18%	360 14%				
Native American	0 0%	5 31%	49 20%	0 0%	3 19%	40 16%	0 0%	4 25%	109 44%	0 0%	4 25%	48 20%				
Caucasian	3 18%	331 16%	3,609 16%	3 18%	301 15%	3,237 14%	10 59%	884 44%	9,688 42%	1 6%	510 25%	6,686 29%				
Not Indicated	0 0%	2 67%	14 70%	0 0%	0 0%	3 15%	0 0%	1 33%	3 15%	0 0%	0 0%	0 0%				
Gender/Ethnicity - Female																
Asian/Pacific Islander	0 0%	2 16%	43 17%	0 0%	1 9%	29 12%	0 0%	5 45%	85 34%	0 0%	3 27%	90 36%				
African American	2 67%	234 41%	1,592 42%	1 33%	119 21%	752 20%	0 0%	176 31%	1,155 31%	0 0%	46 8%	282 7%				
Hispanic	0 0%	32 23%	348 27%	0 0%	26 18%	244 19%	0 0%	60 43%	529 41%	0 0%	23 16%	169 13%				
Native American	0 0%	2 20%	20 17%	0 0%	2 20%	21 16%	0 0%	3 30%	54 45%	0 0%	3 30%	25 21%				
Caucasian	0 0%	141 15%	1,593 14%	0 0%	128 13%	1,537 14%	8 89%	425 45%	4,831 43%	1 11%	259 27%	3,323 29%				
Not Indicated	0 0%	0 0%	2 67%	0 0%	0 0%	0 0%	0 0%	0 0%	1 33%	0 0%	0 0%	0 0%				
Gender/Ethnicity - Male																
Asian/Pacific Islander	0 0%	2 15%	54 21%	0 0%	3 23%	27 11%	0 0%	4 31%	84 33%	0 0%	4 31%	90 35%				
African American	3 75%	233 42%	1,793 48%	0 0%	119 21%	681 18%	1 25%	161 29%	1,011 27%	0 0%	44 8%	226 6%				
Hispanic	0 0%	35 29%	416 29%	0 0%	18 15%	238 17%	0 0%	50 41%	555 39%	0 0%	19 16%	211 15%				
Native American	0 0%	3 50%	29 23%	0 0%	1 17%	19 15%	0 0%	1 17%	55 44%	0 0%	1 17%	23 16%				
Caucasian	3 38%	190 18%	2,016 17%	3 38%	173 16%	1,700 14%	2 25%	459 43%	4,856 41%	0 0%	251 23%	3,363 26%				
Not Indicated	0 0%	0 0%	1 25%	0 0%	0 0%	2 50%	0 0%	1 100%	1 25%	0 0%	0 0%	0 0%				
Migrant	0 0%	21 53%	105 35%	0 0%	8 20%	63 21%	0 0%	9 23%	100 34%	0 0%	2 5%	28 9%				

Combined Population includes all students tested except those classified as 1st Year LEP.
General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

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062209 COMPLETE-45501000-000000

Improvement School Rating (Gain)
 3 Schools of Excellence for Improvement

SCHOOL NUMBER - 55-01-001
 SCHOOL NAME - DELIGHT ELEMENTARY SCHOOL
 DISTRICT NAME - DELIGHT SCHOOL DISTRICT

INDICATOR 1: ACHIEVEMENT

	2005-2006			2006-2007			2007-2008		
	School	District	State	School	District	State	School	District	State
Norm-Referenced Test*									
Grade One Reading Comprehension							71	71	41
Grade One Math Problem Solving and Data Interpretation							57	57	40
Grade Two Reading Comprehension							54	54	41
Grade Two Math Problem Solving and Data Interpretation							47	47	49
Grade Three Reading Comprehension	60	60	61	54	54	60	38	38	48
Grade Three Math Problem Solving and Data Interpretation	61	61	64	71	71	61	58	58	56
Grade Four Reading Comprehension	59	59	63	61	61	62	60	60	64
Grade Four Math Problem Solving and Data Interpretation	65	65	67	59	59	65	69	69	65
Grade Five Reading Comprehension	57	57	59	54	54	60	52	52	56
Grade Five Math Problem Solving and Data Interpretation	60	60	63	53	53	62	59	59	61
Grade Five Science							52	52	52
Grade Six Reading Comprehension	61	61	52	52	52	51	47	47	46
Grade Six Math Problem Solving and Data Interpretation	63	63	59	61	61	57	45	45	64
Grade Seven Reading Comprehension		41	51		51	52		54	53
Grade Seven Math Problem Solving and Data Interpretation		44	56		56	57		34	56
Grade Seven Science								52	54
Grade Eight Reading Comprehension		48	51		42	50		51	53
Grade Eight Math Problem Solving and Data Interpretation		45	51		34	51		55	64
Grade Nine Reading Comprehension		39	48		54	47		34	49
Grade Nine Math Concepts and Problem Solving		44	53		47	53		34	63
American College Test									
Mathematics		19.6	20.3		18.2	20.4		17.3	20.71
English		21.7	21.1		19.1	21		19.8	21.25
Reading					20.1	21.8		20.1	22.03
Science					19.4	21.1		19.8	21.25
Composite		21.3	20.8		18.8	20.8		18.9	20.99
Number of Students Taking AP Courses		15	16,800		18	23,471		9	16,980
Number of Advanced Placement (AP) Exams Taken		18	24,887		16	25,763		9	26,142
Number of AP Exams with Scores of 3, 4, or 5		1	6,762	0	0	7,339		0	7,967
No Child Left Behind Adequate Yearly Progress (AYP)									
Year One of School Improvement	N	0	107	N	0	114	N	1	104
Year Two of School Improvement	N	0	80	N	0	63	N	0	88
Corrective Action	N	0	90	N	0	73	N	0	58
Restructuring	N	0	32	N	0	79	N	0	124

Source: National Office for Research, Measurement and Evaluation Systems, University of Arkansas at Fayetteville. The standard for achievement in Arkansas is Proficient.

*Note: Norm-Referenced test used for 2005-2006 and 2006-2007 was the ITBS. SAT-10 was used for 2007-2008.

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: **56-07**
 District Name: **WEINER SD**
 Total Number of Students Tested: **22**

Date of Test: **April 2009**

LITERACY	Number & Percentage of Students Below Basic (BEL) 329 and below				Number & Percentage of Students Basic (BAS) 330 - 499				Number & Percentage of Students Proficient (PRO) 500 - 653				Number & Percentage of Students Advanced (ADV) 654 and above				
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State	
All Students		2	1,010	5,224	1	1,394	6,708		11	2,546	11,806		8	2,417	11,934		
		9%	14%	15%	5%	19%	19%		50%	35%	33%		36%	33%	33%		
Gender																	
Female		0	351	1,690	0	557	2,887		6	1,316	5,999		4	1,410	6,995		
		0%	10%	10%	0%	15%	16%		60%	36%	34%		40%	39%	40%		
Male		2	658	3,528	1	836	3,817		5	1,230	5,813		4	1,007	4,936		
		17%	18%	19%	8%	22%	21%		42%	33%	32%		33%	27%	27%		
Not Indicated		0	1	6	0	1	4		0	0	4		0	0	2		
		0%	50%	36%	0%	50%	25%		0%	0%	25%		0%	0%	13%		
Ethnicity																	
Asian/Pacific Islander		0	1	93	0	5	100		1	11	170		0	26	266		
		0%	2%	15%	0%	12%	16%		100%	26%	27%		0%	60%	42%		
African American		0	404	1,965	0	441	2,122		0	530	2,463		0	263	1,312		
		0%	25%	25%	0%	27%	27%		0%	32%	31%		0%	16%	17%		
Hispanic		0	41	695	0	50	801		0	86	1,158		1	68	685		
		0%	17%	21%	0%	20%	24%		0%	35%	35%		100%	28%	21%		
Native American		0	5	41	0	7	58		0	8	74		0	8	87		
		0%	18%	16%	0%	25%	22%		0%	29%	28%		0%	29%	33%		
Caucasian		2	558	2,424	1	890	3,621		10	1,911	7,937		7	2,052	9,581		
		10%	10%	10%	5%	16%	15%		50%	35%	34%		35%	38%	41%		
Not Indicated		0	1	6	0	1	6		0	0	4		0	0	3		
		0%	50%	32%	0%	50%	32%		0%	0%	21%		0%	0%	16%		
Gender/Ethnicity - Female																	
Asian/Pacific Islander		0	0	30	0	4	47		0	6	92		0	19	163		
		0%	0%	9%	0%	14%	14%		0%	21%	28%		0%	66%	46%		
African American		0	153	636	0	202	1,029		0	309	1,391		0	176	842		
		0%	18%	16%	0%	24%	26%		0%	37%	36%		0%	21%	22%		
Hispanic		0	15	249	0	21	366		0	51	633		0	40	414		
		0%	12%	15%	0%	17%	22%		0%	40%	36%		0%	31%	25%		
Native American		0	2	11	0	3	28		0	7	37		0	4	53		
		0%	13%	9%	0%	19%	22%		0%	44%	29%		0%	25%	41%		
Caucasian		0	181	763	0	327	1,415		6	943	3,835		4	1,171	5,524		
		0%	7%	7%	0%	12%	12%		60%	36%	33%		40%	45%	46%		
Not Indicated		0	0	1	0	0	2		0	0	1		0	0	0		
		0%	0%	25%	0%	0%	50%		0%	0%	25%		0%	0%	0%		
Gender/Ethnicity - Male																	
Asian/Pacific Islander		0	1	63	0	1	53		1	5	78		0	7	103		
		0%	7%	21%	0%	7%	18%		100%	36%	26%		0%	50%	31%		
African American		0	251	1,329	0	239	1,093		0	221	1,072		0	87	470		
		0%	31%	34%	0%	30%	28%		0%	28%	27%		0%	11%	12%		
Hispanic		0	28	446	0	29	435		0	35	525		1	28	277		
		0%	22%	27%	0%	25%	26%		0%	30%	31%		100%	24%	16%		
Native American		0	3	30	0	4	30		0	1	37		0	4	34		
		0%	25%	23%	0%	33%	23%		0%	8%	28%		0%	33%	20%		
Caucasian		2	377	1,659	1	563	2,206		4	968	4,101		3	881	4,057		
		20%	14%	14%	10%	20%	18%		40%	35%	34%		30%	32%	34%		
Not Indicated		0	0	1	0	0	0		0	0	0		0	0	0		
		0%	0%	50%	0%	0%	0%		0%	0%	0%		0%	0%	0%		
Migrant		0	33	94	0	28	97		0	31	125		1	27	74		
		0%	28%	24%	0%	24%	25%		0%	26%	32%		100%	23%	11%		

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: **56-07**
 District Name: **WEINER SD**
 Total Number of Students Tested: **22**

Date of Test: **April 2009**

MATHEMATICS	Number & Percentage of Students Below Basic (BEL) 408 and below				Number & Percentage of Students Basic (BAS) 409 - 499				Number & Percentage of Students Proficient (PRO) 500 - 585				Number & Percentage of Students Advanced (ADV) 586 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		1	237	1,388		1	1,068	5,453		10	2,569	11,936		10	3,493	16,895
		5%	3%	4%		5%	14%	15%		45%	35%	33%		45%	47%	47%
Gender																
Female		0	91	530		0	502	2,515		8	1,291	5,988		4	1,750	8,549
		0%	3%	3%		0%	14%	14%		60%	38%	34%		40%	48%	49%
Male		1	146	855		1	565	2,935		4	1,277	5,982		6	1,743	8,342
		8%	4%	5%		8%	15%	18%		33%	34%	33%		50%	47%	46%
Not Indicated		0	0	3		0	1	3		0	1	6		0	0	4
		0%	0%	19%		0%	50%	19%		0%	50%	38%		0%	0%	25%
Ethnicity																
Asian/Pacific Islander		0	0	19		0	2	95		0	9	163		1	32	352
		0%	0%	3%		0%	5%	15%		0%	21%	26%		100%	74%	56%
African American		0	100	666		0	424	2,127		0	642	3,024		0	472	2,045
		0%	6%	8%		0%	26%	27%		0%	39%	38%		0%	29%	26%
Hispanic		0	8	135		0	42	671		0	88	1,259		1	107	1,274
		0%	3%	4%		0%	17%	20%		0%	36%	38%		100%	44%	36%
Native American		0	1	8		0	7	45		0	12	92		0	8	115
		0%	4%	3%		0%	25%	17%		0%	43%	35%		0%	29%	44%
Caucasian		1	128	559		1	592	2,511		10	1,817	7,389		8	2,874	13,104
		5%	2%	2%		5%	11%	11%		50%	34%	31%		40%	53%	56%
Not Indicated		0	0	1		0	1	4		0	1	9		0	0	5
		0%	0%	5%		0%	50%	21%		0%	50%	47%		0%	0%	26%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	0	9		0	0	40		0	8	79		0	21	204
		0%	0%	3%		0%	0%	12%		0%	28%	24%		0%	72%	61%
African American		0	43	248		0	214	997		0	328	1,558		0	255	1,095
		0%	5%	6%		0%	25%	26%		0%	39%	40%		0%	30%	28%
Hispanic		0	4	53		0	20	312		0	48	659		0	55	638
		0%	3%	3%		0%	16%	19%		0%	38%	40%		0%	43%	38%
Native American		0	0	1		0	4	28		0	8	46		0	4	54
		0%	0%	1%		0%	25%	22%		0%	50%	36%		0%	25%	42%
Caucasian		0	44	219		0	264	1,138		6	899	3,622		4	1,415	6,558
		0%	2%	2%		0%	10%	10%		60%	34%	31%		40%	54%	57%
Not Indicated		0	0	0		0	0	0		0	0	4		0	0	0
		0%	0%	0%		0%	0%	0%		0%	0%	100%		0%	0%	0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	0	10		0	2	55		0	1	84		1	11	148
		0%	0%	3%		0%	14%	19%		0%	7%	28%		100%	79%	50%
African American		0	57	418		0	210	1,130		0	314	1,466		0	217	950
		0%	7%	11%		0%	26%	29%		0%	39%	37%		0%	27%	24%
Hispanic		0	4	82		0	22	359		0	40	600		1	52	636
		0%	3%	5%		0%	19%	21%		0%	34%	36%		100%	44%	38%
Native American		0	1	7		0	3	17		0	4	46		0	4	61
		0%	8%	5%		0%	25%	13%		0%	33%	35%		0%	33%	47%
Caucasian		1	84	338		1	328	1,373		4	918	3,766		4	1,459	6,546
		10%	3%	3%		10%	12%	11%		40%	33%	31%		40%	52%	54%
Not Indicated		0	0	0		0	0	1		0	0	0		0	0	1
		0%	0%	0%		0%	0%	50%		0%	0%	0%		0%	0%	50%
Migrant		0	4	14		0	23	84		0	53	158		1	39	134
		0%	3%	4%		0%	19%	22%		0%	45%	41%		100%	33%	34%

Combined Population includes all students tested except those classified as 1st Year LEP. General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

Improvement School Rating (Gains)

2 Schools approaching standards (alert)

SCHOOL NUMBER - 58-07-051

SCHOOL NAME - WEINER ELEMENTARY SCHOOL

DISTRICT NAME - WEINER SCHOOL DISTRICT

INDICATOR 1: ACHIEVEMENT Criterion Referenced Achievement by Grade and Subgroup

Grade Three Literacy	Percent Tested 2007-08		2005-2006										2006-2007										2007-2008									
	School	District	Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced	
			School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District
Combined Population	95+	95+	20	20	12	12	48	48	20	20	68	68	18	18	14	14	36	36	32	32	68	68	3.7	3.7	19	19	48	48	30	30	78	78
African-American																																
Hispanic	95+		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV											RV	RV	RV	RV	RV	RV	RV	RV	RV	
Caucasian	95+		23	23	14	14	41	41	23	23	64	64	18	18	14	14	36	36	32	32	68	68	0	0	20	20	48	48	32	32	60	60
Economically Disadvantaged	95+		29	29	14	14	43	43	14	14	57	57	20	20	20	20	40	40	20	20	60	60	6.7	6.7	27	27	60	60	6.7	6.7	67	67
Students with Disabilities	95+		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Limited English Proficient	95+		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV											RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Migrant	95+												RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Male Students	95+		18	18	18	18	46	46	18	18	64	64	0	0	18	18	36	36	46	46	82	82	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Female Students	95+		21	21	7.1	7.1	50	50	21	21	71	71	36	36	9.1	9.1	36	36	18	18	55	55	0	0	17	17	58	58	28	28	83	83
Grade Three Mathematics																																
Combined Population	95+	95+	12	12	26	26	64	64	4	4	68	68	0	0	23	23	55	55	23	23	77	77	0	0	11	11	30	30	59	59	89	89
African-American																																
Hispanic	95+		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV											RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Caucasian	95+		14	14	23	23	59	59	4.5	4.5	64	64	0	0	23	23	55	55	23	23	77	77	0	0	12	12	24	24	64	64	88	88
Economically Disadvantaged	95+		14	14	21	21	64	64	0	0	64	64	0	0	30	30	70	70	0	0	70	70	0	0	6.7	6.7	47	47	47	47	93	93
Students with Disabilities	95+		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Limited English Proficient	95+		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV											RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Migrant	95+												RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Male Students	95+		9.1	9.1	27	27	55	55	9.1	9.1	64	64	0	0	0	0	55	55	46	46	100	100	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Female Students	95+		14	14	14	14	71	71	0	0	71	71	0	0	46	46	55	55	0	0	55	55	0	0	17	17	33	33	50	50	83	83
Grade Four Literacy																																
Combined Population	95+	95+	5.3	5.3	42	42	21	21	32	32	53	53	13	13	17	17	58	58	13	13	71	71	0	0	16	16	58	58	26	26	84	84
African-American													RV	RV	RV	RV	RV	RV	RV	RV	RV	RV										
Hispanic			RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV										
Caucasian	95+		5.6	5.6	44	44	22	22	28	28	50	50	14	14	19	19	52	52	14	14	67	67	0	0	16	16	58	58	26	26	84	84
Economically Disadvantaged	95+		0	0	40	40	40	40	20	20	60	60	7.7	7.7	15	15	62	62	15	15	77	77	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Students with Disabilities	95+		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Limited English Proficient													RV	RV	RV	RV	RV	RV	RV	RV	RV	RV										
Migrant			RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV
Male Students	95+		9.1	9.1	46	46	9.1	9.1	36	36	46	46	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	0	0	15	15	82	82	23	23	65	65
Female Students	95+		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	13	13	20	20	53	53	13	13	67	67	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV

Source: National Office for Research, Measurement and Evaluation Systems, University of Arkansas at Fayetteville. The standard for achievement in Arkansas is Proficient.

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: **56-07**
 District Name: **WEINER SD**
 Total Number of Students Tested: **31**

Date of Test: **April 2009**

LITERACY	Number & Percentage of Students Below Basic (BEL) 353 and below				Number & Percentage of Students Basic (BAS) 354 - 558				Number & Percentage of Students Proficient (PRO) 559 - 747				Number & Percentage of Students Advanced (ADV) 748 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		0 0%	475 7%	2,527 7%		3 10%	1,587 22%	8,019 23%		18 58%	2,927 40%	14,093 40%		10 32%	2,283 31%	10,911 31%
Gender																
Female		0 0%	133 4%	746 4%		1 5%	659 19%	3,363 19%		13 59%	1,412 40%	6,880 39%		8 36%	1,349 38%	6,453 37%
Male		0 0%	342 9%	1,780 10%		2 22%	928 25%	4,654 26%		5 58%	1,515 41%	7,208 40%		2 22%	934 25%	4,447 25%
Not Indicated		0 0%	0 0%	1 11%		0 0%	0 0%	2 22%		0 0%	0 0%	5 56%		0 0%	0 0%	1 11%
Ethnicity																
Asian/Pacific Islander		0 0%	0 0%	49 9%		0 0%	5 20%	107 19%		0 0%	8 32%	216 38%		0 0%	12 48%	199 35%
African American		0 0%	171 11%	999 13%		0 0%	593 37%	2,785 35%		0 0%	634 39%	2,956 38%		0 0%	223 14%	1,134 14%
Hispanic		0 0%	16 8%	316 10%		0 0%	53 27%	983 31%		1 100%	87 44%	1,260 40%		0 0%	43 22%	588 19%
Native American		0 0%	0 0%	21 9%		0 0%	3 19%	55 23%		0 0%	6 38%	93 39%		0 0%	7 44%	89 29%
Caucasian		0 0%	288 5%	1,141 5%		3 10%	932 17%	4,084 17%		17 57%	2,191 41%	9,562 40%		10 33%	1,998 37%	8,919 38%
Not Indicated		0 0%	0 0%	1 7%		0 0%	1 50%	5 36%		0 0%	1 50%	6 43%		0 0%	0 0%	2 14%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0 0%	0 0%	17 6%		0 0%	2 22%	45 17%		0 0%	3 33%	104 39%		0 0%	4 44%	104 39%
African American		0 0%	49 6%	309 8%		0 0%	254 31%	1,253 32%		0 0%	357 44%	1,626 41%		0 0%	147 18%	773 20%
Hispanic		0 0%	5 5%	99 6%		0 0%	22 22%	435 28%		1 100%	52 53%	681 45%		0 0%	20 20%	313 20%
Native American		0 0%	0 0%	4 3%		0 0%	1 10%	21 18%		0 0%	4 40%	53 46%		0 0%	5 50%	37 32%
Caucasian		0 0%	79 3%	317 3%		1 5%	379 14%	1,608 14%		12 57%	995 38%	4,415 38%		8 38%	1,173 45%	5,236 45%
Not Indicated		0 0%	0 0%	0 0%		0 0%	1 50%	1 50%		0 0%	1 50%	1 50%		0 0%	0 0%	0 0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0 0%	0 0%	32 11%		0 0%	3 19%	62 21%		0 0%	5 31%	112 37%		0 0%	8 50%	95 32%
African American		0 0%	122 15%	690 18%		0 0%	339 42%	1,532 39%		0 0%	277 34%	1,330 34%		0 0%	78 9%	361 9%
Hispanic		0 0%	11 11%	217 13%		0 0%	31 31%	548 34%		0 0%	35 35%	579 36%		0 0%	23 23%	275 17%
Native American		0 0%	0 0%	17 14%		0 0%	2 33%	34 28%		0 0%	2 33%	40 33%		0 0%	2 33%	32 26%
Caucasian		0 0%	209 8%	824 7%		2 22%	553 20%	2,476 20%		5 56%	1,196 43%	5,146 42%		2 22%	825 30%	3,683 30%
Not Indicated		0 0%	0 0%	0 0%		0 0%	0 0%	2 50%		0 0%	0 0%	1 25%		0 0%	0 0%	1 25%
Migrant		0 0%	15 13%	41 11%		0 0%	27 23%	118 31%		1 100%	57 48%	156 42%		0 0%	21 18%	59 16%

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: **56-07**
 District Name: **WEINER SD**
 Total Number of Students Tested: **31**

Date of Test: **April 2009**

MATHEMATICS	Number & Percentage of Students Below Basic (BEL) 494 and below				Number & Percentage of Students Basic (BAS) 495 - 558				Number & Percentage of Students Proficient (PRO) 559 - 639				Number & Percentage of Students Advanced (ADV) 640 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		0	531	2,956		4	1,011	4,971		11	2,234	10,771		16	3,496	16,852
		0%	7%	8%		13%	14%	14%		35%	31%	30%		52%	48%	47%
Gender																
Female		0	228	1,238		3	501	2,411		8	1,101	5,463		11	1,723	8,340
		0%	6%	7%		14%	14%	14%		36%	31%	31%		50%	48%	48%
Male		0	303	1,717		1	510	2,558		3	1,133	5,305		5	1,773	8,509
		0%	8%	9%		11%	14%	14%		33%	30%	29%		56%	48%	47%
Not Indicated		0	0	1		0	0	2		0	0	3		0	0	3
		0%	0%	11%		0%	0%	22%		0%	0%	33%		0%	0%	33%
Ethnicity																
Asian/Pacific Islander		0	0	47		0	4	66		0	4	172		0	17	286
		0%	0%	8%		0%	16%	12%		0%	16%	30%		0%	68%	50%
African American		0	204	1,318		0	349	1,813		0	592	2,719		0	476	2,024
		0%	13%	17%		0%	22%	23%		0%	37%	35%		0%	29%	26%
Hispanic		0	15	296		1	32	537		0	74	1,114		0	78	1,200
		0%	8%	9%		100%	16%	17%		0%	37%	35%		0%	39%	38%
Native American		0	0	22		0	4	36		0	2	67		0	10	113
		0%	0%	9%		0%	25%	15%		0%	13%	28%		0%	63%	47%
Caucasian		0	312	1,272		3	622	2,516		11	1,560	6,894		16	2,915	13,224
		0%	6%	5%		10%	11%	11%		37%	29%	28%		53%	54%	58%
Not Indicated		0	0	1		0	0	3		0	2	5		0	0	5
		0%	0%	7%		0%	0%	21%		0%	100%	36%		0%	0%	38%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	0	17		0	1	33		0	2	88		0	6	132
		0%	0%	6%		0%	11%	12%		0%	22%	33%		0%	67%	49%
African American		0	85	534		0	177	909		0	293	1,437		0	252	1,081
		0%	11%	13%		0%	22%	23%		0%	36%	36%		0%	31%	27%
Hispanic		0	8	123		1	19	270		0	35	575		0	37	560
		0%	8%	8%		100%	19%	18%		0%	35%	38%		0%	37%	37%
Native American		0	0	9		0	2	13		0	2	38		0	6	55
		0%	0%	8%		0%	20%	11%		0%	20%	33%		0%	60%	48%
Caucasian		0	135	555		2	302	1,186		8	767	3,323		11	1,422	6,512
		0%	5%	5%		10%	12%	10%		38%	29%	29%		52%	54%	56%
Not Indicated		0	0	0		0	0	0		0	2	2		0	0	0
		0%	0%	0%		0%	0%	0%		0%	100%	100%		0%	0%	0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	0	30		0	3	33		0	2	84		0	11	154
		0%	0%	10%		0%	19%	11%		0%	13%	28%		0%	69%	51%
African American		0	119	784		0	172	904		0	299	1,282		0	224	943
		0%	15%	20%		0%	21%	23%		0%	37%	33%		0%	28%	24%
Hispanic		0	7	173		0	13	267		0	39	539		0	41	640
		0%	7%	11%		0%	13%	16%		0%	39%	33%		0%	41%	40%
Native American		0	0	13		0	2	23		0	0	29		0	4	58
		0%	0%	11%		0%	33%	19%		0%	0%	24%		0%	67%	47%
Caucasian		0	177	717		1	320	1,329		3	793	3,371		5	1,493	6,712
		0%	6%	6%		11%	11%	11%		33%	28%	28%		56%	54%	55%
Not Indicated		0	0	0		0	0	2		0	0	0		0	0	2
		0%	0%	0%		0%	0%	50%		0%	0%	0%		0%	0%	50%
Migrant		0	15	37		1	22	75		0	38	132		0	45	128
		0%	13%	10%		100%	18%	20%		0%	32%	35%		0%	38%	34%

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

DISTRICT SUMMARY REPORT COMBINED POPULATION

Arkansas Comprehensive Testing, Assessment,
and Accountability Program

District Number: 56-07
District Name: WEINER SD
Total Number of Students Tested: 20

Date of Test: April 2009

LITERACY	Number & Percentage of Students Below Basic (BEL) 381 and below				Number & Percentage of Students Basic (BAS) 382 - 603				Number & Percentage of Students Proficient (PRO) 604 - 798				Number & Percentage of Students Advanced (ADV) 799 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		2	452	2,332		5	1,871	9,038		8	3,135	15,095		5	1,702	8,604
		10%	6%	7%		25%	26%	26%		40%	44%	43%		25%	24%	25%
Gender																
Female		0	149	726		2	786	3,870		3	1,531	7,570		1	1,002	5,097
		0%	4%	4%		33%	23%	22%		50%	44%	44%		17%	29%	30%
Male		2	301	1,602		3	1,085	5,165		5	1,604	7,524		4	699	3,506
		14%	8%	9%		21%	29%	29%		36%	43%	42%		29%	19%	20%
Not Indicated		0	2	4		0	0	3		0	0	1		0	1	1
		0%	67%	44%		0%	0%	33%		0%	0%	11%		0%	33%	11%
Ethnicity																
Asian/Pacific Islander		0	2	47		0	4	137		0	9	196		0	28	195
		0%	5%	8%		0%	10%	24%		0%	22%	34%		0%	63%	34%
African American		1	200	961		0	708	3,262		0	590	2,886		0	153	805
		100%	12%	12%		0%	43%	41%		0%	36%	36%		0%	9%	10%
Hispanic		0	21	299		0	63	995		0	93	1,259		0	36	476
		0%	10%	10%		0%	30%	33%		0%	44%	42%		0%	17%	16%
Native American		0	0	12		0	7	58		0	11	124		0	6	69
		0%	0%	5%		0%	29%	21%		0%	46%	48%		0%	25%	26%
Caucasian		1	227	1,007		5	1,087	4,584		8	2,431	10,648		5	1,480	7,058
		5%	4%	4%		26%	21%	20%		42%	47%	46%		26%	26%	30%
Not Indicated		0	2	6		0	2	4		0	1	2		0	1	1
		0%	33%	46%		0%	33%	31%		0%	17%	15%		0%	17%	8%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	1	12		0	2	59		0	4	102		0	14	103
		0%	5%	4%		0%	10%	21%		0%	19%	37%		0%	67%	37%
African American		0	69	310		0	329	1,539		0	336	1,634		0	93	498
		0%	8%	8%		0%	40%	39%		0%	41%	41%		0%	11%	13%
Hispanic		0	9	104		0	29	441		0	45	659		0	24	293
		0%	8%	7%		0%	27%	29%		0%	42%	44%		0%	22%	20%
Native American		0	0	2		0	2	24		0	3	64		0	5	40
		0%	0%	2%		0%	20%	18%		0%	30%	49%		0%	50%	31%
Caucasian		0	70	297		2	422	1,805		3	1,143	5,111		1	866	4,163
		0%	3%	3%		33%	17%	16%		50%	46%	45%		17%	35%	37%
Not Indicated		0	0	1		0	2	2		0	0	0		0	0	0
		0%	0%	33%		0%	100%	67%		0%	0%	0%		0%	0%	0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	1	35		0	2	78		0	5	94		0	12	92
		0%	5%	12%		0%	10%	26%		0%	25%	31%		0%	60%	31%
African American		1	131	651		0	379	1,722		0	254	1,232		0	60	307
		100%	16%	17%		0%	46%	44%		0%	31%	31%		0%	7%	8%
Hispanic		0	12	195		0	34	554		0	48	600		0	12	183
		0%	11%	13%		0%	32%	36%		0%	45%	39%		0%	11%	12%
Native American		0	0	10		0	5	32		0	8	60		0	1	29
		0%	0%	8%		0%	36%	24%		0%	57%	46%		0%	7%	22%
Caucasian		1	157	710		3	665	2,779		5	1,288	5,537		4	614	2,895
		8%	6%	6%		23%	24%	23%		38%	47%	46%		31%	23%	24%
Not Indicated		0	0	1		0	0	0		0	1	1		0	0	0
		0%	0%	50%		0%	0%	0%		0%	100%	50%		0%	0%	0%
Migrant		0	8	36		0	38	133		0	35	130		0	11	34
		0%	9%	11%		0%	41%	40%		0%	38%	39%		0%	12%	10%

Combined Population includes all students tested except those classified as 1st Year LEP.
General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

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062209 COMPLETE-25607000-000000

DISTRICT SUMMARY REPORT COMBINED POPULATION

Arkansas Comprehensive Testing, Assessment,
and Accountability Program

District Number: **56-07**
District Name: **WEINER SD**
Total Number of Students Tested: **20**

Date of Test: **April 2009**

MATHEMATICS	Number & Percentage of Students Below Basic (BEL) 543 and below				Number & Percentage of Students Basic (BAS) 544 - 603				Number & Percentage of Students Proficient (PRO) 604 - 696				Number & Percentage of Students Advanced (ADV) 697 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		3	941	4,688		4	1,179	5,668		9	2,828	13,125		4	2,212	11,588
		15%	13%	13%		20%	16%	16%		45%	39%	37%		20%	31%	33%
Gender																
Female		1	411	2,029		2	560	2,759		3	1,371	6,462		0	1,128	6,013
		17%	12%	12%		33%	16%	16%		50%	40%	37%		0%	32%	35%
Male		2	528	2,654		2	619	2,907		6	1,457	6,662		4	1,085	5,574
		14%	14%	15%		14%	17%	16%		43%	39%	37%		29%	29%	31%
Not Indicated		0	2	5		0	0	2		0	0	1		0	1	1
		0%	67%	56%		0%	0%	22%		0%	0%	11%		0%	33%	11%
Ethnicity																
Asian/Pacific Islander		0	3	73		0	3	81		0	9	164		0	26	257
		0%	7%	13%		0%	7%	14%		0%	22%	29%		0%	63%	45%
African American		1	403	2,104		0	351	1,867		0	574	2,693		0	323	1,230
		100%	24%	27%		0%	21%	24%		0%	35%	34%		0%	20%	16%
Hispanic		0	33	478		0	41	592		0	89	1,185		0	50	774
		0%	15%	16%		0%	19%	20%		0%	42%	39%		0%	23%	26%
Native American		0	1	22		0	5	45		0	11	114		0	7	80
		0%	4%	8%		0%	21%	17%		0%	46%	44%		0%	29%	31%
Caucasian		2	498	2,004		4	778	3,080		9	2,144	8,987		4	1,805	9,246
		11%	10%	9%		21%	15%	13%		47%	41%	38%		21%	35%	40%
Not Indicated		0	3	7		0	1	3		0	1	2		0	1	1
		0%	50%	54%		0%	17%	23%		0%	17%	15%		0%	17%	8%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	1	31		0	2	40		0	8	75		0	10	130
		0%	5%	11%		0%	10%	14%		0%	38%	27%		0%	48%	47%
African American		0	180	923		0	168	948		0	306	1,429		0	173	681
		0%	22%	23%		0%	20%	24%		0%	37%	36%		0%	21%	17%
Hispanic		0	18	213		0	20	302		0	47	588		0	22	394
		0%	17%	14%		0%	19%	20%		0%	44%	39%		0%	21%	26%
Native American		0	1	13		0	1	22		0	3	55		0	5	40
		0%	10%	10%		0%	10%	17%		0%	30%	42%		0%	50%	31%
Caucasian		1	210	847		2	368	1,446		3	1,007	4,315		0	916	4,768
		17%	8%	7%		33%	15%	13%		50%	40%	38%		0%	37%	42%
Not Indicated		0	1	2		0	1	1		0	0	0		0	0	0
		0%	50%	67%		0%	50%	33%		0%	0%	0%		0%	0%	0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	2	42		0	1	41		0	1	89		0	16	127
		0%	10%	14%		0%	5%	14%		0%	5%	30%		0%	80%	42%
African American		1	223	1,180		0	183	919		0	268	1,264		0	150	549
		100%	27%	30%		0%	22%	23%		0%	33%	32%		0%	18%	14%
Hispanic		0	15	265		0	21	290		0	42	597		0	28	380
		0%	14%	17%		0%	20%	19%		0%	40%	39%		0%	26%	25%
Native American		0	0	9		0	4	23		0	8	59		0	2	40
		0%	0%	7%		0%	29%	18%		0%	57%	45%		0%	14%	31%
Caucasian		1	288	1,157		2	410	1,634		6	1,137	4,652		4	889	4,478
		8%	11%	10%		15%	15%	14%		46%	42%	39%		31%	33%	36%
Not Indicated		0	0	1		0	0	0		0	1	1		0	0	0
		0%	0%	50%		0%	0%	0%		0%	100%	50%		0%	0%	0%
Migrant		0	13	61		0	25	82		0	32	122		0	22	68
		0%	14%	18%		0%	27%	25%		0%	35%	37%		0%	24%	20%

Combined Population includes all students tested except those classified as 1st Year LEP.
General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

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062209 COMPLETE-25607000-000000

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: **56-07**
 District Name: **WEINER SD**
 Total Number of Students Tested: **28**

Date of Test: **April 2009**

LITERACY	Number & Percentage of Students Below Basic (BEL) 416 and below				Number & Percentage of Students Basic (BAS) 417 - 640				Number & Percentage of Students Proficient (PRO) 641 - 822				Number & Percentage of Students Advanced (ADV) 823 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		2 7%	501 7%	2,684 .8%		7 25%	1,835 26%	8,932 28%		14 50%	2,874 40%	13,898 40%		5 18%	1,922 27%	9,462 27%
Gender																
Female		2 11%	152 4%	870 5%		3 17%	756 22%	3,634 21%		10 56%	1,426 41%	6,981 41%		3 17%	1,168 33%	5,703 33%
Male		0 0%	349 10%	1,812 10%		4 40%	1,079 30%	5,297 30%		4 40%	1,448 40%	6,909 39%		2 20%	753 21%	3,756 21%
Not Indicated		0 0%	0 0%	2 14%		0 0%	0 0%	1 7%		0 0%	0 0%	8 57%		0 0%	1 100%	3 21%
Ethnicity																
Asian/Pacific Islander		0 0%	1 3%	39 7%		0 0%	3 9%	103 19%		0 0%	13 38%	191 34%		0 0%	17 50%	223 40%
African American		0 0%	232 14%	1,150 15%		0 0%	663 41%	3,226 42%		0 0%	555 35%	2,522 33%		1 100%	153 10%	832 11%
Hispanic		0 0%	18 9%	294 10%		0 0%	60 31%	979 33%		0 0%	89 46%	1,163 40%		1 100%	26 13%	498 17%
Native American		0 0%	2 15%	19 7%		0 0%	2 15%	58 22%		0 0%	6 46%	111 42%		0 0%	3 23%	76 29%
Caucasian		2 8%	247 5%	1,180 5%		7 27%	1,107 21%	4,562 19%		14 54%	2,211 42%	9,904 42%		3 12%	1,722 33%	7,830 33%
Not Indicated		0 0%	1 50%	2 13%		0 0%	0 0%	4 25%		0 0%	0 0%	7 44%		0 0%	1 50%	3 19%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0 0%	0 0%	12 4%		0 0%	2 10%	45 16%		0 0%	7 33%	90 32%		0 0%	12 57%	133 48%
African American		0 0%	73 9%	366 10%		0 0%	309 39%	1,481 39%		0 0%	319 40%	1,428 37%		0 0%	101 13%	540 14%
Hispanic		0 0%	6 7%	109 8%		0 0%	19 22%	401 28%		0 0%	45 52%	615 42%		1 100%	17 20%	328 23%
Native American		0 0%	1 20%	5 4%		0 0%	1 20%	28 20%		0 0%	1 20%	53 39%		0 0%	2 40%	51 37%
Caucasian		2 12%	71 3%	377 3%		3 18%	425 16%	1,676 15%		10 59%	1,054 41%	4,795 42%		2 12%	1,036 40%	4,651 40%
Not Indicated		0 0%	1 100%	1 25%		0 0%	0 0%	3 75%		0 0%	0 0%	0 0%		0 0%	0 0%	0 0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0 0%	1 8%	27 10%		0 0%	1 8%	58 21%		0 0%	6 46%	101 37%		0 0%	5 38%	90 33%
African American		0 0%	159 20%	783 20%		0 0%	354 44%	1,745 45%		0 0%	236 29%	1,094 28%		1 100%	52 6%	292 7%
Hispanic		0 0%	12 11%	185 12%		0 0%	41 39%	578 39%		0 0%	44 42%	548 37%		0 0%	9 8%	170 11%
Native American		0 0%	1 13%	14 11%		0 0%	1 13%	30 24%		0 0%	5 63%	58 46%		0 0%	1 13%	25 20%
Caucasian		0 0%	176 7%	802 7%		4 44%	682 25%	2,885 24%		4 44%	1,157 43%	5,108 43%		1 11%	686 25%	3,176 27%
Not Indicated		0 0%	0 0%	1 50%		0 0%	0 0%	1 50%		0 0%	0 0%	0 0%		0 0%	0 0%	0 0%
Migrant		0 0%	12 10%	54 15%		0 0%	39 32%	122 34%		0 0%	58 48%	144 40%		2 100%	13 11%	44 12%

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.
 PAGE: 10

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: **56-07**
 District Name: **WEINER SD**
 Total Number of Students Tested: **28**

Date of Test: **April 2009**

MATHEMATICS	Number & Percentage of Students Below Basic (BEL) 568 and below				Number & Percentage of Students Basic (BAS) 569 - 640				Number & Percentage of Students Proficient (PRO) 641 - 721				Number & Percentage of Students Advanced (ADV) 722 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		3	466	2,458		2	1,036	4,938		14	2,284	10,985		9	3,346	16,595
		11%	7%	7%		7%	15%	14%		50%	32%	31%		32%	47%	47%
Gender																
Female		2	154	912		1	457	2,226		9	1,090	5,311		6	1,801	8,739
		11%	4%	5%		6%	13%	13%		50%	31%	31%		33%	51%	51%
Male		1	312	1,544		1	579	2,711		5	1,194	5,669		3	1,544	7,850
		10%	9%	9%		10%	16%	15%		50%	33%	32%		30%	43%	44%
Not Indicated		0	0	2		0	0	1		0	0	5		0	1	6
		0%	0%	14%		0%	0%	7%		0%	0%	36%		0%	100%	43%
Ethnicity																
Asian/Pacific Islander		0	2	37		0	2	49		0	5	128		0	25	342
		0%	5%	7%		0%	6%	9%		0%	15%	23%		0%	74%	62%
African American		0	196	1,091		0	403	1,922		0	569	2,749		1	436	1,968
		0%	12%	14%		0%	25%	25%		0%	35%	36%		100%	27%	25%
Hispanic		0	18	217		0	35	521		1	57	1,009		0	83	1,187
		0%	9%	7%		0%	18%	18%		100%	30%	34%		0%	43%	40%
Native American		0	1	14		0	3	33		0	1	88		0	8	129
		0%	8%	5%		0%	23%	13%		0%	8%	33%		0%	62%	49%
Caucasian		3	249	1,097		2	593	2,412		13	1,852	7,004		8	2,793	12,963
		12%	5%	5%		8%	11%	10%		50%	31%	30%		31%	53%	55%
Not Indicated		0	1	2		0	0	1		0	0	7		0	1	6
		0%	50%	13%		0%	0%	6%		0%	0%	44%		0%	50%	38%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	1	13		0	2	26		0	1	58		0	17	183
		0%	5%	5%		0%	10%	9%		0%	5%	21%		0%	81%	65%
African American		0	66	387		0	181	896		0	308	1,438		0	247	1,094
		0%	8%	10%		0%	23%	23%		0%	38%	38%		0%	31%	29%
Hispanic		0	4	88		0	15	218		1	26	503		0	42	644
		0%	5%	6%		0%	17%	15%		100%	30%	35%		0%	46%	44%
Native American		0	0	5		0	2	14		0	0	44		0	3	74
		0%	0%	4%		0%	40%	10%		0%	0%	32%		0%	60%	54%
Caucasian		2	82	418		1	257	1,071		8	755	3,266		6	1,492	6,744
		12%	3%	4%		6%	10%	9%		47%	29%	28%		35%	58%	59%
Not Indicated		0	1	1		0	0	1		0	0	7		0	0	0
		0%	100%	25%		0%	0%	25%		0%	0%	50%		0%	0%	0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	1	24		0	0	23		0	4	70		0	8	159
		0%	8%	9%		0%	0%	8%		0%	31%	25%		0%	62%	58%
African American		0	129	703		0	222	1,026		0	261	1,311		1	189	874
		0%	16%	18%		0%	28%	26%		0%	33%	33%		100%	24%	22%
Hispanic		0	14	129		0	20	303		0	31	506		0	41	543
		0%	13%	9%		0%	19%	20%		0%	29%	34%		0%	39%	37%
Native American		0	1	9		0	1	19		0	1	44		0	5	55
		0%	13%	7%		0%	13%	15%		0%	13%	35%		0%	63%	43%
Caucasian		1	167	678		1	336	1,340		5	897	3,737		2	1,301	6,219
		11%	8%	6%		11%	12%	11%		56%	33%	31%		22%	48%	52%
Not Indicated		0	0	1		0	0	0		0	0	1		0	0	0
		0%	0%	50%		0%	0%	0%		0%	0%	50%		0%	0%	0%
Migrant		0	17	49		0	22	62		1	39	123		1	44	130
		0%	14%	13%		0%	18%	17%		50%	32%	34%		50%	36%	36%

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

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062209 COMPLETE-25607000-000000

Improvement School Rating (Gain)
 2 Schools approaching standards (Alert)

SCHOOL NUMBER - 56-07-031
 SCHOOL NAME - WEINER ELEMENTARY SCHOOL
 DISTRICT NAME - WEINER SCHOOL DISTRICT

INDICATOR 1: ACHIEVEMENT Criterion Referenced Achievement by Grade and Subgroup

Grade Seven Literacy	Percent Tested 2007-08	2005-2006										2006-2007										2007-2008									
		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced	
		School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District
Combined Population	95+	5.6	17	61	17	78	0	61	38	2.8	39	0	50	47	3.1	50	0	50	47	3.1	50	0	50	47	3.1	50	0	50	47	3.1	50
African-American	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Hispanic		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Caucasian	95+	5.9	12	85	18	82	0	64	33	3	36	0	48	48	3.2	52	0	48	48	3.2	52	0	48	48	3.2	52	0	48	48		
Economically Disadvantaged	95+	RV	RV	RV	RV	RV	0	77	24	0	24	0	63	37	0	37	0	63	37	0	37	0	63	37	0	37	0	63	37	0	
Students with Disabilities	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Limited English Proficient		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Migrant	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Male Students	95+	RV	RV	RV	RV	RV	0	67	33	0	33	0	64	32	4.5	38	0	64	32	4.5	38	0	64	32	4.5	38	0	64	32	4.5	
Female Students	95+	RV	RV	RV	RV	RV	0	58	39	5.8	44	0	20	80	0	80	0	20	80	0	80	0	20	80	0	80	0	20	80	0	
Grade Seven Mathematics																															
Combined Population	95+	5.6	33	50	11	61	33	25	33	8.3	42	38	38	22	3.1	25	38	38	22	3.1	25	38	38	22	3.1	25	38	38	22	3.1	
African-American	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Hispanic		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Caucasian	95+	5.9	35	47	12	59	30	27	33	9.1	42	36	39	23	3.2	26	36	39	23	3.2	26	36	39	23	3.2	26	36	39	23		
Economically Disadvantaged	95+	RV	RV	RV	RV	RV	41	29	29	0	29	47	32	16	5.3	21	47	32	16	5.3	21	47	32	16	5.3	21	47	32	16		
Students with Disabilities	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Limited English Proficient		RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Migrant	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Male Students	95+	RV	RV	RV	RV	RV	22	22	44	11	58	50	23	23	4.5	27	50	23	23	4.5	27	50	23	23	4.5	27	50	23	23		
Female Students	95+	RV	RV	RV	RV	RV	44	28	22	5.6	26	10	70	20	0	20	10	70	20	0	20	10	70	20	0	20	10	70	20		
Grade Seven Science																															
Combined Population	100											31	58	13	0	13	31	58	13	0	13	31	58	13	0	13	31	58	13	0	
African-American	100											RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Hispanic																															
Caucasian	100											29	58	13	0	13	29	58	13	0	13	29	58	13	0	13	29	58	13	0	
Economically Disadvantaged	100											42	47	11	0	11	42	47	11	0	11	42	47	11	0	11	42	47	11	0	
Students with Disabilities	100											RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Limited English Proficient																															
Migrant	NA											RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	
Male Students	NA											36	45	18	0	18	36	45	18	0	18	36	45	18	0	18	36	45	18	0	
Female Students	NA											20	80	0	0	0	20	80	0	0	0	20	80	0	0	0	20	80	0	0	

10 Source: National Office for Research, Measurement and Evaluation Systems, University of Arkansas at Fayetteville. The standard for achievement in Arkansas is Proficient.

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: **56-07**
 District Name: **WEINER SD**
 Total Number of Students Tested: **26**

Date of Test: **April 2009**

LITERACY	Number & Percentage of Students Below Basic (BEL) 425 and below				Number & Percentage of Students Basic (BAS) 426 - 672				Number & Percentage of Students Proficient (PRO) 673 - 866				Number & Percentage of Students Advanced (ADV) 867 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		2	527	2,384		9	2,280	10,526		10	3,038	14,397		5	1,470	7,305
		8%	7%	7%		35%	31%	30%		36%	42%	42%		19%	20%	21%
Gender																
Female	1	138	633		5	889	4,108		7	1,573	7,437		2	1,001	4,870	
	7%	4%	4%		33%	25%	24%		47%	44%	44%		13%	28%	29%	
Male	1	368	1,747		4	1,391	6,413		3	1,465	6,957		3	469	2,434	
	9%	10%	10%		36%	37%	37%		27%	39%	40%		27%	13%	14%	
Not Indicated	0	1	4		0	0	5		0	0	3		0	0	1	
	0%	100%	31%		0%	0%	38%		0%	0%	23%		0%	0%	8%	
Ethnicity																
Asian/Pacific Islander	0	0	25		0	6	104		0	19	189		0	15	173	
	0%	0%	5%		0%	15%	21%		0%	48%	38%		0%	38%	35%	
African American	0	237	1,065		0	777	3,403		0	484	2,440		0	113	652	
	0%	15%	14%		0%	48%	45%		0%	30%	32%		0%	7%	9%	
Hispanic	0	18	232		0	77	1,046		1	69	1,127		0	25	394	
	0%	10%	8%		0%	41%	37%		100%	37%	40%		0%	13%	14%	
Native American	0	1	10		0	1	58		0	3	106		0	6	49	
	0%	9%	4%		0%	9%	26%		0%	27%	48%		0%	55%	22%	
Caucasian	2	271	1,045		9	1,418	5,908		9	2,462	10,529		5	1,311	6,035	
	8%	5%	4%		36%	26%	25%		36%	45%	45%		20%	24%	28%	
Not Indicated	0	0	7		0	1	7		0	1	6		0	0	2	
	0%	0%	32%		0%	50%	32%		0%	50%	27%		0%	0%	9%	
Gender/Ethnicity - Female																
Asian/Pacific Islander	0	0	13		0	2	41		0	9	87		0	7	101	
	0%	0%	5%		0%	11%	17%		0%	50%	36%		0%	39%	42%	
African American	0	66	302		0	347	1,545		0	286	1,467		0	90	463	
	0%	8%	8%		0%	44%	41%		0%	36%	39%		0%	11%	12%	
Hispanic	0	3	63		0	28	431		0	40	597		0	14	251	
	0%	4%	5%		0%	33%	32%		0%	47%	44%		0%	16%	19%	
Native American	0	0	2		0	0	22		0	3	52		0	5	33	
	0%	0%	2%		0%	0%	20%		0%	38%	48%		0%	63%	30%	
Caucasian	1	69	253		5	512	2,068		7	1,234	5,233		2	885	4,021	
	7%	3%	2%		33%	19%	18%		47%	46%	45%		13%	33%	35%	
Not Indicated	0	0	0		0	0	1		0	1	1		0	0	1	
	0%	0%	0%		0%	0%	33%		0%	100%	33%		0%	0%	33%	
Gender/Ethnicity - Male																
Asian/Pacific Islander	0	0	12		0	4	63		0	10	102		0	8	72	
	0%	0%	5%		0%	18%	25%		0%	45%	41%		0%	36%	29%	
African American	0	171	763		0	430	1,858		0	198	973		0	23	189	
	0%	21%	20%		0%	52%	49%		0%	24%	26%		0%	3%	5%	
Hispanic	0	15	169		0	49	615		1	29	529		0	11	143	
	0%	14%	12%		0%	47%	42%		100%	28%	36%		0%	11%	10%	
Native American	0	1	8		0	1	36		0	0	54		0	1	16	
	0%	33%	7%		0%	33%	32%		0%	0%	47%		0%	33%	14%	
Caucasian	1	201	791		4	906	3,839		2	1,228	5,295		3	426	2,014	
	10%	7%	7%		40%	33%	32%		20%	44%	44%		30%	15%	17%	
Not Indicated	0	0	4		0	1	2		0	0	4		0	0	0	
	0%	0%	40%		0%	100%	20%		0%	0%	40%		0%	0%	0%	
Migrant	0	16	38		1	43	142		1	41	122		0	15	39	
	0%	14%	11%		50%	37%	42%		50%	36%	36%		0%	13%	11%	

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: **56-07**
 District Name: **WEINER SD**
 Total Number of Students Tested: **26**

Date of Test: **April 2009**

MATHEMATICS	Number & Percentage of Students Below Basic (BEL) 621 and below				Number & Percentage of Students Basic (BAS) 622 - 672				Number & Percentage of Students Proficient (PRO) 673 - 763				Number & Percentage of Students Advanced (ADV) 764 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		5	1,305	5,972		4	1,156	5,221		12	2,578	11,411		5	2,276	12,008
		19%	18%	17%		15%	16%	15%		46%	35%	33%		19%	31%	35%
Gender																
Female		2	507	2,438		2	568	2,599		8	1,344	5,917		3	1,182	6,094
		13%	14%	14%		13%	16%	15%		53%	37%	35%		20%	33%	36%
Male		3	797	3,528		2	588	2,620		4	1,234	5,490		2	1,094	5,913
		27%	21%	20%		18%	16%	15%		36%	33%	31%		18%	29%	34%
Not Indicated		0	1	6		0	0	2		0	0	4		0	0	1
		0%	100%	46%		0%	0%	15%		0%	0%	31%		0%	0%	8%
Ethnicity																
Asian/Pacific Islander		0	1	53		0	1	45		0	15	140		0	23	253
		0%	3%	11%		0%	3%	9%		0%	38%	29%		0%	58%	52%
African American		0	540	2,509		0	326	1,533		0	550	2,388		0	195	1,130
		0%	34%	33%		0%	20%	20%		0%	34%	32%		0%	12%	15%
Hispanic		0	42	555		0	41	525		1	66	1,016		0	40	703
		0%	22%	20%		0%	22%	19%		100%	35%	36%		0%	21%	25%
Native American		0	4	26		0	0	41		0	3	74		0	4	82
		0%	36%	12%		0%	0%	18%		0%	27%	33%		0%	36%	37%
Caucasian		5	718	2,821		4	787	3,071		11	1,943	7,786		5	2,014	9,839
		20%	13%	12%		16%	14%	13%		44%	36%	33%		20%	37%	42%
Not Indicated		0	0	8		0	1	6		0	1	7		0	0	1
		0%	0%	36%		0%	50%	27%		0%	50%	32%		0%	0%	5%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	0	24		0	0	24		0	7	74		0	11	120
		0%	0%	10%		0%	0%	10%		0%	39%	31%		0%	61%	50%
African American		0	212	1,030		0	180	821		0	287	1,308		0	110	618
		0%	27%	27%		0%	23%	22%		0%	36%	35%		0%	14%	16%
Hispanic		0	12	228		0	18	250		0	34	523		0	21	341
		0%	14%	17%		0%	21%	19%		0%	40%	39%		0%	25%	25%
Native American		0	2	12		0	0	24		0	2	40		0	4	33
		0%	25%	11%		0%	0%	22%		0%	25%	37%		0%	50%	30%
Caucasian		2	281	1,144		2	370	1,479		8	1,013	3,971		3	1,036	4,981
		13%	10%	10%		13%	14%	13%		53%	38%	34%		20%	38%	43%
Not Indicated		0	0	0		0	0	1		0	1	1		0	0	1
		0%	0%	0%		0%	0%	33%		0%	100%	33%		0%	0%	33%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	1	29		0	1	21		0	8	66		0	12	133
		0%	5%	12%		0%	5%	8%		0%	36%	27%		0%	55%	53%
African American		0	328	1,479		0	146	712		0	263	1,080		0	85	512
		0%	40%	39%		0%	18%	19%		0%	32%	29%		0%	10%	14%
Hispanic		0	30	326		0	23	275		1	32	493		0	19	362
		0%	29%	22%		0%	22%	19%		100%	31%	34%		0%	18%	2%
Native American		0	2	14		0	0	17		0	1	34		0	0	4%
		0%	67%	12%		0%	0%	15%		0%	33%	30%		0%	0%	4%
Caucasian		3	436	1,675		2	417	1,592		3	930	3,815		2	978	4,851
		30%	16%	14%		20%	15%	13%		30%	34%	32%		20%	35%	4%
Not Indicated		0	0	5		0	1	3		0	0	2		0	0	4%
		0%	0%	50%		0%	100%	30%		0%	0%	20%		0%	0%	4%
Migrant		0	30	83		0	24	71		2	38	119		0	23	6
		0%	26%	24%		0%	21%	21%		100%	33%	35%		0%	20%	2

Combined Population includes all students tested except those classified as 1st Year LEP.
 General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: **58-07**
 District Name: **WEINER SD**
 Total Number of Students Tested: **33**

Date of Test: **April 2009**

LITERACY	Number & Percentage of Students Below Basic (BEL) 508 and below				Number & Percentage of Students Basic (BAS) 507 - 699				Number & Percentage of Students Proficient (PRO) 700 - 913				Number & Percentage of Students Advanced (ADV) 914 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		0	505	2,283	10	1,633	7,503		19	3,454	16,485		4	1,662	7,923	
		0%	7%	7%	30%	23%	22%		58%	48%	48%		12%	23%	23%	
Gender																
Female		0	135	611	1	637	2,837		7	1,713	8,208		2	1,090	5,069	
		0%	4%	4%	10%	18%	17%		70%	48%	49%		20%	30%	30%	
Male		0	366	1,661	9	996	4,664		12	1,740	8,274		2	571	2,852	
		0%	10%	10%	39%	27%	27%		52%	47%	47%		9%	16%	16%	
Not Indicated		0	4	11	0	0	2		0	1	3		0	1	2	
		0%	67%	61%	0%	0%	11%		0%	17%	17%		0%	17%	11%	
Ethnicity																
Asian/Pacific Islander		0	1	32	0	1	92		0	15	204		0	15	174	
		0%	3%	6%	0%	3%	18%		0%	47%	41%		0%	47%	35%	
African American		0	223	982	0	597	2,678		1	633	3,198		0	147	840	
		0%	14%	13%	0%	37%	36%		100%	40%	43%		0%	9%	9%	
Hispanic		0	17	233	0	46	714		0	98	1,315		1	37	448	
		0%	9%	9%	0%	23%	26%		0%	49%	49%		100%	19%	17%	
Native American		0	2	11	0	5	53		0	12	127		0	5	55	
		0%	8%	4%	0%	21%	22%		0%	50%	52%		0%	21%	22%	
Caucasian		0	262	1,016	10	984	3,964		18	2,695	11,635		3	1,458	6,605	
		0%	5%	4%	32%	18%	17%		58%	50%	50%		10%	27%	28%	
Not Indicated		0	0	9	0	0	2		0	1	8		0	0	1	
		0%	0%	45%	0%	0%	10%		0%	100%	40%		0%	0%	5%	
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	0	11	0	0	38		0	7	88		0	7	110	
		0%	0%	4%	0%	0%	15%		0%	50%	36%		0%	50%	45%	
African American		0	66	283	0	284	1,205		0	344	1,849		0	94	444	
		0%	8%	7%	0%	36%	32%		0%	44%	49%		0%	12%	12%	
Hispanic		0	4	72	0	11	282		0	49	660		1	18	276	
		0%	5%	6%	0%	13%	22%		0%	60%	51%		100%	22%	21%	
Native American		0	0	3	0	2	18		0	3	59		0	4	40	
		0%	0%	3%	0%	22%	15%		0%	33%	49%		0%	44%	33%	
Caucasian		0	65	241	1	340	1,294		7	1,310	5,550		1	967	4,199	
		0%	2%	2%	11%	13%	11%		78%	49%	49%		11%	36%	37%	
Not Indicated		0	0	1	0	0	0		0	0	2		0	0	0	
		0%	0%	33%	0%	0%	0%		0%	0%	67%		0%	0%	0%	
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	1	21	0	1	54		0	8	116		0	8	64	
		0%	6%	8%	0%	6%	21%		0%	44%	45%		0%	44%	25%	
African American		0	153	695	0	313	1,473		1	289	1,347		0	53	196	
		0%	19%	19%	0%	39%	40%		100%	36%	36%		0%	7%	5%	
Hispanic		0	13	161	0	35	432		0	49	655		0	19	172	
		0%	11%	11%	0%	30%	30%		0%	42%	46%		0%	16%	12%	
Native American		0	2	8	0	3	35		0	9	68		0	1	15	
		0%	13%	6%	0%	20%	28%		0%	60%	54%		0%	7%	12%	
Caucasian		0	197	775	9	644	2,670		11	1,385	6,085		2	490	2,405	
		0%	7%	6%	41%	24%	22%		50%	51%	51%		9%	18%	20%	
Not Indicated		0	0	1	0	0	0		0	0	3		0	0	0	
		0%	0%	25%	0%	0%	0%		0%	0%	75%		0%	0%	0%	
Migrant		0	14	44	0	26	82		2	46	155		1	4	15	
		0%	16%	15%	0%	29%	28%		67%	51%	52%		33%	4%	5%	

Combined Population includes all students tested except those classified as 1st Year LEP. General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

DISTRICT SUMMARY REPORT COMBINED POPULATION

District Number: **56-07**
 District Name: **WEINER SD**
 Total Number of Students Tested: **33**

Date of Test: **April 2009**

MATHEMATICS	Number & Percentage of Students Below Basic (BEL) 654 and below				Number & Percentage of Students Basic (BAS) 655 - 699				Number & Percentage of Students Proficient (PRO) 700 - 801				Number & Percentage of Students Advanced (ADV) 802 and above			
	School	District	Region	State	School	District	Region	State	School	District	Region	State	School	District	Region	State
All Students		7	1,773	7,922		9	1,172	5,251		14	2,812	13,219		3	1,497	7,802
		21%	24%	23%		27%	18%	15%		42%	39%	39%		9%	21%	23%
Gender																
Female		1	797	3,598		3	580	2,583		5	1,418	6,655		1	782	3,889
		10%	22%	22%		30%	16%	15%		50%	40%	40%		10%	22%	23%
Male		6	972	4,309		6	591	2,667		9	1,395	6,562		2	715	3,913
		26%	26%	25%		26%	16%	15%		39%	38%	38%		9%	19%	22%
Not Indicated		0	4	15		0	1	1		0	1	2		0	0	0
		0%	67%	63%		0%	17%	6%		0%	17%	11%		0%	0%	0%
Ethnicity																
Asian/Pacific Islander		0	2	97		0	4	56		0	11	169		0	15	180
		0%	6%	19%		0%	13%	11%		0%	34%	34%		0%	47%	36%
African American		1	745	3,389		0	308	1,433		0	444	2,166		0	103	508
		100%	47%	45%		0%	19%	19%		0%	28%	29%		0%	6%	7%
Hispanic		0	48	764		0	43	482		1	79	1,084		0	28	380
		0%	24%	28%		0%	22%	18%		100%	40%	40%		0%	14%	14%
Native American		0	6	49		0	4	40		0	11	109		0	3	48
		0%	25%	20%		0%	17%	16%		0%	46%	44%		0%	13%	20%
Caucasian		6	972	3,609		9	812	3,237		13	2,267	9,688		3	1,348	6,686
		19%	18%	16%		29%	15%	14%		42%	42%	42%		10%	25%	29%
Not Indicated		0	0	14		0	1	3		0	0	3		0	0	0
		0%	0%	70%		0%	100%	15%		0%	0%	15%		0%	0%	0%
Gender/Ethnicity - Female																
Asian/Pacific Islander		0	0	43		0	4	29		0	3	85		0	7	90
		0%	0%	17%		0%	29%	12%		0%	21%	34%		0%	50%	36%
African American		0	349	1,592		0	156	752		0	218	1,155		0	65	282
		0%	44%	42%		0%	20%	20%		0%	28%	31%		0%	8%	7%
Hispanic		0	18	348		0	19	244		1	38	529		0	7	169
		0%	22%	27%		0%	23%	19%		100%	46%	41%		0%	9%	13%
Native American		0	2	20		0	1	21		0	5	54		0	1	25
		0%	22%	17%		0%	11%	18%		0%	56%	45%		0%	11%	21%
Caucasian		1	428	1,593		3	400	1,537		4	1,152	4,831		1	702	3,323
		11%	16%	14%		33%	15%	14%		44%	43%	43%		11%	26%	29%
Not Indicated		0	0	2		0	0	0		0	0	1		0	0	0
		0%	0%	67%		0%	0%	0%		0%	0%	33%		0%	0%	0%
Gender/Ethnicity - Male																
Asian/Pacific Islander		0	2	54		0	0	27		0	8	84		0	8	90
		0%	11%	21%		0%	0%	11%		0%	44%	33%		0%	44%	35%
African American		1	392	1,793		0	152	681		0	228	1,011		0	38	226
		100%	49%	48%		0%	19%	18%		0%	28%	27%		0%	5%	6%
Hispanic		0	30	416		0	24	238		0	41	555		0	21	211
		0%	26%	29%		0%	21%	17%		0%	35%	39%		0%	18%	15%
Native American		0	4	29		0	3	19		0	6	55		0	2	23
		0%	27%	23%		0%	20%	15%		0%	40%	44%		0%	13%	18%
Caucasian		5	544	2,016		6	412	1,700		9	1,114	4,856		2	646	3,363
		23%	20%	17%		27%	15%	14%		41%	41%	41%		9%	24%	28%
Not Indicated		0	0	1		0	0	2		0	0	1		0	0	0
		0%	0%	25%		0%	0%	50%		0%	0%	25%		0%	0%	0%
Migrant		1	31	105		0	22	63		2	31	100		0	6	28
		33%	34%	35%		0%	24%	21%		67%	34%	34%		0%	7%	9%

Combined Population includes all students tested except those classified as 1st Year LEP. General Population does not include students who are classified as IEP, LEP, or Highly Mobile.

Improvement School Rating (Gain)
 2 Schools approaching standards (Alert)

SCHOOL NUMBER - 56-07-031
 SCHOOL NAME - WEINER ELEMENTARY SCHOOL
 DISTRICT NAME - WEINER SCHOOL DISTRICT

INDICATOR 1: ACHIEVEMENT Criterion Referenced Achievement by Grade and Subgroup

End-of-Course Algebra I	Percent Tested 2007-08	2005-2006										2006-2007										2007-2008									
		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced		Below Basic		Basic		Proficient		Advanced		Proficient & Advanced	
		School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District	School	District
Combined Population	95+	3.1	28	53	16	69	8.3	50	38	4.2	42	7.4	30	48	15	63															
African-American							RV	RV	RV	RV	RV																				
Hispanic	95+						RV	RV	RV	RV	RV	RV	RV	RV	RV	RV															
Caucasian	95+	3.2	26	55	18	71	9.1	46	41	4.5	46	8	32	52	16	68															
Economically Disadvantaged	95+	0	31	62	7.7	69	0	60	30	10	40	13	33	53	0	53															
Students with Disabilities	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV															
Limited English Proficient	95+						RV	RV	RV	RV	RV	RV	RV	RV	RV	RV															
Migrant	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV															
Male Students	95+	5.9	29	41	24	65	0	75	25	0	25	7.1	43	36	14	50															
Female Students	95+	0	27	67	6.7	73	17	25	50	8.3	58	7.7	15	62	15	77															
End-of-Course Geometry																															
Combined Population	95+	0	22	50	28	78	10	35	35	21	55	8	44	36	12	48															
African-American																															
Hispanic	95+											RV	RV	RV	RV	RV															
Caucasian	95+	0	23	48	29	77	18	35	35	21	55	8.3	46	38	8.3	46															
Economically Disadvantaged	95+	RV	RV	RV	RV	RV	RV	RV	RV	RV	RV	13	40	33	13	47															
Students with Disabilities	95+						RV	RV	RV	RV	RV	RV	RV	RV	RV	RV															
Limited English Proficient	95+											RV	RV	RV	RV	RV															
Migrant	95+											RV	RV	RV	RV	RV															
Male Students	95+	0	15	39	46	85	8.3	36	25	31	58	8.3	42	42	8.3	50															
Female Students	95+	0	26	58	16	74	15	31	46	7.7	54	7.7	46	31	15	46															
End-of-Course Biology																															
Combined Population	100											35	45	10	10	21															
African-American																															
Hispanic																															
Caucasian	100											35	45	10	10	21															
Economically Disadvantaged	100											44	38	6.3	13	19															
Students with Disabilities	100											RV	RV	RV	RV	RV															
Limited English Proficient																															
Migrant																															
Male Students	NA											25	56	0	19	19															
Female Students	NA											46	31	23	0	23															

12 Source: National Office for Research, Measurement and Evaluation Systems, University of Arkansas at Fayetteville. The standard for achievement in Arkansas is Proficient.

Improvement School Rating (Gain)

2 Schools approaching standards (less)

SCHOOL NUMBER - 56-07-031

SCHOOL NAME - WEINER ELEMENTARY SCHOOL

DISTRICT NAME - WEINER SCHOOL DISTRICT

INDICATOR 1: ACHIEVEMENT

	2005-2006			2006-2007			2007-2008		
	School	District	State	School	District	State	School	District	State
Norm-Referenced Test*									
Grade One Reading Comprehension							49	49	41
Grade One Math Problem Solving and Data Interpretation							42	42	48
Grade Two Reading Comprehension							34	34	41
Grade Two Math Problem Solving and Data Interpretation							32	32	49
Grade Three Reading Comprehension	59	59	61	62	62	60	57	57	48
Grade Three Math Problem Solving and Data Interpretation	65	65	84	64	64	61	63	63	58
Grade Four Reading Comprehension	73	73	63	68	68	62	71	71	64
Grade Four Math Problem Solving and Data Interpretation	74	74	67	72	72	65	61	61	65
Grade Five Reading Comprehension	67	67	59	75	75	60	52	52	56
Grade Five Math Problem Solving and Data Interpretation	64	64	63	73	73	62	33	33	61
Grade Five Science							37	37	52
Grade Six Reading Comprehension	52	52	52	60	60	51	53	53	46
Grade Six Math Problem Solving and Data Interpretation	59	59	59	53	53	57	73	73	64
Grade Seven Reading Comprehension		63	51		47	52		44	53
Grade Seven Math Problem Solving and Data Interpretation		67	56		63	57		36	56
Grade Seven Science								49	54
Grade Eight Reading Comprehension		56	51		57	50		43	53
Grade Eight Math Problem Solving and Data Interpretation		49	51		59	51		54	64
Grade Nine Reading Comprehension		42	48		52	47		49	49
Grade Nine Math Concepts and Problem Solving		47	53		59	53		60	63
American College Test									
Mathematics		22.2	20.3		20.6	20.4		19.9	20.71
English		24	21.1		22.2	21		19.8	21.25
Reading					23.3	21.8		20.6	22.03
Science					22.1	21.1		19.7	21.25
Composite		23.1	20.8		21.8	20.8		19.6	20.99
Number of Students Taking AP Courses		37	16,800		40	23,471		40	16,980
Number of Advanced Placement (AP) Exams Taken		32	24,887		45	25,763		52	28,142
Number of AP Exams with Scores of 3, 4, or 5		2	6,762	0	0	7,339		3	7,967
No Child Left Behind Adequate Yearly Progress (AYP)									
Year One of School Improvement	N	0	107	N	0	114	N	0	104
Year Two of School Improvement	N	0	89	N	0	63	N	0	88
Corrective Action	N	0	90	N	0	73	N	0	58
Restructuring	N	0	32	N	0	79	N	0	124

Source: National Office for Research, Measurement and Evaluation Systems, University of Arkansas at Fayetteville. The standard for achievement in Arkansas is Proficient.

*Note: Norm-Referenced test used for 2005-2006 and 2006-2007 was the ITBS. SAT-10 was used for 2007-2008.

STANDARDS FOR ACCREDITATION INFORMATION

Date: 05/07/2008
 : 56-07-000
 County: POINSETT

Page #: 1
 District: WEINER SCHOOL DISTRICT
 Supervisor: E. HARVEY

2007-2008 Status:
 Review Date: Comments:

2006-2007 Status:
 Review Date: Comments:

2005-2006 Status:
 Review Date: Comments:

Enrollment-	K	20
	1	20
	2	25
	3	28
	4	20
	5	28
	6	25
	7	34
	8	38
	9	23
	10	27
	11	30
	12	22
	EE	0
	SM	0
	SS	0
	13	0

Total enrollment for 56-07-000: 340

FTE Totals-		
	Counselor	1.00
	Principal	1.00
	Asst. Principal	0.00
	Library/Media	1.00

Staff Development Hours:
 Total Book Volume:

Date: 05/07/2008

Page #: 2

ea: 56-07-031

School: WEINER ELEMENTARY SCHOOL

07-2008 Status: ACCREDITED-CITED
 Review Date: Comments:

313 JOB NOT CERT 09/01/2009
 TERESA E COUNTRYMAN
 95130 Reading Grade 5

006-2007 Status: ACCREDITED-CITED
 Review Date: Comments: J WILLETT WRONG SSN/CITE ALP SP ED

005-2006 Status: ACCREDITED
 Review Date: Comments:

Enrollment-	K	20
	1	20
	2	25
	3	28
	4	20
	5	28
	6	25
	7	0
	8	0
	9	0
	10	0
	11	0
	12	0
	EE	0
	SM	0
	SS	0
	13	0

Total enrollment for 56-07-031: 166

FTE Totals-

Counselor	0.50
Principal	0.50
Asst. Principal	0.00
Library/Media	0.50

Staff Development Hours: 60
 Total Book Volume: 5324

Date: 05/07/2008

Page #: 3

56-07-032

School: WEINER HIGH SCHOOL

7-2008
Review Date:

Status: ACCREDITED-CITED
Comments:

13 JOB NOT CERT
MARY E PHILPOT
7540 Instrumental Music Grade 7

09/01/2009

8 JOB NOT CERT
MARY E PHILPOT
8540 Instrumental Music Grade 8

09/01/2009

3 JOB NOT CERT
MARY E PHILPOT
1000 Instrumental Music I

09/01/2009

06-2007
Review Date: 10/15/2007

Status: ACCREDITED - PROBATIONARY

Comments:

0 SECONDARY COURSES

00 SECONDARY COURSES

313 JOB NOT CERT
MORGAN E RUFF
100 Career Orientation

09/01/2008

05-2006
Review Date:

Status: ACCREDITED-CITED
Comments:

3 JOB NOT CERT
JAROD L WRIGHT
00 Algebra I

09/01/2007

Date: 05/07/2008

Page #: 4

ed: 56-07-032

School: WEINER HIGH SCHOOL

Enrollment-	K	0
	1	0
	2	0
	3	0
	4	0
	5	0
	6	0
	7	34
	8	38
	9	23
	10	27
	11	30
	12	22
	EE	0
	SM	0
	SS	0
	13	0

Total enrollment for 56-07-032: 174

FTE Totals-

Counselor	0.50
Principal	0.50
Asst. Principal	0.00
Library/Media	0.50

Staff Development Hours: 60
 Total Book Volume: 5720

Date: 05/07/2008

Page #: 1

56-07-000

District: WEINER SCHOOL DISTRICT

City: POINSETT

Supervisor: E. HARVEY

NO SCHOOL NURSE

CORRECTED EXCEPTION

56-07-031

School: WEINER ELEMENTARY SCHOOL

07-2008

Status: ACCREDITED-CITED

Review Date:

Comments:

13 JOB NOT CERT

09/01/2010

BELINDA D GREGORY

CORRECTED EXCEPTION

B20

16 GRADE LEVEL

BELINDA D GREGORY

WRONG GRADE LEVEL

L30

17 NOT HQT

BELINDA D GREGORY

CORRECTED EXCEPTION

L10

17 NOT HQT

BELINDA D GREGORY

CORRECTED EXCEPTION

L20

17 NOT HQT

BELINDA D GREGORY

CORRECTED EXCEPTION

L710

17 NOT HQT

BELINDA D GREGORY

CORRECTED EXCEPTION

66110

17 NOT HQT

BELINDA D GREGORY

CORRECTED EXCEPTION

66710

17 NOT HQT

WILMA B GREENO

CORRECTED EXCEPTION

33110

17 NOT HQT

WILMA B GREENO

CORRECTED EXCEPTION

33120

17 NOT HQT

WILMA B GREENO

CORRECTED EXCEPTION

33210

17 NOT HQT

WILMA B GREENO

CORRECTED EXCEPTION

710

16 GRADE LEVEL

CHRISTOPHER B VANAMBURG

WRONG GRADE LEVEL

D930

Date: 05/07/2008

Page #: 2

56-07-000

District: WEINER SCHOOL DISTRICT

County: POINSETT

Supervisor: E. HARVEY

311 NOT CERTIFIED

JABETH WILLET

INVALID DATA

317 NOT HQT

TARA L HARRELSON

CORRECTED EXCEPTION

2110

317 NOT HQT

TARA L HARRELSON

CORRECTED EXCEPTION

2120

317 NOT HQT

TARA L HARRELSON

CORRECTED EXCEPTION

2210

317 NOT HQT

TARA L HARRELSON

CORRECTED EXCEPTION

2310

317 NOT HQT

TARA L HARRELSON

CORRECTED EXCEPTION

2710

317 NOT HQT

TARA L HARRELSON

CORRECTED EXCEPTION

35110

317 NOT HQT

TARA L HARRELSON

CORRECTED EXCEPTION

33120

317 NOT HQT

TARA L HARRELSON

CORRECTED EXCEPTION

33710

317 NOT HQT

JACKIE M WEEKS

CORRECTED EXCEPTION

00110

317 NOT HQT

JACKIE M WEEKS

CORRECTED EXCEPTION

00120

317 NOT HQT

JACKIE M WEEKS

CORRECTED EXCEPTION

00310

316 GRADE LEVEL

MARY E PHILPOT

WRONG GRADE LEVEL

0520

317 NOT HQT

MARY E PHILPOT

CORRECTED EXCEPTION

1520

317 NOT HQT

MARY E PHILPOT

CORRECTED EXCEPTION

2520

Date: 05/07/2008

Page #: 3

: 56-07-000

District: WEINER SCHOOL DISTRICT

County: POINSETT

Supervisor: E. HARVEY

307 NOT HQT

MARY E PHILPOT

CORRECTED EXCEPTION

30520

317 NOT HQT

MARY E PHILPOT

CORRECTED EXCEPTION

31520

317 NOT HQT

MARY E PHILPOT

CORRECTED EXCEPTION

31560

317 NOT HQT

MARY E PHILPOT

CORRECTED EXCEPTION

31560

317 NOT HQT

FELICIA PIERCY

CORRECTED EXCEPTION

21110

317 NOT HQT

FELICIA PIERCY

CORRECTED EXCEPTION

21120

317 NOT HQT

FELICIA PIERCY

CORRECTED EXCEPTION

22210

317 NOT HQT

FELICIA PIERCY

CORRECTED EXCEPTION

22310

317 NOT HQT

FELICIA PIERCY

CORRECTED EXCEPTION

22710

316 GRADE LEVEL

DEANNE E NEELY

WRONG GRADE LEVEL

00110

316 GRADE LEVEL

DEANNE E NEELY

WRONG GRADE LEVEL

00120

316 GRADE LEVEL

DEANNE E NEELY

WRONG GRADE LEVEL

00310

3317 NOT HQT

DEANNE E NEELY

CORRECTED EXCEPTION

21110

3317 NOT HQT

DEANNE E NEELY

CORRECTED EXCEPTION

21120

3317 NOT HQT

DEANNE E NEELY

CORRECTED EXCEPTION

21210

Date: 05/07/2008
: 56-07-000
County: POINSETT

Page #: 4
District: WEINER SCHOOL DISTRICT
Supervisor: E. HARVEY

317 NOT HQT
[REDACTED] DEANNE E NEELY CORRECTED EXCEPTION
11310
317 NOT HQT
[REDACTED] DEANNE E NEELY CORRECTED EXCEPTION
11710
316 GRADE LEVEL
[REDACTED] HEATHER M GIBBS WRONG GRADE LEVEL
15110
317 NOT HQT
[REDACTED] HEATHER M GIBBS CORRECTED EXCEPTION
15210
317 NOT HQT
[REDACTED] HEATHER M GIBBS CORRECTED EXCEPTION
15310
316 GRADE LEVEL
[REDACTED] MARY J DAVIS WRONG GRADE LEVEL
110510
317 NOT HQT
[REDACTED] MARY J DAVIS CORRECTED EXCEPTION
111510
317 NOT HQT
[REDACTED] MARY J DAVIS CORRECTED EXCEPTION
122510
317 NOT HQT
[REDACTED] MARY J DAVIS CORRECTED EXCEPTION
133510
317 NOT HQT
[REDACTED] MARY J DAVIS CORRECTED EXCEPTION
144510
317 NOT HQT
[REDACTED] MARY J DAVIS CORRECTED EXCEPTION
155510
317 NOT HQT
[REDACTED] MARY J DAVIS CORRECTED EXCEPTION
166510
8313 JOB NOT CERT 09/01/2009
[REDACTED] CHARLES J HANSON CORRECTED EXCEPTION
2110 Survey of Fine Arts
8313 JOB NOT CERT 09/01/2010
[REDACTED] TERESA E COUNTRYMAN CORRECTED EXCEPTION
115110
8313 JOB NOT CERT 09/01/2010
[REDACTED] TERESA E COUNTRYMAN CORRECTED EXCEPTION
115710

Date: 05/07/2008

Page #: 5

56-07-000

District: WEINER SCHOOL DISTRICT

County: POINSETT

Supervisor: E. HARVEY

313 JOB NOT CERT

09/01/2010

TERESA E COUNTRYMAN

CORRECTED EXCEPTION

3820

317 NOT HQT

BEVERLY A CAMPBELL

CORRECTED EXCEPTION

1110

317 NOT HQT

BEVERLY A CAMPBELL

CORRECTED EXCEPTION

1120

317 NOT HQT

BEVERLY A CAMPBELL

CORRECTED EXCEPTION

1210

317 NOT HQT

BEVERLY A CAMPBELL

CORRECTED EXCEPTION

1310

317 NOT HQT

BEVERLY A CAMPBELL

CORRECTED EXCEPTION

1710

6 GRADE LEVEL

SUSANNE M MICHAEL

WRONG GRADE LEVEL

66110

317 NOT HQT

SUSANNE M MICHAEL

CORRECTED EXCEPTION

244110

317 NOT HQT

SUSANNE M MICHAEL

CORRECTED EXCEPTION

244210

317 NOT HQT

SUSANNE M MICHAEL

CORRECTED EXCEPTION

244310

317 NOT HQT

SUSANNE M MICHAEL

CORRECTED EXCEPTION

366210

317 NOT HQT

SUSANNE M MICHAEL

CORRECTED EXCEPTION

366310

56-07-032

School: WEINER HIGH SCHOOL

07-2008

Status: ACCREDITED-CITED

Review Date:

Comments:

100 SECONDARY COURSES

CORRECTED EXCEPTION

Date: 05/07/2008

Page #: 6

56-07-000

District: WEINER SCHOOL DISTRICT

County: POINSETT

Supervisor: E. HARVEY

317 NOT HQT

██████████ KRISTEN TURNER

CORRECTED EXCEPTION

██████████ 0020

313 JOB NOT CERT

09/01/2010

██████████ LESLIE WARR

CORRECTED EXCEPTION

██████████ 860

313 JOB NOT CERT

09/01/2008

██████████ LESLIE WARR

CORRECTED EXCEPTION

██████████ 300

313 JOB NOT CERT

09/01/2010

██████████ LESLIE WARR

CORRECTED EXCEPTION

██████████ 310

313 JOB NOT CERT

09/01/2010

██████████ LESLIE WARR

CORRECTED EXCEPTION

██████████ 250

317 NOT HQT

██████████ JAROD L WRIGHT

CORRECTED EXCEPTION

██████████ 8130

317 NOT HQT

██████████ JAROD L WRIGHT

CORRECTED EXCEPTION

██████████ 8310

317 NOT HQT

██████████ JAROD L WRIGHT

CORRECTED EXCEPTION

██████████ 30000

317 NOT HQT

██████████ JAROD L WRIGHT

CORRECTED EXCEPTION

██████████ 39030

317 NOT HQT

██████████ JAROD L WRIGHT

CORRECTED EXCEPTION

██████████ 30100

316 GRADE LEVEL

██████████ GARRETT D EOFF

CORRECTED EXCEPTION

██████████ 58810

313 JOB NOT CERT

09/01/2010

██████████ CHRISTOPHER B VANAMBURG

CORRECTED EXCEPTION

██████████ 77310

316 GRADE LEVEL

██████████ WENDY KEMP

WRONG GRADE LEVEL

██████████ 73900

317 NOT HQT

██████████ AMBER N JONES

CORRECTED EXCEPTION

██████████ 3000

317 NOT HQT

██████████ AMBER N JONES

CORRECTED EXCEPTION

██████████ 7020

Date: 05/07/2008

Page #: 7

56-07-000

District: WEINER SCHOOL DISTRICT
Supervisor: E. HARVEY

County: POINSETT

307 NOT HQT

AMBER N JONES
17030

CORRECTED EXCEPTION

317 NOT HQT

AMBER N JONES
17040

CORRECTED EXCEPTION

3100 NOT AP APPROVED

AMBER N JONES
17030

09/01/2010

CORRECTED EXCEPTION

3100 NOT AP APPROVED

AMBER N JONES
17040

09/01/2010

CORRECTED EXCEPTION

317 NOT HQT

FRANK B HARDWICK
17000

CORRECTED EXCEPTION

317 NOT HQT

FRANK B HARDWICK
17000

CORRECTED EXCEPTION

715 GRADE LEVEL

MARY J SITZER
77110

WRONG GRADE LEVEL

817 NOT HQT

MARY J SITZER
88110

CORRECTED EXCEPTION

913 JOB NOT CERT

KELLY MACK
971500

09/01/2010

CORRECTED EXCEPTION

916 GRADE LEVEL

KELLY MACK
992150

WRONG GRADE LEVEL

913 JOB NOT CERT

CANDICE S HEMBREY
9377110

09/01/2010

CORRECTED EXCEPTION

917 NOT HQT

CANDICE S HEMBREY
9378720

CORRECTED EXCEPTION

8313 JOB NOT CERT

MARY E PHILPOT
831020

09/01/2010

CORRECTED EXCEPTION

8317 NOT HQT

MARY E PHILPOT
837530

CORRECTED EXCEPTION

8317 NOT HQT

MARY E PHILPOT
838530

CORRECTED EXCEPTION

Date: 05/07/2008

Page #: 8

56-07-000

District: WEINER SCHOOL DISTRICT

County: POINSETT

Supervisor: E. HARVEY

17 NOT HQT

FRANCES TERRY

CORRECTED EXCEPTION

22000

317 NOT HQT

J. A BROWN

CORRECTED EXCEPTION

1000

317 NOT HQT

J. A BROWN

CORRECTED EXCEPTION

3000

317 NOT HQT

J. A BROWN

CORRECTED EXCEPTION

9070

317 NOT HQT

J. A BROWN

CORRECTED EXCEPTION

0200

317 NOT HQT

J. A BROWN

CORRECTED EXCEPTION

1040

16 GRADE LEVEL

MARY J DAVIS

WRONG GRADE LEVEL

7/510

16 GRADE LEVEL

MARY J DAVIS

WRONG GRADE LEVEL

88510

17 NOT HQT

MARY J DAVIS

CORRECTED EXCEPTION

150000

17 NOT HQT

MARY J DAVIS

CORRECTED EXCEPTION

450010

17 NOT HQT

MARY J DAVIS

CORRECTED EXCEPTION

559040

100 NOT AP APPROVED

09/01/2010

MARY J DAVIS

CORRECTED EXCEPTION

559040

313 JOB NOT CERT

09/01/2009

CHARLES J HANSON

CORRECTED EXCEPTION

050 General Music

17 NOT HQT

JEREMY R BOLING

CORRECTED EXCEPTION

68210

8317 NOT HQT

JEREMY R BOLING

CORRECTED EXCEPTION

20000

Date: 05/07/2008
56-07-000

Page #: 9

County: POINSETT

District: WEINER SCHOOL DISTRICT
Supervisor: E. HARVEY

317 NOT HQT

JEREMY R BOLING

CORRECTED EXCEPTION

21000

317 NOT HQT

JEREMY R BOLING

CORRECTED EXCEPTION

23000

317 NOT HQT

JEREMY R BOLING

CORRECTED EXCEPTION

24020

317 NOT HQT

JEREMY R BOLING

CORRECTED EXCEPTION

25030

313 JOB NOT CERT

DON WOODY

09/01/2009

WRONG JOB CODE

28810

317 NOT HQT

DON WOODY

CORRECTED EXCEPTION

272100

317 NOT HQT

DON WOODY

CORRECTED EXCEPTION

274200

317 NOT HQT

DON WOODY

CORRECTED EXCEPTION

570020

317 NOT HQT

STEPHEN K MICHAEL

CORRECTED EXCEPTION

377210

317 NOT HQT

STEPHEN K MICHAEL

CORRECTED EXCEPTION

377710

317 NOT HQT

STEPHEN K MICHAEL

CORRECTED EXCEPTION

388210

Date: 05/09/2008
 : 55-01-000
 County: PIKE

Page #: 1
 District: DELIGHT SCHOOL DISTRICT
 Supervisor: R. CAUSBIE

2007-2008 Status:
 Review Date: Comments:

2006-2007 Status:
 Review Date: Comments:

2005-2006 Status:
 Review Date: Comments:

Enrollment-	K	21
	1	23
	2	24
	3	34
	4	23
	5	25
	6	26
	7	26
	8	25
	9	19
	10	33
	11	24
	12	32
	EE	0
	SM	0
	SS	0
	13	0

Total enrollment for 55-01-000: 335

FTE Totals-		
	Counselor	1.00
	Principal	1.00
	Asst. Principal	0.00
	Library/Media	1.00

Staff Development Hours:
 Total Book Volume:

Date: 05/09/2008

Page #: 2

J: 55-01-001

School: DELIGHT ELEMENTARY SCHOOL

07-2008

Status: ACCREDITED-CITED

View Date:

Comments:

13 JOB NOT CERT

09/01/2009

[REDACTED] RHONDA HOUSE

6120 Reading Developmental Skills Grade 6

13 JOB NOT CERT

09/01/2009

[REDACTED] DONNA ALEXANDER

6120 Reading Developmental Skills Grade 5

13 JOB NOT CERT

09/01/2009

[REDACTED] DONNA ALEXANDER

6120 Reading Developmental Skills Grade 6

13 JOB NOT CERT

09/01/2009

[REDACTED] JOYCE VITZTHUM

5120 Reading Developmental Skills Grade 5

06-2007

Status: ACCREDITED

View Date:

Comments:

05-2006

Status: ACCREDITED

View Date:

Comments: O'NEAL REPLACED BY 627-01-0642

11 NOT CERTIFIED

[REDACTED] ELIZABETH S O'NEAL

Date: 05/09/2008

Page #: 4

#: 55-01-002

School: DELIGHT HIGH SCHOOL

07-2008

Status: ACCREDITED-CITED

View Date:

Comments:

13 JOB NOT CERT

09/01/2008

TERRIE SLATTON

710 Social Studies Grade 7

13 JOB NOT CERT

09/01/2008

TERRIE SLATTON

720 Arkansas History 7-8

13 JOB NOT CERT

09/01/2009

CECIL K BELT

2000 Physics

06-2007

Status: ACCREDITED-CITED

View Date:

Comments:

13 JOB NOT CERT

09/01/2008

TERRIE SLATTON

7710 Social Studies Grade 7

05-2006

Status: ACCREDITED-CITED

View Date:

Comments:

13 JOB NOT CERT

09/01/2007

AMANDA G LAMB

000 Journalism

Date: 05/09/2008

Page #: 5

55-01-002

School: DELIGHT HIGH SCHOOL

=====

Enrollment-	K	0
	1	0
	2	0
	3	0
	4	0
	5	0
	6	0
	7	26
	8	25
	9	19
	10	33
	11	24
	12	32
	EE	0
	SM	0
	SS	0
	13	0

Total enrollment for 55-01-002: 159

FTE Totals-		
	Counselor	0.50
	Principal	0.50
	Asst. Principal	0.00
	Library/Media	0.50

Staff Development Hours: 60
 Total Book Volume: 3324

Date: 05/09/2008
: 55-01-000

Page #: 1

County: PIKE

District: DELIGHT SCHOOL DISTRICT
Supervisor: R. CAUSBIE

NO SCHOOL NURSE

INVALID DATA

: 55-01-001

School: DELIGHT ELEMENTARY SCHOOL

007-2008

Status: ACCREDITED-CITED

Review Date:

Comments:

NOT HQT

CARLINE PALMER

CORRECTED EXCEPTION

120

GRADE LEVEL

LAURA HUGHES

WRONG GRADE LEVEL

120

JOB NOT CERT

RHONDA HOUSE

09/01/2010

CORRECTED EXCEPTION

120

JOB NOT CERT

RHONDA HOUSE

09/01/2010

CORRECTED EXCEPTION

120

JOB NOT CERT

SHERYL L HILL

09/01/2010

CORRECTED EXCEPTION

120

JOB NOT CERT

SHERYL L HILL

09/01/2010

CORRECTED EXCEPTION

120

JOB NOT CERT

TERRY M REED

09/01/2010

CORRECTED EXCEPTION

120

JOB NOT CERT

TERRY M REED

09/01/2010

CORRECTED EXCEPTION

120

JOB NOT CERT

TERRY M REED

09/01/2010

CORRECTED EXCEPTION

120

JOB NOT CERT

TERRY M REED

09/01/2010

CORRECTED EXCEPTION

100

JOB NOT CERT

TERRY M REED

09/01/2010

CORRECTED EXCEPTION

300

GRADE LEVEL

KATHY HARRISON

WRONG GRADE LEVEL

120

Date: 05/09/2008

Page #: 2

: 55-01-000

District: DELIGHT SCHOOL DISTRICT

County: PIKE

Supervisor: R. CAUSBIE

3516 GRADE LEVEL

KATHY HARRISON

WRONG GRADE LEVEL

5120

3313 JOB NOT CERT

09/01/2010

JOYCE VITZTHUM

CORRECTED EXCEPTION

3820

3313 JOB NOT CERT

09/01/2010

JOYCE VITZTHUM

CORRECTED EXCEPTION

5120

55-01-002

School: DELIGHT HIGH SCHOOL

2007-2008

Status: ACCREDITED-CITED

Review Date:

Comments:

3100 NOT AP APPROVED

CYNDI MOORMAN

CORRECTED EXCEPTION

7040

3100 NOT AP APPROVED

09/01/2010

CYNDI MOORMAN

CORRECTED EXCEPTION

170

3313 JOB NOT CERT

09/01/2010

TERRIE SLATTON

CORRECTED EXCEPTION

1000

3100 NOT AP APPROVED

09/01/2010

CECIL K BELT

CORRECTED EXCEPTION

0030

313 JOB NOT CERT

09/01/2010

GAYLA D MCWHORTER

CORRECTED EXCEPTION

388710

313 JOB NOT CERT

09/01/2010

GAYLA D MCWHORTER

CORRECTED EXCEPTION

472100

313 JOB NOT CERT

09/01/2010

RACHEL M MOORMAN

CORRECTED EXCEPTION

493880

816 GRADE LEVEL

NANCY C ALSABROOK

WRONG GRADE LEVEL

971530

816 GRADE LEVEL

NANCY C ALSABROOK

WRONG GRADE LEVEL

900

FISCAL INFORMATION

Arkansas Department of Education
Fund Balance Data
for Delight and Weiner School Districts

District LEA	5501000	5607000
District Description	DELIGHT SCHOOL DISTRICT	WEINER SCHOOL DISTRICT
FY-07 Legal Balance	516,705.17	1,102,884.81
FY-07 Restricted SOF	236,579.94	268,554.81
FY-07 Deposits with Paying Agents	0.00	0.00
FY-07 Current Loans	0.00	0.00
FY-07 Unrestricted Legal Balance	280,125.23	834,330.00
FY-08 Legal Balance	658,340.08	846,595.92
FY-08 Restricted SOF	142,104.31	253,797.80
FY-08 Deposits with Paying Agents	0.00	0.00
FY-08 Current Loans	0.00	0.00
FY-08 Unrestricted Legal Balance	516,235.77	592,798.12
FY-09 Legal Balance	525,677.81	911,678.27
FY-09 Restricted SOF	26,123.95	230,636.07
FY-09 Deposits with Paying Agents	0.00	0.00
FY-09 Current Loans	0.00	0.00
FY-09 Unrestricted Legal Balance	499,553.86	681,042.20
BUDGET:		
FY-10 Legal Balance	500,329.42	810,991.56
FY-10 Restricted SOF	(36,412.38)	103,033.07
FY-10 Deposits with Paying Agents	0.00	0.00
FY-10 Current Loans	0.00	0.00
FY-10 Unrestricted Legal Balance	463,917.04	914,024.63

Arkansas Department of Education
Fund Balance Data
for Delight and Weiner School Districts

	Delight			Weiner		
	06-07	07-08	08-09	06-07	07-08	08-09
*ADM (3 QTR)	362	329	330	355	342	342
*Total Assessment	17,934,557	18,506,336	19,107,281	37,349,541	36,518,996	37,301,681
Total Expenditures	3,145,389	2,910,581	3,399,966	3,093,967	3,259,740	3,618,607
Per Pupil Expenditures	8,082	8,482	9,156	8,096	9,257	9,523
Total Mills	34.00	40.00	40.00	39.90	39.90	39.90
*Total Debt	244,173	475,000	475,000	1,122,900	1,038,345	1,284,150
*Certified FTE's	34.64	33.40	36.12	34.75	34.51	36.63
*Average Teacher Salary	39,114	39,609	39,618	35,950	36,592	40,386
Free & Reduced Lunch			67.77%			55.65%
Mileage Delight to Weiner	203 Miles					

*Actual fiscal year three quarter average.

Total Debt includes Bonded and Non-bonded filed with ADE.

Certified FTE's is the Total Non-Federal Certified FTE's.

Average Salary includes Non-Federal Certified Classroom FTE's.

Data Source: Annual Statistical Reports (ASR) - ADM, Total Assessment, Total Expenditures, Total Mills,

Total Debt, Certified FTE's, & Average Salary

08-09 Data is prior to ASR publication

Child Nutrition Cycle 2 Verified Data - Free & Reduced Lunch

Mileage - Google Maps

**Arkansas Department of Education
Fund Balance Data
for Delight and Weiner School Districts**

ESTIMATES for Funding Comparison - Before Consolidation/Annexation and After Consolidation/Annexation
Weiner and Delight School Districts - January 14, 2010

Consolidation/annexation incentive funding calculation.

Calculated using FY10 foundation funding amount of \$6905 and FY11 amount of \$6023. Both calculations with FY08 3Qtr ADM.

LEA NO.	County	District	PY (FY08) 3-Qtr ADM (need FY10)	FY10 First Year 5,905.00	FY11 Second Year 1st yr X .50	FY10 First Year 6,023.00	FY11 Second Year 1st yr X .50
5501	PIKE	DELIGHT	329.85	1,771,500.00	885,750.00	1,806,900.00	903,450.00
5607	POINSETT	WEINER	342.11	0.00	0.00	0.00	0.00
Totals			671.96	1,771,500.00	885,750.00	1,806,900.00	903,450.00
Total both years				2,657,250.00		2,710,350.00	

Foundation Funding rate of \$4,905 used in the calculations below. Enhanced Educational Funding is not likely to continue beyond FY10.

LEA NO.	County	District	2008 Assessment	PY (FY08) 3-Qtr ADM	5 Yr Avg Misc FY04-08 at URT	URT at 98% collection rate	URT at 98% plus 5 Yr Avg Misc at URT	5,905.00 FY10 State Foundation Funds	36.00 FY10 Enhanced Educational Funding	41.32 Professional Development FY10 Estimate	FY10 Gen Facilities base yr less 4/10 base yr	FY10 SMIF base yr less 4/10 base yr
5501	PIKE	DELIGHT	19,107,261	329.85	0.00	468,127.89	468,127.89	1,479,636.36	11,544.75	13,629.40	5,139.00	18,089.04
5607	POINSETT	WEINER	37,301,681	342.11	309.82	913,691.18	914,201.00	1,105,958.55	11,973.85	14,135.99	1,868.20	0.00
Total before			56,408,942	671.96	309.82	1,382,019.08	1,382,328.90	2,585,594.90	23,518.60	27,765.39	7,027.20	18,089.04
Total after			56,408,942	671.96	309.82	1,382,019.08	1,382,328.90	2,585,594.90	23,518.60	27,765.39	7,027.20	18,089.04

Bonded debt assistance and related data (state wealth index, local revenue per ADM)

LEA NO.	County	District	Local Revenue per ADM	5,905.00 Foundation Funding per ADM State	State Wealth Index SWI	From 1/1/05 sch FY10 Debt Payment	FY10 % debt pmt adjustment	From 1/1/05 sch FY10 Adjusted Debt Payment	From 1/1/05 sch FY10 Required Debt Svc Mills	18.03 FY10 Bonded Debt Assistance
5501	PIKE	DELIGHT	1,419.21	4,485.79	0.88362	27,785.00	100.00%	27,785.00	1.45418	5,912.06
5607	POINSETT	WEINER	2,672.24	3,232.76	0.17339	97,922.50	90.00%	88,130.25	2.36263	2,526.80
Total before						125,707.50		115,915.25		8,438.86
Total after			2,057.16	3,847.84	0.46537	125,707.50	92.43%	116,191.44	2.05981	11,613.59

Calculation of Declining Enrollment

LEA NO.	County	District	PY (FY08) 3-Qtr ADM	Decline in 3 Qtr ADM from FY08 to FY09	FY10 5,905.00 Declining Enrollment
5501	PIKE	DELIGHT	329.16	0.00	0.00
5607	POINSETT	WEINER	342.12	0.01	29.52
Total after			671.28	0.00	0.00
Total before			671.28	0.01	29.52

**Arkansas Department of Education
Fund Balance Data
for Delight and Weiner School Districts**

Calculation of Student Growth Funding FY10 Q1 and estimated Q2, Q3, Q4 for FY10 data compared to FY09 3-qr ADM.

LEA NO.	County	District	FY10 Qtr 1 ADM	FY09 3-Qtr ADM	ADM Increase fr 3 Qtr FY09 to FY10 Qtr 1 ADM	5,905.00 Estimated SG Funding for Qtr 1 FY10	ESTIMATED FY10 Qtr 2 ADM	ADM Increase fr 3 Qtr FY09 to FY10 Qtr 2 Estimated ADM	5,905.00 Estimated SG Funding for Qtr 2 FY10	FY09 Qtr 3 ADM	ADM Increase fr 3 Qtr FY09 to FY10 Qtr 2 Estimated ADM	5,905.00 Estimated SG Funding for Qtr 3 FY10
5501	PIKE	DELIGHT	294.26	329.85	0.00	0.00	295.05	0.00	0.00	290.30	0.00	0.00
5607	POINSETT	WEINER	325.02	342.11	0.00	0.00	328.84	0.00	0.00	335.03	0.00	0.00
Total before & after			619.28	671.96	0.00	0.00	623.89	0.00	0.00	625.33	0.00	0.00

LEA NO.	County	District	ESTIMATED FY10 Qtr 4 ADM	ADM Increase fr 3 Qtr FY09 to FY10 Qtr 4 Estimated ADM	5,905.00 Estimated SG Funding for Qtr 4 FY10	5,905.00 Estimated SGF Q1 FY10 & Qtrs 2-4 FY10
5501	PIKE	DELIGHT	287.73	0.00	0.00	0.00
5607	POINSETT	WEINER	332.20	0.00	0.00	0.00
Total before & after			619.93	0.00	0.00	0.00

Calendar Year 2008 Millage Rates

LEA NO.	County	District	M&O	DM&O	Debt Svc	Total	Total URT %
5501	PIKE	DELIGHT	32.10	0.00	7.90	40.00	0.6250
5607	POINSETT	WEINER	36.40	0.00	3.50	39.90	0.6296

Facilities Wealth Index

FY09 District Share	FY09 State Share	FY10 District Share	FY10 State Share
0.4097	0.5903	0.40957	0.59043
0.8317	0.1683	0.76569	0.21411

National School Lunch Act Funding

LEA NO.	County	District	Oct-08 Enrollment NSLA	Oct-08 Total F&R	Oct-08 Adjusted F&R %	FY10 NSLA Per Student	FY10 NSLA Funding
5501	PIKE	DELIGHT	332.00	225.00	68%	496.00	111,600.00
5607	POINSETT	WEINER	336.00	187.00	56%	496.00	92,752.00
Total after			668.00	412.00	62%	496.00	204,352.00
Total before			668.00	412.00			204,352.00

National School Lunch Act Growth

LEA NO.	County	District	Oct-08 Enrollment NSLA	Oct-07 Enrollment NSLA	Oct-06 Enrollment NSLA	Oct-05 Enrollment NSLA	Percent Change in Enrollment			3 Yr Avg Growth if 1% or more in each of 3 yrs
							Oct-05 to Oct-06	Oct-06 to Oct-07	Oct-07 to Oct-08	
5501	PIKE	DELIGHT	332.00	335.00	363.00	386.00	-5.96%	-7.71%	-0.90%	0.00
5607	POINSETT	WEINER	336.00	340.00	358.00	351.00	1.99%	-5.03%	-1.18%	0.00
Total after			668.00	675.00	721.00	737.00	-2.17%	-6.38%	-1.04%	0.00
Total before			668.00	675.00	721.00	737.00				0.00

		DATA	
1.	2008 Real Assessment	\$	13,183,476
2.	2008 Personal Assessment	\$	4,773,140
3.	2008 Utility Assessment	\$	1,150,645
4.	2008 Total Assessment	\$	19,107,261
5.	98% of URT X Assessment	\$	468,128
6.	Actual URT Collections	\$	
7.	Five-year Avg. Misc. Funds (for SFF) ¹	\$	
8.	Five-year Avg. Misc. Funds (Estimate for BDA) ²	\$	119
9.	2007-08 ADM (Quarters 1-3)		329.16
10.	2008-09 ADM (Quarters 1-3)		329.85
11.	2009-10 ADM (Quarter 1)		
12.	2009-10 ADM (Quarter 2)		
13.	2009-10 ADM (Quarter 3)		
14.	2009-10 ADM (Quarter 4)		
15.	Local Revenue Per Student (for SFF) ^{1a}	\$	1,419.21
16.	Local Revenue Per Student (for BDA) ^{2a}		1,419.58
17.	Foundation Funding Amount Per Student	\$	5,905.00
18.	State Foundation Funding Aid Per Student ^{1b}	\$	4,485.79
19.	Enhanced Educational Funding Rate	\$	35.00
20.	PY ALE FTEs (Quarters 1-4)		.44
21.	CY English Language Learner Students		
22.	PY NSLA Students (Free or Reduced)		225
23.	Professional Development Funding Rate	\$	41.32
24.	Adjusted Scheduled Debt Payment	\$	27,785.00
25.	Bonded Debt Assistance Funding Factor	\$	18.03
26.	State Wealth Index (for BDA) ^{2b}		.68351
27.	ADM of Isolated School Area		
28.	Isolated Funding Amount	\$	

		FUNDING			
Funding Category	Amount	Statutory Code/Act	Restricted	Rev. Code	SOF Code
29. State Foundation Funding Aid	\$ 1,479,636	6-20-2303 & 2305, Acts 1469 & 1474 of 2009	No	31101	000
30. Educational Excellence Trust ³ - R	\$ 185,512	6-5-301 et seq., Act 1450 of 2009	Yes		
31. Enhanced Educational Funding	\$ 11,545	6-20-2305, Act 1474 of 2009	No	31102	000
32. Alternative Learning Environment - R	\$ 1,788	6-20-2305, Act 1450 of 2009	Yes	32370	275
33. English Language Learners - R	\$	6-20-2305	Yes	32371	276
34. National School Lunch Act - R	\$ 111,600	6-20-2305, Act 1469 of 2009	Yes	32381	281
35. NSLA Transitional Funding - R	\$	6-20-2305, Act 1469 of 2009	Yes	32381	281
36. NSLA Growth Funding - R	\$	6-20-2305	Yes	32381	281
37. Professional Development - R	\$ 13,629	6-20-2305, Act 1421 of 2009	Yes	32256	223
38. Bonded Debt Assistance - R	\$ 5,911	6-20-2503, Act 1479 of 2009	Yes	32915	001
39. State Financial Assistance - GFF - R	\$ 5,139	6-20-2503	No	32912	392
40. State Financial Assistance - SMIF - R	\$ 18,089	6-20-2503	No	31620	001
41. Isolated Funding	\$	6-20-601 et seq., Acts 811 & 1421 of 2009	Yes	31500	212
42. Isolated Special Needs Funding ⁴ - R	\$	6-20-601 et seq., Acts 811 & 1421 of 2009	Yes	31500	212
43. Isolated Special Needs Transportation	\$	6-20-601 et seq., Acts 811 & 1421 of 2009	Yes	32248	228
44. Isolated Special Needs Adequacy	\$	6-20-2305	No	31500	212
45. Declining Enrollment Funding ⁵ - R	\$	6-20-2305	No	31460	218
46. Declining Enrollment Adequacy - R	\$	6-20-2305	No	31460	218
47. Student Growth-Qtrs. 1, 2, 3 & 4 (Est.) ⁶ - R	\$	6-20-2303 & 2305, Act 1501 of 2009	No	31450	217
48. 98% of URT less Actual URT Collections - R	\$	6-20-2303 & 2305, Acts 1186 & 1397 of 2009	No	31103	000

ADM-average daily membership, Avg.-average, ALE-alternative learning environment, BDA-bonded debt assistance, CY-current year, Est.-estimated, FTE-full-time equivalent, GFF-general facilities funding, LEA-local education agency, M&O-maintenance & operation, Misc-miscellaneous, NSLA-national school lunch act, PY-prior year, Qtrs.-quarters, R-state board rule, Rev.-revenue, SFF-state foundation funding, SMIF-supplemental millage incentive funding, SOF-source of fund, URT-uniform rate of tax

1) Misc. funds per Act 1469 of 2009 (FY04 - FY08 avg. X URT/district total millage rate); 1a) corresponding Local Revenue Per Student; 1b) corresponding State Foundation Aid Per Student
 2) Misc. funds per A.C.A. § 6-20-2503 (a) (3) (FY04 - FY08 avg. used to est. FY05 - FY09 avg.); 2a) corresponding Local Revenue Per Student; 2b) corresponding State Wealth Index
 3) Educational Excellence Trust Funds are included in State Foundation Funding Aid, and are restricted pursuant to A.C.A. § 6-5-307.
 4) Eligible school districts shall receive Isolated Special Needs Funding under A.C.A. § 6-20-604 or Declining Enrollment Funding under A.C.A. § 6-20-2305 (a) (3) (A) (i). Funds received due to eligibility under A.C.A. § 6-20-604 (f) are unrestricted.
 5) No school district shall receive both Declining Enrollment Funding under A.C.A. § 6-20-2305 (a) (3) (A) (i) and Student Growth Funding under A.C.A. § 6-20-2305 (c) or Isolated Special Needs Funding under A.C.A. § 6-20-604.
 6) The final determination of Student Growth Funding is not available until after June 30, 2010 pursuant to A.C.A. § 6-20-2305 as amended by Act 1501 of 2009.

LEA: 5607
 County: POINSETT
 District: WEINER

PRELIMINARY
 State Aid Notice 2009-10
 July 31, 2009

Refer to Commissioner's Memo Number
 FIN-10-005 for additional information.

DATA							
1.	2008 Real Assessment	\$	25,336,450	15.	Local Revenue Per Student (for SFF) ^{1a}	\$	2,672.24
2.	2008 Personal Assessment	\$	7,164,535	16.	Local Revenue Per Student (for BDA) ^{2a}		2,672.78
3.	2008 Utility Assessment	\$	4,800,696	17.	Foundation Funding Amount Per Student	\$	5,905.00
4.	2008 Total Assessment	\$	37,301,681	18.	State Foundation Funding Aid Per Student ^{1b}	\$	3,232.76
5.	98% of URT X Assessment	\$	913,891	19.	Enhanced Educational Funding Rate	\$	35.00
6.	Actual URT Collections	\$		20.	PY ALE FTEs (Quarters 1-4)		
7.	Five-year Avg. Misc. Funds (for SFF) ¹	\$	310	21.	CY English Language Learner Students		187
8.	Five-year Avg. Misc. Funds (Estimate for BDA) ²	\$	494	22.	PY NSLA Students (Free or Reduced)		41.32
9.	2007-08 ADM (Quarters 1-3)		342.12	23.	Professional Development Funding Rate	\$	88,130.25
10.	2008-09 ADM (Quarters 1-3)		342.11	24.	Adjusted Scheduled Debt Payment	\$	18.03
11.	2009-10 ADM (Quarter 1)			25.	Bonded Debt Assistance Funding Factor	\$.17308
12.	2009-10 ADM (Quarter 2)			26.	State Wealth Index (for BDA) ^{2b}		
13.	2009-10 ADM (Quarter 3)			27.	ADM of Isolated School Area		
14.	2009-10 ADM (Quarter 4)			28.	Isolated Funding Amount	\$	

FUNDING						
Funding Category	Amount	Statutory Code/Act	Restricted	Rev. Code	SOF Code	
29. State Foundation Funding Aid	\$ 1,105,959	6-20-2303 & 2305, Acts 1469 & 1474 of 2009	No	31101	000	
30. Educational Excellence Trust ³ - R	\$ 123,713	6-5-301 et seq., Act 1450 of 2009	Yes			
31. Enhanced Educational Funding	\$ 11,974	6-20-2305, Act 1474 of 2009	No	31102	000	
32. Alternative Learning Environment - R	\$	6-20-2305, Act 1450 of 2009	Yes	32370	275	
33. English Language Learners - R	\$	6-20-2305	Yes	32371	276	
34. National School Lunch Act - R	\$ 92,752	6-20-2305, Act 1469 of 2009	Yes	32381	281	
35. NSLA Transitional Funding - R	\$	6-20-2305, Act 1469 of 2009	Yes	32381	281	
36. NSLA Growth Funding - R	\$	6-20-2305	Yes	32381	281	
37. Professional Development - R	\$ 14,136	6-20-2305, Act 1421 of 2009	Yes	32258	223	
38. Bonded Debt Assistance - R	\$ 2,522	6-20-2503, Act 1479 of 2009	Yes	32915	001	
39. State Financial Assistance - GFF - R	\$ 1,888	6-20-2503	No	32912	392	
40. State Financial Assistance - SMIF - R	\$	6-20-2503	No	31620	001	
41. Isolated Funding	\$	6-20-801 et seq., Acts 811 & 1421 of 2009	Yes	31500	212	
42. Isolated Special Needs Funding ⁴ - R	\$	6-20-801 et seq., Acts 811 & 1421 of 2009	Yes	31500	212	
43. Isolated Special Needs Transportation	\$	6-20-801 et seq., Acts 811 & 1421 of 2009	Yes	32248	228	
44. Isolated Special Needs Adequacy	\$	6-20-2305	No	31500	212	
45. Declining Enrollment Funding ⁵ - R	\$ 30	6-20-2305	No	31460	218	
46. Declining Enrollment Adequacy - R	\$	6-20-2305	No	31460	218	
47. Student Growth-Qtrs. 1, 2, 3 & 4 (Est.) ⁶ - R	\$	6-20-2303 & 2305, Act 1501 of 2009	No	31450	217	
48. 98% of URT less Actual URT Collections - R	\$	6-20-2303 & 2305, Acts 1186 & 1397 of 2009	No	31103	000	

ADM-average daily membership, Avg.-average, ALE-alternative learning environment, BDA-bonded debt assistance, CY-current year, Est.-estimated, FTE-full-time equivalent, GFF-general facilities funding, LEA-local education agency, M&O-maintenance & operation, Misc.-miscellaneous, NSLA-national school lunch act, PY-prior year, Qtrs.-quarters, R-state board rule, Rev.-revenue, SFF-state foundation funding, SMIF-supplemental millage incentive funding, SOF-source of fund, URT-uniform rate of tax

1) Misc. funds per Act 1469 of 2009 (FY04 - FY08 avg. X URT/district total millage rate); 1a) corresponding Local Revenue Per Student; 1b) corresponding State Foundation Aid Per Student
 2) Misc. funds per A.C.A. § 6-20-2503 (a) (3) (FY04 - FY08 avg. used to est. FY09 - FY09 avg.); 2a) corresponding Local Revenue Per Student; 2b) corresponding State Wealth Index
 3) Educational Excellence Trust Funds are included in State Foundation Funding Aid, and are restricted pursuant to A.C.A. § 6-5-307.
 4) Eligible school districts shall receive Isolated Special Needs Funding under A.C.A. § 6-20-804 or Declining Enrollment Funding under A.C.A. § 6-20-2305 (a) (3) (A) (i). Funds received due to eligibility under A.C.A. § 6-20-804 (i) are unrestricted.
 5) No school district shall receive both Declining Enrollment Funding under A.C.A. § 6-20-2305 (a) (3) (A) (i) and Student Growth Funding under A.C.A. § 6-20-2305 (c) or Isolated Special Needs Funding under A.C.A. § 6-20-804.
 6) The final determination of Student Growth Funding is not available until after June 30, 2010 pursuant to A.C.A. § 6-20-2305 as amended by Act 1501 of 2009.

EXHIBIT 14

Action Agenda

Consideration for Final Approval: Proposed Revision of Rules Governing the Requirements and Procedures for Renewing a Standard Arkansas Teaching License

Beverly Williams was recognized to present this item. Ms. Williams stated that public comment was received regarding this item and revisions were made based on those comments. Ms. Mahony asked about qualifications for teaching concurrent credit courses. Ms. Williams stated that those requirements were based on the college or university that is granting the credit: generally those teachers must have at least a Master's Degree in the discipline and be approved by the college or university.

Ms. Burrow moved approval as submitted. Mr. Cooper seconded the motion. The motion was adopted unanimously.

(A transcript of the deliberations for the following items was submitted by the court reporter. That transcript is available in the State Board Office at the Department of Education.)

Consideration of Petition for Voluntary Administrative Consolidation of the Delight School District with the Weiner School District (to be called the Arcadia School District).

Jeremy Lassiter was recognized to present this item. Mr. Lassiter stated that legal requirements for notification and submission of petitions were met. He also summarized the process for deliberation on this item.

Mr. Lassiter recognized attorney Cale Block representing the Weiner School District to present the proposal. Others participating in the presentation and questioning included Lavon Flaherty, superintendent of Delight School District; Charles Hanson, superintendent of Weiner School District; Patricia Hesse, representing the Weiner School District; and Jay Beckett attorney for Delight School District.

Following the presentation, the Chair asked if anyone in the audience wished to speak in opposition to the proposed merger; there was no response.

Mr. Beckett stated that the outcome of this deliberation will be important to the future of annexation or consolidation in that these districts are not in close proximity and that distance learning is playing such a major role in the provision of curriculum for students in both of these schools.

Ms. Burrow asked about potential cost savings to the operation of the new district as compared to operation of two independent districts. Mr. Block responded that the major cost saving

would be one administrative position and support staff. Additionally, he noted that the districts would receive approximately \$2.7 million in consolidation incentive money, which is one-time money for the new district's operation. Mr. Block also noted that with distance learning other instructional positions might be reduced at the high school campuses.

Mr. Cooper observed that the application was well drafted and met the intent of the school consolidation requirements. However, he inquired as to the issue of these two districts and the lack of a merger consideration with a contiguous district, or at least one in the proximity. Radius Baker, superintendent of Valley View District, stated that the Valley View District Board met with representatives from Weiner on more than one occasion and it became apparent that a consolidation would not be in the best interest financially for the Valley View District – especially when future construction funds might be requested. Danny Samples, superintendent of the Harrisburg School District reported that a meeting between the two boards (Weiner and Harrisburg) was not productive. Curtis Turner, Superintendent of the Murfreesboro School District stated that the Murfreesboro board was open to annexation with Delight and there had been conversations between the two boards. He did note disagreements over finances and relative wealth of districts.

Dr. Williams asked about the proximity of the Delight and Murfreesboro districts. Mr. Flaherty stated that there was about 14 miles between the schools; however, he noted that travel distance for students from the edge of the district would be significant.

Ms. Mahony asked if either of the districts were declared isolated. The superintendents responded that Weiner was isolated and Delight was not.

Ms. Gullett asked about the remediation rate of the two districts. Mr. Flaherty stated that in Delight the past year's remediation rate was high, but that was a result of a few students not making above 19 on the ACT and the fact that most of the Delight graduating students took the ACT. At Weiner it was reported that the remediation ration was about 50%. Mr. Flaherty stated that the Delight teachers do work very hard and are aware of the need for students to improve on the ACT exam.

Dr. Mays asked about the board configuration under the proposed new organization. Mr. Block stated that the Argenta District would have seven elected board members: four from Delight attendance zone and three from Weiner. This distribution is based on relative size of the student population and size of the districts. Representatives from the Weiner District confirmed this proposed organization would be agreeable to that community if the proposal were approved.

Ms. Burrow asked if either district had contacted other non-contiguous districts regarding consolidation. Only Weiner responded that it had – Weiner reported conversations with Turrell, but determined quickly that that would not work for financial reasons.

Dr. Mays noted that both of these campuses would have to retain a high school with low enrollments. He questioned where the cost savings would be seen. Mr. Block responded that there could be some sharing of teachers via distance learning as well as cooperative purchasing and the savings of one administrative unit.

Mr. Cooper moved denial of the proposal. Ms. Mahony and Mr. Ledbetter seconded the motion. The motion was adopted unanimously on a roll-call vote.

The following reasons were cited for voting to deny the proposed consolidation:

- Cooper: believes there are better options for students under a different organizational structure.
- Burrow: expressed concern about the administrative structure and the relative distance between the campuses.
- Gullett: agrees with colleagues and believes there are more practical options.
- Ledbetter: does not believe the proposal shows an improved learning environment for students and there is no apparent cost savings under this arrangement.
- Mahony: does not believe that this arrangement will enhance student learning environment.
- Mays: is not convinced that there is any monetary efficiency in this proposed arrangement.
- Saviers: does not believe there is any academic advantage for students under this proposal.

Jim Cooper left the meeting.

Consideration of Accreditation Status of Twin Rivers School District

Dr. Charity Smith was recognized to present this item. Dr. Smith summarized the actions of ADE and staff members in collecting information about the status of management and accreditation standing of the schools in the Twin Rivers District. Dr. Smith's report noted continued probationary status in the areas of curriculum, students meeting graduation requirements, teacher qualifications, and issues with the school calendar.

Carl Gilliland, superintendent of the Twin Rivers School District, requested to make a statement. Mr. Gilliland stated that the issues and problems with the accreditation status of the district were directly related to his administration and lack of attention to detail as required. Mr. Gilliland indicated that he had submitted his resignation to the local board effectively. He suggested that there are some things on the list that can be fixed immediately, some that cannot, he asked that his resignation be considered as a first step in correcting the issues at the schools. He affirmed that in his position working with a consolidated district with two communities competing has been most difficult.

EXHIBIT 15

INDICATOR 1: ACHIEVEMENT

	2006-2007			2007-2008			2008-2009		
	School	District	State	School	District	State	School	District	State
Norm-Referenced Test*									
Grade One Reading Comprehension					49	41		67	41
Grade One Math Problem Solving & Data Interpretation					42	48		56	49
Grade Two Reading Comprehension					34	41		35	41
Grade Two Math Problem Solving & Data Interpretation					32	49		39	51
Grade Three Reading Comprehension		62	60		57	48		42	43
Grade Three Math Problem Solving & Data Interpretation		64	61		63	56		57	58
Grade Four Reading Comprehension		68	62		71	64		66	61
Grade Four Math Problem Solving & Data Interpretation		72	65		61	65		73	68
Grade Five Reading Comprehension		75	60		52	56		42	53
Grade Five Math Problem Solving & Data Interpretation		73	62		33	61		51	60
Grade Five Science					37	52		55	57
Grade Six Reading Comprehension		60	51		53	46		51	44
Grade Six Math Problem Solving & Data Interpretation		53	57		73	64		64	65
Grade Seven Reading Comprehension	47	47	52	44	44	53	58	58	51
Grade Seven Math Problem Solving & Data Interpretation	63	63	57	36	36	56	57	57	58
Grade Seven Science				49	49	54	60	60	60
Grade Eight Reading Comprehension	57	57	50	43	43	53	49	49	50
Grade Eight Math Problem Solving & Data Interpretation	59	59	51	54	54	64	55	55	66
Grade Nine Reading Comprehension	52	52	47	49	49	49	43	43	46
Grade Nine Math Concepts & Problem Solving	59	59	53	60	60	63	59	59	66
American College Test Mathematics	20.6	20.6	20.4	19.9	19.9	20.71	20.1	20.1	20.66
English	22.2	22.2	21	19.8	19.8	21.25	20.8	20.8	21.03
Reading	23.3	23.3	21.8	20.6	20.6	22.03	21.1	21.1	21.87
Science	22.1	22.1	21.1	19.7	19.7	21.25	21	21	21.17
Composite	21.8	21.8	20.8	19.6	19.6	20.99	20.3	20.3	20.87
Number of Students Taking Advanced Placement Courses	40	40	23,471	40	40	16,980	22	22	18,231
Number of Advanced Placement (AP) Exams Taken	45	45	25,763	52	52	28,142	27	27	29,770
Number of AP Exams with Scores of 3, 4, or 5	0	0	7,339	3	3	7,967	2	2	8,483
No Child Left Behind Adequate Yearly Progress (AYP)									
First Year Not to Meet Standards (Alert)							N	0	175
Year One of Targeted School Improvement							N	0	48
Year Two of Targeted School Improvement							N	0	57
Targeted Corrective Action							N	0	33
Targeted Intensive School Improvement							N	0	18
Targeted Restructuring							N	0	11
Year One of Whole School Improvement	N	0	114	N	0	104	N	0	51
Year Two of Whole School Improvement	N	0	63	N	0	88	N	0	30
Whole School Corrective Action	N	0	73	N	0	58	N	0	32
Whole School Intensive Improvement							N	0	33
Whole School Restructuring	N	0	79	N	0	124	N	0	32
State Directed							N	0	57

Source: National Office for Research, Measurement and Evaluation Systems, University of Arkansas at Fayetteville. The standard for achievement in Arkansas is Proficient.

*Note: Norm-Referenced test used for 2006-2007 was the ITBS. SAT-10 was used for 2007-2008 and 2008-2009.

INDICATOR 1: ACHIEVEMENT / 2: ACCESS / 3: RETENTION / 4: DISCIPLINE

20 - 367862

	2006-2007			2007-2008			2008-2009		
	School	District	State	School	District	State	School	District	State
INDICATOR 1: ACHIEVEMENT									
Improvement (Gain) School Rating									
Schools in Need of Immediate Improvement 1					0	111		0	75
Schools Approaching Standards (alert) 2					2	191		0	193
Schools Meeting Improvement Standards 3					0	264	Y	1	315
Schools Exceeding Improvement Standards 4					0	214		1	209
Schools of Excellence for Improvement 5					0	84		0	67
District Provides Textbooks for All Pupils					Y	100%		Y	100%
INDICATOR 2: ACCESS									
Annual Accreditation Status Accredited	N	0	779	N	0	752	Y	0	720
Accredited-Cited	N	1	226	Y	2	276	N	0	278
Accredited-Probationary	Y	1	47	N	0	37	N	1	76
Attendance Rate	92.1	91.9	94.3	91.3	91.8	94.3	92.2	92.5	94.5
Dropout Rate			3.6	1.1	1.1	3.3	8	8	3
Graduation Rate	100	96.4	85.4	88.6	88.58	68.2	96.2	95.2	68
Grade Inflation Rate	36	36	27	12.5	12.5	11.3	16.7	16.7	9.6
College Remediation Rate	42.9	42.9	48.1	50	50	46.3	54.5	64.5	48.1
October 1 Enrollment	182	358	465,615	174	340	466,391	175	336	465,801
INDICATOR 3: RETENTION									
Number of Students Retained at Grade 1	0	0	1,833	0	0	1,747	0	2	1,656
Percent of Students Retained at Grade 1	0	0	4.9	0	0	4.6	0	11.8	4.4
Number of Students Retained at Grade 2	0	0	740	0	1	829	0	0	715
Percent of Students Retained at Grade 2	0	0	2	0	4	2.3	0	0	1.9
Number of Students Retained at Grade 3	0	2	460	0	0	486	0	0	372
Percent of Students Retained at Grade 3	0	8	1.3	0	0	1.3	0	0	1
Number of Students Retained at Grade 4	0	0	311	0	0	331	0	0	195
Percent of Students Retained at Grade 4	0	0	0.9	0	0	0.9	0	0	0.5
Number of Students Retained at Grade 5	0	0	236	0	0	263	0	0	150
Percent of Students Retained at Grade 5	0	0	0.7	0	0	0.7	0	0	0.4
Number of Students Retained at Grade 6	0	0	279	0	0	314	0	0	164
Percent of Students Retained at Grade 6	0	0	0.8	0	0	0.9	0	0	0.5
Number of Students Retained at Grade 7	0	0	680	0	0	600	0	0	431
Percent of Students Retained at Grade 7	0	0	1.9	0	0	1.7	0	0	1.2
Number of Students Retained at Grade 8	0	0	723	0	0	562	1	1	425
Percent of Students Retained at Grade 8	0	0	2	0	0	1.6	2.9	2.9	1.2
INDICATOR 4: DISCIPLINE									
Discipline Policies Distributed to Parents	Y	Y	Y	Y	Y	Y	Y	Y	Y
Discipline Training Provided to Staff	Y	Y	Y	Y	Y	Y	Y	Y	Y
Parental Involvement Plan Adopted	Y	Y	Y	Y	Y	Y	Y	Y	Y
District Alternative Learning Environment Compliance		Y			Y	100%		Y	99%
Expulsions	0	0	0.6	0	0	0.1	1.7	0.9	0.1
Weapons Incidents	0	0	0.3	0	0	0.2	0	0	0.1
Staff Assaults	0	0	0.4	0	0	0.1	0	0	0.1
Student Assaults	4.4	5	2.8	0	0	0.6	0	0.3	0.5

INDICATOR 5: DEMOGRAPHICS / 6: CHOICE / 7: ECONOMIC

	2006-2007			2007-2008			2008-2009			
	School	District	State	School	District	State	School	District	State	
INDICATOR 5: DEMOGRAPHICS	% Teachers Completely Certified (Licensed)	94.4	97	98.9	97	96	98.4	100	96	98
	% Teaching with Emergency/Provisional Credentials	0	0	0	0	0	0	0	0	0
	% Teachers with Bachelor's Degree	80	73.3	65.2	66.7	63.6	62.4	71.4	65.8	60.4
	% Teachers with Master's Degree	20	26.7	33.8	33.4	30.4	35.2	23.8	31.6	38
	% Teachers with Advanced Degree	0	0	0.56	0	0	0.6	4.8	2.6	0.8
	Highly Qualified (HQ) Teachers									
	HQ Teachers in High Poverty Schools									
	% Core Academic Classes Not Taught by HQ Teachers	0	0	2.58	NA	NA	9.6	NA		3.6
	HQ Teachers in Low Poverty Schools									
	% Core Academic Classes Not Taught by HQ Teachers	0	0	0.75	NA	NA	2.7	NA	0	1.5
	HQ Teachers Aggregate of All Economic Levels									
	% Core Academic Classes not Taught by HQ Teachers	9.68	4.23	1.56	5.6	5.6	6.3	0	0	2.4
	School Board Member Names*									
	INDICATOR 6: CHOICE	% Students School Choice	0	0	0.6	0	0	0.6	6.9	4.5
Mills Voted			39.9	35.87		39.9	36.27		39.9	35.81
Expenditure Per Student			\$8,096	\$7,992		\$8,257	\$8,362		\$9,523	\$8,308
Average Teacher Salary			\$35,950	\$44,493		\$36,582	\$45,393		\$38,059	\$45,862
Total Expenditures			\$3,093,967	\$4,544,022,019		\$3,259,748	\$4,675,508,642		\$3,618,607	\$4,712,965,626
Instructional Expenditures			\$1,785,672	\$2,307,668,510		\$1,859,612	\$2,356,108,193		\$2,027,547	\$2,371,355,396
Administrative Expenditures			\$339,724	\$299,323,098		\$335,876	\$302,736,869		\$416,271	\$302,869,927
Extracurricular Expenditures			\$57,217	\$127,772,092		\$49,122	\$154,208,848		\$101,267	\$132,971,947
Capital Expenditures			\$143,071	\$509,419,747		\$65,490	\$502,736,782		\$276,006	\$466,158,460
Debt Service Expenditures			\$110,261	\$200,691,185		\$124,729	\$209,936,923		\$114,849	\$235,246,569
% Students Eligible for Free and Reduced Meals		42.3	50.3	55.7	49.4	52.1	55.5	53.1	55.7	56.7
State Free and Reduced-Price Meal Rate***				54.2			55.32			55.9
National Free and Reduced-Price Meal Rate**			45.3			46.62			49.2	
INDICATOR 7: ECONOMIC										

Source: FNS National databank for federal fiscal year 2009 *State Free and Reduced-Price Meal Rate includes preschool and adult education students.

*Note: School Board members who were recently elected may not have completed all of their training prior to the printing of this School Performance Report.

EXHIBIT 16

SJR 9
will be known as
Amendment #3 on Ballot for 2000

82nd General Assembly
Regular Session, 1999 SJR 9

By: Senators Beebe, Harriman, Brown, Webb, Everett, D. Malone, Mahony, Kennedy
By: Representatives T. Thomas, Vess, Hale, Lynn, Napper, Hunt, Carson

SENATE JOINT RESOLUTION

"PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO REVISE THE JUDICIAL ARTICLE."

Subtitle

"PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO REVISE THE JUDICIAL ARTICLE."

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SECOND GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is hereby proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Senators and Representatives, if a majority of the electors voting thereon at such election, adopt such amendment, the same shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. JUDICIAL POWER.

The judicial power is vested in the Judicial Department of state government, consisting of a Supreme Court and other courts established by this Constitution.

SECTION 2. SUPREME COURT.

(A) The Supreme Court shall be composed of seven Justices, one of whom shall serve as Chief Justice. The Justices of the Supreme Court shall be selected from the State at large.

(B) The Chief Justice shall be selected for that position in the same manner as the other Justices are selected. During any temporary period of absence or incapacity of the Chief Justice, an acting Chief Justice shall be selected by the Court from among the remaining justices.

(C) The concurrence of at least four justices shall be required for a decision in all cases.

(D) The Supreme Court shall have:

(1) Statewide appellate jurisdiction;
(2) Original jurisdiction to issue writs of quo warranto to all persons holding judicial office, and to officers of political corporations when the question involved is the legal existence of such corporations;

(3) Original jurisdiction to answer questions of state law certified by a court of the United States, which may be exercised pursuant to Supreme Court rule;

(4) Original jurisdiction to determine sufficiency of state initiative and referendum petitions and proposed constitutional amendments; and (5) Only such other original jurisdiction as provided by this Constitution.

(E) The Supreme Court shall have power to issue and determine any and all writs necessary in aid of its jurisdiction and to delegate to its several justices the power to issue such writs.

(F) The Supreme Court shall appoint its clerk and reporter.

(G) The sessions of the Supreme Court shall be held at such times and places as may be adopted by Supreme Court rule.

SECTION 3. RULES OF PLEADING, PRACTICE AND PROCEDURE. The Supreme Court shall prescribe the rules of pleading, practice and procedure for all courts; provided these rules shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury as declared in this Constitution.

SECTION 4. SUPERINTENDING CONTROL. The Supreme Court shall exercise general superintending control over all courts of the state and may temporarily assign judges, with their consent, to courts or divisions other than that for which they were elected or appointed. These functions shall be administered by the Chief Justice.

SECTION 5. COURT OF APPEALS. There shall be a Court of Appeals which may have divisions thereof as established by Supreme Court rule. The Court of Appeals shall have such appellate jurisdiction as the Supreme Court shall by rule determine and shall be subject to the general superintending control of the Supreme Court. Judges of the Court of Appeals shall have the same qualifications as Justices of the Supreme Court.

SECTION 6. CIRCUIT COURTS.

(A) Circuit Courts are established as the trial courts of original jurisdiction of all justiciable matters not otherwise assigned pursuant to this Constitution.

(B) Subject to the superintending control of the Supreme Court, the Judges of a Circuit Court may divide that Circuit Court into subject matter divisions, and any Circuit Judge within the Circuit may sit in any division.

(C) Circuit Judges may temporarily exchange circuits by joint order. Any Circuit Judge who consents may be assigned to another circuit for temporary service under rules adopted by the Supreme Court.

(D) The Circuit Courts shall hold their sessions in each county at such times and places as are, or may be, prescribed by law.

SECTION 7. DISTRICT COURTS.

(A) District Courts are established as the trial courts of limited jurisdiction as to amount and subject matter, subject to the right of appeal to Circuit Courts for a trial de novo.

(B) The jurisdictional amount and the subject matter of civil cases that may be heard in the District Courts shall be established by Supreme Court rule. District Courts shall have original jurisdiction, concurrent with Circuit Courts, of misdemeanors, and shall also have such other criminal jurisdiction as may be provided pursuant to Section 10 of this Amendment.

(C) There shall be at least one District Court in each county. If there is only one District Court in a county, it shall have county-wide jurisdiction. Fines and penalties received by the district court shall continue to be distributed in the manner provided by current law, unless and until the General Assembly shall establish a new method of distribution.

(D) A District Judge may serve in one or more counties. Subject to the superintending control of the Supreme Court, the Judges of a District Court may divide that District Court into subject matter divisions, and any District Judge within the district may sit in any division.

(E) District Judges may temporarily exchange districts by joint order. Any District Judge who consents may be assigned to another district for temporary service under rules adopted by the Supreme Court.

SECTION 8. REFEREES, MASTERS AND MAGISTRATES.

(A) A Circuit Court Judge may appoint referees or masters, who shall have power to perform such duties of the Circuit Court as may be prescribed by Supreme Court rule.

(B) With the concurrence of a majority of the Circuit Court Judges of the Circuit, a District Court Judge may appoint magistrates, who shall be subject to the superintending control of the District Court and shall have power to perform such duties of the District Court as may be prescribed by Supreme Court rule.

SECTION 9. ANNULMENT OR AMENDMENT OF RULES.

Any rules promulgated by the Supreme Court pursuant to Sections 5, 6(B), 7(B), 7(D), or 8 of this Amendment may be annulled or amended, in whole or in part, by a two-thirds (2/3) vote of the membership of each house of the General Assembly.

SECTION 10. JURISDICTION, VENUE, CIRCUITS, DISTRICTS AND NUMBER OF JUDGES. The General Assembly shall have the power to establish jurisdiction of all courts and venue of all actions therein, unless otherwise provided in this Constitution, and the power to establish judicial circuits and districts and the number of judges for Circuit Courts and District Courts, provided such circuits or districts are comprised of contiguous territories.

35 SECTION 11. RIGHT OF APPEAL. There shall be a right of appeal to an appellate court from the Circuit Courts and other rights of appeal as may be provided by Supreme Court rule or by law.

SECTION 12. TEMPORARY DISQUALIFICATION OF JUSTICES OR JUDGES. No Justice or Judge shall preside or participate in any case in which he or she might be interested in the outcome, in which any party is related to him or her by consanguinity or affinity within such degree as prescribed by law, or in which he or she may have been counsel or have presided in any inferior court.

SECTION 13. ASSIGNMENT OF SPECIAL AND RETIRED JUDGES.

(A) If a Supreme Court Justice is disqualified or temporarily unable to serve, the Chief Justice shall certify the fact to the Governor, who within thirty (30) days thereafter shall commission a Special Justice, unless the time is extended by the Chief Justice upon a showing by the Governor that, in spite of the exercise of diligence, additional time is needed. If the Governor fails to commission a Special Justice within thirty (30) days, or within any extended period granted by the Chief Justice, the Lieutenant Governor shall commission a Special Justice.

(B) If a Judge of the Court of Appeals is disqualified or temporarily unable to serve, the Chief Judge shall certify the fact to the Chief Justice who shall commission a Special Judge.

(C) If a Circuit or District Judge is disqualified or temporarily unable to serve, or if the Chief Justice shall determine there is other need for a Special Judge to be temporarily appointed, a Special Judge may be assigned by the Chief Justice or elected by the bar of that Court, under rules prescribed by the Supreme Court, to serve during the period of temporary disqualification, absence or need.

(D) In naming Special Justices and Judges, the Governor or the Chief Justice may commission, with their consent, retired Justices or Judges, active Circuit or District Judges, or licensed attorneys.

(E) Special and retired Justices and Judges selected and assigned for temporary judicial service shall meet the qualifications of Justices or Judges of the Court to which selected and assigned.

(F) Special and retired judges shall be compensated as provided by law.

SECTION 14. PROHIBITION OF PRACTICE OF LAW. Justices and Judges, except District Judges, shall not practice law during their respective terms of office. The General Assembly may, by classification, prohibit District Judges from practicing law.

SECTION 15. PROHIBITION OF CANDIDACY FOR NON-JUDICIAL OFFICE. If a Judge or Justice files as a candidate for non-judicial governmental office, that candidate's judicial office shall immediately become vacant.

SECTION 16. QUALIFICATIONS AND TERMS OF JUSTICES AND JUDGES.

(A) Justices of the Supreme Court and Judges of the Court of Appeals shall have been licensed attorneys of this state for at least eight years immediately preceding the date of assuming office. They shall serve eight year terms.

(B) Circuit Judges shall have been licensed attorneys of this state for at least six years immediately preceding the date of assuming office. They shall serve six-year terms.

(C) District Judges shall have been licensed attorneys of this state for at least four years immediately preceding the date of assuming office. They shall serve four-year terms.

(D) All Justices and Judges shall be qualified electors within the geographical area from which they are chosen, and Circuit and District Judges shall reside within that geographical area at the time of election and during their period of service. A geographical area may include any county contiguous to the county to be served when there are no qualified candidates available in the county to be served.

(E) The General Assembly shall by law determine the amount and method of payment of Justices and Judges. Such salaries and expenses may be increased, but not diminished, during the term for which such Justices or Judges are selected or elected. Salaries of Circuit Judges shall be uniform throughout the state.

(F) Circuit, District, and Appellate Court Judges and Justices shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this state or the United States, except as authorized by law.

SECTION 17. ELECTION OF CIRCUIT AND DISTRICT JUDGES.

(A) Circuit Judges and District Judges shall be elected on a nonpartisan basis by a majority of qualified electors voting for such office within the circuit or district which they serve.

(B) Vacancies in these offices shall be filled as provided by this Constitution.

SECTION 18. ELECTION OF SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES.

(A) Supreme Court Justices and Court of Appeals Judges shall be elected on a nonpartisan basis by a majority of qualified electors voting for such office. Provided, however, the General Assembly may refer the issue of merit selection of members of the Supreme Court and the Court of Appeals to a vote of the people at any general election. If the voters approve a merit selection system, the General Assembly shall enact laws to create a judicial nominating commission for the purpose of nominating candidates for merit selection to the Supreme Court and Court of Appeals.

(B) Vacancies in these offices shall be filled by appointment of the Governor, unless the voters provide otherwise in a system of merit selection.

SECTION 19. TRANSITION PROVISIONS, TENURE OF PRESENT JUSTICES AND JUDGES, AND JURISDICTION OF PRESENT COURTS.

(A) Tenure of Present Justices and Judges.

(1) Justices of the Supreme Court and Judges of the Court of Appeals in office at the time this Amendment takes effect shall continue in office until the end of the terms for which they were elected or appointed.

(2) All Circuit, Chancery, and Circuit-Chancery Judges in office at the time this Amendment takes effect shall continue in office as Circuit Judges until the end of the terms for which they were elected or appointed; provided further, the respective jurisdictional responsibilities for matters legal, equitable or juvenile in nature as presently exercised by such Judges shall continue until changed pursuant to law.

(3) Municipal Court Judges in office at the time this Amendment takes effect shall continue in office through December 31, 2004; provided, if a vacancy occurs in an office of a Municipal Judge, that vacancy shall be filled for a term which shall end December 31, 2004.

(B) Jurisdiction of Present Courts.

(1) The Jurisdiction conferred on Circuit Courts established by this Amendment includes all matters previously cognizable by Circuit, Chancery, Probate and Juvenile Courts including those matters repealed by Section 22 of this Amendment. The geographic circuits and subject matter divisions of these courts existing at the time this Amendment takes effect shall become circuits and divisions of the Circuit Court as herein established until changed pursuant to this Amendment. Circuit Courts shall assume the jurisdiction of Circuit, Chancery, Probate and Juvenile Courts.

(2) District Courts shall have the jurisdiction vested in Municipal Courts, Corporation Courts, Police Courts, Justice of the Peace Courts, and Courts of Common Pleas at the time this Amendment takes effect. District Courts shall assume the jurisdiction of these courts of limited jurisdiction and other jurisdiction conferred in this Amendment on January 1, 2005. City Courts shall continue in existence after the effective date of this amendment unless such City Court is abolished by the governing body of the city or by appropriate action of the General Assembly. Immediately upon abolition of such City Court, the jurisdiction of the City Court shall vest in the nearest District Court in the county where the city is located.

(C) Continuation of Courts. The Supreme Court provided for in this Amendment shall be a continuation of the Supreme Court now existing. The Court of Appeals shall be regarded as a continuation of the Court of Appeals now existing. All laws and parts of laws relating to the Supreme Court and to the Court of Appeals which are not in conflict or inconsistent with this Amendment shall remain in full force and effect and shall apply to the Supreme Court and Court of Appeals, respectively, established by this Amendment until amended, repealed or superseded by appropriate action of the General Assembly or the Supreme Court pursuant to this Amendment. The Circuit Courts shall be regarded as a continuation of the Circuit, Chancery, Probate and Juvenile Courts now existing. Effective January 1, 2005, the District Courts shall be regarded as a continuation of the Municipal Courts, Corporation Courts, Police Courts, Justice of the Peace Courts and Courts of Common Pleas now existing. All the papers and records pertaining to these courts shall be transferred accordingly, and no suit or prosecution of any kind or nature shall abate because of any change made by this Amendment. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, decrees, orders, sentences, regulations, causes of action and appeals existing on the effective date of this Amendment shall continue unaffected except as modified in accordance with this Amendment.

SECTION 20. PROSECUTING ATTORNEYS. A Prosecuting Attorney shall be elected by the qualified electors of each judicial circuit. Prosecuting Attorneys shall have been licensed attorneys of this state for at least four years immediately preceding the date of assuming office. They shall be qualified electors within the judicial circuit from which they are elected and shall reside within that geographical area at the time of the election and during their period of service. They shall serve four-year terms.

SECTION 21. EFFECTIVE DATE. This Amendment shall become effective on July, 2001.

SECTION 22. REPEALER.

(A) The following sections of Article 7 of the Constitution of the State of Arkansas are hereby repealed effective July 1, 2001; 1 through 18; 20 through 22; 24; 25; 32; 34; 35; 39; 40; 42; 44; 45 and 50.

~~§ 1. Judicial power vested in courts. The judicial power of the State shall be vested in one Supreme Court, in circuit courts, in county and probate courts, and in justices of the peace. The General Assembly may also vest such jurisdiction as may be deemed necessary in municipal corporation courts, courts of common pleas, where established, and, when deemed expedient, may establish separate courts of chancery.~~

~~§ 2. Supreme Court. The Supreme Court shall be composed of three judges, one of whom shall be styled chief justice, and elected as such; any two of whom shall constitute a quorum, and the concurrence of two judges shall, in every case, be necessary to a decision.~~

~~§ 3. Increase of number of judges. When the population of the State shall amount to one million, the General Assembly may, if deemed necessary, increase the number of judges of the Supreme Court to five; and, on such increase, a majority of judges shall be necessary to make a quorum or a decision.~~

~~§ 4. Jurisdiction and powers of Supreme Court. The Supreme Court, except in cases otherwise provided by this Constitution, shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions as may from time to time be prescribed by law. It shall have a general superintending control over all inferior courts of law and equity; and, in aid of its~~

~~appellate and supervisory jurisdiction, it shall have power to issue writs of error and supersedeas, certiorari, habeas corpus, prohibition, mandamus and quo warranto, and, other remedial writs, and to hear and determine the same. Its judges shall be conservators of the peace throughout the State, and shall severally have power to issue any of the aforesaid writs.~~

~~§ 5. Jurisdiction to issue quo warranto. In the exercise of original jurisdiction the Supreme Court shall have power to issue writs of quo warranto to the circuit judges and chancellors when created, and to officers of political corporations when the question involved is the legal existence of such corporations.~~

~~§ 6. Qualifications of judges of Supreme Court. A judge of the Supreme Court shall be at least thirty years of age, of good moral character, and learned in the law; a citizen of the United States and two years a resident of the State, and who has been a practicing lawyer eight years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to eight years. The judges of the Supreme Court shall be elected by the qualified electors of the State and shall hold their offices during the term of eight years from the date of their commissions; but at the first meeting of the court after the first election under this Constitution the judges shall by lot divide themselves into three classes, one of which shall hold his office for four, one for six and the other for eight years, after which each judge shall be elected for a full term of eight years. A record shall be made in the court of this classification.~~

~~§ 7. Clerk and reporter. The Supreme Court shall appoint its clerk and reporter, who shall hold their offices for six years subject to removal for good cause.~~

~~§ 8. Place of holding court. The terms of the Supreme Court shall be held at the seat of government at the times that now are, or may be, provided by law.~~

~~§ 9. Special judges. In case all or any of the judges of the Supreme Court shall be disqualified from presiding in any cause or causes the court or the disqualified judge shall certify the same to the Governor, who shall immediately commission the requisite number of men learned in the law to sit in the trial and determination of such causes.~~

~~§ 10. Compensation of Supreme Court judges—Dual office holding. The Supreme Judges shall at stated times receive a compensation for their services to be ascertained by law, which shall not be, after the adjournment of the next General Assembly, diminished during the time for which they shall have been elected. They shall not be allowed any fees or perquisites of office, nor hold any other office, nor hold any office of trust or profit under the State or the United States.~~

~~§ 11. Circuit courts—Jurisdiction. The circuit court shall have jurisdiction in all civil and criminal cases the exclusive jurisdiction of which may not be vested in some other court provided for by this Constitution.~~

~~§ 12. Terms of circuit court. The circuit courts shall hold their terms in each county at such times and places as are, or may be, prescribed by law.~~

~~§ 13. Judicial circuits. The State shall be divided into convenient circuits, each circuit to be made up of contiguous counties, for each of which circuits a judge shall be elected, who, during his continuance in office, shall reside in and be a conservator of the peace within the circuit for which he shall have been elected.~~

~~§ 14. Superintending control and appellate jurisdiction over inferior courts—Writs—Power to issue. The circuit courts shall exercise a superintending control and appellate jurisdiction over county, probate, court of common pleas and corporation courts and justices of the peace, and shall have power to issue, hear and determine all the necessary writs to carry into effect their general and specific powers, any of which writs may be issued upon order of the judge of the appropriate court in vacation.~~

~~§ 15. Equity jurisdiction. Until the General Assembly shall deem it expedient to establish courts of chancery the circuit court shall have jurisdiction in matters of equity, subject to appeal to the Supreme Court, in such manner as may be prescribed by law.~~

~~§ 16. Qualifications of circuit judges. A judge of the circuit court shall be a citizen of the United States, at least twenty-eight years of age, of good moral character, learned in the law, two years a~~

resident of the State, and shall have practiced law six years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to six years.

~~§ 17. Election of circuit judges—Term of office. The judges of the circuit court shall be elected by the qualified electors of the several circuits, and shall hold their offices for the term of four years.~~

~~§ 18. Compensation of circuit court judges—Dual office holding. The judges of the circuit courts shall at stated times receive a compensation for their services, to be ascertained by law, which shall not, after the adjournment of the first session of the General Assembly, be diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this State or the United States.~~

~~§ 20. Disqualification of judges—Grounds. No judge or justice shall preside in the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by consanguinity or affinity, within such degree as may be prescribed by law; or in which he may have been of counsel or have presided in any inferior court.~~

~~§ 21. Special judges of circuit courts. Whenever the office of judge of the circuit court of any county is vacant at the commencement of a term of such court, or the judge of said court shall fail to attend, the regular practicing attorneys in attendance on said court may meet at 10 o'clock a. m. on the second day of the term, and elect a judge to preside at such court, or until the regular judge shall appear; and if the judge of said court shall become sick or die or unable to continue to hold such court after its term shall have commenced, or shall from any cause be disqualified from presiding at the trial of any cause then pending therein, then the regular practicing attorneys in attendance on said court may in like manner, on notice from the judge or clerk of said court, elect a judge to preside at such court or to try said causes, and the attorney so elected shall have the same power and authority in said court as the regular judge would have had if present and presiding; but this authority shall cease at the close of the term at which the election shall be made. The proceeding shall be entered at large upon the record. The special judge shall be learned in law and a resident of the State.~~

~~§ 22. Exchange of circuits. The judges of the circuit courts may temporarily exchange circuits or hold courts for each other under such regulations as may be prescribed by law.~~

~~§ 24. Prosecuting attorneys. The qualified electors of each circuit shall elect a prosecuting attorney, who shall hold his office for the term of two years, and he shall be a citizen of the United States, learned in the law, and a resident of the circuit for which he may be elected.~~

~~§ 25. Judges debarred from practice. The judges of the Supreme, circuit, or chancery courts shall not, during their continuance in office, practice law or appear as counsel in any court, State or Federal, within this State.~~

~~§ 32. Courts of common pleas—Jurisdiction. The General Assembly may authorize the judge of the county court of any one or more counties to hold severally a quarterly court of common pleas in their respective counties, which shall be a court of record, with such jurisdiction in matters of contract and other civil matters not involving title to real estate as may be vested in such court.~~

~~§ 34. Probate courts—Jurisdiction—Trial of issues—Terms. In each county the Judge of the court having jurisdiction in matters of equity shall be judge of the court of probate, and have such exclusive original jurisdiction in matters relative to the probate of wills, the estates of deceased persons, executors, administrators, guardians, and persons of unsound mind and their estates, as is now vested in courts of probate, or may be hereafter prescribed by law. The judge of the probate court shall try all issues of the law and of facts arising in causes or proceedings within the jurisdiction of said court, and therein pending. The regular terms of the courts of probate shall be held at such times as is now or may hereafter be prescribed by law; and the General Assembly may provide for the consolidation of chancery and probate courts. [As amended by Const. Amend. 24, § 1.]~~

~~§ 35. Appeals from probate court. Appeals may be taken from judgments and orders of courts of probate to the Supreme Court; and, until otherwise provided by the General Assembly, shall be~~

~~taken in the same manner as appeals from courts of chancery and subject to the same regulations and restrictions. [As amended by Const. Amend. 24, § 2.]~~

~~§ 39. Number in each township. For every two hundred electors there shall be elected one justice of the peace, but every township, however small, shall have two justices of the peace.~~

~~§ 40. Exclusive and concurrent jurisdiction of justices of the peace—Criminal jurisdiction—Process—Power to issue. They shall have original jurisdiction in the following matters: First, exclusive of the circuit court, in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars, excluding interest, and concurrent jurisdiction in matters of contract where the amount in controversy does not exceed the sum of three hundred dollars, exclusive of interest; second, concurrent jurisdiction in suits for the recovery of personal property where the value of the property does not exceed the sum of three hundred dollars, and in all matters of damage to personal property where the amount in controversy does not exceed the sum of one hundred dollars; third, such jurisdiction of misdemeanors as is now, or may be, prescribed by law; fourth, to sit as examining courts and commit, discharge or recognize offenders to the court having jurisdiction, for further trial, and to bind persons to keep the peace or for good behavior; fifth, for the foregoing purposes they shall have power to issue all necessary process; sixth, they shall be conservators of the peace within their respective counties, provided a justice of the peace shall not have jurisdiction where a lien on land or title or possession thereto is involved.~~

~~§ 42. Appeals from justices of peace. Appeals may be taken from the final judgments of the justices of the peace to the circuit courts under such regulations as are now, or may be, provided by law.~~

~~§ 44. Pulaski Chancery Court. The Pulaski Chancery Court shall continue in existence until abolished by law, or the business pending at the adoption of this Constitution shall be disposed of, or the pending business be transferred to other courts. The judge and clerk of said court shall hold office for the term of two years, and shall be elected by the qualified voters of the State. All suits and proceedings which relate to sixteenth section lands or to money due for said lands shall be transferred to the respective counties where such lands are located in such manner as shall be provided by the General Assembly at the next session.~~

~~§ 45. Separate criminal courts abolished. The separate criminal courts established in this State are hereby abolished, and all the jurisdiction exercised by said criminal courts is vested in the circuit courts of the respective counties; and all causes now pending therein are hereby transferred to said circuit courts respectively. It shall be the duty of the clerks of said criminal courts to transfer all the records, books and papers pertaining to said criminal courts to the circuit courts of their respective counties.~~

~~§ 50. Vacancies. All vacancies occurring in any office provided for in this article shall be filled by special election, save that in case of vacancies occurring in county and township offices six months and in other offices nine months, before the next general election, such vacancies shall be filled by appointment by the Governor. (B) Sections 34 and 35 of Article 7 of the Constitution of the State of Arkansas, as amended by Sections 1 and 2 of Amendment 24, are hereby repealed effective July 1, 2001.~~

~~§ 34. Probate courts—Jurisdiction—Trial of issues—Terms. In each county the Judge of the court having jurisdiction in matters of equity shall be judge of the court of probate, and have such exclusive original jurisdiction in matters relative to the probate of wills, the estates of deceased persons, executors, administrators, guardians, and persons of unsound mind and their estates, as is now vested in courts of probate, or may be hereafter prescribed by law. The judge of the probate court shall try all issues of the law and of facts arising in causes or proceedings within the jurisdiction of said court, and therein pending. The regular terms of the courts of probate shall be held at such times as is now or may hereafter be prescribed by law; and the General Assembly may provide for the consolidation of chancery and probate courts. [As amended by Const. Amend. 24, § 1.]~~

~~§ 35. Appeals from probate court. Appeals may be taken from judgments and orders of courts of probate to the Supreme Court; and, until otherwise provided by the General Assembly, shall be taken in the same manner as appeals from courts of chancery and subject to the same regulations and restrictions. [As amended by Const. Amend. 24, § 2.]~~(C) Section 43 of Article 7 of the Constitution of the State of Arkansas is hereby repealed effective January 1, 2005.

~~§ 43. Corporation courts—Jurisdiction. Corporation courts for towns and cities may be invested with jurisdiction concurrent with justices of the peace in civil and criminal matters, and the General Assembly may invest such of them as it may deem expedient with jurisdiction of any criminal offenses not punishable by death or imprisonment in the penitentiary, with or without indictment, as may be provided by law, and, until the General Assembly shall otherwise provide, they shall have the jurisdiction now provided by law.~~ (D) Section 1 of Amendment 58 of the Constitution of the State of Arkansas is hereby repealed effective July 1, 2001.

~~§ 1. Court of Appeals. The General Assembly is hereby empowered to create and establish a Court of Appeals and divisions thereof. The Court of Appeals shall have such appellate jurisdiction as the Supreme Court shall by rule determine, and shall be subject to the general superintending control of the Supreme Court. Judges of the Court of Appeals shall have the same qualifications as justices of the Supreme Court and shall be selected in the manner provided by law.~~(E) Section 1 of Amendment 64 of the Constitution of the State of Arkansas is hereby repealed effective January 1, 2005.

~~§ 1. Concurrent jurisdiction—Jurisdictional amount. Notwithstanding any provision of this Constitution to the contrary and in addition to jurisdiction now conferred on municipal courts, municipal courts shall have jurisdiction concurrent with circuit courts (a) in matters of contract where the amount in controversy does not exceed three thousand dollars (\$3,000) excluding interest, (b) in suits for the recovery of personal property where the value of the property does not exceed three thousand dollars (\$3,000), and (c) in all matters of damage to personal property where the amount in controversy does not exceed three thousand dollars (\$3,000); provided that the General Assembly may by law increase or decrease the jurisdictional limit by a two thirds vote of each house of the General Assembly.~~(F) Section 1 of Amendment 77 of the Constitution of the State of Arkansas is hereby repealed effective July 1, 2001.

SECTION 1. (A) If a Supreme Court justice is disqualified or temporarily unable to serve, the Chief Justice shall certify the fact to the Governor, who within thirty (30) days thereafter, shall commission a special justice, unless the time is extended by the Chief Justice upon a showing by the Governor that in spite of the exercise of diligence, additional time is needed. If the Governor fails to commission a special justice within thirty (30) days, or at the end of an extended period granted by the Chief Justice, the Lieutenant Governor shall commission a special justice.

(B) If a judge of the Court of Appeals is disqualified or temporarily unable to serve, the Chief Judge shall certify the fact to the Chief Justice who shall commission a special judge.

(C) If a circuit, chancery, or probate judge is disqualified or temporarily unable to serve, or if the Chief Justice shall determine there is other need for a special judge to be temporarily appointed, a special judge may be assigned by the Chief Justice or elected by the bar of that Court, under rules prescribed by the Supreme Court, to serve during the period of temporary disqualification, absence or need.

(D) In naming special justices and judges, the Governor or the Chief Justice may commission, with their consent, retired justices or judges, active circuit, chancery, or probate judges, or licensed attorneys.

(E) Special and retired justices and judges selected and assigned for temporary judicial service shall meet the qualifications of justices or judges of the Court to which selected and assigned.

(F) Special and retired judges shall be compensated as provided by law.

(G) No other provision of the Constitution of the State of Arkansas shall be repealed by this Amendment unless the provision is in irreconcilable conflict with the provisions of this Amendment.