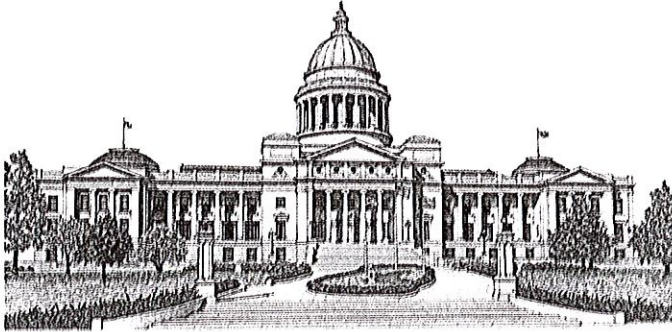


# ARKANSAS REGISTER

## Transmittal Sheet

Use only for FINAL and EMERGENCY RULES



Secretary of State

Mark Martin

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Department of Education

Department Educator Effectiveness and Licensure

Contact Cheryl Reinhart E-mail cheryl.reinhart@arkansas.gov Phone (501) 683-3126

Statutory Authority for Promulgating Rules Acts 294, 416, and 588 of 2017, Ark. Code Ann. 6-11-105 and 25-15-201 et seq.

Rule Title: REPEAL--ADE Rules Governing Educator Preparation Program Approval

### Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other \_\_\_\_\_  
(Must be more than 10 days after filing date.)

Legal Notice Published .....

Final Date for Public Comment .....

Reviewed by Legislative Council .....

Adopted by State Agency .....

### Date

October 14, 15, 16, 2017

November 13, 2017

April 20, 2018

February 8, 2018

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Lori Freno lori.freno@arkansas.gov

April 20, 2018

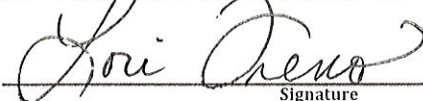
Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)



Signature

(501) 682-4234

lori.freno@arkansas.gov

Phone Number

E-mail Address

General Counsel

Title

April 20, 2018

Date

2018 APR 19 AM 3:21  
MARK MARTIN  
SECRETARY OF STATE  
ARKANSAS

**ARKANSAS DEPARTMENT OF EDUCATION**  
**~~POLICIES GOVERNING EDUCATOR PREPARATION PROGRAM APPROVAL~~**  
~~April 2016~~ Repealed Effective April 30, 2018

**~~1.0 — REGULATORY AUTHORITY AND PURPOSE~~**

- ~~1.01 — These rules shall be known as Arkansas Department of Education Policies Governing Educator Preparation Program Approval.~~
- ~~1.02 — The State Board of Education enacts these policies pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-17-422, and 25-15-201 et seq.~~
- ~~1.03 — It is the purpose of these policies to set forth the requirements for Arkansas Department of Education (ADE) approval of educator licensure programs offered by a college or university in Arkansas. The policies establish a framework for educator preparation programs, but do not prohibit an educator preparation provider from exceeding the minimum standards in these rules.~~
- ~~1.04 — These policies are to be viewed in conjunction with and do not replace the Arkansas Department of Education Rules Governing Educator Licensure. If a conflict exists between these policies and the Rules Governing Educator Licensure, the Rules Governing Educator Licensure shall take precedence over the policies.~~

**~~2.0 — DEFINITIONS~~**

~~For these policies the following terms are defined:~~

- ~~2.01 — **Accreditation** of an institution of higher learning, educator preparation provider, or program of study is the official recognition granted to the institution of higher learning, educator preparation provider or program of study that meets the standards of quality established by the accrediting agency.~~
- ~~2.02 — **ADE** is the Arkansas Department of Education.~~
- ~~2.03 — **ADHE** is the Arkansas Department of Higher Education.~~
- ~~2.04 — **CAEP** is the Council for the Accreditation of Educator Preparation.~~
- ~~2.05 — **Candidate** is an individual who has been admitted into an educator licensure program.~~
- ~~2.06 — **Data Literacy** means the knowledge and skill in accessing, generating, and analyzing data from a variety of sources to facilitate instruction and decision-making.~~

- 2.07—**Disciplinary Literacy** means the knowledge and skills in reading, writing, and reasoning processes that are specific to the intellectual beliefs and methods by which scholarship is created in a content field.
- 2.08—**Disposition for Teaching** means the critical dispositions identified in the Arkansas Teaching Standards, including without limitation, the professional attitudes, values, and beliefs of an individual regarding instruction, and student learning and development, including beliefs that all students can learn and all teachers can improve their knowledge and skills.
- 2.09—**Distance Learning Technology** means the electronic or digital learning media, including the Internet, e-mail, television, and other audio-visual communication devices used to deliver instruction where the teacher and the students are in separate physical settings.
- 2.10—**Educator Licensure** is the official recognition by the State Board that an individual has met state requirements and has been authorized to practice as a professional educator in Arkansas.
- 2.11—**Educator Preparation Provider** is a college, school, department, or other administrative entity within an institution of higher education that is primarily responsible for coordinating all programs for the initial and advanced preparation of educators and other professional school personnel, also referred to as “provider”.
- 2.12—**Field Experiences** means the activities for candidates in educator preparation programs that allow early and ongoing practice opportunities to apply content and pedagogical knowledge. These include observations, tutoring, assisting teachers and administrators, and practicums.
- 2.13—**General Studies** means the courses and other learning experiences in the liberal arts and sciences that students in degree programs normally complete during the first two years of their higher education experience.
- 2.14—**NCATE** is the National Council for Accreditation of Teacher Education.
- 2.15—**Nontraditional Educator Licensure Program** at an institution of higher education means a graduate-level preparation program designed for individuals seeking licensure as a teacher who did not complete an undergraduate educator preparation program but which, under the Arkansas Department of Education rules for nontraditional licensure, allows them to serve as teacher of record while enrolled in a program of study.
- 2.16—**PLSB** means the Arkansas Professional Licensure Standards Board.

- ~~2.17 — **Program or Program of Study** means a curriculum that is aligned with the Arkansas Teaching Standards, and that requires a candidate to demonstrate and document competency in the specific knowledge, skills, and dispositions for a particular endorsement to an educator's license, a licensure content area, or level of licensure provided by a college or university accredited and approved under these rules.~~
- ~~2.18 — **Provisional Teaching License** means a temporary, non-renewable license, which is issued by the State Board to an individual who has met certain requirements but not all of the requirements for a standard license that allows the holder to teach or work in Arkansas public schools.~~
- ~~2.19 — **Specialized Professional Association (SPA)** means any of the national associations representing educators of specific subject areas, grade levels or student groups, administrators, or other school professionals that establish standards for candidates preparing for educator licensure.~~
- ~~2.20 — **Standard Teaching License** means a five-year renewable license issued by the State Board that allows the license holder to teach in Arkansas public schools.~~
- ~~2.21 — **State Board** means the Arkansas State Board of Education.~~
- ~~2.22 — **Supervised Clinical Practice** means pre-service teaching or internship in a school setting that provides candidates with extensive opportunities to develop and demonstrate competence in the professional roles for which they are preparing, completed under the guidance and supervision of licensed practicing school personnel and college or university supervisory personnel. This includes internships and student teaching.~~
- ~~2.23 — **Teacher Effectiveness Support System (TESS)** is an integrated evaluation, feedback, and support system under the Department of Education Rules Governing The Teacher Effectiveness and Support System that encourages teachers to improve their knowledge and instructional skills in order to improve student learning.~~
- ~~2.24 — **Teacher of Record** means an individual (or individuals in a co-teaching assignment) who has been assigned the lead responsibility for a student's learning in a subject/course with aligned performance measures.~~
- ~~2.25 — **Traditional Program for Educator Licensure** means an undergraduate program of study or graduate program of study at an institution of higher education that prepares candidates for traditional licensure as a teacher, school counselor, library media specialist, school administrator, or other school professional.~~
- ~~2.26 — **Universal Design for Learning** means a scientifically valid framework for guiding educational practice that (A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills,~~

and in the ways students are engaged; and (B) reduces barriers in instruction, provides appropriate accommodations and supports, and challenges and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

### **3.0 — APPROVAL REQUIRED**

Any educator licensure program offered by a college or university in Arkansas must be approved by the Arkansas Department of Education (ADE). These policies shall be effective beginning September 1, 2016. As often as may be necessary, these policies will be reviewed by the Professional Licensure Standards Board (PLSB) and approved by the Arkansas State Board of Education (State Board).

### **4.0 — POLICIES FOR INSTITUTIONS OF HIGHER EDUCATION PROVIDING PROGRAMS FOR EDUCATOR LICENSURE**

4.01 — Prior to program implementation, public institutions of higher education in Arkansas and any out-of-state institutions of higher education offering programs (including programs with online coursework) to students in Arkansas shall be approved by the Arkansas Higher Education Coordinating Board to offer certificate and degree programs leading to educator licensure in Arkansas.

4.02 — Institutions of higher education that offer programs in Arkansas leading to educator licensure shall be accredited by a national or regional accrediting agency that is recognized by the United States Department of Education (USDE) or the Council for Higher Education Accreditation (CHEA).

### **5.0 — POLICIES FOR EDUCATOR PREPARATION PROVIDERS**

5.01 — An educator preparation provider accredited by CAEP (or NCATE) and in compliance with all other policies set forth in this document is considered eligible by the ADE to provide professional education programs leading to educator licensure in Arkansas.

5.01.1 — If a provider is not yet accredited by CAEP, it must be identified by CAEP either as accreditation eligible or as a candidate for accreditation before the ADE can approve any of its programs for educator licensure.

## **~~6.0 — POLICIES FOR ALL PROGRAMS LEADING TO EDUCATOR LICENSURE (TRADITIONAL AND NONTRADITIONAL)~~**

- ~~6.01 — An educator licensure program proposed by an educator preparation provider that is CAEP accredited may be granted state approval upon review by the ADE in accordance with the *Protocol for the Review and Approval of Programs of Study Leading to Educator Licensure or Endorsement in Arkansas*.~~
- ~~6.02 — The Department may grant provisional state approval upon review by the ADE until accreditation is achieved when an educator licensure program proposed by an educator preparation provider is identified by CAEP either as accreditation eligible or as a candidate for accreditation. If accreditation is not achieved within five (5) years of being identified by CAEP as accreditation eligible or as a candidate for accreditation, the provider's professional education programs will forfeit the provisional state approval, and no new students may be admitted into the programs but the Department may allow existing candidates to matriculate through the program.~~
- ~~6.03 — Any revisions to an ADE approved program of study for licensure shall be submitted to the ADE Office of Educator Licensure in accordance with the *Protocol for the Review and Approval of Programs of Study Leading to Educator Licensure or Endorsement in Arkansas*.~~
- ~~6.04 — Before allowing a candidate to begin a supervised clinical practice, a program shall require candidates to apply to the Identification Bureau of the Arkansas State Police for a criminal records check and to the Department of Human Services for a Child Maltreatment Central Registry check and to successfully complete those background checks in accordance with the Department of Education Rules Governing Background Checks.~~

## **~~7.0 — POLICIES FOR TRADITIONAL EDUCATOR LICENSURE PROGRAMS~~**

- ~~7.01 — Programs shall include curriculum that addresses requirements established by Arkansas statutes governing educator preparation and the ADE Rules Governing Educator Licensure, including without limitation, instruction in:~~
  - ~~7.01.1 — The state approved Arkansas Teaching Standards and the appropriate content knowledge and pedagogical competencies for the respective licensure areas;~~
  - ~~7.01.2 — The *Code of Ethics for Arkansas Educators*;~~
  - ~~7.01.3 — Data literacy;~~
  - ~~7.01.4 — Disciplinary literacy;~~

- ~~7.01.5 — Universal Design for Learning (UDL);~~
- ~~7.01.6 — The Teacher Excellence and Support System, under Ark. Code Ann. 6-17-2801 et seq.;~~
- ~~7.01.7 — Child maltreatment, under Ark. Code Ann. § 6-61-133;~~
- ~~7.01.8 — Parental involvement, under Ark. Code Ann. § 6-15-1705;~~
- ~~7.01.9 — Teen suicide awareness and prevention, under Ark. Code Ann. § 6-17-708; and~~
- ~~7.01.10 — Information on the identification of students at risk for dyslexia and related disorders, under Ark. Code Ann. § 6-41-609.~~
- ~~7.02 — All programs that prepare candidates for licensure to teach in grades birth through kindergarten (B-K), kindergarten through grade six (K-6), or grades four through eight (4-8) shall instruction in reading pedagogy. The instruction shall include theories and strategies for teaching reading, diagnosis of reading difficulties, intervention strategies for struggling readers and disciplinary literacy as identified in the competencies for educator licensure.~~
- ~~7.03 — Programs that prepare candidates for middle childhood licensure to teach in grades four through eight (4-8) shall require concentrations in at least two content areas to be selected by the candidates from English language arts, mathematics, science, and social studies.~~
- ~~7.04 — Programs that prepare candidates for secondary licensure to teach in grades seven through twelve (7-12) shall require candidates to have content preparation in a teaching field equivalent to the institutional requirements for an academic major. Degree requirements shall be determined by the institution, but the requirements for a student seeking a teaching degree shall not be substantially different from the requirements for a student seeking a non-teaching degree in the same content field.~~
- ~~7.05 — Programs that prepare candidates as library media specialists, reading specialists, and guidance and school counselors shall lead to a master's degree or higher, or consist of graduate level coursework when a candidate has already obtained a master's degree or higher in another licensure content area. For programs that prepare guidance and school counselors, if the candidate's master's degree is in another field of counseling the program shall consist of graduate level coursework in guidance and school counseling.~~
- ~~7.06 — Programs that prepare candidates for standard or add-on licensure to teach special education in grades K-12, shall include a curriculum in special education content and pedagogy that complies with standards of the Council for Exceptional Children (CEC).~~

- ~~7.07 — Programs that prepare candidates for licensure as school administrators, grades P-12, shall comply with state-approved standards for school leaders.~~
- ~~7.08 — Programs shall engage candidates in substantial, quality participation in field experiences (such as observations and practicums) and supervised clinical practice (such as student teaching and internships), as applicable in the licensure content area.~~
- ~~7.08.1 — The combination of field experiences and supervised clinical practice shall provide opportunities for a candidate for teacher licensure to teach across the entire grade of the license being sought, as applicable in the licensure content area.~~
- ~~7.08.1.1 — Field experiences and supervised clinical practice in a program of study for teacher licensure, Birth—Kindergarten (B-K), shall be divided between prekindergarten and kindergarten, with no less than 40% of the total experiences completed in either area.~~
- ~~7.08.1.2 — Field experience and supervised clinical practice in a program of study for teacher licensure, grades K-6, shall be divided between grades K-3 and 4-6, with no less than 25% of the experiences completed in either grade range.~~
- ~~7.08.1.3 — Field experiences and supervised clinical practice in a traditional program of study for teacher licensure, grades 4-8, shall be divided between grades 4-6 and 7-8, with no less than 25% of the total experiences completed in either grade range, and shall include teaching in each area of concentration selected by the candidate.~~
- ~~7.08.1.4 — Field experiences and supervised clinical practice in a traditional program of study for teacher licensure, grades 4-12, shall be divided between grades 4-8 and 9-12, with no less than 25% of the total experiences completed in either grade range.~~
- ~~7.08.1.5 — Field experiences and supervised clinical practice in a traditional program of study for teacher licensure, grades 7-12, shall be divided between grades 7-9 and 10-12 in the licensure content area(s) with no less than 25% of the total assignment completed in either grade range. If a candidate is seeking licensure in more than one content area, the field experiences and supervised clinical practice shall be divided among the content areas.~~



- ~~7.08.1.6~~ Field experiences and supervised clinical practice in a traditional program of study for teacher licensure, grades K-12, shall be divided between grades K-6 and 7-12 in the licensure content area with no less than 25% of the total experiences completed in either grade range. If no K-6 settings are available in a K-12 licensure area, candidates may complete their experiences within the 7-12 grade range.
- ~~7.08.2~~ Programs of study for the first time licensure of teachers shall require candidates to be engaged in supervised clinical practice for a minimum of sixty (60) complete school days (approximately 420 contact hours).
- 
- ~~7.08.3~~ Candidates shall be placed only with cooperating teachers or mentors who have received at least a proficient or equivalent rating in their latest TESS performance review or, if applicable, under 7.08.5.2, an equivalent performance review, as applicable in the licensure content area.
- ~~7.08.4~~ Programs of study for the licensure of building level administrators, district level administrators, curriculum/program administrators, school counselors, school psychologists, library media specialists, and other professional school personnel shall require candidates to complete supervised clinical practice across the grade range for each license being sought by the candidate as outlined in the Arkansas educator competencies.
- ~~7.08.5~~ Field experiences and supervised clinical practice in traditional undergraduate or graduate programs for teacher licensure areas that involve grades K-12, or in graduate programs for school administration and other non-teaching licensure areas, shall be completed in:
- ~~7.08.5.1~~ Traditional public K-12 school settings that are accredited by the ADE; or
- ~~7.08.5.2~~ Other private or public school settings where content standards adopted by the State Board are taught and faculty are subject to an evaluation system that uses a framework substantially similar to TESS.
- ~~7.08.6~~ Field experiences and supervised clinical practice in a B-K licensure program shall be completed in:
- ~~7.08.6.1~~ An early childhood education setting accredited by the Division of Child Care and Early Childhood Education of

~~the Department of Human Services as a Better Beginnings Level 3 or higher program; or~~

~~7.08.6.2 — Other early childhood education setting having state accreditation similar to the Arkansas accreditation for a Better Beginnings Level 3 or higher program.~~

~~7.08.7 — Field experience and internship placements for candidates in a traditional program of study for educator licensure shall not include priority schools, public schools or school districts in academic distress, or school districts under administrative takeover for violations of the Standards for Accreditation of Arkansas Public Schools and School Districts, unless:~~

~~7.08.7.1 — The candidate is in an administrator licensure program and the state has replaced the administrator in the applicable priority school, public school or school district in academic distress, or school district under administrative takeover; or~~

~~7.08.7.2 — Under an extreme circumstance, the ADE may approve the field experience or internship placement in the applicable priority school, public school or school district in academic distress, or school district under administrative takeover.~~

~~7.08.8 — Programs may allow candidates to complete their supervised clinical practice in instructional settings that employ distance learning technology, but at least 75% of their clinical practice must engage them in face-to-face interaction where the candidate and the students are in the same physical setting.~~

~~7.08.9 — Programs shall ensure that professional education faculty, including adjunct faculty, and cooperating teachers who teach and/or supervise teacher candidates must be trained in the domains and criteria of TESS.~~

~~7.09 — Programs of study for teacher licensure shall require the following of candidates before recommending the candidate for licensure:~~

~~7.09.1 — Complete the program of study for the license, including achieving a passing score on the basic skills assessment required by the State Board;~~

~~7.09.2 — Achieve a passing score on state approved content assessments for the license; and~~

~~7.09.3 — Take the state approved pedagogical assessment.~~

## **~~8.0 — POLICIES FOR NONTRADITIONAL EDUCATOR LICENSURE PROGRAMS~~**

~~8.01 — Programs may be offered at the post-baccalaureate level by institutions of higher education. Such programs may be offered as degree or non-degree programs of study.~~

~~8.02 — Programs shall include one of the following two tracks or both tracks:~~

~~8.02.1 — Track 1 allows a candidate to be employed as a teacher of record with a provisional teaching license for the duration of the prescribed program of study. A candidate shall teach only in the content area(s) and grade level(s) indicated on the provisional teaching license. Candidates shall be placed only with cooperating teachers or mentors who have received at least a proficient or equivalent rating in their latest TESS performance review or, if applicable, under 7.08.5.2, an equivalent performance review.~~

~~8.02.2 — Track 2 allows a candidate to complete a traditional internship (student teaching) as a culminating experience of the candidate's program of study or obtain a provisional teaching license and be employed as a teacher of record as a culminating experience of the candidate's program of study.~~

~~8.03 — Programs shall require candidates to complete an internship or obtain a provisional license and be employed as a teacher of record only in the area(s) which s/he has passed the state required content assessment(s).~~

~~8.03.5 — Programs shall only place candidates with cooperating teachers or mentors who have received at least a proficient or equivalent rating in their latest TESS performance review or, if applicable, under 8.07.2, an equivalent performance review.~~

~~8.04 — Programs shall include curriculum that addresses requirements established by Arkansas statutes governing preparation for nontraditional educator licensure and ADE rules governing nontraditional educator licensure, including without limitation, instruction in:~~

~~8.04.1 — The state approved Arkansas Teaching Standards and specific pedagogical competencies for the respective licensure areas;~~

~~8.04.2 — The *Code of Ethics for Arkansas Educators*;~~

~~8.04.3 — Data literacy;~~

~~8.04.4 — Disciplinary literacy;~~

- ~~8.04.5 — Universal Design for Learning (UDL);~~
- ~~8.04.6 — Arkansas' Teacher Excellence Support System (TESS), under Ark. Code Ann. 6-17-2801 et seq.;~~
- ~~8.04.7 — Child maltreatment, under Ark. Code Ann. § 6-61-133;~~
- ~~8.04.8 — Parental involvement, under Ark. Code Ann. § 6-15-1705;~~
- ~~8.04.9 — Teen suicide awareness and prevention, under Ark. Code Ann. § 6-17-708; and~~
- ~~8.04.10 — Information on the identification of students at risk for dyslexia and related disorders, under Ark. Code Ann. § 6-41-609.~~
- ~~8.05 — Programs that prepare candidates to teach grades four through eight (4-8) shall include instruction in reading pedagogy. The instruction shall include theories and strategies for teaching reading, diagnosis of reading difficulties, intervention strategies for struggling readers and disciplinary literacy as identified in the competencies for educator licensure.~~
- ~~8.06 — Candidates completing a nontraditional educator licensure program in, middle childhood, grades 4-8, or secondary social studies, grades 7-12 must complete a three semester hour course in Arkansas history, as required by state law, or a 45-hour professional development piece in Arkansas History through ArkansasIDEAS.~~
- ~~8.07 — Programs shall require internships or teaching service to be completed in:~~
  - ~~8.07.1 — Public school settings that are accredited by the ADE; or~~
  - ~~8.07.2 — Other private or public school settings where content standards adopted by the State Board are taught and faculty are subject to an evaluation system that uses a framework substantially similar to TESS.~~
- ~~8.08 — Programs shall ensure that teaching and internship placements for candidates shall not include priority schools, public school or school districts in academic distress, or school districts under administrative takeover for violations of the Standards for Accreditation of Arkansas Public Schools and School Districts.~~
  - ~~8.08.1 — Under an extreme circumstance, the ADE may approve the field experience or internship placement in the applicable priority school, public school or school district in academic distress, or school district under administrative takeover.~~

~~8.09 — Programs may allow candidates to complete their teaching or internships in instructional settings that employ distance learning technology, but some of the clinical practice must engage them in face-to-face interaction.~~

~~8.10 — Programs shall ensure that professional education faculty, including adjunct faculty, and cooperating teachers who teach and/or supervise nontraditional teacher candidates must be trained in the domains and criteria of TESS.~~

## ~~9.0 — EDUCATOR PREPARATION PROVIDER ACCOUNTABILITY REQUIREMENTS~~

~~9.01 — State approval of an educator preparation provider is immediately suspended if:~~

~~9.01.1 — The institution has failed to obtain approval by the Arkansas Higher Education Coordinating Board to offer certificate and degree programs leading to educator licensure in Arkansas, under Section 4.01;~~

~~9.01.2 — The institution has failed to obtain national or regional accreditation under Section 4.02, or the national or regional accreditation is discontinued; or~~

~~9.01.3 — The educator preparation provider fails to achieve initial CAEP accreditation under Section 5.01 or CAEP accreditation is discontinued.~~

~~9.02 — If state approval is immediately suspended under Section 9.01, the PLSB shall submit a recommendation to the State Board for discontinuance of the authority of the institution to offer a program of study for educator licensure.~~

~~9.03 — Within thirty (30) days of the occurrence of any of the events under 9.01 or 9.02, an educator preparation provider shall inform current students in its programs and shall post on its website the institution's or the provider's accreditation or state approval status.~~

~~9.04 — To ensure that an educator preparation provider's program of study aligns with state and federal standards, laws, and regulations, the ADE shall conduct audits of all Arkansas institutions of higher education with an ADE-approved educator preparation provider program of study.~~

~~9.04.1 — The audits shall use state and/or national standards, laws, and regulations for licensure programs that are identified on the ADE's website.~~

- ~~9.04.2 Beginning on July 1, 2016, the ADE will conduct the audits on a seven year cycle that aligns to each provider's CAEP accreditation cycle. The ADE will provide the audit reports to the PLSB.~~
- ~~9.05 The ADE shall notify an institution of higher education of the ADE's audit findings that an educator preparation program does not comply with the audit criteria. After receiving the ADE's audit findings and recommendations, the institution shall:~~
- ~~9.05.1 Within two (2) full semesters of receiving the audit findings and recommendations, provide to the ADE for its review and approval a plan to bring the institution's programs into compliance with the audit recommendations; and~~
- ~~9.05.2 By the end of the next full academic year following the date of plan approval, submit documentation of compliance with the plan implementation to the Professional Licensure Standards Board.~~
- ~~9.06 With the assistance of the ADE and the Department of Higher Education, the PLSB shall review the audits.~~
- ~~9.07 If an institution of higher education does not bring its program into compliance with audit recommendations, the PLSB shall submit a recommendation to the State Board for discontinuance of the authority of the institution to offer the program, and shall provide notice to the institution of the recommendation.~~
- ~~9.08 The institution may request a hearing before the State Board on the recommendation by providing a written request to the PLSB within thirty (30) days of receiving the notice from the PLSB.~~
- ~~9.08.1 The written request for a hearing shall be accompanied by the institution's written objections to the recommendation and any evidence the institution will present to the State Board.~~
- ~~9.08.2 At the hearing, each party will have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the representative of the PLSB. The Chairperson of the State Board may for good cause shown and upon the request of either party allow either party additional time to present their opening statements.~~
- ~~9.08.3 Each party will be given twenty (20) minutes to present their case, beginning with the representative of the PLSB. The Chairperson of the State Board may for good cause shown and upon the request of either party allow either party additional time to present their case.~~

- ~~9.08.4 — Every witness giving oral testimony must be sworn under oath by the court reporter and shall be subject to direct examination and cross examination of the other party, and questioning by the State Board.~~
- ~~9.08.5 — For the purposes of the record, documents offered during the hearing by a party shall be clearly marked with the party's name and numbered in sequential, numeric order (1, 2, 3).~~
- ~~9.08.6 — The PLSB shall have the burden of proving by a preponderance of the evidence that cause for the action exists and that the State Board should adopt the recommendation for discontinuance of the authority of the institution to offer the program.~~
- ~~9.08.7 — While the scope of each party's presentation ultimately lies within the State Board Chairperson's discretion, case presentation should be arranged in such a way as to avoid redundant testimony.~~
- ~~9.08.8 — After both parties have presented their cases, the State Board may allow each party to present limited rebuttal testimony.~~
- ~~9.08.9 — After making its decision, the State Board shall reduce its decision to writing and shall mail copies of the decision to each party.~~
- ~~9.08.10 — The State Board's written decision shall constitute the final agency action for purposes of judicial review pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.~~

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Education

**DIVISION** Educator Effectiveness and Licensure

**PERSON COMPLETING THIS STATEMENT** Lori Freno, General Counsel

**TELEPHONE** 501-682-4234 **FAX** None **EMAIL:** lori.freno@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** (1) Rules Governing Educator Licensure; (2) repeal of Rules Governing Educator Preparation Program Approval

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;  
N/A

(b) The reason for adoption of the more costly rule;  
N/A

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;  
N/A

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.  
N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_



Total N/A

Total N/A

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total N/A

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total N/A

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ Zero

**Next Fiscal Year**

\$ Zero

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ Zero

**Next Fiscal Year**

\$ Zero

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.