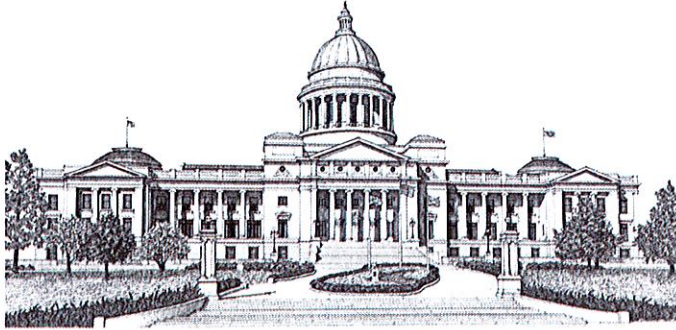


# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State  
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[www.sos.arkansas.gov](http://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, Director of Licensure E-mail cheryl.reinhart@arkansas.gov Phone (501) 682-4191

Statutory Authority for Promulgating Rules Ark. Code Ann. 6-11-105, 6-17-412, and 6-17-413

Rule Title: (Emergency) ADE Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards

**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**

N/A

N/A

Executive Subcommittee--3/5/18

2/23/18

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

Lori Freno

lori.freno@arkansas.gov

March 6, 2018

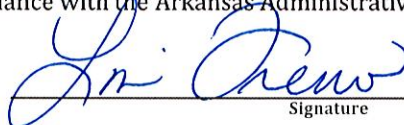
Contact Person

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

March 6, 2018

Date

**Arkansas Department of Education  
Emergency Rules Governing Eligibility and Financial Incentives  
For National Board for Professional Teaching Standards  
(EMERGENCY RULES)**

**Emergency Date: March 7, 2018**

**1.00 Regulatory Authority**

- 1.1 These rules shall be known as the Arkansas Department of Education Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards Candidacy and Certification.
- 1.2 These rules are enacted under the State Board of Education’s authority pursuant to Ark. Code Ann. §§6-11-105, 6-17-412, and 6-17-413.

**2.00 Purpose**

- 2.1 To improve student learning and strengthen teaching by encouraging teachers to participate in and complete NBPTS certification;
- 2.2 To authorize the Department to fund the full amount of the participation fee of the NBPTS certification;
- 2.3 To authorize the Department to fund incentive bonuses for NBCTs in Arkansas;
- 2.4 To outline the eligibility criteria and funding structure for the incentive bonuses; and
- 2.5 To outline the establishment of a support program for NBPTS participants.

**3.00 Definitions**

For the purposes of these rules:

- 3.1 **“Department”** means the Arkansas Department of Education;
- 3.2 **“National Board for Professional Teaching Standards”** means the independent board that certifies teachers who meet advanced standards and certifications by effectively enhancing student learning and demonstrating the high level of knowledge and skills, dispositions, and commitments reflected in the following five core propositions:
  - 3.2.1 Teachers are committed to students and their learning.
  - 3.2.2 Teachers know the subjects they teach and how to teach those subjects to students.

- 3.2.3 Teachers are responsible for managing and monitoring student learning.
  - 3.2.4 Teachers think systematically about their practice and learn from experience.
  - 3.2.5 Teachers are members of learning communities.
- 3.3 **“Advisory Committee”** means the ten (10) member team of three (3) National Board Certified Teachers, three (3) National Board facilitators, and four (4) educational administration or business representatives, to include one Department staff member. The Advisory Committee advises the Department on policy issues, assist in the support system, and select candidates based on relevant criteria when all candidates cannot be funded; such criteria to be established by the Advisory Committee in accordance with law and with final review and approval by the State Board.
- 3.4 **“Classroom teacher”** means a teacher who is required to hold a standard teaching license from the Department and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual’s contracted time, with that 70% allowed to include:
- 3.4.1 Employment by an educational service cooperative when the teacher provides direct student services for a collaborative of school districts in public school buildings and other instructional settings throughout the cooperative area; and
  - 3.4.2 Instructional positions such as library/media specialist, school guidance counselor, literacy specialist, math specialist or others for whom NBPTS certificates specifically exist.
- 3.5 **“Classroom setting”**:
- 3.5.1 For the purpose of eligibility for NBPTS candidacy funding means full-time assignment to a setting in a specific Arkansas public school building or buildings in which a teacher works directly with a student or students; and
  - 3.5.2 For the purpose of eligibility for an incentive bonus means full-time assignment to a setting in a school building(s) or other instructional settings where a NBCT is directly involved in the instructional process by teaching children, by facilitating the instructional process through work with building teachers in classrooms, or by serving in the role of building administrator, or assistant building administrator.
- 3.6 **“High-poverty charter school”** means an Arkansas open-enrollment public charter school in which seventy percent (70%) or greater of the previous school year’s enrolled students are national school lunch students as defined in § 6-20-2303.

- 3.7 **“High-poverty district”** means an Arkansas public school district in which seventy percent (70%) or greater of the previous school year’s enrolled students are national school lunch students as defined in § 6-20-2303.
- 3.8 **“High-poverty school”** means an Arkansas public school in which seventy percent (70%) or greater of the previous school year’s enrolled students are national school lunch students as defined in § 6-20-2303.
- 3.9 **“In the process of initial certification”** means that the individual has completed registration for first-time candidacy (including payment of the registration fee).
- 3.10 **“Instructional facilitator”** means an individual holding a valid Arkansas teacher’s license who facilitates continuous improvement in classroom instruction by providing instructional and professional learning support to teachers for research-based instruction and by demonstrating the alignment of instruction with curriculum standards and assessment tools.
- 3.11 **“Instructional leader”** means a building-level administrator who is responsible for evaluating teachers or instructional staff. It shall include without limitation a building-level administrator who is an evaluator as defined in A.C.A § 6-17-2803.
- 3.12 **“NBCT”** means National Board Certified Teacher.
- 3.13 **“NBPTS Candidacy”** means an applicant’s participation in the NBPTS program for becoming a certified teacher under these rules;
- 3.14 **“Public School”** means a school serving students in any of grades K-12 that is assigned a local education agency (LEA) number by the ADE.
- 3.15 **“State Board”** means the Arkansas State Board of Education.

#### **4.00 Selection Process for Payment for NBPTS Candidacy**

- 4.1 Application criteria:
- 4.1.1 An applicant shall complete the official application process established by the Department;
- 4.1.2 An applicant shall not have received prior state funding for NBPTS candidacy;
- 4.1.3 An Applicant shall verify at least three (3) years teaching experience in an Arkansas public school beginning no earlier than the year in which the applicant’s first license to teach in an Arkansas public school is issued; and

- 4.1.4 An applicant shall provide evidence that the applicant has taught in an area that correlates to an available and suitable National Board certificate area.
- 4.2 Selection process:
  - 4.2.1 A candidate shall meet or exceed the cut score for the application process, recommended by the Advisory Committee and set by the State Board.
  - 4.2.2 NBPTS Advisory Committee will review applications and recommend to the Department an appropriate selection of candidates to be funded.
- 4.3 Payment of component costs for NBPTS Candidacy:
  - 4.3.1 The Department shall pay the following costs associated with NBPTS candidacy for candidates selected for participation under these rules:
    - 4.3.1.1 The cost of submission for the four (4) components, excluding: (a) the application fee assessed by the National Board, (b) retake fees, and (c) renewal fees; and
    - 4.3.1.2 Substitute teacher pay for up to three (3) days of approved paid leave.
- 4.4 A candidate who pays for the cost of the first certification component may apply to the Department for reimbursement of that cost and for state support of the remaining certification components if the Department receives the application within sixty (60) days after the candidate passes the submitted component. The Advisory Committee shall review the application and make a recommendation to the State Board for funding.
- 4.5 Repayment of funding:
  - 4.5.1 Repayment of state funds for the NBPTS is required if a recipient:
    - 4.5.1.1 Does not complete the certification process within three (3) years after the NBPTS enters the candidate into its certification program; or
    - 4.5.1.2 Becomes a NBCT with the support of state funds, but for the three-year period following certification that includes the year of certification and the two years immediately following certification, does not teach in an Arkansas public school classroom or does not serve as a building-level administrator, a building-level assistant, an instructional facilitator, or instructional leader, as applicable.
  - 4.5.2 A candidate required to repay funds under this section may seek a waiver of repayment from the State Board if the candidate was forced to withdraw from candidacy due to:

- 4.5.2.1 The death or disability of the teacher, or
  - 4.5.2.2 Other serious extenuating circumstances approved by the Advisory Committee, including without limitation health related problems verified by a licensed physician.
- 4.6 The State Board can revoke may suspend a recipient's teaching license for failure to repay state funds provided under these rules. The teaching license may be reinstated upon full payment as provided in the ADE Rules Governing Educator Licensure.

## **5.00 Payment of Incentive Bonuses**

- 5.1 For a NBCT who began the process of initial certification or was certified or recertified before January 1, 2018:
- 5.1.1 The Department shall pay a yearly incentive bonus to a classroom teacher, building-level principal, or building-level assistant principal who is selected to participate in the NBPTS program under these rules and who at the time of receiving the bonus:
    - 5.1.1.1 Is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school;
    - 5.1.1.2 Is a NBCT certified on or after August 1, 2009, and who after working a minimum of three (3) years with National Board certification as a classroom teacher or as a building-level administrator or building-level assistant administrator in an Arkansas public school district is employed full time as a teacher in an accredited teacher preparation program at a state-sponsored institution of higher education;
    - 5.1.1.3 Is a NBCT and who moves into the state on or before January 1, 2017, and is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school; or
    - 5.1.1.4 Is a NBCT certified on or after August 1, 2009, who moves into the state on or before January 1, 2017, and after working a minimum of three (3) years with National Board certification as a classroom teacher or as a building-level administrator or building-level assistant administrator in an Arkansas public school district is employed full time as a teacher in an accredited teacher preparation program at a state-sponsored institution of higher education.

- 5.1.2 A NBCT who meets the qualifications of Section 5.1 and is working full-time in a school, including an open enrollment public charter school, that is not a high-poverty school or a high-poverty charter school shall receive a yearly incentive bonus of five thousand dollars (\$5,000) for the length of the certification or the recertification, but for no more than ten (10) school years.
  - 5.1.3 A NBCT who meets the qualifications of Section 5.1 and is working full-time in a school that is a high-poverty school that is not in a high-poverty school district shall receive a yearly incentive bonus of five thousand dollars (\$5,000) for the length of the certification or the recertification, but for no more than ten (10) school years.
  - 5.1.4 A person who meets the qualifications of Section 5.1 and is working full-time in a school that is a high-poverty school in a high-poverty district or is a high-poverty charter school shall receive a yearly incentive bonus of ten thousand dollars (\$10,000) for the length of the certification or the recertification, but for no more than ten (10) school years.
- 5.2 For a NBCT who began the certification process AND was certified **after** January 1, 2018, the Department shall pay a yearly incentive bonus to a classroom teacher, an instructional facilitator, or an instructional leader as follows:
- 5.2.1 A NBCT who meets the qualifications of Section 5.2 and is working full-time in a school, including an open enrollment public charter school, that is not a high-poverty school or a high-poverty charter school shall receive a yearly incentive bonus of two thousand five hundred dollars (\$2,500) for no more than five (5) school years.
  - 5.2.2 A NBCT who meets the qualifications of Section 5.2 and is working full-time in a school that is a high-poverty school that is not in a high-poverty school district shall receive a yearly incentive bonus of five thousand dollars (\$5,000) for no more than five (5) school years.
  - 5.2.3 A person who meets the qualifications of Section 5.2 and is working full-time in a school that is a high-poverty school in a high-poverty district or is a high-poverty charter school shall receive a yearly incentive bonus of ten thousand dollars (\$10,000) for no more than ten (10) school years.
- 5.3 Bonuses shall be paid by June 1 of each year.
- 5.4 A person shall not receive in the same school year more than one (1) yearly incentive bonus under Section 5.2; and
- 5.5 A person shall not receive in the same school year both a bonus under Sections 5.1 and 5.2.
- 5.5.1 A person who, as of December 1, 2017, meets the qualifications for a yearly incentive bonus under both Sections 5.1 and 5.2 may make an irrevocable

election to receive future yearly incentive bonuses under Section 5.2 by filing a written election with the department no later than July 1, 2019.

- 5.6 The Department shall not pay an incentive bonus or any increase in an incentive bonus retroactively.
- 5.7 The Department shall cease paying an incentive bonus to a person who:
  - 5.7.1 Has received an incentive bonus for ten (10) school years;
  - 5.7.2 Leaves the full-time employment of an Arkansas public school district;
  - 5.7.3 Becomes employed as a district-level central office administrator;
  - 5.7.4 Is employed by an Arkansas institution of higher education and does not teach in an accredited teacher preparation program; or
  - 5.7.5 Is employed by an education service cooperative and does not teach in a classroom with students.
- 5.8 A person shall not receive a bonus under multiple sections of these rules in the same school year.
- 5.9 A traveling teacher who is eligible for a bonus under these rules shall receive the bonus for the school that the teacher's contract identifies as the teacher's home base.

#### **6.00 Support Program for Teachers Selected to Participate in NBPTS Candidacy**

- 6.1 The State Board will establish a support program for teachers selected to participate in the NBPTS Program that provides technical assistance to program applicants to ensure successful program completion, which may include without limitation:
  - 6.1.1 Establishing a variety of support opportunities such as annual pre-candidacy orientations, regular meetings of participants, telephone/email contact with facilitators and NBCTs, and Department intervention with NBPTS if necessary;
  - 6.1.2 Providing information on the NBPTS state support program on the Department web site;
  - 6.1.3 Providing other assistance, if determined to be necessary by the Department.
- 6.2 Credit for professional development may be obtained pursuant to school district policy.



## **7.00 Monitoring for NBPTS Program Participation**

- 7.1 The public school that employs a NBCT shall verify to the Department annually the employment status of that teacher for each year in which the NBCT is eligible for an incentive bonus.

## **8.00 Funding Limitations**

- 8.1 Provisions of these rules and Ark. Code Ann. §§6-17-412 and 6-17-413 apply only to the extent that funds are appropriated and available to the Department to pay for these purposes.
- 8.2 Funding under Sections 5.1.1.2 and 5.1.1.4. shall be paid only if funds are available after funding all eligible candidates under Sections 5.1.1.1 and 5.1.1.3.

### **EMERGENCY AND EFFECTIVE DATES**

WHEREAS, the State Board of Education and the Arkansas Department of Education are proposing these rule changes for the purpose of providing qualified educators in Arkansas public schools, and to remove some barriers to the recruitment and retention of persons interested in becoming licensed teachers and administrators; and

WHEREAS, Act 937 has been in effect since July 31, 2017, and is being implemented by these rules. The Act changed the amounts and criteria for eligibility and payment of incentive bonuses for NBCTs who are employed in high poverty schools, high poverty schools within high poverty districts, and high poverty charter schools. Legislative testimony before the Education Committee during the 2017 legislative session indicated that the purpose of the legislation was to provide financial incentives to encourage more National Board Certified Teachers (NBCTs) to seek employment in our school districts with the highest poverty rates; and

WHEREAS, the Arkansas Department of Education sought stakeholder input before presenting the proposed rules to the Governor and the State Board of Education. Following the first public comment period, the Department made revisions, received a second approval from the Governor, and republished the rules for a second comment period; and

WHEREAS, school districts have a May 1 deadline for communicating contract decisions to teachers and administrators; and

WHEREAS, teachers who are National Board Certified or who are seeking renewal or initial certification, or who are moving into the state, need to make those decisions based on these rules for employment in the 2018-2019 school year. NBCTs currently employed by schools that are not high poverty schools and who want to move to high poverty schools to receive this incentive may need to make those decisions by May 1; and

WHEREAS, for the reasons stated above, these rules need to be implemented immediately; and

WHEREAS the State Board of Education finds that imminent peril exists to the public educational health, safety and welfare of the school children in Arkansas due to the critical need for qualified and effective licensed educators in public schools;

THEREFORE, the State Board of Education and the Arkansas Department of Education promulgate these rules as Emergency Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards Candidacy and Certification pursuant to authority of Ark. Code Ann. § 25-15-204 in order to implement the changes needed for the proper preparation and licensure of public school teachers, administrators, and other licensed school personnel.

Chart 1. Bonuses (through 2030)



**NBCT YEAR OF BONUS  
(Act 937 of 2017)  
Effective 8/1/2017**

**LEGEND:**

**CT:** Classroom Teacher  
**BLP:** Building Level Principal  
**BLAP:** Building Level Asst Principal  
**IF:** Instructional Facilitator

**IL:** Instructional Leader  
**HPS:** High Poverty School  
**HPCS:** High Poverty Charter School  
**HPD:** High Poverty District

	YEAR OF CERTIFICATION OR RENEWAL	FOR PUBLIC SCHOOL EMPLOYMENT (NOT HPS, HPCS, OR HPS IN A HPD, or by election filed with ADE)			FOR HPS EMPLOYMENT (as CT, IF, IL, BLP, and BLAP)			FOR HPS IN A HPD EMPLOYMENT (as CT, IF, IL only)			FOR HPCS EMPLOYMENT (as CT, IF, IL only)		
		BONUS AMOUNT	MAX. # OF YRS	FINAL BONUS YR	BONUS AMOUNT	MAX. # OF YRS	FINAL BONUS YR	BONUS AMOUNT	MAX. # OF YRS	FINAL BONUS YR	BONUS AMOUNT	MAX. # OF YRS	FINAL BONUS YR
<b>BEFORE 1/1/2018*:</b> Certified, renewed, OR began the initial certification process OR <b>BEFORE 1/1/2017*:</b> Moved to AR as NBCT	On or < 2007	\$ 5,000	10	2017		***			***			***	
	2008	\$ 5,000	10	2018	(Same as Public School Employment Column)			\$ 10,000	10	2018	\$ 10,000	10	2018
	2009	\$ 5,000	10	2019		\$ 10,000	10	2019	\$ 10,000	10	2019		
	2010	\$ 5,000	10	2020		\$ 10,000	10	2020	\$ 10,000	10	2020		
	2011	\$ 5,000	10	2021		\$ 10,000	10	2021	\$ 10,000	10	2021		
	2012	\$ 5,000	10	2022		\$ 10,000	10	2022	\$ 10,000	10	2022		
	2013	\$ 5,000	10	2023		\$ 10,000	10	2023	\$ 10,000	10	2023		
	2014	\$ 5,000	10	2024		\$ 10,000	10	2024	\$ 10,000	10	2024		
	2015	\$ 5,000	10	2025		\$ 10,000	10	2025	\$ 10,000	10	2025		
	2016	\$ 5,000	10	2026		\$ 10,000	10	2026	\$ 10,000	10	2026		
	2017	\$ 5,000	10	2027		\$ 10,000	10	2027	\$ 10,000	10	2027		
	2018	\$ 5,000	10	2028		\$ 10,000	10	2028	\$ 10,000	10	2028		
	2019	\$ 5,000	10	2029		\$ 10,000	10	2029	\$ 10,000	10	2029		
<b>ON/AFTER 1/1/2018**:</b> Began the initial certification process AND received certification (includes NBCT who moves to AR)	2019	\$ 2,500	5	2024	\$ 5,000	5	2024	\$ 10,000	10	2029	\$ 10,000	10	2029
	2020	\$ 2,500	5	2025	\$ 5,000	5	2025	\$ 10,000	10	2030	\$ 10,000	10	2030
	2021	\$ 2,500	5	2026	\$ 5,000	5	2026	\$ 10,000	10	2031	\$ 10,000	10	2031
	2022	\$ 2,500	5	2027	\$ 5,000	5	2027	\$ 10,000	10	2032	\$ 10,000	10	2032
	2023	\$ 2,500	5	2028	\$ 5,000	5	2028	\$ 10,000	10	2033	\$ 10,000	10	2033
	2024	\$ 2,500	5	2029	\$ 5,000	5	2029	\$ 10,000	10	2034	\$ 10,000	10	2034
	2025	\$ 2,500	5	2030	\$ 5,000	5	2030	\$ 10,000	10	2035	\$ 10,000	10	2035
	2026	\$ 2,500	5	2031	\$ 5,000	5	2031	\$ 10,000	10	2036	\$ 10,000	10	2036
	2027	\$ 2,500	5	2032	\$ 5,000	5	2032	\$ 10,000	10	2037	\$ 10,000	10	2037
	2028	\$ 2,500	5	2033	\$ 5,000	5	2033	\$ 10,000	10	2038	\$ 10,000	10	2038
	2029	\$ 2,500	5	2034	\$ 5,000	5	2034	\$ 10,000	10	2039	\$ 10,000	10	2039
	2030	\$ 2,500	5	2035	\$ 5,000	5	2035	\$ 10,000	10	2040	\$ 10,000	10	2040

\* ACA 6-17-413(a)

\*\* ACA 6-17-413(e)-(f)

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# YRS SHOWN IS CUMULATIVE FROM DATE OF CERTIFICATION (10 yrs is max.)