

SUMMARY OF PROPOSED ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING CLASS SIZE AND TEACHING LOAD

These proposed new rule defines the maximum number of students allowed per classroom teacher, outlines the exceptions to the maximum student-teacher ratio, and sets forth how students are to be counted.

The maximum number of students allowed per classroom was previously included in the Standards for Accreditation. The maximum student-teacher ratios have been unchanged, however, the average ratio was removed.

The rules also include the student-teacher ratio exception for large group instruction which was allowed by Act 243 of 2018.

Additionally, the rule outlines how students in Grades 5 and 6 are to be counted for purposes of the maximum number of students a teacher may teach per day.

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY Arkansas Department of Education
DIVISION Public School Accountability
DIVISION DIRECTOR Deborah Coffman
CONTACT PERSON Jennifer Davis
ADDRESS Four Capitol Mall, Room 301-A, Little Rock, AR 72201
PHONE NO. 501-682-1958 **FAX NO.** 501-682-4249 **E-MAIL** Jennifer.davis@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Jennifer Davis
PRESENTER E-MAIL Jennifer.Davis@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.**
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.**
- C. If you have a method of indexing your rules, please give the proposed citation after “Short Title of this Rule” below.**
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:**

**Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201**

1. What is the short title of this rule? ADE Rules Governing Class Size and Teaching Load

2. What is the subject of the proposed rule? The maximum student-teacher ratio

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
If yes, please provide the federal rule, regulation, and/or statute citation. _____

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No
If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes

No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation. These proposed new rule defines the maximum number of students allowed per classroom teacher, outlines the exceptions to the maximum student-teacher ratio, and sets forth how students are to be counted.

Does this repeal an existing rule? Yes No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule?

Yes

No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann. §§ 6-11-105, Act 243 of 2018, and 25-15-201 et seq.

7. What is the purpose of this proposed rule? Why is it necessary? These proposed new rule defines the maximum number of students allowed per classroom teacher, outlines the exceptions to the maximum student-teacher ratio, and sets forth how students are to be counted. The maximum student-teacher ratio is not defined in law and without rules, the schools/districts do not have any guidance. Previously, the ratios were included in the Standards for Accreditation but were pulled out in order to address the large group instruction exception and how to count students.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). <http://www.arkansased.gov/divisions/legal/rules/pending>

9. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: April 19, 2018

Time: 1:30 p.m.

Place: 4 Capitol Mall, Rm. 201-A

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

To be determined after approval

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e).
14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. Public school districts

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Education

DIVISION Public School Accountability

PERSON COMPLETING THIS STATEMENT Jennifer Davis

TELEPHONE 501-682-1958 **FAX** 501-682-4249 **EMAIL:** Jennifer.Davis@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 ADE Rules Governing Class Size and Teaching Load

- 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;

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

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

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

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

Next Fiscal Year

General Revenue _____

Federal Funds _____

Cash Funds _____

Special Revenue _____

Other (Identify) _____

General Revenue _____

Federal Funds _____

Cash Funds _____

Special Revenue _____

Other (Identify) _____

Total _____

Total _____

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

Current Fiscal Year

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

Next Fiscal Year

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

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

\$ 0

Next Fiscal Year

\$ 0

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

\$ 0

Next Fiscal Year

\$ 0

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.

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
CLASS SIZE AND TEACHING LOAD**

1.00 REGULATORY AUTHORITY

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Class Size and Teaching Load.

1.02 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. § 6-11-105, § 25-15-201 et seq., and Act 243 of 2018.

2.00 DEFINITIONS

2.01 “Large group instruction” are those courses that accommodate larger numbers of students. The following courses are considered large group instruction:

2.01.1 Athletics, including when taken for physical education credit, and Grades 7-12 physical education;

2.01.2 Performing Arts, including, but not limited to, band, choir, and theater;

2.01.3 Junior Reserve Officer’s Training Corps (JROTC);

2.01.4 Non-academic activity, including, but not limited to, advisory periods, study hall, and student activity periods; or

2.01.5 Other courses identified as large group instruction in the Course Code Management System.

3.00 CLASS SIZE

3.01 Subject to any exceptions in Section 3.02, each school district and open-enrollment charter school shall comply with the following class sizes:

3.01.1 For Kindergarten (K), there shall be no more than twenty (20) students per teacher in any classroom. However, the kindergarten class maximum may be no more than twenty-two (22) with a one half-time instructional aide being employed for those classes.

3.01.2 For Grades One through Three (1-3), the average student/teacher ratio in a school district shall be no more than twenty-three (23) students per teacher in a classroom. There shall be no more than twenty-five (25) students per teacher in any classroom.

3.01.3 For Grade Four (4), the average student/teacher ratio in a school district shall be no more than twenty-five (25) students per teacher in a classroom. There shall be no more than twenty-eight (28) students per teacher in any classroom.

3.01.4 For Grades Five through Six (5-6), except for those courses that lend themselves to large group instruction, the average student/teacher ratio in a school district shall be no more than twenty-five (25) students per teacher in a classroom. There shall be no more than twenty-eight (28) students per teacher in any classroom.

3.01.5 For Grades Seven through Twelve (7-12), except for those courses that lend themselves to large group instruction, individual classes shall not exceed thirty (30) students.

3.02 Exceptions

3.02.1 Physical Education Instruction in Grades Kindergarten Through Six (K-6): Physical education classes will have a maximum student to adult ratio of thirty to one (30:1). Non-licensed personnel may assist in filling the thirty to one (30:1) student to adult ratio requirement if they are trained and assigned to assist licensed personnel in supervising physical education classes.

4.00 TEACHING LOAD

4.01 Except when a teacher teaches a course that lends itself to large group instruction, the maximum number of students a teacher in *Grades Five through Twelve (5-12)* is permitted to teach without receiving additional compensation shall not exceed one hundred fifty (150) students per day.

4.02 For purposes of Section 4.01, the teaching load shall be calculated by counting the number of students in each course and section except for those teachers in Grades 5-6 who are teaching all or most subjects in a self-contained elementary model.

4.03 Additional compensation shall be determined in accordance with Ark. Code Ann. § 6-17-812.

4.03.1 School districts shall adopt a policy to implement Section 4.03.

4.04 This Section does not apply to a public school that operates primarily as a virtual school.

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