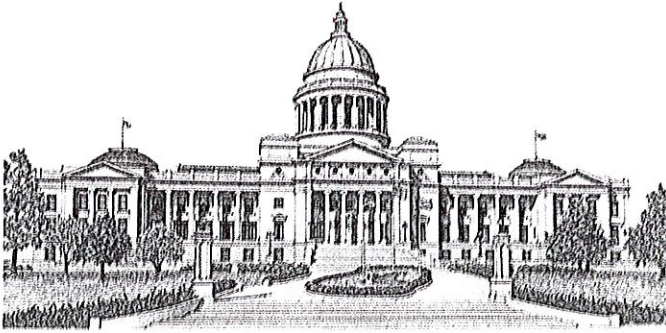


ARKANSAS REGISTER

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 Division of Educator Effectiveness

Contact Lori Freno E-mail lori.freno@arkansas.gov Phone (501) 682-4234

Statutory Authority for Promulgating Rules 6-11-105, 6-13-1305, 6-15-1004/1402, 6-17-704/705, 6-17-1504, 6-17-2801-2809, 6-20-2305, Acts 295 and 930 of 2017

Rule Title: Arkansas Department of Education Rules Governing Educator Support and Development

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

8/12-14, 2017

9/13/17

11/17/17

10/12/17

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

Lori Freno

lori.freno@arkansas.gov

11/21/17

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

November 21, 2017

Date

RECEIVED

NOV 21 2017

BUREAU OF
LEGISLATIVE RESEARCH

ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING EDUCATOR SUPPORT AND DEVELOPMENT

Effective Date: _____

Table of Contents

Section 1.0 Purpose	1
Section 2.0 Regulatory Authority	2
Section 3.0 Legislative Intent and Purpose.....	2
Section 4.0 Definitions	3
Section 5.0 General Provisions.....	8
Section 6.0 Teacher Excellence and Support System (T.E.S.S.)	9
T.E.S.S. Summative Evaluations	
T.E.S.S. Professional Growth and Support	
T.E.S.S. Formative Years	
T.E.S.S. Intensive Support	
T.E.S.S. Novice Teacher Mentoring Program	
Section 7.0 Leader Excellence and Development System (L.E.A.D.S.)	16
L.E.A.D.S. Summative Evaluations	
L.E.A.D.S. Professional Growth and Development	
L.E.A.D.S. Formative Years	
L.E.A.D.S. Intensive Support	
L.E.A.D.S. Beginning Administrators Induction Program	
Section 8.0 Data Reporting.....	20

1.0 PURPOSE

- 1.01 The purpose of these rules is to establish the requirements concerning teacher and building- or district-level leader support, evaluation, and professional growth and development.

2.0 REGULATORY AUTHORITY

- 2.01 These rules shall be known as the Arkansas Department of Education Rules Governing Educator Support and Development.
- 2.02 These rules are adopted pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-11-105, 6-13-1305, 6-15-1004, 6-15-1402, 6-17-704, 6-17-705, 6-17-1504, 6-17-2801 through 6-17-2809, 6-20-2305, 25-15-201 et seq. and Acts 295 and 930 of 2017.
- 2.03 These rules are further adopted pursuant to the requirements of the state's plan adopted under the Elementary and Secondary Education Act of 33 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95.
- 2.04 These rules do not preempt the application of the Teacher Fair Dismissal Act, Ark. Code Ann. § 6-17-1501 et seq., by an educational entity or an educator.

3.0 LEGISLATIVE INTENT AND PURPOSE

- 3.01 The State Board notes that it is the intent of the Arkansas General Assembly to:
 - 3.01.1 Provide a program affording public school districts and public charter schools transparent and consistent teacher and leader support and evaluations system that ensures effective teaching, effective educational leadership, and promotes professional learning for all educators;
 - 3.01.2 Provide systems of support that will encourage teachers to improve their knowledge and instructional skills and educational leaders to improve their knowledge and leadership skills in order to improve student learning;
 - 3.01.3 Inform an educational entity's educator employment decisions;
 - 3.01.4 Provide an integrated system that links evaluation procedures with curricular standards, leadership standards, and professional growth activities that are aligned with systems of support, targeted support, and human capital decisions;
 - 3.01.5 Encourage highly effective teachers and educational leaders to undertake challenging assignments;
 - 3.01.6 Support teachers' and educational leaders' roles in improving students' educational achievements;

- 3.01.7 Inform policymakers regarding the benefits of a consistent evaluation and support system in regard to improving student achievement across the state; and
- 3.01.8 Increase the awareness of parents and guardians of public school students concerning the effective professional practices of public school teachers and educational leaders.
- 3.02 The purposes of these rules are, without limitation, to:
 - 3.02.1 Recognize that teacher and educational leader effectiveness is critical to student learning, growth, and development. These rules provide the framework for supporting and developing effective teachers and effective leaders as defined in Arkansas’s Every Student Succeeds Act State Plan;
 - 3.02.2 Recognize that many factors impact student learning, not all of which are under the control of the teacher or the school, and that evidence of student learning includes trend data and is not limited to a single assessment;
 - 3.02.3 Reflect evidence-based or proven practices that improve student learning. Nothing in these rules should be construed to prohibit teachers or educational leaders from using innovative approaches to student learning;
 - 3.02.4 Utilize clear, concise, evidentiary data for teacher and educational leader professional growth and development to improve student achievement;
 - 3.02.5 Recognize that evidence of student growth is integrated throughout T.E.S.S. and L.E.A.D.S., and is represented by multiple measures through artifacts, direct and indirect observations, and data; and
 - 3.02.6 Include the requirements for educational agencies to report data to inform public school accountability and support the state’s goal of equitable access to effective teachers for all students.

Source: Ark. Code Ann. § 6-17-2802 and § 6-17-2804

4.0 DEFINITIONS

- 4.01 **“Artifact”** means materials that document the educator’s professional practice.
- 4.02 **“Beginning administrator”** means a building- or district-level leader who has completed less than three (3) school years as a building- or district-level leader.
 - 4.02.1 “Beginning administrator” includes an educator on an Administrator Licensure Completion Plan (ALCP).

4.03 **“Building- or district-level leader”** means an individual employed by an educational entity who performs the role of a building-level administrator or district-level administrator, or an equivalent role, including an administrator licensed by the State Board, an unlicensed administrator, or an individual on an Administrator Licensure Completion Plan.

4.03.1 “Building- or district-level leader” does not include a superintendent or assistant superintendent, or an individual in an equivalent role, unless the educational entity elects to include that role.

4.04 **“Contributing professional”** means an individual who has been assigned the responsibility to provide additional services that support and increase a student’s learning and/or access to learning.

4.04.1 “Contributing professional” includes a:

4.04.1.2 Classroom teacher, other than the teacher of record, who is engaged directly in instruction with students in a classroom setting;

4.04.1.2 Guidance counselor;

4.04.1.3 Library media specialist;

4.04.1.4 Instructional facilitator or instructional coach;

4.04.1.5 Teacher employed by an education service cooperative who instructs public school students;

4.04.1.6 Speech language pathologist;

4.04.1.7 Gifted and talented coordinator;

4.04.1.8 School psychologist;

4.04.1.9 English language learner instructor;

4.04.1.10 Lead Professional Educator; or

4.04.1.11 Person in another position identified by the Department.

4.05 **“Data”** means:

4.05.1 Teacher performance data, which may include without limitation progress on professional learning goals, professional practice ratings, and other indicators determined by the educational entity;

4.05.2 Student performance data, which may include without limitation state and local assessments, samples of student work, portfolios, projects, and other indicators determined at the local level; and

- 4.05.3 Overall school performance data.
- 4.05.04 “Data” may include multiple sources of information, such as measures of student growth, school quality, or student success.
- 4.06 **“Department”** means the Arkansas Department of Education.
- 4.07 **“Direct observation”** means the evaluator is physically present or using appropriate technology to observe the teacher or leader performing essential job functions.
- 4.08 **“Educational entity”** means an Arkansas public school district, a public charter school, distance learning school, a virtual charter school, the Arkansas School for the Blind, the Arkansas School for the Deaf, or the Arkansas Correctional School, or any other school that has a local educational agency (LEA) number assigned by the Department.
- 4.09 **“Educator”** means teacher, building-level leader, and district-level leader.
- 4.10 **“Evaluation”** means the process under these rules used to:
 - 4.10.1 Assess with evidence what a teacher or leader should know and be able to do as measured by performance ratings based on an evaluation framework; and
 - 4.10.2 Promote teacher growth through professional learning.
 - 4.10.3 “Evaluation” does not include a teacher’s performance relating to competitive athletics and competitive extracurricular activities.
- 4.11 **“Evaluation framework”** means a standardized set of teacher evaluation domains that provide the overall basis for an evaluation.
- 4.12 **“Evaluation rubric”** means a set of performance components for each teacher evaluation domain in the evaluation framework.
- 4.13 **“Evaluator”** means a person licensed by the State Board as an administrator who is designated as the person responsible for evaluating teachers or building- or district-level leaders, and who is an employee of the educational entity in which the evaluations are performed.
 - 4.13.1 “Evaluator” also includes public charter school administrators who are designated by their public charter schools as evaluators, even if the public charter school administrators do not hold an administrator’s license.

- 4.14 **“Evidence”** includes direct observation, indirect observation, artifacts, and data. Evidence facilitates a professional dialogue for the educator and evaluator, and provides essential evidence of the educator's professional practice.
- 4.15 **“Formative year”** means a year other than a summative evaluation year in which the educator and the educational entity collaboratively engage in supporting the educator’s growth in effective professional practices, aligned with the educator’s needs identified in the educator’s professional growth plan.
- 4.16 **“Indirect observation”** means the evaluator observes systems that operate as a result of a teacher’s research, planning, and implementation inside the classroom or in a work-related environment outside of the classroom.
- 4.17 **“Leader Excellence and Development System (L.E.A.D.S.)”** means a statewide administrator evaluation system that:
- 4.17.1 Is aligned to current educational leadership standards adopted by the State Board;
 - 4.17.2 Uses multi-tiered systems of professional support and learning for what a leader should know and be able to do; and
 - 4.17.3 Provides a research-based framework to conduct building- or district-level leader evaluations.
- 4.18 **“Novice teacher”** means a teacher who has completed less than three (3) school years of public school classroom teaching experience.
- 4.18.1 “Novice teacher” includes a teacher of record holding a provisional license.
- 4.19 **“Professional growth plan”** means an individual educator’s plan that is designed to meet the specific growth needs of the educator as identified under these rules.
- 4.20 **“State Board”** means the Arkansas State Board of Education.
- 4.21 **“Student growth measure”** means a measure of a student’s academic performance and other factors that lead to the improvement of learning behavior, cognitive skills, or social and emotional development, which in addition to statewide assessments, may include measures of improvement or progress on grades, graduation rates, health and wellness, attendance, discipline or behavioral issues, ability to concentrate and focus on task, and development of personal competencies.
- 4.22 **“Summative evaluation”** means an evaluation of an educator’s performance that:

- 4.22.1 Evaluates all domains or standards of the evaluation framework;
- 4.22.2 Is supported by evidence of the educator's professional practice;
- 4.22.3 Supports improvement in the educator's teaching or educational leadership practices and student achievement; and
- 4.22.4 Informs a school district's employment decision concerning the educator;
- 4.23 **"Teacher"** means a person who is:
 - 4.23.1 Required to hold and holds a teaching license from the State Board as a condition of employment; and
 - 4.23.2 Employed as a:
 - 4.23.2.1 Teacher of record in a public school;
 - 4.23.2.2 Contributing professional;
 - 4.23.2.3 One of the following teachers who instruct public school students:
 - 4.23.2.3.1 Distance learning teacher;
 - 4.23.2.3.2 Virtual charter school teacher;
 - 4.23.2.3.3 Teacher at the Arkansas School for the Blind;
 - 4.23.2.3.4 Teacher at the Arkansas School for the Deaf; or
 - 4.23.2.3.5 Teacher at the Arkansas Correctional School.
 - 4.23.3 "Teacher" also includes a nonlicensed classroom teacher or contributing professional employed at a:
 - 4.23.3.1 Public charter school under a waiver of teacher licensure requirements granted in the charter; or
 - 4.23.3.1 School district under a waiver of teacher licensure requirements granted under § 6-15-103 or under the District of Innovation Program, § 6-15-2801, et seq.
 - 4.23.4 "Teacher" does not include a person who is employed full time by a school district or public school solely as a superintendent or administrator.
- 4.24 **"Teacher of record"** is an individual or individuals in a teaching or co-teaching assignment who is/are assigned the lead responsibility for student learning in a subject or course with aligned curriculum standards. A teacher of record plans instruction, delivers instruction, assesses student learning, and assigns grades.
- 4.25 **"Teacher Excellence and Support System (T.E.S.S.)"** means a statewide teacher evaluation system that provides support, collaboration, feedback and

targeted professional development opportunities aimed at ensuring effective teaching and improving student learning.

Source: Ark. Code Ann. § 6-17-2803

5.0 GENERAL PROVISIONS

- 5.01 Under Ark. Code Ann. § 6-17-2801 et seq., each educational entity shall implement the educator support, evaluation, and development provided in these rules for all teachers and building- or district-level leaders (as applicable) employed at the educational entity.
- 5.02 The Department will provide the following support to educational entities for implementing these systems:
 - 5.02.1 Ongoing training to assist leaders with coaching and observation skill-building, some of which may be done in a virtual environment. Districts should encourage their leadership to participate in this training so that observers and evaluators are able to effectively provide feedback and support. Training schedules will be updated periodically and published on the Department's website and through Commissioner's Memos.
 - 5.02.2 An electronic system for accessing the state-approved rubrics, and for providing observation feedback, coaching, and ratings.
 - 5.02.2.1 An educational entity using T.E.S.S. or L.E.A.D.S. shall use the electronic system provided by the Department for conducting a summative evaluation and assigning an overall performance rating following the summative evaluation.
 - 5.02.2.2 Districts should use the system for transparency, communicating with the educator being observed, two-way conversations, documentation, and scoring and rating accuracy.
- 5.03 An educational entity's obligations under these rules are not waived when a public school, charter school, or school district obtains a waiver granted by the state board from the laws and rules governing educator licensure:
 - 5.03.1 In the charter of a public charter school;
 - 5.03.2 Under § 6-15-103; or
 - 5.03.3 Under the District of Innovation Program, § 6-15-2801, et seq.

- 5.04 An educational entity that previously was approved to use a nationally recognized system of teacher evaluation and support that is substantially similar to the Teacher Excellence and Support System may continue to use that system by notifying the Department annually that the educational entity intends to continue to use that system.
- 5.05 An educational entity may opt out of using T.E.S.S. or L.E.A.D.S., and use a locally adopted system for support, development, and appraisal of teacher and leader performance as part of a system of educator effectiveness that meets federal and state requirements by obtaining State Board approval.
- 5.07 An educational entity shall provide the data required under Section 8 of these rules.
- 5.08 An educator's failure to comply with these rules may be reflected in the educator's evaluation.
- 5.09 Pursuant to Ark. Code Ann. § 6-13-1305, the policy adopted by local school district boards of directors to implement site-based decision making shall address teacher evaluations, professional growth plans, and teacher support under the Teacher Excellence and Support System, Ark. Code Ann. § 6-17-2801 et seq.
- 5.10 Every teacher contract renewed or entered into is subject to and shall reference Title 6, Chapter 17, Subchapter 28 of the Arkansas Code.

6.0 TEACHER EXCELLENCE AND SUPPORT SYSTEM

T.E.S.S. Summative Evaluations

- 6.01 Each educational entity shall conduct a summative evaluation of each teacher employed by the educational entity under these rules at least one (1) time every four (4) years, except as follows:
 - 6.01.1 An educational entity is not required to conduct a summative evaluation while a teacher is in the novice teacher category. It is intended that these years be focused on professional growth and development. However, an educational entity may choose to conduct a summative evaluation for any teacher at any time.
 - 6.01.2 The educational entity is responsible for determining when a teacher is required to have a summative evaluation. The summative evaluation schedule for a teacher transferring from another educational entity may be based on the date of the transferring teacher's last summative evaluation, which may be provided by the previous educational entity under Ark. Code § 11-3-204.

- 6.02 An educator and evaluator shall participate in T.E.S.S. and collaborate in good faith to develop the educator's professional growth plan based on the identified needs of the educator.
- 6.03 A summative evaluation shall be based on the evaluation framework and rubric established by the Department and:
 - 6.03.1 Result in a written evaluation determination for the teacher's performance on all evaluation domains as a whole;
 - 6.03.2 Use the appropriate evaluation framework and evaluation rubric appropriate to the teacher's role;
 - 6.03.3 Use multiple sources of evidence of the teacher's professional practice including direct observation, indirect observation, artifacts, and data.
 - 6.03.3.1 This section does not require that every component of the domains be evidenced by artifacts when observation or data is used.
 - 6.03.3.2 A school district or public school may adopt policies to incorporate one (1) or more of the following:
 - 6.03.3.2.1 Peer observations and student feedback that contribute to the summative rating;
 - 6.03.3.2.2 A teacher's work completed since the last summative evaluation for all or part of the required components for the certification or renewal of a certification from the National Board for Professional Teaching Standards may be substituted for the whole or any part of the evaluation framework for the teacher;
 - 6.03.4 Include presentations of evidence from both the teacher and the evaluator;
 - 6.03.5 Provide an opportunity for the evaluator and teacher to discuss the review of evidence used in the evaluation; and
 - 6.03.6 Provide feedback based on the evaluation rubric that the teacher can use to improve teaching skills and student learning.
- 6.04 An evaluator shall use an evaluation rubric and evidence that appropriately takes into account the teacher's role, job duties, and circumstances when conducting a

summative evaluation of a teacher who is not a classroom teacher or any of the following:

- 6.04.1 A guidance counselor;
- 6.04.2 A library media specialist;
- 6.04.3 A special education teacher; or
- 6.04.4 The following teachers:
 - 6.04.4.1 Distance learning teachers;
 - 6.04.4.2 Virtual charter school teachers;
 - 6.04.4.3 Teachers at the Arkansas School for the Blind;
 - 6.04.4.4 Teachers at the Arkansas School for the Deaf;
 - 6.04.4.5 Teachers at the Arkansas Correctional School;
 - 6.04.4.6 Instructional facilitators and instructional coaches; and
 - 6.04.4.7 Teachers who are employed by education service cooperatives to instruct public school students.

6.05 At the conclusion of a summative evaluation required under these rules, an educational entity shall assign the teacher being evaluated an overall performance rating determined by the evidence presented under Section 6.03.

6.05.1 If the overall rating is based on evidence other than evidence presented by the teacher, the evaluator shall document the evidence that supports the overall rating.

T.E.S.S. Professional Growth and Support

6.06 A teacher and the evaluator, working together, shall develop a professional growth plan for the teacher that:

6.06.1 Identifies professional growth outcomes to advance the teacher's professional skills; and

6.06.2 Clearly links personalized, competency-based professional learning opportunities to the professional growth outcomes.

6.07 The professional growth plan may include, without limitation, the following professional development activities:

6.07.1 Collaborating with a team of teachers on a shared plan that benefits the whole school, a content area, or a grade level;

6.07.2 Conducting self-directed research related to the teacher's professional growth plan; or

6.07.3 Completing micro-credentials approved by the Department.

6.08 If a teacher and evaluator cannot agree on a professional growth plan, the evaluator's decision shall be final.

6.08.1 For a teacher in intensive support status, the evaluator or an administrator designated by the evaluator shall have final approval of the teacher's professional growth plan.

T.E.S.S. Formative years

6.09 In formative years, T.E.S.S. aligns professional support and learning opportunities to link a teacher's professional practice with support for targeted, personalized learning.

6.10 In a formative year:

6.10.1 The teacher shall focus on elements of the teacher's professional growth plan that are designed to help the teacher improve his or her teaching practices; and

6.10.2 With the evaluator's approval, the teacher may:

6.10.2.1 Collaborate with a team of teachers on a shared plan that benefits the whole school, a content area, or a grade level; or

6.10.2.2 Conduct self-directed research related to the teacher's professional growth plan.

6.10.2.3 The teacher shall continue to demonstrate a commitment to student learning by furthering the teacher's professional growth and development as guided by the teacher's professional growth plan; and

6.10.3 The school district shall support teachers on an ongoing basis throughout a formative year by:

6.10.3.1 Providing teachers with timely feedback about the teacher's teaching practices;

6.10.3.2 Engaging teachers in a collaborative, supportive learning process; and

6.10.3.3 Helping teachers use assessment methods supported by evidence-based research that inform the teacher of student progress and provide a basis for adapting teaching practices.

6.11 The formative year support may be guided in whole or in part by an evaluator or by one (1) or more of the following persons designated by the evaluator:

6.11.1 A lead teacher designated by an administrator;

6.11.2 An instructional facilitator;

6.11.3 A curriculum specialist; or

6.11.4 An academic coach.

6.11.5 While these rules allow for other school personnel to guide support in formative years, the designated evaluator remains responsible for conducting summative evaluations of teachers and assigning the overall ratings.

6.12 These rules do not require an overall rating during a formative year.

T.E.S.S. Intensive Support

6.13 An evaluator may place a teacher in intensive support status if, as evidenced by low performance ratings on a summative evaluation, the teacher:

6.13.1 Is not continuously improving professional practice;

6.13.2 Has not demonstrated commitment to students, the school, and the profession;

6.13.3 Fails to demonstrate growth or progress in professional practice after receiving targeted feedback and support; and

6.13.4 Does not advance student growth or progress as demonstrated on local and state measures.

6.14 If a teacher is placed in intensive support status, the evaluator shall:

6.14.1 Establish the time period for the intensive support status; and

6.14.2 Provide a written notice to the teacher and the superintendent that the teacher is placed in intensive support status. The notice shall state that if the teacher's contract is renewed while the teacher is in intensive support status, the fulfillment of the contract term is subject to the teacher's accomplishment of the goals established and completion of the tasks assigned in the intensive support status.

6.15 The period of time specified by the evaluator for intensive support status shall afford the teacher an opportunity to accomplish the goals of and complete the

tasks assigned in the intensive support status.

- 6.16 Intensive support status shall not last for more than two (2) consecutive semesters unless the teacher has substantially progressed and the teacher and evaluator agree in writing to extend the intensive support status.
- 6.17 The evaluator shall work with the teacher to:
 - 6.17.1 Develop a clear set of goals and tasks that are designed to support the teacher's progress based on the professional growth plan and the evaluation framework; and
 - 6.17.2 Ensure the teacher is offered the support that the evaluator deems necessary for the teacher to accomplish the goals developed and complete the tasks assigned while the teacher is in intensive support status.
- 6.18 If the intensive support status is related to student performance, the school district shall support the teacher's practice in using student formative assessments to gauge student progress throughout the period of intensive support status.
- 6.19 At the end of the specified period of time for intensive support status, the evaluator shall:
 - 6.19.1 Document whether the teacher has met the goals developed in the intensive support status;
 - 6.19.2 Document the educational entity's support of the teacher while in intensive support status; and
 - 6.19.3 Provide written notice to the teacher that the teacher either:
 - 6.19.3.1 Is removed from intensive support status; or
 - 6.19.3.2 Has failed to progress in the intensive support status.
- 6.20 If a teacher does not accomplish the goals and complete the tasks established for the intensive support status during the period of intensive support status, the evaluator shall notify the superintendent of the school district where the teacher is employed and provide the superintendent with documentation of the intensive support status.
- 6.21 Upon review and approval of the documentation, the superintendent may recommend termination or nonrenewal of the teacher's contract.

- 6.21.1 A recommendation for termination or nonrenewal of a teacher's contract under these rules shall be made pursuant to the authority granted to a superintendent for recommending termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.
- 6.21.2 When a superintendent makes a recommendation for termination or nonrenewal of a teacher's contract, the public school shall provide a notice that meets the requirements of the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq., but is exempt from the provisions of Ark. Code Ann. § 6-17-1504(b).
 - 6.21.2.1 The documentation and evidence from the intensive support status may be used to document a recommendation for termination or nonrenewal under the Teacher Fair Dismissal Act.
 - 6.21.2.2 A public school that has substantially complied with the requirements of these rules, is entitled to a rebuttable presumption that the public school has a substantive basis for the termination or nonrenewal of the teacher's contract under the applicable standard for termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.
 - 6.21.2.3 The presumption may be rebutted by the teacher during an appeal under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.
- 6.22 These rules do not preclude a public school superintendent from:
 - 6.22.1 Making a recommendation for the termination or nonrenewal of a teacher's contract for any lawful reason under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.; or
 - 6.22.2 Including in a recommendation for termination or nonrenewal of a teacher's contract as a result of intensive support status under these rules any other lawful reason for termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. Ark. Code Ann. § 6-17-1501 et seq.

T.E.S.S. Novice Teacher Mentoring

- 6.23 The Teacher Excellence and Support System also shall include novice teacher mentoring for each novice teacher employed at the public school that:

- 6.23.1 Leads to improved student achievement by increasing effective teacher performance.
- 6.23.2 Establishes norms of professionalism; and
- 6.23.3 Provides training and support to novice teachers to increase teacher retention;
- 6.24 Novice teaching mentoring resources will be coordinated regionally through the Department using grants with educational partners.
- 6.25 Teachers who are presently in an alternative educator preparation program (formerly “non-traditional”) may receive mentoring support until the completion of their program, or longer, at the discretion of their administrator.
- 6.26 An educational entity is responsible for ensuring that each novice teacher is provided mentoring support opportunities for his or her first three (3) years of employment as a novice teacher.
 - 6.26.1 An educational entity shall register with the Department each novice teacher that is in his or her first year of employment as a novice teacher.
- 6.27 An educational entity that does not utilize mentoring resources provided under these rules shall notify the Department, shall use the educational entity’s own funding, and will be subject to Department monitoring.

Source: Ark. Code Ann. §§ 6-17-2805, 6-17-2807, 6-17-2808, as amended by Act 295 of 2017

7.0 LEADER EXCELLENCE AND DEVELOPMENT SYSTEM

L.E.A.D.S. Summative Evaluations

- 7.01 Each building-level administrator or district-level administrator, as defined for the purpose of these rules, shall be evaluated in writing under the Leader Excellence and Development System, except as follows:
 - 7.02.1 For the first three (3) years of a beginning administrator’s employment as a building- or district-level leader, an educational entity is not required to conduct a summative evaluation. However, an educational entity may choose to conduct a summative evaluation for any building- or district-level leader at any time.
 - 7.02.2 Superintendents and assistant superintendents, or an individual in an equivalent role, are excluded from this requirement unless the educational entity elects to include that role.

- 7.03 A summative evaluation shall be based on the evaluation framework and rubric established by the Department, using multiple sources of evidence of the building-level or district-level leader's professional practice including direct observation, indirect observation, artifacts, and data.

L.E.A.D.S. Professional Growth and Development

- 7.04 A building- or district-level leader shall develop a professional growth plan based on the standards and functions determined in collaboration with the superintendent or designee, and shall indicate:
- 7.04.1 The school's or educational entity's goal(s) for improvement;
 - 7.04.2 The leadership strategies to address the goals;
 - 7.04.3 Results indicators (staff and students); and
 - 7.04.4 Sources of data to be monitored.

L.E.A.D.S. Formative Years

- 7.05 In formative years, L.E.A.D.S. aligns professional support and learning opportunities to link a building- or district-level leader's professional practice with support for targeted, personalized learning.
- 7.06 In a formative year, the building- or district-level leader shall focus on elements of the building- or district-level leader's professional growth plan that are designed to help the building- or district-level leader improve his or her leadership practices to meet school and district goals.

L.E.A.D.S. Intensive Support

- 7.07 An evaluator may place a building- or district-level leader in intensive support status if the building- or district-level leader has shown a pattern of ineffective leadership practices, as evidenced by low performance ratings on the evaluation rubric. For example, the ineffective leader fails to promote the success and well-being of every student by:
- 7.07.1 Not effectively supporting the professional growth of educational staff;

- 7.07.2 Not engaging all stakeholders in shared leadership to accomplish the vision;
 - 7.07.3 Not modeling ethical professional behavior;
 - 7.07.4 Not maintaining an equitable and culturally responsible environment;
 - 7.07.5 Not supporting a rigorous curricular system;
 - 7.07.6 Not effectively communicating and collaborating with the community and external partners; and
 - 7.07.7 Not seeking continual professional growth.
- 7.08 If a building- or district-level leader is placed in intensive support status, the evaluator shall:
- 7.08.1 Establish the time period for the intensive support status; and
 - 7.08.2 Provide a written notice to the building- or district-level leader that the building- or district-level leader is placed in intensive support status. The notice shall state that if the building- or district-level leader's contract is renewed while the building- or district-level leader is in intensive support status, the fulfillment of the contract term is subject to the building- or district-level leader's accomplishment of the goals established and completion of the tasks assigned in the intensive support status.
- 7.09 The period of time specified by the evaluator for intensive support status shall afford the building- or district-level leader an opportunity to accomplish the goals of the intensive support status.
- 7.10 Intensive support status shall not last for more than two (2) consecutive semesters unless the building- or district-level leader has substantially progressed and the building- or district-level leader and evaluator agree in writing to extend the intensive support status.
- 7.11 The evaluator shall work with the building- or district-level leader to:
- 7.11.1 Develop a clear set of goals and tasks that are designed to support the building- or district-level leader's progress based on the professional growth plan and the evaluation framework; and
 - 7.11.2 Ensure the building- or district-level leader is offered the support that the evaluator deems necessary for the building- or district-level leader

to accomplish the goals of the intensive support status.

- 7.12 At the end of the specified period of time for intensive support status, the evaluator shall:
 - 7.12.1 Evaluate whether the building- or district-level leader has met the goals developed in the intensive support status; and
 - 7.12.2 Provide written notice to the building- or district-level leader that the building- or district-level leader either:
 - 7.12.2.1 Is removed from intensive support status; or
 - 7.12.2.2 Has failed to progress in the intensive support status.
- 7.13 If a building- or district-level leader does not accomplish the goals established for the intensive category during the period of the intensive category, the superintendent shall review the documentation of the intensive category.
- 7.14 Upon review and approval of the documentation, the superintendent may recommend termination or nonrenewal of the building- or district-level leader's contract.
 - 7.14.1 If the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq., is applicable to the building- or district-level leader's contract, a recommendation for termination or nonrenewal of a building- or district-level leader's contract under these rules shall be made under the authority granted to a superintendent for recommending termination or nonrenewal under the Teacher Fair Dismissal Act.
 - 7.14.2 These rules do not preclude a superintendent from recommending the termination or nonrenewal of a building- or district-level leader's contract that is based all or in part on any lawful reason under the Teacher Fair Dismissal Act.

L.E.A.D.S. Beginning Administrator Induction

- 7.15 An educational entity is responsible for ensuring that each beginning administrator is provided induction support opportunities for his or her first three (3) years of employment as a beginning administrator.

- 7.16 The induction program is supported by the Department through partnership grants with state or national school leadership organizations, or institutions of higher education with school leadership programs that:
 - 7.16.1 Include opportunities for a summer or fall conference and regionally organized professional learning communities, and
 - 7.16.2 Focus on topics designed to meet the specific needs of beginning administrators.
- 7.17 An educational entity shall register with the Department each building- or district level leader that is in his or her first year of employment as a building- or district level leader.

Source: Ark. Code Ann. § 6-17-2806

8.0 DATA REPORTING

- 8.01 Each educational entity shall report to the Department the data requested by the Department for the purpose of identifying and evaluating educator effectiveness and equity in accordance with state and federal reporting requirements.
- 8.02 Under the Every Student Succeeds Act, the state shall determine the rate at which low-income and minority students are disproportionately taught by educators who are ineffective, inexperienced, or teaching a subject for which they are not currently licensed. If there is disproportionality, the state will evaluate and publicly report the progress in addressing the disproportionality. To support these requirements, an educational entity shall report to the Department:
 - 8.02.1 Each teacher's professional practice rating from the teacher's summative evaluation conducted once every four (4) years.
 - 8.02.1.1 A teacher's professional practice rating will not be publicly reported, but is essential to the calculation of disproportionality;
 - 8.02.2 The number of educators who are:
 - 8.02.2.1 Teaching or leading with less than three (3) years of experience;
 - 8.02.2.2 Teaching or leading with emergency or provisional credentials; and

8.02.2.3 Teaching a subject for which they are not currently licensed; and

8.02.3 Other data regarding teacher and leader qualifications and effectiveness as identified by the Department.

Source: Ark. Code Ann. § 6-15-1402, and Acts 295 and 930 of 2017; Elementary and Secondary Education Act of 33 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95

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 --Rules Governing Educator Support and Development
--Repeal of Rules Governing: (1) Teacher Excellence and Support System; (2) Leader Excellence and Development System; and (3) Educator Mentoring Programs.

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 _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____

Other (Identify) _____

Total N/A

Other (Identify) _____

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

\$ _____

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.