

**For Office**

Use Only:

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

Name of Agency Arkansas Department of Education

Department Division of Educator Effectiveness

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Statutory Authority for Promulgating Rules Ark. Code Ann. 6-11-105, 25-15-201 et seq.

**Rule Title:** Repeal of Arkansas Department of Education Rules Governing the Leader Excellence and Development System

**Intended Effective Date**

(Check One)

Emergency (ACA 25-15-204)

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

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**Date**

8/12-14, 2017

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10/21/17

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

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11/21/17

Contact Person

E-mail Address

Date

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING THE LEADER EXCELLENCE AND  
DEVELOPMENT SYSTEM**

December 2015

**1.0 — PURPOSE**

1.01 — The purpose of these rules is to establish the requirements and procedures concerning the evaluation and development of public school building and district-level leader performance.

**2.0 — REGULATORY AUTHORITY**

2.01 — These rules shall be known as the Arkansas Department of Education Rules Governing The Leader Excellence and Development System.

2.02 — These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-11-105, 6-15-1402, 6-17-704, 6-17-705, 6-17-2801 through 6-17-2809, 6-20-2305, 25-15-201 et seq.

**3.0 — LEGISLATIVE INTENT AND PURPOSE**

3.01 — The State Board of Education notes that it is the intent of the Arkansas General Assembly to provide a system for school districts to evaluate public school and school district administrators that weights an evaluation on student performance and student growth to the same extent as provided for teachers under the Teacher Excellence and Support System.

3.02 — The purposes of these rules are, without limitation, to:

3.01.1 — Provide a cohesive process that includes clear expectations to guide building or district-level leader preparation, induction, and continued professional development in Arkansas school districts, open enrollment public charter schools, and the Arkansas Correctional School;

3.01.2 — Guide and sustain excellent leadership performance that ensures the improvement of teaching and learning;

3.01.3 — Assist higher education programs in developing the content and requirements of degree programs that prepare prospective building or district-level leaders; and

3.01.4 — Provide a process that includes instruments to be used by reflective practitioners to promote their professional growth.

## 4.0 — DEFINITIONS

- 4.01 — **“Artifact”** means a documented piece of evidence chosen by the building or district-level leader being evaluated, the evaluator, or both, that relates to the evaluation rubric.
- 4.02 — **“Building or district-level leader”** means an individual employed by an educational agency who performs the role of a building or district-level administrator or an equivalent role, including an administrator licensed by the State Board of Education, an unlicensed administrator, or an individual on an Administrator Licensure Completion Plan. **“Building or district-level leader does not include:**
- 4.02.1 A superintendent; or
- 4.02.2 Unless the school district, open-enrollment public charter school, or Arkansas Correctional Schools elects to include them in LEADS, deputy superintendents, associate superintendents, and assistant superintendents.
- 4.03 — **“Department”** means the Arkansas Department of Education.
- 4.04 — **“District-level”** means agency-wide level when used in reference to an open-enrollment public charter school or the Arkansas Correctional School.
- 4.05 — **“Educational agency”** means an Arkansas public school district, an open-enrollment public charter school, or the Arkansas Correctional School.
- 4.06 — **“Evaluation”** means the process under these rules used to:
- 4.06.1 Assess with evidence what a building or district-level leader should know and be able to do as measured by the standards and functions of an evaluation framework; and
- 4.06.2 Promote building or district-level leader’s professional growth.
- 4.07 — **“Evaluation framework”** means a standardized set of building or district-level leader evaluation standards and functions that provide the overall basis for an evaluation.
- 4.08 — **“Evaluation rubric”** means a set of performance functions for each building or district-level leader evaluation standards in the evaluation framework.
- 4.09 — **“Inquiry Category”** is a category in which the building or district-level leader consistently demonstrates progressing, proficient, and/or exemplary performance on standards and functions in the LEADS rubric.

- 4.10 — **“Intensive Category”** is a category in which a building or district level leader receives a rating of not meeting standards and/or not progressing on the majority of functions in any of the standards on the summative evaluation rubric.
- 4.11 — **“LEADS”** means the Arkansas Leadership Excellence and Development System.
- 4.12 — **“Novice Category”** is a category in which a building level leader will be placed for three (3) years if the building level leader is a first-time administrator.
- 4.13 — **“Probationary”** is a category in which the building or district level leader will be placed if required under an educational agency’s policy adopted under the Teacher Fair Dismissal Act, Ark. Code Ann. § 6-17-1501 et seq., for one (1) year if the building or district level leader:
- 4.13.1.1 — Has transitioned to the educational agency from another educational agency where he or she had previous building or district level leadership experience; or
  - 4.13.1.2 — Has transitioned within a school from one building or district level leader position to another;
- 4.14 — **“Problem of practice”** is identified in a professional growth plan as a gap between current performance and desired performance of a school or educational agency based on a review of school or district data.
- 4.15 — **“State Board”** means the Arkansas State Board of Education.
- 4.16 — **“Statewide assessment of student achievement”** means an external assessment approved by the State Board as an assessment of student achievement.
- 4.17 — **“Student growth measure”** means one (1) or more student growth measures based on external assessments adopted by rules promulgated by the State Board.
- 4.18 — **“Summative evaluation”** means an evaluation of a building or district level leader’s performance that evaluates all applicable standards and functions of the evaluation framework that supports:
- 4.18.1 — Improvement in the building or district level leader’s leadership practices, student learning, and teacher growth; and
  - 4.18.2 — An educational agency’s employment decision concerning the building or district level leader.
- 4.19 — **“Superintendent”** includes a position in an educational agency that is equivalent to the position of superintendent in a school district.

## ~~5.0 GENERAL REQUIREMENTS AND IMPLEMENTATION~~

~~5.01 Beginning in the 2014-2015 school year, an educational agency, as defined in these rules, shall implement the Arkansas Leader Excellence and Development System (LEADS) for building or district level leaders employed by it.~~

~~5.02 Each evaluation under LEADS shall be in writing.~~

~~5.03 A building or district level leader shall participate in LEADS and collaborate in good faith with the evaluator to develop the building or district level leader's professional growth plan.~~

~~5.03.1 A failure to comply with Section 5.03 of these rules may be reflected in the building or district level leader's evaluation.~~

~~5.04 A school district or open enrollment public charter school may be deemed to have met the requirements of Sections 5.01 and 5.02 of these rules if:~~

~~5.04.1 The school district or open enrollment public charter school has received authority to continue to use a nationally recognized system of teacher evaluation and support other than the Teacher Excellence and Support System under Section 8 of the Rules Governing the Teacher Excellence and Support System; and~~

~~5.04.2 In the 2012-2013 and 2013-2014 school years used a nationally recognized system of building or district level leader evaluation and development that is substantially similar to LEADS. In order for a school district or open enrollment public charter school to continue to use an alternate, nationally recognized system of building or district level leader evaluation and development that is substantially similar to LEADS beyond the 2013-2014 school year, the school district or open enrollment public charter school shall submit the following in writing to the Arkansas Department of Education by April 1, 2014:~~

~~5.04.2.1 The name of the alternate, nationally recognized system of building or district level leader evaluation and development; and~~

~~5.04.2.2 A brief description of the alternate, nationally recognized system of building or district level leader evaluation and development, including an explanation of how it is substantially similar to LEADS.~~

~~5.04.2.3~~ The Arkansas Department of Education shall, by May 1, 2014, approve or deny the continued use of the alternate, nationally recognized system of building or district level leader evaluation and development beyond the 2013-2014 school year.

## ~~6.0~~ **BUILDING OR DISTRICT-LEVEL LEADER EVALUATION PROCESS**

~~6.01~~ Annually in a summative evaluation year or an inquiry category year, a superintendent shall assign each building level or district level leader employed by the school district an annual overall rating that is based on:

~~6.01.1~~ The leader's professional practice, as evidenced by the performance rating for a summative evaluation or for the inquiry category; and

~~6.01.2~~ Student growth, as determined by rules promulgated by the State Board.

### ~~6.02~~ **Building or District level Leader Professional Growth Plan**

~~6.02.1~~ A building or district level leader shall complete or revise a professional growth plan based on the standards and functions determined in collaboration with the superintendent or designee under Section 6.04 of these rules.

~~6.02.2~~ The building or district level leader should review multiple sources of data to determine a building or district problem of practice.

~~6.02.3~~ The building or district level leader shall indicate in his or her professional growth plan:

~~6.02.3.1~~ The school's or educational agency's problem of practice and goal(s);

~~6.02.3.2~~ The leadership strategies to address the identified problem;

~~6.02.3.3~~ Results indicators (staff and students); and

~~6.02.3.4~~ Sources of data to be monitored.

~~6.02.4~~ The building or district level leader shall determine the action steps needed to implement the leadership strategies identified in his or her professional growth plan.

~~6.02.5 The building or district level leader shall submit a copy of his or her completed professional growth plan to the superintendent or designee.~~

### ~~6.03 Formative Assessment Conferences~~

~~Throughout the year, a superintendent or designee shall conduct formative assessment conferences with all building and district level leaders evaluated under the LEADS system. Formative assessments should be based on a building or district level leader's individual needs as shown by evidence presented from the professional growth plan and evaluation rubric.~~

### ~~6.04 Summative Evaluation~~

~~6.04.1 The superintendent or designee shall complete the evaluation rubric for summative evaluation at the end of each year for a building or district level leader who is in a novice, a probationary, or an intensive category.~~

~~6.04.2 The superintendent or designee shall complete the evaluation rubric for summative evaluation minimally once every four (4) years for a building or district level leader who is in an inquiry category.~~

~~6.04.3 The building or district level leader shall provide evidence of effective practice for each function identified on the appropriate evaluation rubric, using relevant artifacts for each standard and function on which the building or district level leader is evaluated as applicable to the building or district level leader's position.~~

~~6.04.4 The superintendent shall make a recommendation concerning a building or district level leader's employment based on:~~

~~6.04.4.1 The level of performance based on the performance functions and standards of the evaluation rubric;~~

~~6.04.4.2 The evidence of teacher performance and growth applicable to the building or district level leader;~~

~~6.04.4.3 The building or district level leader's progression on his or her professional growth plan; and~~

~~6.04.4.4 Student performance and student growth measures for the building or the district, as applicable to the building or district level leader.~~

~~6.04.4.4.1 Until the State Board adopts rules defining one (1) or more student growth measures, student~~

~~growth measures will not be required as part of the summative evaluation.~~

~~6.04.5 The superintendent shall place the evaluation rubric for summative evaluation in the personnel file of the building or district level leader:~~

~~6.04.5.1 Annually if the building or district level leader is in the novice, probationary, or intensive category, and~~

~~6.04.5.2 Once every four (4) years for a building or district level leader in the inquiry category.~~

~~6.04.6 During a period in which a summative evaluation is not required, the superintendent or designee may conduct an evaluation that is lesser in scope than a summative evaluation but uses the portions of the evaluation framework and evaluation rubrics that are relevant to the evaluation.~~

## **6.05—Inquiry Category**

~~6.05.1 The inquiry category shall be used to:~~

~~6.05.1.1 Support a building or district level leader on an ongoing basis throughout the school year;~~

~~6.05.1.2 Provide a building or district level leader with immediate feedback about the leader's practices;~~

~~6.05.1.3 Engage the building or district level leader in a collaborative, supportive learning process;~~

~~6.05.1.4 Help the building or district level leader use formative assessments to inform the leader of student progress and adapt practices based on the formative assessments; and~~

~~6.05.1.5 Provide a performance rating that is included in the annual overall rating.~~

~~6.05.1.5.1 A building or district level leader shall submit artifacts for the components agreed upon by the building or district level leader and the superintendent or designee as evidence of professional practice in determining the performance rating for the inquiry category.~~



## ~~6.06—Intensive Support~~

~~6.06.1 If at a time other than an evaluation conducted under LEADS a superintendent believes or has reason to believe that (a) a building or district level leader is having difficulties or problems meeting the expectations of the educational agency or its administration and (b) that the problems could lead to termination or nonrenewal of contract, the superintendent shall:~~

~~6.06.1.1 Bring in writing the problems or difficulties to the attention of the building or district level leader involved; and~~

~~6.06.1.2 Document the efforts that have been undertaken to assist the building or district level leader to correct whatever appears to be the cause for potential termination or nonrenewal.~~

~~6.06.2 When a building or district level leader's performance is unsatisfactory in any one (1) standard or the building or district level leader is not progressing in a majority of the functions of an evaluation rubric, the superintendent shall identify and document the inadequate performance and move the building or district level leader into the intensive category.~~

~~6.06.3 If a building or district level leader is placed in the intensive category, the superintendent or designee shall:~~

~~6.06.3.1 Establish the time period for the intensive category.~~

~~6.06.3.1.1 The period of time specified by the superintendent or designee for the intensive category shall afford the building or district level leader an opportunity to accomplish the goals of and complete the tasks assigned in the intensive category.~~

~~6.06.3.1.2 The intensive category shall not last for more than two (2) consecutive semesters unless the building or district level leader has substantially progressed and the superintendent or designee elects to extend the intensive category for up to two (2) additional consecutive semesters.~~

~~6.06.3.2 Provide a written notice to the building or district level leader that the building or district level leader is placed in~~

~~the intensive category. 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 the intensive category, 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 category;~~

~~6.06.3.3 — Develop a clear set of goals and tasks that correlate to:~~

~~6.06.3.3.1 — The professional growth plan; and~~

~~6.065.3.3.2 — Evidence based research concerning the evaluation function or standard that forms the basis for the intensive category; and~~

~~6.0606.3.4 — Ensure the building or district level leader is offered the support that the superintendent or designee deems necessary for the building or district level leader to accomplish the goals developed and complete the tasks assigned while the building or district level leader is in the intensive category.~~

~~6.06.4 — At the end of the specified period of time for the intensive category, the superintendent or designee shall:~~

~~6.06.4.1 — Evaluate whether the building or district level leader has met the goals developed and completed the tasks assigned for the intensive category; and~~

~~6.06.4.2 — Provide written notice to the building or district level leader that the building or district level leader either:~~

~~6.06.4.2.1 — Is removed from the intensive category; or~~

~~6.06.4.2.2 — Has failed to meet the goals and complete the tasks of the intensive category.~~

~~6.06.5 — If a building or district level leader does not accomplish the goals and complete the tasks established for the intensive category during the period of the intensive category, the superintendent shall review the documentation of the intensive category.~~

~~6.06.6 — Upon review and approval of the documentation, the superintendent shall recommend termination or nonrenewal of the building or district level leader's contract.~~

~~6.06.6.1 — 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.~~

~~6.06.6.2 — 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.~~

## ~~7.0 — INCORPORATION INTO EDUCATIONAL AGENCY CONTRACTS AND POLICIES~~

~~7.01 — The policy adopted by educational agency boards of directors to implement site-based decision making under Ark. Code Ann. § 6-13-1305, shall address building or district level leader evaluations and development under LEADS.~~

~~7.02 — Every building or district level leader contract renewed or entered into for the 2014-2015 school year and thereafter is subject to and shall reference these rules.~~

**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.