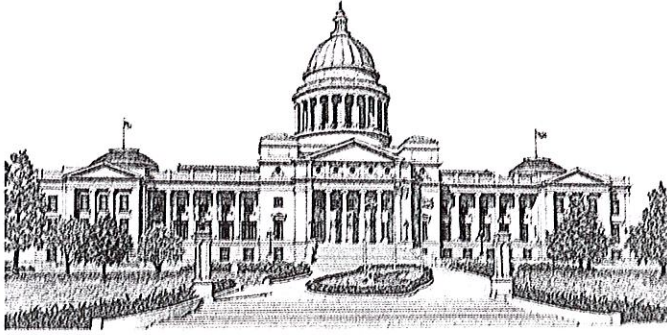


ARKANSAS REGISTER

Transmittal Sheet

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Secretary of State
Mark Martin
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 Little Rock, Arkansas 72201-1094
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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 Ark. Code Ann. 6-11-105, 25-15-201 et seq.

Rule Title: Repeal of Arkansas Department of Education Rules Governing the Teacher Excellence and Support System

Intended Effective Date
 (Check One)

Date

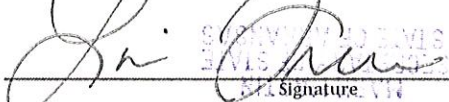
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|---|---------------------------------------|----------------------|
| <input type="checkbox"/> Emergency (ACA 25-15-204) | Legal Notice Published | <u>8/12-14, 2017</u> |
| <input checked="" type="checkbox"/> 10 Days After Filing (ACA 25-15-204) | Final Date for Public Comment | <u>9/13/17</u> |
| <input type="checkbox"/> Other _____
<small>(Must be more than 10 days after filing date.)</small> | Reviewed by Legislative Council | <u>11/17/17</u> |
| | Adopted by State Agency | <u>10/21/17</u> |

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
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 BUREAU OF
 LEGISLATIVE RESEARCH

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE TEACHER EXCELLENCE AND SUPPORT SYSTEM
December 2015

Table of Contents

Section 1.0 Purpose	1
Section 2.0 Regulatory Authority	1
Section 3.0 Legislative Intent and Purpose.....	2
Section 4.0 Definitions	3
Section 5.0 General Requirements and Implementation	9
Section 6.0 Annual Overall Rating	10
Section 7.0 Summative Evaluations	11
Section 8.0 Interim Appraisals	14
Section 9.0 Mentoring and Induction	15
Section 10.0 Professional Growth Plan	16
Section 11.0 Intensive Support Status	16
Section 12.0 Incorporation Into School District Contracts and Policies.....	19
Section 13.0 School Performance Report	19

1.0 — PURPOSE

1.01 — ~~Under Ark. Code Ann. § 6-17-2801 et seq., each public school shall implement the Teacher Excellence and Support System for all teachers employed at the public school under rules established by the State Board of Education. The purpose of these rules is to establish the requirements and procedures concerning the Teacher Excellence and Support System.~~

1.02 — ~~Building or district level leaders are referred to the current ADE Rules Governing the Leader Excellence and Development System for the Arkansas Department of Education’s building and district level leader evaluation system.~~

2.0 — REGULATORY AUTHORITY

2.01 — ~~These rules shall be known as the Arkansas Department of Education Rules Governing the Teacher Excellence and Support System.~~

2.02 — ~~These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-11-105, 6-13-1305, 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 Act 1091 of 2015.~~

~~3.0 — LEGISLATIVE INTENT AND PURPOSE~~

~~3.01 — The State Board notes that, with regard to the Teacher Excellence and Support System, it is the intent of the Arkansas General Assembly to:~~

~~3.01.1 Provide a program affording public school districts and public charter schools a transparent and consistent teacher evaluation system that ensures effective teaching and promotes professional learning;~~

~~3.01.2 Provide an evaluation, feedback, and support system that will encourage teachers to improve their knowledge and instructional skills in order to improve student learning;~~

~~3.01.3 Provide a basis for making teacher employment decisions;~~

~~3.01.4 Provide an integrated system that links evaluation procedures with curricular standards, professional development activities, targeted support, and human capital decisions;~~

~~3.01.5 Encourage highly effective teachers to undertake challenging assignments;~~

~~3.01.6 Support teachers' 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 effectiveness of public school teachers.~~

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

~~3.02.1 Recognize that student learning is the foundation of teacher effectiveness and 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;~~

~~3.02.2 Provide that the goals of the Teacher Excellence and Support System are quality assurance and teacher growth;~~

~~3.02.3 Reflect evidence-based or proven practices that improve student learning. Nothing in these rules should be construed to prohibit teachers from using innovative approaches in the classroom;~~

- ~~3.02.4 Utilize clear, concise, evidentiary data for teacher professional growth and development to improve student achievement;~~
- ~~3.02.5 Recognize that evidence of student growth is a significant part of the Teacher Excellence and Support System;~~
- ~~3.02.6 Ensure that student growth is analyzed at every phase of the evaluation system to illustrate teacher effectiveness. The purpose of requirement is to ensure that student growth is taken into account during all phases of the teacher evaluation system;~~
- ~~3.02.7 Require annual evidence of student growth from artifacts and external assessment measures;~~
- ~~3.02.8 Include clearly defined teacher evaluation domains, performance ratings, and evaluation rubric components for the evaluation framework;~~
- ~~3.02.9 Include procedures for implementing each component of the Teacher Excellence and Support System; and~~
- ~~3.02.10 Include the professional development requirements for all superintendents, administrators, evaluators, and teachers to obtain the training necessary to be able to understand and successfully implement the Teacher Excellence and Support System.~~

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

4.0 — DEFINITIONS

- ~~4.01 — “Annual overall rating” means the annual rating based on professional practice (performance rating) and student growth.~~
- ~~4.02 — “Artifact” means a documented piece of evidence chosen by the teacher being evaluated, the evaluator, or both, that:

 - ~~4.02.1 Relates to the evaluation rubric; and~~
 - ~~4.02.2 Represents output from one (1) or more of the following, without limitation:

 - ~~4.02.2.1 — Lesson plans or pacing guides aligned with the state standards;~~
 - ~~4.02.2.2 — Self directed or collaborative research approved by an evaluator;~~
 - ~~4.02.2.3 — Participation in professional development;~~
 - ~~4.02.2.4 — Contributions to parent, community, or professional meetings;~~~~~~

- 4.02.2.5 — Classroom assessments including:
 - 4.02.2.5.1 — Unit tests;
 - 4.02.2.5.2 — Samples of student work, portfolios, writing, and projects;
 - 4.02.2.5.3 — Pre-assessments and post-assessments; and
 - 4.02.2.5.4 — Classroom-based formative assessments;
- 4.02.2.6 — District level assessments including:
 - 4.02.2.6.1 — Formative assessments;
 - 4.02.2.6.2 — Grade or subject level assessments;
 - 4.02.2.6.3 — Department level assessments; and
 - 4.02.2.6.4 — Common assessments;
- 4.02.2.7 — State level assessments including:
 - 4.02.2.7.1 — End-of-course assessments;
 - 4.02.2.7.2 — Statewide assessments of student achievement; and
 - 4.02.2.7.3 — Career and technical assessments;
- 4.02.2.8 — National assessments including:
 - 4.02.2.8.1 — Advanced placement assessments;
 - 4.02.2.8.2 — Norm-referenced assessments; and
 - 4.02.2.8.3 — Career and technical assessments; and
- 4.02.2.9 — Evidence of student growth attributed to a teacher under Section 6.03 of these rules.

4.03 — **“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.

- 4.03.1 “Contributing professional” includes a:
 - 4.03.1.2 — Classroom teacher, other than the teacher of record, who is engaged directly in instruction with students in a classroom setting;
 - 4.03.1.2 — Guidance counselor;
 - 4.03.1.3 — Library media specialist;
 - 4.03.1.4 — Instructional facilitator or instructional coach; and
 - 4.03.1.5 — Teacher employed by an education service cooperative who instructs public school students.

- 4.03.1.6 — Speech language pathologist;
- 4.03.1.7 — Gifted and talented coordinator;
- 4.03.1.8 — School psychologist;
- 4.03.1.9 — English language learner instructor; or
- 4.03.1.10 — Person in another position identified by the Department.

4.04 — **“Department”** means the Arkansas Department of Education.

4.05 — **“Evaluation”** means the process under these rules used to:

4.05.1 — Assess with evidence what a teacher should know and be able to do as measured by the domains and performance ratings of an evaluation framework; and

4.05.2 — Promote teacher growth through professional learning.

4.05.3 — “Evaluation” does not include a teacher’s performance relating to competitive athletics and competitive extracurricular activities.

4.06 — **“Evaluation framework”** means a standardized set of teacher evaluation domains that provide the overall basis for an evaluation.

4.07 — **“Evaluation rubric”** means a set of performance components for each teacher evaluation domain in the evaluation framework.

4.08 — **“Evaluator”** means a person licensed by the State Board as an administrator who meets the requirements of Section 4.08.2, is designated as the person responsible for evaluating teachers, and who is an employee of the school district or open enrollment public charter school in which the evaluations are performed.

4.08.1 — “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. While these rules allow for other school personnel to guide the interim teacher appraisal process, the designated evaluator remains responsible for conducting summative evaluations of teachers and assigning the annual overall ratings.

4.08.2 — Before conducting summative evaluations of teachers and before assigning annual overall ratings pursuant to these rules, a designated evaluator must successfully complete all training and certification requirements for evaluators as set forth by the Department. Prior to conducting summative evaluations of teachers pursuant to these rules, public charter school administrators who are designated evaluators must also successfully complete all training and certification requirements for evaluators as set

forth by the Department, even if the public charter school administrators do not hold an administrator's license. Public charter schools are nevertheless encouraged to employ or contract with licensed administrators who serve as evaluators under the Teacher Excellence and Support System.

- 4.09 ~~“External assessment measure” means a measure of student achievement or growth that is administered, developed, and scored by a person or entity other than the teacher being evaluated, except that the assessment may be administered by the teacher being evaluated if the assessment is monitored by a licensed individual designated by the evaluator. For public charter schools, the assessment may be administered by the teacher being evaluated if the assessment is monitored by a licensed individual designated by the evaluator or, if no licensed individuals are employed by the public charter school, a degreed teacher employed by the public charter school and designated by the evaluator.~~
- 4.10 ~~“Formal classroom observation” means an announced visit to a classroom by an evaluator that:~~
- 4.10.1 ~~Is preceded by a pre-observation conference to discuss the lesson plan and objectives;~~
 - 4.10.2 ~~Is conducted by an evaluator for at least seventy five percent (75%) of the class period either by observing the teacher:~~
 - 4.10.2.1 ~~In the classroom;~~
 - 4.10.2.2 ~~Through the use of three hundred sixty degree video technology; or~~
 - 4.10.2.3 ~~For a teacher in a digital learning environment, through the use of other appropriate technology.~~
 - 4.10.2.4 ~~The length of time for a formal classroom observation of a teacher teaching in a block schedule or in a class period lasting longer than sixty (60) minutes may be adjusted to allow for an observation for forty five (45) minutes or more of the teacher's class period;~~
 - 4.10.3 ~~Facilitates a professional dialogue for the teacher and evaluator; and~~
 - 4.10.4 ~~Provides essential evidence of the teacher's classroom practices.~~
- 4.11 ~~“Formative assessment” means an evaluation of a student's learning that is given before the student completes a course of instruction to foster the student's~~

development and improvement on a specific strand within the course of instruction.

~~4.12 — “**Informal classroom observation**” means an observation conducted by an evaluator for the same purpose as a formal classroom observation but may be:~~

~~4.12.1 Unannounced; or~~

~~4.12.2 For a shorter period of time than a formal classroom observation.~~

~~4.13 — “**Intensive support status**” means the employment status administered under this subchapter that is assigned to a teacher under Ark. Code Ann. § 6-17-2807 and Section 11.0 of these rules.~~

~~4.14 — “**Interim appraisal**” means a form of evaluation, other than a summative evaluation, that:~~

~~4.14.1 Provides support for teaching practices; and~~

~~4.14.2 Uses standards for teacher growth and performance that are consistent with the evaluation rubrics for the teacher evaluation domains of a summative evaluation that are identified in the teacher’s professional growth plan.~~

~~4.15 — “**Novice teacher**” means a teacher having less than one (1) school year of public school classroom teaching experience.~~

~~4.16 — “**Post-observation conference**” means a conference between the teacher and evaluator following a formal classroom observation to discuss:~~

~~4.16.1 The evaluator’s observations; and~~

~~4.16.2 Artifacts presented by the teacher after the formal classroom observation.~~

~~4.17 — “**Pre-observation conference**” means a conference between the teacher and evaluator to discuss goals and planned outcomes for a classroom lesson before a formal classroom observation.~~

~~4.18 — “**Probationary teacher**” means the same as probationary teacher under Ark. Code Ann. § 6-17-1502.~~

~~4.19 — “**Professional development plan**” means the professional development plan under § 6-17-704 that encompasses all professional development required by rule, under law, and by a school district, public school, or education service cooperative for a teacher.~~

- 4.20 — **“Professional growth plan”** means the component of a professional development plan that is designed to meet the specific growth needs of a teacher identified under the Teacher Excellence and Support System, § 6-17-2801 et seq.
- 4.21 — **“State Board”** means the Arkansas State Board of Education.
- 4.22 — **“Statewide assessment of student achievement”** means an external assessment approved by the State Board as a statewide assessment of student achievement.
- 4.23 — **“Student growth measure”** means one (1) or more student growth measures based on external assessments adopted by rules promulgated by the State Board.
- 4.24 — **“Summative assessment”** means an evaluation of student achievement given at the completion of a course of instruction that cumulatively measures whether the student met long-term learning goals for the course.
- 4.25 — **“Summative evaluation”** means an evaluation of a teacher’s performance that evaluates all domains and components of the evaluation framework that supports:
- 4.25.1 Improvement in the teacher’s teaching practices and student achievement; and
 - 4.25.2 A school district’s employment decision concerning the teacher.
- 4.26 — **“Teacher”** means a person who is:
- 4.26.1 Required to hold and holds a teaching license from the State Board as a condition of employment; and
 - 4.26.2 Employed as a:
 - 4.26.2.1 — Teacher of record in a public school;
 - 4.26.2.2 — Contributing professional;
 - 4.26.2.3 — One of the following teachers who instruct public school students:
 - 4.26.2.3.1 — Distance learning teacher;
 - 4.26.2.3.2 — Virtual charter school teacher;
 - 4.26.2.3.3 — Teacher at the Arkansas School for the Blind;
 - 4.26.2.3.4 — Teacher at the Arkansas School for the Deaf; or
 - 4.26.2.3.5 — Teacher at the Arkansas Correctional School.
 - 4.26.3 “Teacher” also includes a nonlicensed classroom teacher or contributing professional employed at a public charter school under a waiver of teacher

~~licensure requirements granted by the State Board of Education in the charter.~~

~~4.26.4 “Teacher” does not include a person who is employed full time by a school district or public school solely as a superintendent or administrator.~~

~~4.27 “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.~~

~~4.28 “Teacher Excellence and Support System” 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.~~

~~4.29 “Tested content area” means a teaching content area that is tested under a statewide assessment of student achievement.~~

~~Source: Ark. Code Ann. § 6-17-2803 as modified~~

~~5.0 GENERAL REQUIREMENTS AND IMPLEMENTATION~~

~~5.01 Each teacher employed by the board of directors of a school district shall be evaluated in writing under the Teacher Excellence and Support System.~~

~~5.02 A teacher shall:~~

~~5.02.1 Participate in the Teacher Excellence and Support System, including without limitation in:~~

~~5.02.1.1 Classroom observations; and~~

~~5.02.1.2 Pre-observation and post-observation conferences; and~~

~~5.02.2 Collaborate in good faith with the evaluator to develop the teacher’s professional growth plan under Ark. Code Ann. § 6-17-2806(a) and Section 10.0 of these rules. If a teacher and evaluator cannot agree on the professional growth plan, the evaluator’s decision shall be final.~~

~~5.03 A failure to comply with Section 5.02 of these rules may be reflected in the teacher’s evaluation.~~

~~5.04 At a time other than an evaluation conducted under the Teacher Excellence and Support System, if a superintendent or other school administrator charged with~~

~~the supervision of a teacher believes or has reason to believe that the teacher is having difficulties or problems meeting the expectations of the school district or its administration and the administrator believes or has reason to believe that the problems could lead to termination or nonrenewal of contract, the superintendent or other school administrator shall:~~

~~5.04.1 Bring in writing the problems or difficulties to the attention of the teacher involved; and~~

~~5.04.2 Document the efforts that have been undertaken to assist the teacher to correct whatever appears to be the cause for potential termination or nonrenewal.~~

~~5.05 A public school is deemed to have met the requirements of Section 1.01 of these rules if the school obtained permission from the Department to continue to use a nationally recognized system of teacher evaluation and support that is substantially similar to the Teacher Excellence and Support System and that the school district used in the 2012-2013 and 2013-2014 school years. The Department granted permission to certain school districts that qualified by providing evidence to the Department by December 31, 2012, of:~~

~~5.05.1 The name of the alternate, nationally recognized system of teacher evaluation and support; and~~

~~5.05.2 A brief description of the alternate, nationally recognized system of teacher evaluation and support, including an explanation of how it is substantially similar to the Teacher Excellence and Support System.~~

~~5.06 If the Department denied the application of a school district for the continued use of the alternate, nationally recognized system of teacher evaluation and support beyond the 2013-2014 school year, the school district shall use the Teacher Excellence and Support System as prescribed by these rules.~~

~~5.07 Schools shall use the electronic platform provided by the Department for conducting evaluations and assigning ratings as required under these rules.~~

Source: Ark. Code Ann. § 6-17-1504 and § 6-17-2808

6.0 ANNUAL OVERALL RATING

~~6.01 Annually in a summative evaluation year or an interim appraisal year, a public school shall assign each teacher employed by the school an annual overall rating that is based on:~~

~~6.01.1 The teacher's professional practice, as evidenced by the performance rating for a summative evaluation or for an interim appraisal; and~~

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

~~6.02 — Performance rating—~~

~~6.02.1 In a summative evaluation year, a Domain Average is derived from the average of all component scores in each domain of the evaluation framework. Each Domain Average is 25% of the Overall Weighted Score. Based on the Overall Weighted Score, the teacher is assigned a performance rating.~~

~~6.02.2 In an interim appraisal year, the performance rating used in the annual overall rating is derived only from the average of all components that align to the educator's professional growth plan, regardless of the number in each domain. There is no Overall Weighted Score associated with an interim appraisal.~~

~~6.03 — Student growth measure — Until the State Board adopts rules defining one (1) or more student growth measures, a student growth measure will not be required as part of the annual overall rating.~~

~~Source: Ark. Code Ann. § 6-17-2808, as amended by Act 1091 of 2015~~

~~7.0 — SUMMATIVE EVALUATIONS~~

~~7.01 — Annually during a school year, a public school shall conduct a summative evaluation for every teacher employed in the public school who is a:~~

~~7.01.1 Novice teacher;~~

~~7.01.2 Probationary teacher; or~~

~~7.01.3 Teacher who successfully completed intensive support status within the current or immediately preceding school year.~~

~~7.02 — At least one (1) time every four (4) school years, a public school shall conduct a summative evaluation for a teacher who is not in a status under Section 7.01 of these rules.~~

~~7.03 — Nothing in this rule shall be construed to prevent a public school from conducting a summative evaluation of a teacher more often than one (1) time every four (4) school years.~~

~~7.04—The evaluation framework for a summative evaluation for a classroom teacher shall include:~~

~~7.04.1—The following teacher evaluation domains:~~

~~7.04.1.1—Planning and preparation;~~

~~7.04.1.2—Classroom environment;~~

~~7.04.1.3—Instruction; and~~

~~7.04.1.4—Professional responsibilities; and~~

~~7.04.2—An evaluation rubric using nationally accepted components that consists of the following four (4) performance ratings:~~

~~7.04.2.1—Distinguished;~~

~~7.04.2.2—Proficient;~~

~~7.04.2.3—Basic; and~~

~~7.04.2.4—Unsatisfactory.~~

~~7.05—A summative evaluation shall result in a written:~~

~~7.05.1—Evaluation determination for the teacher’s performance rating on each teacher evaluation domain; and~~

~~7.05.2—Summative evaluation determination of the teacher’s performance rating on all teacher evaluation domains as a whole.~~

~~7.06—A summative evaluation shall use an evaluation framework, and an evaluation rubric, and external assessment measures that are appropriate for a teacher who is not a classroom teacher, including without limitation:~~

~~7.06.1—A guidance counselor;~~

~~7.06.2—A library media specialist;~~

~~7.06.3—A special education teacher; or~~

~~7.06.4—The following teachers:~~

~~7.06.4.1—Distance learning teachers;~~

~~7.06.4.2—Virtual charter school teachers;~~

~~7.06.4.3—Teachers at the Arkansas School for the Blind;~~

~~7.06.4.4—Teachers at the Arkansas School for the Deaf;~~

~~7.06.4.5—Teachers at the Arkansas Correctional School;~~

~~7.06.4.6—Instructional facilitators and instructional coaches; and~~

- ~~7.06.4.7— Teachers employed by education service cooperatives who instruct public school students.~~
- ~~7.07— A teacher shall submit artifacts agreed upon by the teacher and evaluator, or by the evaluator if the teacher and evaluator cannot agree, as evidence of professional practice in determining the performance rating for a summative evaluation.~~
- ~~7.08— The artifacts considered by the teacher and evaluator in a summative evaluation for the performance rating shall consist of evidence related to each teacher evaluation domain and the respective components and may include:~~
- ~~7.08.1— External assessment measures;~~
 - ~~7.08.2— Knowledge measures, including without limitation, pre-tests, post-tests, or other written tests;~~
 - ~~7.08.3— Performance measures used to evaluate student improvement in a particular subject matter during a semester or school year;~~
 - ~~7.08.4— Attitude/behavior measures used to evaluate student improvement during a semester or school year as reflected in parental and/or student surveys;~~
 - ~~7.08.5— Student performance in group projects or project-based learning activities; and~~
 - ~~7.08.6— Schoolwide measures, including without limitation:

 - ~~7.08.6.1— Attendance rate;~~
 - ~~7.08.6.2— Graduation rate; and~~
 - ~~7.08.6.3— Literacy scores.~~~~
- ~~7.09— A summative evaluation process shall include:~~
- ~~7.09.1— A pre-observation conference and post-observation conference;~~
 - ~~7.09.2— A formal classroom observation, and may include an informal classroom observation;~~
 - ~~7.09.3— Presentations of artifacts chosen by the teacher, the evaluator, or both;~~
 - ~~7.09.4— An opportunity for the evaluator and teacher to discuss the review of external assessment measures used in the evaluation;~~

~~7.09.5 A written evaluation determination for each teacher evaluation domain and a written summative evaluation determination.~~

~~7.09.6 Feedback based on the evaluation rubric that the teacher can use to improve teaching skills and student learning; and~~

~~7.09.7 Feedback from the teacher concerning the evaluation process and evaluator.~~

~~7.10 In a school year in which a summative evaluation is not required under these rules, the teacher:~~

~~7.10.1 Shall focus on elements of the teacher's professional growth plan as approved by the evaluator that are designed to help the teacher improve his or her teaching practices; and~~

~~7.10.2 With the evaluator's approval may:~~

~~7.10.2.1 Collaborate with a team of teachers on a shared plan that benefits the whole school, a content area, or a grade level; or~~

~~7.10.2.2 Conduct self-directed research related to the teacher's professional growth plan under Ark. Code Ann. § 6-17-2806 and Section 10.0 of these rules.~~

Source: Ark. Code Ann. §§ 6-17-2805 and 6-17-2808, as amended by Act 1091 of 2015

8.0 INTERIM APPRAISALS

~~8.01 Interim appraisals shall be used to:~~

~~8.01.1 Support teachers on an ongoing basis throughout the school year;~~

~~8.01.2 Provide a teacher with immediate feedback about the teacher's teaching practices;~~

~~8.01.3 Engage the teacher in a collaborative, supportive learning process;~~

~~8.01.4 Help the teacher use formative assessments to inform the teacher of student progress and adapt teaching practices based on the formative assessments; and~~

~~8.01.5 Provide a performance rating that is included in the annual overall rating.~~

~~8.01.5.1—A teacher shall submit artifacts for the components agreed upon by the teacher and evaluator, or by the evaluator if the teacher and evaluator cannot agree, as evidence of professional practice in determining the performance rating for an interim appraisal.~~

~~8.02—The interim appraisal process 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:~~

~~8.02.1—A teacher designated by an administrator as a leader for the teaching content area of a teacher who is being evaluated;~~

~~8.02.2—An instructional facilitator;~~

~~8.02.3—A curriculum specialist; or~~

~~8.02.4—An academic coach for the teacher's content area.~~

~~8.03—While other school personnel may guide the interim teacher appraisal process, the designated evaluator remains responsible for conducting summative evaluations and assigning annual overall ratings of teachers.~~

~~Source: Ark. Code Ann. §§ 6-17-2805 and 6-17-2808, as amended by Act 1091 of 2015~~

9.0—MENTORING AND INDUCTION

~~9.01—The Teacher Excellence and Support System also shall include novice teacher mentoring and induction for each novice teacher employed at the public school that:~~

~~9.01.1—Provides training, support, and follow-up to novice teachers to increase teacher retention;~~

~~9.01.2—Establishes norms of professionalism; and~~

~~9.01.3—Leads to improved student achievement by increasing effective teacher performance.~~

~~9.02—Novice teachers shall undergo mentoring and induction as otherwise set forth by Arkansas law and the ADE Rules Governing Educator Mentoring Programs.~~

~~Source: Ark. Code Ann. § 6-17-2806~~

10.0—PROFESSIONAL GROWTH PLAN

~~10.01—Except as provided in Section 10.03 of these rules, a teacher being evaluated and the evaluator, working together, shall develop a professional growth plan for the teacher that:~~

~~10.01.1—Identifies professional learning outcomes to advance the teacher’s professional skills; and~~

~~10.01.2—Clearly links professional development activities and the teacher’s individual professional learning needs identified through the Teacher Excellence and Support System.~~

~~10.02—The professional growth plan for a teacher shall require that at least one-half (1/2) of the professional development hours required by law or rule for teacher licensure are directly related to one (1) or more of:~~

~~10.02.1—The teacher’s content area;~~

~~10.02.2—Instructional strategies applicable to the teacher’s content area; or~~

~~10.02.3—The teacher’s identified needs.~~

~~10.03—If a teacher and evaluator cannot agree on a professional growth plan, the evaluator’s decision shall be final.~~

~~10.04—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.~~

~~10.05—Until the teacher is removed from intensive support status, all professional development identified in the professional growth plan, except professional development that is required by law or by the public school where the teacher is employed, shall be directly related to the individual teacher’s needs.~~

Source: Ark. Code Ann. § 6-17-2806

11.0—INTENSIVE SUPPORT STATUS

~~11.01—An evaluator shall place a teacher in intensive support status if the teacher has a rating of “Unsatisfactory” in any one (1) entire teacher evaluation domain of the evaluation framework.~~

~~11.02—An evaluator may place a teacher in intensive support status if the teacher has a rating of “Unsatisfactory” or “Basic” in a majority of components in a teacher~~

~~evaluation domain.~~

~~11.03—If a teacher is placed in intensive support status, the evaluator shall:~~

~~11.03.1—Establish the time period for the intensive support status; and~~

~~11.03.2—Provide a written notice to the teacher 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.~~

~~11.04—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.~~

~~11.05—Intensive support status shall not last for more than two (2) consecutive semesters unless the teacher has substantially progressed and the evaluator elects to extend the intensive support status for up to two (2) additional consecutive semesters.~~

~~11.06—The evaluator shall work with the teacher to:~~

~~11.06.1—Develop a clear set of goals and tasks that correlate to:~~

~~11.06.1.1—The professional growth plan; and~~

~~11.06.1.2—Evidence-based research concerning the evaluation domain that forms the basis for the intensive support status; and~~

~~11.06.2—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.~~

~~11.07—If the intensive support status is related to student performance, the teacher shall use formative assessments to gauge student progress throughout the period of intensive support status. The teacher shall be offered the support necessary to use formative assessments under these rules during the intensive support status.~~

~~11.08—At the end of the specified period of time for intensive support status, the evaluator shall:~~

- ~~11.08.1—Evaluate whether the teacher has met the goals developed and completed the tasks assigned for the intensive support status; and~~
- ~~11.08.2—Provide written notice to the teacher that the teacher either:~~
- ~~11.08.2.1—Is removed from intensive support status; or~~
- ~~11.08.2.2—Has failed to meet the goals and complete the tasks of the intensive support status.~~
- ~~11.09—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.~~
- ~~11.10—Upon review and approval of the documentation, the superintendent shall recommend termination or nonrenewal of the teacher’s contract.~~
- ~~11.10.1—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.~~
- ~~11.10.2—When a superintendent makes a recommendation for termination or nonrenewal of a teacher’s contract under Section 11.10 of these rules, the public school:~~
- ~~11.10.2.1—Shall provide the notice required under 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); and~~
- ~~11.10.2.2—If the public school has substantially complied with the requirements of Section 11.10 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. 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.~~

~~11.11—These rules do not preclude a public school superintendent from:~~

~~11.11.1—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~~

~~11.11.2—Including in a recommendation for termination or nonrenewal of a teacher’s contract under this section 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.~~

Source: Ark. Code Ann. § 6-17-2807

~~12.0—INCORPORATION INTO SCHOOL DISTRICT CONTRACTS AND POLICIES~~

~~12.01—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.~~

~~12.02—Every teacher contract renewed or entered into after July 27, 2011 is subject to and shall reference Title 6, Chapter 17, Subchapter 28 of the Arkansas Code.~~

Source: Ark. Code Ann. § 6-13-1305 and § 6-17-2808

~~13.0—SCHOOL PERFORMANCE REPORT~~

~~Beginning with the 2017-2018 school year, for the school year covered by a school performance report pursuant to Ark. Code Ann. § 6-15-1402, the school performance report shall include:~~

~~13.01—The total number of teachers who are employed in the public school; and~~

~~13.02—Of that total, the number who meet each of the following criteria:~~

~~13.02.1—Highly qualified teacher;~~

~~13.02.2—Identified as proficient or above under the Teacher Excellence and Support System for the school; and~~

~~13.02.3—Certified by the National Board for Professional Teaching Standards.~~

Source: Ark. Code Ann. § 6-15-1402

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

Next Fiscal Year

General Revenue _____

Federal Funds _____

Cash Funds _____

Special Revenue _____

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

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total N/A

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

Next Fiscal Year

\$ Zero

\$ 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

Next Fiscal Year

\$ _____
 Zero

\$ _____

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

Yes No

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

- (1) a statement of the rule’s basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency’s need for the proposed rule; and

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