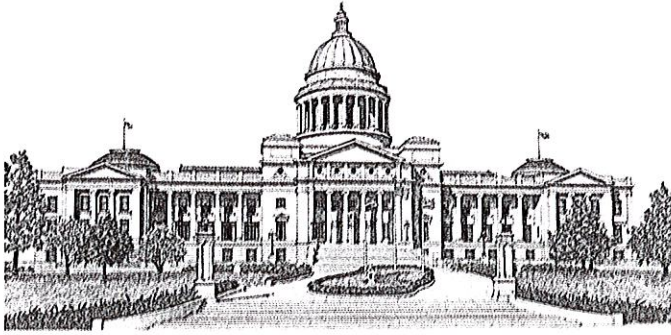


ARKANSAS REGISTER

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 Ark. Code Ann. 6-11-105, 25-15-201 et seq.

Rule Title: Repeal of Arkansas Department of Education Rules Governing Educator Mentoring Programs

Intended Effective Date

(Check One)

		Date
<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 _____ (Must be more than 10 days after filing date.)	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 Herby Certify That The Attached Rules Were Adopted
 In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)



 Signature
 (501) 682-4234 _____
 Phone Number E-mail Address
 General Counsel lori.freno@arkansas.gov

 Title
 November 21, 2017 _____
 Date

RECEIVED

NOV 21 2017

BUREAU OF
 LEGISLATIVE RESEARCH

~~ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING EDUCATOR MENTORING PROGRAMS
Effective: July 10, 2015~~

~~1.00 REGULATORY AUTHORITY AND PURPOSE~~

~~1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Educator Mentoring Programs.~~

~~1.02 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-17-2804, and 25-15-201 et seq.~~

~~2.00 DEFINITIONS~~

~~2.01 “Beginning Administrator” means an individual who:~~

~~2.01.1 Has less than one (1) year of public school administrative experience, not including student internship, and either:~~

~~2.01.1.1 Holds an administrator license issued by the State Board;~~

~~2.01.1.2 Is employed as an administrator under an ALCP by a public school district, open enrollment public charter school, or other organization that serves public schools; or~~

~~2.01.1.3 Is performing the role of an administrator in an open enrollment public charter school, and is not licensed as an administrator by the State Board.~~

~~2.02 “Certified mentor” means a person who:~~

~~2.02.1 Holds a current Arkansas teaching or administrator’s license, unless the person is employed where the law does not require a license or the legal requirement for a teaching license is waived in the charter of a public charter school; and~~

~~2.02.2 Is certified by the Department’s Office of Educator Effectiveness as trained in the state-adopted mentoring model.~~

~~2.03 “Department” means the Arkansas Department of Education.~~

~~2.04 “Mentoring” means the acts of a certified mentor providing support and focused feedback to a novice teacher (according to the state-adopted mentoring model) with the goal of enhancing instructional skills, classroom management, and professional behavior.~~

~~2.05 — “Novice Teacher” means a teacher who has less than one (1) year of classroom teaching experience, not including student internship or substitute teaching.~~

~~2.05.1 — “Novice Teacher” may include an individual with a provisional or standard license issued by the State Board who is employed as a teacher of record in a private school, if the private school participation is approved by the Department under these rules.~~

~~3.00 — MENTORING REQUIREMENTS FOR NOVICE TEACHERS AND BEGINNING ADMINISTRATORS~~

~~3.01 — Every novice teacher and beginning administrator employed in a public school, open enrollment public charter school, or other public educational setting shall participate in mentoring for no less than one (1) year.~~

~~3.01.1 — A participant in a nontraditional licensure program shall participate in mentoring for the period of time specified in the ADE rules governing the relevant nontraditional licensure program.~~

~~3.01.2 — Mentoring for a novice teacher shall consist of a certified mentor providing support and focused feedback with regard to instructional skills, classroom management, and professional behaviors.~~

~~3.01.3 — Mentoring for a beginning administrator shall consist of a certified mentor providing support and focused feedback with regard to skills, management, and professional behaviors.~~

~~3.01.3.1 — Except as provided under 3.01.3.2, a beginning administrator working under an ALCP shall participate in mentoring for the duration of the ALCP.~~

~~3.01.3.2 — If a beginning administrator has completed mentoring as a building level administrator or a curriculum/program administrator and is applying for the other of those two licenses, he or she is not required to complete a second mentoring program.~~

~~3.01.4 — The requirement for mentoring of a novice teacher or beginning administrator under these rules will not apply to:~~

~~3.01.4.1 — A public school or school district that:~~

~~3.01.4.1.1 — Obtained permission from the Department to use a nationally recognized system of teacher evaluation that is substantially similar to the Teacher Excellence and Support System under the ADE Rules Governing the Teacher Excellence and~~

Support System, or an administrator evaluation system that is substantially similar to the Leader Excellence and Development System under the ADE Rules Governing the Leader Excellence and Development System, as applicable, and

~~3.01.4.1.2 — Provides evidence to the Department that its mentoring program is aligned to the school's approved teacher or administrator evaluation system; or~~

~~3.01.4.2 — An open-enrollment public charter school that:~~

~~3.01.4.2.1 — Receives a waiver of the Teacher Excellence and Support System or the Leader Excellence and Development System, as applicable, through the charter approval or renewal process; and~~

~~3.01.4.2.2 — Provides evidence to the Charter Authorizing Panel that its mentoring program is aligned to the school's approved teacher or administrator evaluation system, as applicable.~~

~~3.01.5 — Mentors, novice teachers, and beginning administrators shall attend all Department mandated training, orientation, or informational meetings.~~

~~3.01.6 — A novice teacher in a pre-kindergarten setting licensed by the Arkansas Department of Human Services may in the alternative participate in mentoring offered pursuant to Arkansas Department of Human Services rules.~~

~~3.01.7 — The Department may approve unfunded participation in a mentoring program by a novice teacher who is employed at a private school setting.~~

~~3.01.7.1 — The private school shall be responsible for providing a certified mentor with at least one (1) year of teaching experience and a project director as stated in these rules.~~

~~3.01.7.2 — The private school shall assume all costs of the mentoring program, including without limitation, costs of training for mentors, participants, and technology.~~

- ~~3.01.8~~ — A novice teacher who is employed in a private school that did not participate in a mentoring program under Section 3.01.7 during his or her employment shall participate in the Department’s mentoring program in the first year of employment at a public school, open-enrollment public charter school, or other public educational setting.
- ~~3.02~~ — Every Arkansas public school district, open-enrollment public charter school, or other public educational setting that employs a novice teacher or beginning administrator shall:
- ~~3.02.1~~ — Notify the Office of Educator Effectiveness (OEE), no later than September 1 of each year, of the appointment of an induction project director who will act as the liaison for the program to the Department;
- ~~3.02.1.1~~ — Induction project directors are responsible for coordination of mentor assignments, oversight of mentor funding appropriations, adherence to state rules and guidelines related to mentoring, and all written and fiscal reporting and communications to the Department;
- ~~3.02.1.2~~ — Induction project directors must complete the annual Project Director Update sponsored by the OEE, in order to have access to the Department’s online data system and to be qualified to pair a novice teacher or beginning administrator with a certified mentor;
- ~~3.02.1.3~~ — As funds are available, induction project directors shall be compensated with a stipend via a sliding scale (not to exceed \$1,000) based on the number of novice teachers and beginning administrators in the school or district;
- ~~3.02.2~~ — Submit to the OEE via the OEE’s online data system:
- ~~3.02.2.1~~ — No later than September 30 of each year, a register of all novice teacher/mentor pairs and beginning administrator/mentor pairs employed by the school or district; and
- ~~3.02.2.2~~ — No later than September 30 of each year, an assurances statement, signed by the induction project director, district superintendent, or charter school director, that the school or district is in compliance with these rules regarding mentoring.
- ~~3.02.3~~ — Assign to each novice teacher, within three (3) weeks of the novice teacher’s first contract day of the school year, a certified mentor teacher who:
- ~~3.02.3.1~~ — Has a compatible background in licensure content area and level of licensure;

- ~~3.02.3.2 — Is trained and certified in the state-adopted mentoring model; and~~
- ~~3.02.3.3 — Has at least three (3) years of successful teaching experience.
 - ~~3.02.3.3.1 — A teacher employed by a public charter school with only one (1) year of teaching experience may mentor in a public charter school if the public charter school obtains approval from the Department;~~~~
- ~~3.02.4 — Assign to each beginning administrator, within three (3) weeks of the beginning administrator's first contract day of the school year, a certified administrator mentor or an administrator who meets the requirements of 3.02.4.1 and is in the process of being certified in the state-adopted mentoring model.
 - ~~3.02.4.1 — The certified mentor for a beginning administrator shall have a minimum of one (1) year of experience in the area in the beginning administrator's licensure area.~~
 - ~~3.02.4.2 — If a certified mentor is not available in the beginning administrator's school district, a certified mentor may be obtained from outside the school district.~~~~
- ~~3.02.5 — Release the following persons for training, orientation, or informational meetings:
 - ~~3.02.5.1 — Mentors to attend the initial mentor training and any statewide informational meetings held by the Department;~~
 - ~~3.02.5.2 — Induction project directors to attend annual update meetings; and~~
 - ~~3.02.5.3 — Beginning administrators to attend induction training and any statewide informational meetings held by the Department;~~~~
- ~~3.02.6 — Provide released time during the contract day for a novice teacher and mentor to work together on the mentoring modules;~~
- ~~3.02.7 — Support the novice teacher's or beginning administrator's and mentor's full participation in the mentoring program developed by the Department, including without limitation focused observations and professional development activities, and online and face-to-face activities for mentors, novice teachers, and beginning administrators that engage them in collaborative dialogue, problem solving, and professional development;~~

- ~~3.02.8 — Notify OEE, via the OEE’s online data system, within fifteen (15) days of any personnel changes that might affect annual mentoring budget allocations (such as hiring of a novice teacher or beginning administrator midyear, or a novice teacher or beginning administrator resigning midyear and being replaced by an experienced teacher or administrator for whom mentoring is not appropriate); and~~
- ~~3.02.9 — Submit, via the OEE’s online data system, the end-of-year budget report reflecting mentor stipend expenditures, no later than July 15 of each year.~~
 - ~~3.02.9.1 — Mentor stipends shall be distributed and disbursed within the parameters established by the Department.~~
- ~~3.03 — Only one (1) novice teacher or beginning administrator may be assigned to each mentor.~~
 - ~~3.03.1 — A public school or school district may submit a request to the OEE Program Advisor for approval for assigning more than one (1) novice teacher or beginning administrator to a mentor.~~
- ~~3.04 — A novice teacher or beginning administrator shall complete all modules, observations, and professional growth targets required by the Department in the state-adopted mentoring system.~~
- ~~3.05 — The OEE will monitor the quality of each public school or school district’s mentoring program.~~
 - ~~3.05.1 — All required mentoring and observation documentation shall be uploaded to the OEE’s online data system and verified by the induction project director.~~
 - ~~3.05.2 — Mentoring and observational information shall not be utilized in any way for employment or evaluation decisions unless students are at risk, either physically or emotionally.~~
- ~~3.06 — School districts or open enrollment public charter schools that do not comply with these rules shall be placed in accredited-cited status. Noncompliance includes without limitation:~~
 - ~~3.06.1 — Failure to register all mentors, novice teachers, and beginning administrators with the OEE;~~
 - ~~3.06.2 — Failure to comply with established guidelines for assignment, support, and monitoring of mentors and novice teachers or beginning administrators; and~~
 - ~~3.06.3 — Failure to submit all appropriate documentation.~~

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.