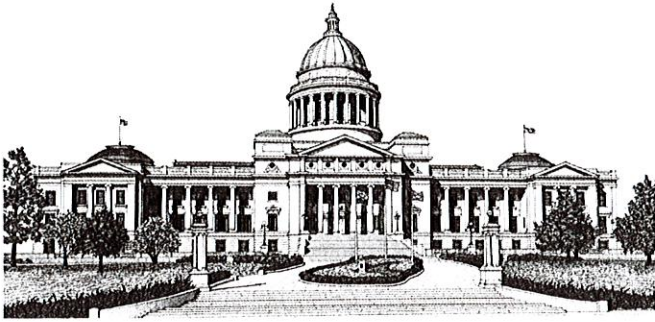


# ARKANSAS REGISTER



## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**

Secretary of State  
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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 Division of Elementary and Secondary Education

Department Arkansas Department of Education

Contact Mary Claire Hyatt E-mail maryclaire.hyatt@arkansas.gov Phone 5016830960

Statutory Authority for Promulgating Rules Ark. Code Ann. 6-11-105, 6-17-812, 25-15-201 et seq.

**Rule Title:** Division of Elementary and Secondary Education Rules Governing Class Size and Teaching Load

**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.)

	Date
Legal Notice Published .....	<u>9/20-9/22, 2019</u>
Final Date for Public Comment .....	<u>10/19/19</u>
Reviewed by Legislative Council .....	<u>12/20/19</u>
Adopted by State Agency .....	<u>12/14/19</u>

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

<u>Mary Claire Hyatt</u>	<u>maryclaire.hyatt@arkansas.gov</u>	<u>12/20/19</u>
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.)

<u>501-683-0960</u>	<u>maryclaire.hyatt@arkansas.gov</u>
Phone Number	E-mail Address
<u>Staff Attorney</u>	
	Title
<u>12/20/19</u>	
	Date

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Education, Division of Elementary and Secondary Education

**DIVISION** Public School Accountability

**PERSON COMPLETING THIS STATEMENT** Mary Claire Hyatt

**TELEPHONE** 501-683-0960      **FAX** 501-682-4245      **EMAIL:** maryclaire.hyatt@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 Class Size and Teaching Load

- 1. Does this proposed, amended, or repealed rule have a financial impact?      Yes       No
  
- 2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?      Yes       No
  
- 3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered?      Yes       No

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;  
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    Zero  
Federal Funds      \_\_\_\_\_  
Cash Funds        \_\_\_\_\_  
Special Revenue    \_\_\_\_\_  
Other (Identify)    \_\_\_\_\_  
  
Total                \_\_\_\_\_

General Revenue    Zero  
Federal Funds      \_\_\_\_\_  
Cash Funds        \_\_\_\_\_  
Special Revenue    \_\_\_\_\_  
Other (Identify)    \_\_\_\_\_  
  
Total                \_\_\_\_\_

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

**Current Fiscal Year**

General Revenue Zero  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue Zero  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

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6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

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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.

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES  
GOVERNING CLASS SIZE AND TEACHING LOAD**

Effective: January 1, 2020

**1.00 REGULATORY AUTHORITY**

- 1.01 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. § 6-11-105, § 6-17-812, and § 25-15-201 et seq.

**2.00 DEFINITIONS**

- 2.01 "Elementary model" is the educational model consistent with instructional grouping and scheduling used in Grades Kindergarten through Four (K-4), but may include Grades Five through Six (5-6).
- 2.02 "Large group instruction" are those courses that accommodate larger numbers of students. The following courses are considered large group instruction:
- 2.02.1 Athletics, including when taken for physical education credit, and Grades 7-12 physical education;
  - 2.02.2 Performing Arts, including, but not limited to, band, choir, and theater;
  - 2.02.3 Junior Reserve Officer's Training Corps (JROTC);
  - 2.02.4 Non-academic activity, including, but not limited to, advisory periods, study hall, and student activity periods; or
  - 2.02.5 Other courses identified as large group instruction in the Course Code Management System.

**3.00 CLASS SIZE**

- 3.01 Subject to any exceptions in Section 3.02, each school district and open-enrollment charter school shall comply with the following class sizes:
- 3.01.1 For Kindergarten (K), there shall be no more than twenty (20) students per teacher in any classroom. However, the kindergarten class maximum may be no more than twenty-two (22) with a one half-time instructional aide being employed for those classes.
  - 3.01.2 For Grades One through Three (1-3), the average student/teacher ratio in a school district shall be no more than twenty-three (23) students per teacher in a classroom. There shall be no more than twenty-five (25) students per teacher in any classroom.

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

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

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

### 3.02 Exceptions

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

## 4.00 TEACHING LOAD

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

4.02 For purposes of Section 4.01, the teaching load shall be calculated by counting the number of students in each Five through Twelve (5-12) course and section except for those teachers teaching students in Grades Five and Six (5-6) who are teaching all or most subjects in an elementary model.

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

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

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