Arkansas Department of Education Arkansas Division of Elementary and Secondary Education Rules Governing Eligibility and Financial Incentives For National Board for Professional Teaching Standards Effective Date: August 4, 2018______

1.00 Regulatory Authority

- 1.1 These rules shall be known as the Arkansas Department of Education <u>Division</u> Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards (NBPTS) Candidacy and Certification.
- 1.2 These rules are enacted under the State Board of Education's authority pursuant to Ark. Code Ann. §§6-11-105, 6-17-412, and 6-17-413.

2.00 Purpose

- 2.1 To improve student learning and strengthen teaching by encouraging teachers to participate in and complete NBPTS certification;
- 2.2 To authorize the Department Division to fund the full amount of the participation fee of the NBPTS certification:
- 2.3 To authorize the Department Division to fund financial incentives bonuses for NBCTs in Arkansas;
- 2.4 To outline the eligibility criteria and funding structure for the incentives bonuses; and
- 2.5 To outline the establishment of a support program for NBPTS participants.

3.00 Definitions

For the purposes of these rules:

- 3.1 "Accredited Teacher Preparation Program" means an educator preparation program that is:
 - 3.1.1 Accredited by the Council for Accreditation of Educator Preparation (CAEP);
 - 3.1.2 Accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation; or
 - 3.1.3 Approved by the licensing authority of a state government.

- 3.1 "Department" means the Arkansas Department of Education;
- 3.2 "National Board for Professional Teaching Standards" means the independent board that certifies teachers who meet advanced standards and certifications by effectively enhancing student learning and demonstrating the high level of knowledge and skills, dispositions, and commitments reflected in the following five core propositions:
 - 3.2.1 Teachers are committed to students and their learning.
 - 3.2.2 Teachers know the subjects they teach and how to teach those subjects to students.
 - 3.2.3 Teachers are responsible for managing and monitoring student learning.
 - 3.2.4 Teachers think systematically about their practice and learn from experience.
 - 3.2.5 Teachers are members of learning communities.
- 3.3 "Advisory Committee" means the ten (10) member team of three (3) National Board Certified Teachers, three (3) National Board facilitators, and four (4) educational administration or business representatives, to include one—Department staff member. One (1) of the ten (10) members may be a Division staff member. The Advisory Committee advises the Department Division on policy issues, assists in the support system, and recommends criteria for the selection of select candidates based on relevant criteria when all candidates cannot be funded; such criteria Criteria shall to be established recommended by the Advisory Committee in accordance with law and with final—for review and approval by the State Board.
- 3.4 "Classroom teacher" means a teacher who is required to hold a standard teaching license from the Department Division and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time, with that 70% allowed to include:
 - 3.4.1 Employment by an educational service cooperative when the teacher provides direct student services for a collaborative of school districts in public school buildings and other instructional settings throughout the cooperative area; and
 - 3.4.2 Instructional positions such as library/media specialist, school guidance counselor, literacy specialist, math specialist, dyslexia specialist, or others for whom NBPTS certificates specifically exist- and who meet the definition of classroom teacher.

3.5 "Classroom setting":

- 3.5.1 For the purpose of eligibility for NBPTS candidacy funding means full-time assignment to a setting in a specific Arkansas public school building or buildings in which a teacher works directly with a student or students; and
- 3.5.2 For the purpose of eligibility for an incentive bonus means full-time assignment to a setting in a school building(s) or other instructional settings where a NBCT is directly involved in the instructional process by teaching children, by facilitating the instructional process through work with building teachers in classrooms, or by serving in the role of building administrator, or assistant building administrator.
- 3.6 **"High-poverty charter school"** means an Arkansas open-enrollment public charter school in which seventy percent (70%) or greater of the previous school year's enrolled students are national school lunch students as defined in § 6-20-2303.
- 3.7 **"High-poverty district"** means an Arkansas public school district in which seventy percent (70%) or greater of the previous school year's enrolled students are national school lunch students as defined in § 6-20-2303.
- 3.8 **"High-poverty school"** means an Arkansas public school in which seventy percent (70%) or greater of the previous school year's enrolled students are national school lunch students as defined in § 6-20-2303.
- 3.9 **"In the process of initial certification"** means that the individual has completed registration for first-time candidacy (including payment of the <u>NBPTS</u> registration fee).
- 3.10 "Instructional facilitator" means an individual holding a valid Arkansas teacher's license who facilitates continuous improvement in classroom instruction by providing instructional and professional learning support to teachers for research-based instruction and by demonstrating the alignment of instruction with curriculum standards and assessment tools.
- 3.11 **"Instructional leader"** means a building-level administrator who is responsible for evaluating teachers or instructional staff. It shall include without limitation a building-level administrator who is an evaluator as defined in A.C.A-Ark Code Ann. § 6-17-2803.
- 3.12 "NBCT" means National Board Certified Teacher.
- 3.13 "NBPTS Candidacy" means an applicant's participation in the NBPTS program for becoming a certified teacher under these rules;

- 3.14 **"Public School"** means: a school serving students in any of grades <u>pre___ K_12</u> that is assigned a local education agency (LEA) number by the ADE.
 - 3.14.1 A school operated by a public school district; or
 - 3.14.2 An open-enrollment public charter school, as defined in Ark. Code Ann. § 6-23-103.
- 3.15 **"State Board"** means the Arkansas State Board of Education.

4.00 Selection Process for Payment for NBPTS Candidacy

- 4.1 Application criteria:
 - 4.1.1 An applicant shall complete the official application process established by the Department Division;
 - 4.1.2 An applicant shall not have received prior state funding for NBPTS candidacy and must be applying for initial candidacy;
 - 4.1.3 An Applicant shall verify at least three (3) years teaching experience in an Arkansas public school beginning no earlier than the year in which the applicant's first license to teach in an Arkansas public school is issued; and
 - 4.1.4 An applicant shall provide evidence that the applicant has taught in an area that correlates to an available and suitable National Board certificate area.
- 4.2 Selection process:
 - 4.2.1 A candidate shall meet or exceed the <u>eut minimum qualifying</u> score for the application process, recommended by the Advisory Committee and set approved by the State Board.
 - 4.2.2 NBPTS Advisory Committee will review applications <u>if full funding is not available</u> and recommend to the Department Division an appropriate selection of the candidates to be funded.
 - 4.2.3 A candidate selected to receive state funding must submit all NBPTS components within the first year candidacy cycle.
- 4.3 Payment of component costs for NBPTS Candidacy:
 - 4.3.1 The <u>Department Division</u> shall pay the following costs associated with NBPTS candidacy for candidates selected for participation under these rules:

- 4.3.1.1 The cost of submission for the four (4) components, excluding: (a) the application fee assessed by the National Board, (b) retake fees, and (c) renewal fees; and
- 4.3.1.2 Substitute teacher pay for up to three (3) days of approved paid leave.
- 4.4 A candidate who pays for the cost of <u>one</u> the first certification component may apply to the <u>Department Division</u> for reimbursement of that cost and for state support of the remaining certification components if the <u>Department Division</u> receives the application within <u>thirty (30)</u> <u>sixty (60)</u> days after the candidate <u>passes</u> <u>receives the score for</u> the submitted component. The Advisory Committee shall <u>recommend a minimum qualifying score</u>, review the applications, and make a recommendation to the State Board for funding. <u>A candidate selected to receive reimbursement and state funding for remaining components must submit all remaining NBPTS components within the second year candidacy cycle.</u>

4.5 Repayment of funding:

- 4.5.1 Repayment of state funds for the NBPTS is required if a recipient:
 - 4.5.1.1 Does not complete the certification process within three (3) years after the NBPTS enters the candidate into its certification program; or
 - 4.5.1.2 Becomes a NBCT with the support of state funds, but for the threeyear period following certification that includes the year of certification and the two years immediately following certification, does not teach in an Arkansas public school classroom or does not serve as a building-level administrator, a building-level assistant, an instructional facilitator, or instructional leader, as applicable.
- 4.5.2 A candidate required to repay funds under this section may seek a waiver of repayment from the State Board if the candidate was forced to withdraw from candidacy due to:
 - 4.5.2.1 The death or disability of the teacher, or
 - 4.5.2.2 Other serious extenuating circumstances approved recommended by the Advisory Committee, including without limitation health related problems verified by a licensed physician.
- 4.6 The State Board may suspend a recipient's teaching license for failure to repay state funds provided under these rules. The teaching license may be reinstated upon full payment as provided in the ADE Division Rules Governing Educator Licensure.

5.00 Payment of Incentive Bonuses Payments

- 5.1 For a A NBCT who began the process of initial certification or was certified or recertified before January 1, 2018:
 - 5.1.1 The Department shall Shall pay receive a yearly incentive bonus payment to a classroom teacher, building-level principal, or building-level assistant principal who is if selected to participate in the NBPTS program under these rules and who if at the time of receiving the bonus: the NBCT is:
 - 5.1.1.1 <u>Is employed Employed</u> full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school;
 - 5.1.1.2 Is a A NBCT certified on or after August 1, 2009, and who after working a minimum of three (3) years with National Board certification as a classroom teacher or as a building-level administrator or building-level assistant administrator in an Arkansas public school district is employed full time as a teacher in an accredited teacher preparation program at a statesponsored institution of higher education;
 - 5.1.1.3 <u>Is a A NBCT and who moves moved</u> into the state on or before January 1, 2017, and is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school; or
 - 5.1.1.4 Is a A NBCT certified on or after August 1, 2009, who moves moved into the state on or before January 1, 2017, and after working a minimum of three (3) years with National Board certification as a classroom teacher or as a building-level administrator or building-level assistant administrator in an Arkansas public school district is employed full time as a teacher in an accredited teacher preparation program at a state-sponsored institution of higher education.
 - 5.1.2 A NBCT who meets the qualifications of Section 5.1 and is working full-time in a <u>public</u> school, <u>including an open enrollment public charter school</u>, that is not a high-poverty school or a high-poverty charter school shall receive a <u>gross</u> yearly incentive <u>bonus</u> <u>payment</u> of five thousand dollars (\$5,000) for the length of the certification or the recertification, but for no more than ten (10) school years.
 - 5.1.3 A NBCT who meets the qualifications of Section 5.1 and is working full-time in a <u>public</u> school that is a high-poverty school that is not in a high-poverty school district shall receive a <u>gross</u> yearly incentive <u>bonus</u> <u>payment</u> of five thousand dollars (\$5,000) for the length of the certification or the

- recertification, but for no more than ten (10) school years.
- 5.1.4 A person who meets the qualifications of Section 5.1 and is working full-time in a <u>public</u> school that is a high-poverty school in a high-poverty district or is a high-poverty charter school shall receive a <u>gross</u> yearly incentive <u>bonus</u> <u>payment</u> of ten thousand dollars (\$10,000) for the length of the certification or the recertification, but for no more than ten (10) school years.
- 5.2 For a A NBCT who began the certification process AND was certified **after** January 1, 2018, the Department shall pay receive a yearly incentive bonus payment if the NBCT is a to-a classroom teacher, an instructional facilitator, or an instructional leader, as follows:
 - 5.2.1 A NBCT who meets the qualifications of Section 5.2 and is working full-time in a <u>public</u> school, including an open enrollment public charter school, that is not a high-poverty school or a high-poverty charter school shall receive a <u>gross</u> yearly incentive <u>bonus payment</u> of two thousand five hundred dollars (\$2,500) for no more than five (5) school years.
 - 5.2.2 A NBCT who meets the qualifications of Section 5.2 and is working full-time in a <u>public</u> school that is a high-poverty school that is not in a high-poverty school district shall receive a <u>gross</u> yearly incentive <u>bonus</u> <u>payment</u> of five thousand dollars (\$5,000) for no more than five (5) school years.
 - 5.2.3 A person who meets the qualifications of Section 5.2 and is working full-time in a <u>public</u> school that is a high-poverty school in a high-poverty district or is a high-poverty charter school shall receive a <u>gross</u> yearly incentive bonus <u>payment</u> of ten thousand dollars (\$10,000) for no more than ten (10) school years.
- 5.3 Bonuses Payments shall be paid made annually by June 30-1-of each year A NBCT shall not receive an incentive payment if the NBCT does not complete the annual profile by the date determined by the Division under Sections 5.1 and 5.2.
- 5.4 A person shall not receive in the same school year more than one (1) yearly incentive bonus-payment under Section 5.2; and
- 5.5 A person shall not receive in the same school year both a bonus an incentive payment under Sections 5.1 and 5.2.
 - 5.5.1 A person who, as of December 1, 2017, meets the qualifications for a yearly incentive bonus-payment under both Sections 5.1 and 5.2 may make an irrevocable election to receive future yearly incentives bonuses under Section 5.2 by filing a written election with the department Division no later than July 1, 2019.
- 5.6 The Department Division shall not pay an incentive bonus or any increase in an

- incentive bonus retroactively.
- 5.7 The Department NBCT shall cease paying not be eligible to receive an incentive bonus to a person who payment if the NBCT:
 - 5.7.1 Has received an incentive bonus payment for a cumulative total of ten (10) school years after January 1, 2018. Payments may only be received for a maximum of ten (10) years;
 - 5.7.2 Leaves the full-time employment of an Arkansas public school district;
 - 5.7.3 Becomes employed as a district-level central office administrator;
 - 5.7.4 Is employed by an Arkansas institution of higher education and does not teach in an accredited teacher preparation program; or
 - 5.7.5 Is employed by an education service cooperative and does not teach in a classroom setting with students.
- 5.8 A person shall not receive a bonus an incentive payment under multiple sections of these rules in the same school year.
- 5.9 A traveling teacher who is eligible for a bonus an incentive payment under these rules shall receive the bonus incentive for the school that the teacher's contract identifies as the teacher's home base.

6.00 Support Program for Teachers Selected to Participate in NBPTS Candidacy

- 6.1 The State Board will establish a support program for teachers selected to participate in the NBPTS Program that provides technical assistance to program applicants to ensure successful program completion, which may include without limitation:
 - 6.1.1 Establishing a variety of support opportunities such as annual precandidacy orientations, regular meetings of participants, telephone/email contact with facilitators and NBCTs, and Department Division intervention with NBPTS if necessary;
 - 6.1.2 Providing information on the NBPTS state support program on the Department Division web site;
 - 6.1.3 Providing other assistance, if determined to be necessary by the Department Division.
 - 6.2 Credit for professional development may be obtained pursuant to school district policy.

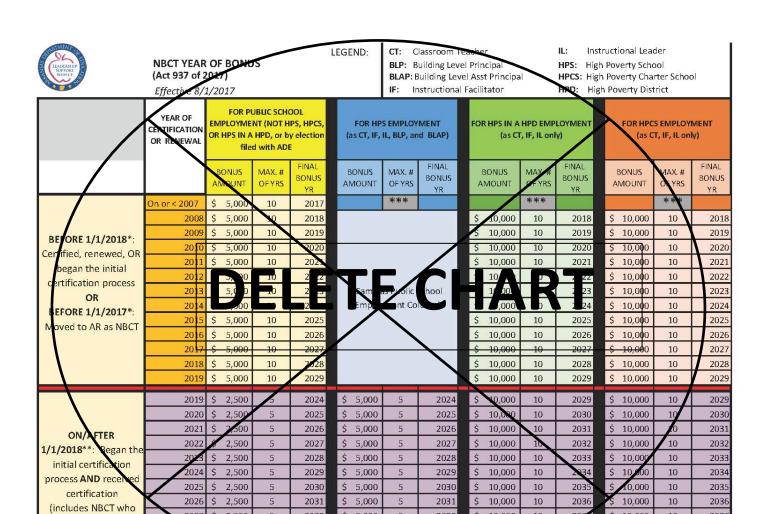
7.00 Monitoring for NBPTS Program Participation

7.1 The public school that employs a NBCT shall verify certify, and to the Department Division shall verify annually the employment status job code of that teacher for each year in which the NBCT is eligible to determine eligibility for an incentive bonus payment.

8.00 Funding Limitations

- 8.1 Provisions of these rules and Ark. Code Ann. §§6-17-412 and 6-17-413 apply only to the extent that funds are appropriated and available to the Department Division to pay for these purposes.
- Funding under Sections 5.1.1.2 and 5.1.1.4. shall be paid only if funds are available after funding all eligible candidates under Sections 5.1.1.1 and 5.1.1.3.
- 8.3 All incentive payments shall be made in accordance with Division rule governing payment of bonuses, stipends, and other financial awards and incentives.

Chart 1. Bonuses (through 2030)



FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

	ARTMENT Division of Elementary and Second	dary Education		
	SION Educator Effectiveness			
	SON COMPLETING THIS STATEMENT T			
IELF	EPHONE NO. <u>501-682-1958</u> FAX NO. <u>501-6</u>	82-4249 EMAIL: taylor.dugan@arkansas.gov		
	mply with Ark. Code Ann. § 25-15-204(e), pleament and file two copies with the questionnaire			
	RT TITLE OF THIS RULE ADE DESE Rule nal Board for Professional Teaching Standards.	es Governing Eligibility and Financial Incentives for		
1.	Does this proposed, amended, or repealed rul Yes No _X	e have a financial impact?		
2.		nable scientific, technical, economic, or other ng the need for, consequences of, and alternatives to		
3.	In consideration of the alternatives to this rule least costly rule considered? Yes X	e, was this rule determined by the agency to be the No		
	If an agency is proposing a more costly rule, please state the following:			
	(a) How the additional benefits of the more co	ostly rule justify its additional cost;		
	(b) The reason for adoption of the more costly	y rule;		
	(c) Whether the more costly rule is based on if so, please explain; and	the interests of public health, safety, or welfare, and		
	(d) Whether the reason is within the scope of explain.	the agency's statutory authority, and if so, please		
3.	If the purpose of this rule is to implement a fede	eral rule or regulation, please state the following:		
	(a) What is the cost to implement the federal ru	le or regulation?		
	Current Fiscal Year	Next Fiscal Year		
	General Revenue N/A	General Revenue <u>N/A</u>		
	Federal Funds	Federal Funds		
	Cash Funds	Cash Funds		
	Special Revenue	Special Revenue		

Total N/A Total N/A (b) What is the additional cost of the state rule? Current Fiscal Year	Other (Identii	ry)		Other (Identi	ry)	
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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.

NOTE: The amendment would clarify who is eligible to receive an incentive for National Board Certify Teachers. If the funding is not raised then it would not have a fiscal impact.

SUMMARY OF REVISIONS

ARKANSAS DEPARTMENT OF EDUCATION DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING FINANCIAL INCENTIVES FOR NATIONAL BOARD FOR PROFESSIONAL TEAHING STANDARDS

Amendment to existing rule.

Changes to these rules are for clarification. Definitions of "Accredited Teacher Preparation Program" and "Public School" were added. Candidates must submit all NBPTS components within the first year of the candidacy cycle to receive state funding. An applicant applying for initial candidacy must not have received prior state funding to be eligible. The time frame in which a candidate may ask for reimbursement if they paid for the first component is changed from 60 days to 30 days. If the candidate is reimbursed and wants to receive state funding for the remaining components they must submit all remaining NBPTS components within the second year of the candidacy cycle. Payments will be made annually by June 30th.