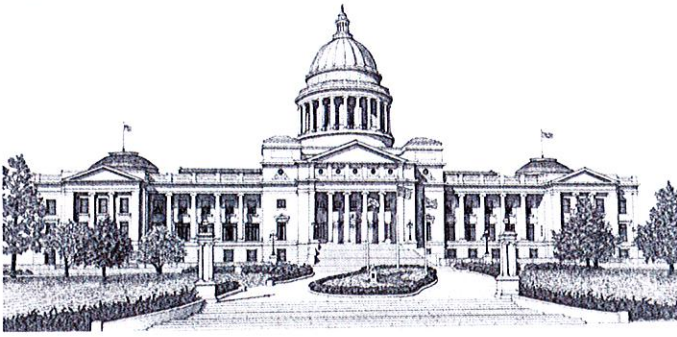


ARKANSAS REGISTER

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
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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Division of Elementary and Secondary Education

Department Arkansas Department of Education

Contact Lori Freno E-mail lori.freno@arkansas.gov Phone 501-682-4234

Statutory Authority for Promulgating Rules Ark. Code Ann. §§ 6-11-105, 6-17-2501 et seq. and Act 251 of 2019.

Rule Title: DESE Rules Governing the Arkansas Teacher of the Year Program

Intended Effective Date
(Check One)

Date

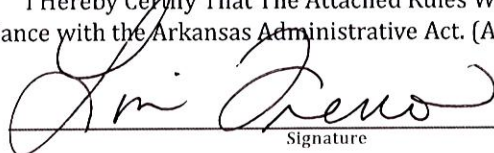
<input type="checkbox"/> Emergency (ACA 25-15-204)	Legal Notice Published	<u>3-20, 3-21-3-22, 2020</u>
<input type="checkbox"/> 10 Days After Filing (ACA 25-15-204)	Final Date for Public Comment	<u>April 20, 2020</u>
<input checked="" type="checkbox"/> Other <u>July 3, 2020</u> (Must be more than 10 days after filing date.)	Reviewed by Legislatice Council	<u>June 19, 2020</u>
	Adopted by State Agency	<u>May 14, 2020</u>

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

Lori Freno lori.freno@arkansas.gov June 22, 2020
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, ADE, Division of Elementary and Secondary Ed
Title

June 22, 2020
Date

**ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING THE ARKANSAS TEACHER OF THE YEAR PROGRAM
Effective July 3, 2020**

1.00 AUTHORITY

The State Board of Education promulgates these Rules pursuant to Ark. Code Ann. §§ 6-11-105, 6-17-2501 et seq., and 25-11-201 et seq.

2.00 PURPOSE OF RULES

The purpose of these rules is to implement and establish the process governing the Arkansas Teacher of the Year Program.

3.00 DEFINITIONS

3.01 “In residence” means working exclusively with the Division of Elementary and Secondary Education (“Division”) at a location agreed upon between the Division and the Teacher of the Year.

3.02 “School district board of directors” means the local board of directors of a school district, which are duly elected and qualified to hold office pursuant to Ark. Code Ann. § 6-13-608 et seq.

3.03 “Superintendent” means the executive officer of a school district board of directors directing the affairs of the school district and teaching not more than one-half (1/2) of the time in the school day.

3.04 “Teacher” means a person who holds a license under Ark. Code Ann. § 6-17-401 et seq. and is engaged in student contact for more than seventy percent (70%) of the person’s contracted time.

4.00 IMPLEMENTATION

4.01 The Division shall develop a process for selecting the Arkansas Teacher of the Year. This process shall work in conjunction with and in support of the process for selecting a National Teacher of the Year.

4.02 The process shall allow that each Arkansas school district board of directors may submit a single applicant for the Arkansas Teacher of the Year.

4.03 The applicants shall be reduced to sixteen (16) finalists representing one (1) applicant for each of the fifteen (15) education service areas and one (1) applicant for school districts in Pulaski County.

- 4.04 In submitting an application for Arkansas Teacher of the Year, a school district agrees that if its applicant is selected, the district shall place the teacher on paid administrative leave for the school year immediately following his or her selection, as provided in Ark. Code Ann. § 6-17-2504.
- 4.05 While on paid administrative leave, the Arkansas Teacher of the Year shall Work-in-Residence with the Division to:
 - 4.05.1 Create professional development programs for other teachers;
 - 4.05.2 Provide educational technical assistance to students and teachers statewide;
 - 4.05.3 Enhance the Arkansas Teacher of the Year Program; and
 - 4.05.4 Enhance the quality of elementary and secondary education in Arkansas; and
 - 4.05.5 Represent the state in the National Teacher of the Year competition.
- 4.06 During the school year in which a school district's teacher of the year is on paid administrative leave, the Division shall reimburse the school district as provided in Ark. Code Ann. § 6-17-2505.

5.00 SCHOOL DISTRICT'S RESPONSIBILITIES

- 5.01 Any school district whose applicant is selected as Arkansas Teacher of the Year shall place that teacher on paid administrative leave for the school year immediately following the teacher's selection as Arkansas Teacher of the Year for the time period that the teacher actually serves as the Arkansas Teacher of the Year.
- 5.02 The teacher shall be entitled to return to her or his former employment with the school district in the same or similar position with no loss of pay, benefits, and seniority for the school year following the paid administrative leave provided and shall not suffer loss of pay, position, benefits, and seniority simply due to the fact the teacher fulfilled her or his obligations as Arkansas Teacher of the Year.
- 5.03 The school district shall be responsible for providing a replacement teacher or restructuring class loads during the school year in which the teacher selected as Arkansas Teacher of the Year is on administrative leave.
- 5.04 Any school district that employs a substitute teacher to replace a teacher of the year shall not be subject to any earning limitations set in place by law or the Arkansas teacher retirement system.

- 5.05 Each school district teacher contract shall reflect the administrative leave provisions for any teacher selected as Arkansas Teacher of the Year.

6.00 DIVISION'S RESPONSIBILITIES

- 6.01 During the school year in which a school district's teacher of the year is on paid administrative leave, the Division shall reimburse the school district for:

- 6.01.1 The teacher's salary and benefits; and

- 6.01.2 Incidental expenses incurred by a teacher of the year as a result of his or her participation in the teacher of the year program.

- 6.01.3 All incidental expenses shall be approved by the Division.

- 6.02 The Division shall be responsible for the reimbursement of any incidental expenses incurred by the Teacher of the Year during the implementation of the program for the current year.

- 6.03 The Division may receive private donations, grants or other forms of assistance to help fund any aspect of the Arkansas Teacher of the Year Program.

7.00 NON-VOTING MEMBER OF THE STATE BOARD OF EDUCATION

- 7.01 While serving as Arkansas Teacher of the Year, the Teacher of the Year also shall serve in an advisory position as a non-voting member to the Arkansas State Board of Education.

- 7.02 The Arkansas Teacher of the Year shall provide a written advisory report to the State Board of Education on how to better provide teacher professional development and student instruction assistance for Arkansas public school teachers.

- 7.03 The Arkansas Teacher of the Year shall not be entitled to any compensation or per-diem for serving as a non-voting member of the State Board.

- 7.04 As a non-voting member of the state board, the Arkansas Teacher of the Year shall be immune from any liability with regard to any act or omission of the State Board.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

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

DIVISION Division of Educator Effectiveness

PERSON COMPLETING THIS STATEMENT Lori Freno, General Counsel

TELEPHONE 501/682-4234 **FAX** 501/682-4249 **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 Arkansas Teacher of the Year Program

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

Total _____

General Revenue N/A
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

\$ 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

\$ 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.