

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

ARKANSAS DEPARTMENT OF EDUCATION-DIVISION OF ELEMENTARY AND
SECONDARY EDUCATION RULES GOVERNING THE ARKANSAS TEACHER
OF THE YEAR PROGRAM
September 11, 2006

1.00 AUTHORITY

- 1.01 ~~This rule shall be known as the Arkansas Department of Education Rule Governing the Arkansas Teacher of the Year Program.~~
- 1.02 The State Board of Education promulgates ~~this Rule~~ these Rules pursuant to the regulatory authority provided in Arkansas Code Ann. Ark. Code Ann. §§ 6-11-105, 6-17-2501 et seq., and 25-11-201 et seq.

2.00 PURPOSE OF RULES

- 2.01 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 ~~“Classroom teacher” is a person who is required to have a valid Arkansas teacher’s license, engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the person’s contracted time and is not a guidance counselor or librarian.~~
- 3.02 ~~3.01~~ “In residence” means working exclusively with the Department of Education Division of Elementary and Secondary Education (“Division”) at a location agreed upon between the Department Division and the Teacher of the Year.
- 3.03 ~~3.02~~ “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 ~~3.03~~ “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. § 6-13-604 et seq.
- 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 ~~Beginning with the 2006-2007 Teacher of the Year Program, the Arkansas~~

~~Department of Education~~ 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 ~~Department of Education~~ 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 ~~Department of Education~~ Division shall reimburse the school district as provided in Ark. Code Ann. § 6-17-2505.

5.00 ~~DISTRICT RESPONSIBILITY~~ 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 simple due to the fact the teacher fulfilled her or his obligations as ~~AR~~ 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 ~~classroom~~ teacher contract shall reflect the administrative leave provisions for any teacher selected as Arkansas Teacher of the Year.

6.00 ~~DEPARTMENT OF EDUCATION RESPONSIBILITY 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 ~~Department of Education~~ 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 ~~Department~~ Division.
- 6.02 The ~~Department of Education~~ 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 ~~Department~~ 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~~ shall 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~~. 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~~. State Board.

Markup Draft

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY Arkansas Department of Education, Division of Elementary and Secondary Education
DIVISION Division of Educator Effectiveness
DIVISION DIRECTOR Karli Scaracini
CONTACT PERSON Lori Freno, General Counsel
ADDRESS Four Capitol Mall, Suite 302A, Little Rock, AR 72201
PHONE NO. 501/682-4234 **FAX NO.** 501/682-4249 **E-MAIL** lori.freno@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Lori Freno
PRESENTER E-MAIL lori.freno@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201**

1. What is the short title of this rule? Rules Governing The Arkansas Teacher of the Year Program

2. What is the subject of the proposed rule? Teacher of the Year Program

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
If yes, please provide the federal rule, regulation, and/or statute citation. _____

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No
If yes, what is the effective date of the emergency rule? N/A

When does the emergency rule expire? N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes

No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. _____

Is this an amendment to an existing rule? Yes No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann. §§ 6-11-105, 6-17-2501 et seq., 25-11-201 et seq., and Act 251 of 2019.

7. What is the purpose of this proposed rule? Why is it necessary? To implement changes made by Act 251 of 2019.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). <http://dese.ade.arkansas.gov/divisions/legal/rules/pending>

9. Will a public hearing be held on this proposed rule? Yes No
If yes, please complete the following:

Date: April 13, 2020

Time: 1:30 p.m.

ADE Auditorium
Four Capitol Mall, Room 201A
Little Rock, AR 72201

Place: Ph: (605) 457-4071; access no. 637586

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

April 20, 2020

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

June 2020

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. See attached

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). See attached

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. Public school districts, public charter schools, organizations representing those entities.

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

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

Total _____

Next Fiscal Year

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.

SUMMARY OF AMENDMENTS

ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING THE ARKANSAS TEACHER OF THE YEAR PROGRAM

These proposed rules incorporate Act 251 of 2019, which expanded eligibility for the Teacher of the Year Program to any licensed educator who is engaged in student contact for more than seventy percent of the educator's contract time. Previously, the law limited eligibility to "classroom" teachers, and expressly barred guidance counselors and library media specialists. The proposed rules also contain editorial changes.