

ARKANSAS REGISTER

Transmittal Sheet

Use only for FINAL and EMERGENCY RULES



Secretary of State
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For Office
Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Education

Department Division of Elementary and Secondary Education

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

Statutory Authority for Promulgating Rules Ark. Code Ann. § 6-17-409

Rule Title: FOR EMERGENCY PROMULGATION: DESE Rules Governing Educator Licensure, Sections 1-2.0, 4-5.0, 4-6.0, and 4-8.0

Intended Effective Date
(Check One)

Date

<input checked="" type="checkbox"/> Emergency (ACA 25-15-204)	Legal Notice Published	<u>N/A</u>
<input type="checkbox"/> 10 Days After Filing (ACA 25-15-204)	Final Date for Public Comment	<u>N/A</u>
<input type="checkbox"/> Other _____ (Must be more than 10 days after filing date.)	Reviewed by Legislatice Council	<u>N/A</u>
	Adopted by State Agency	<u>8/11/22</u>

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

Lori Freno lori.freno@ade.arkansas.gov Aug 12, 2022
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.)

Lori Freno
Signature

501-682-4234 lori.freno@ade.arkansas.gov
Phone Number E-mail Address

General Counsel, Arkansas Department of Education
Title

August 12, 2022
Date

SUMMARY OF RULES AMENDMENTS

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING EDUCATOR LICENSURE (Sections 1-2.0, 4-5.0, 4-6.0, and 4-8.0 only)

FOR EMERGENCY AND PERMANENT PROMULGATION

The proposed amendments would serve a limited, but critical, purpose. They will allow the Division of Elementary and Secondary Education to issue a provisional license for up to three years to an applicant enrolled in an alternative educator preparation program who has not yet passed the state-mandated assessment for the content area in which the applicant seeks to teach. In lieu of having passed the assessment, however, the applicant must either hold a bachelor's degree in the content area in which the applicant seeks to teach, have earned 18 hours of college credits in the content area in which the applicant seeks to teach, or have documented successful, relevant work experience in the content area in which the applicant seeks to teach. This would enable qualified applicants to teach for up to three years while working toward meeting all requirements of obtaining a standard license. This framework is permitted by Ark. Code Ann. § 6-17-409(d), which provides that the State Board *may* require passage of the content-area assessment for a provisional license but does not make it mandatory.

The State of Arkansas currently is suffering from a severe teacher shortage, which creates an imminent peril to the welfare of the State and its public school students. Consequently, the Division seeks to promulgate these amendments as emergency rules pursuant to Ark. Code Ann. § 25-15-204(c). The Division also will simultaneously promulgate the amendments through the permanent rulemaking process.

**DIVISION OF ELEMNTARY AND SECONDARY EDUCATION RULES GOVERNING
EDUCATOR LICENSURE**

Effective ~~June 2, 2022~~_____

1-2.0 DEFINITIONS

For the purposes of these Rules:

1-2.01 **“Accredited College or University”** means an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

1-2.02 **“Accredited School Psychology program”** means a program of study for school psychology that is offered by an accredited college or university, and the program is:

1-2.02.1 Nationally accredited in school psychology by the Commission on Accreditation of the American Psychological Association; or

1-2.02.2 Approved by the National Association of School Psychologists (NASP) or

1-2.02.3 Nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

1-2.03 **“Accredited Speech-Language Pathology Program”** means a speech-language pathology program that is offered by an accredited college or university, and the program is:

1-2.03.1 Nationally accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association; or

1-2.03.2 Nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

1-2.04 **“Accredited Approved Educator Preparation Program”** means an educator preparation program that is:

1-2.04.1 Accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation; and

- 1-2.04.2 Approved by the licensing authority of a state government.
- 1-2.05 **“Additional Licensure Plan (ALP)”** means a plan approved by the Office of Educator Licensure that allows an individual holding a Standard License or Provisional License (by reciprocity only) to accept employment or assignment in an out-of-area position, prior to completion of the requirements for the required endorsement, licensure content area, or level of licensure, for no more than six (6) consecutive semesters.
- 1-2.06 **“Administrator License”** means an endorsement to a standard five (5)-year renewable license, issued by the State Board, which allows the license holder to serve as an administrator in an educational entity.
- 1-2.07 **“Administrator Licensure Completion Plan (ALCP)”** means a plan approved by the Office of Educator Licensure that allows an individual holding a Standard License to accept employment as an administrator, prior to completion of the requirements for an Administrator License, for no more than six (6) consecutive semesters.
- 1.2.08 **“Alternate Assessment Plan (AAP)”** means a plan submitted by a building or district level administrator approved by the Office of Educator Licensure on behalf of an applicant for a standard license in a first time licensure area (See Appendix A) who has not demonstrated competency in their subject matter content with a passing score on a State Board approved content area assessment.
- 1-2.09 **“Alternative Educator Preparation Program”** means a program of study approved by the Division for candidates who have a bachelor’s degree and are preparing for licensure as teachers and leaders in public schools in this state.
- 1-2.10 **“Ancillary License”** means a five (5)-year renewable license, issued by the State Board, that does not require prior classroom teaching experience, and which allows the license holder to practice in Arkansas public schools in a licensure area identified on Appendix A, excluding an administrator’s endorsement.
- 1-2.11 **“Approved Professional Development”** means the continuing learning experiences for educators that meet the standards and focus areas under the Division’s Rules Governing Professional Development.
- 1-2.12 **“Approved Program for Educator Preparation”** means an educator preparation program that is approved by the Division of Elementary and Secondary Education to prepare candidates for a license issued by the State Board of Education.
- 1 -2.13 **“ArkansasIDEAS”** means Internet Delivered Education for Arkansas Schools, a partnership between the Division and the Arkansas Educational Television Network (AETN) to provide through the AETN access to high-quality, online

professional development for Arkansas licensed educators.

1-2.14 “**Arkansas Professional Educator Preparation Program (ArPEP)**” means the alternative educator preparation program administered by the Division, whose participants hold a minimum of a baccalaureate degree ~~(and have passed the appropriate state-mandated assessments)~~ and are allowed to teach with a Provisional License. The program requirements consist of two (2) years of teaching and instructional modules, which must be completed within three (3) years.

1-2.15 “**Building-Level Administrator**” means a principal, assistant principal, or vice principal in an educational entity.

1-2.16 “**Candidate**” means an individual who has been admitted into an educator licensure program.

1-2.17 “**Charter School**” includes an open-enrollment public charter school, conversion public charter school, or other type of public charter school authorized under Arkansas law.

1-2.18 “**Clinical experiences**” means the activities for candidates in educator preparation programs that allow early and ongoing practice opportunities to apply content and pedagogical knowledge, such as observations, tutoring, assisting teachers and administrators, and practicums.

1-2.19 “**Clinical Internship**” means a culminating clinical practice experience that can be of varying duration but no less than 15 weeks. The clinical internship takes place in an authentic educational setting where teacher candidates engage in the pedagogical work of the profession of teaching, closely integrated with educator preparation instruction and supported by a formal school-educator preparation partnership. Placements must reflect the subject area and grade level of the license being sought.

1-2.20 “**Core Academic Subject Areas**” means the following areas approved by the State Board:

Elementary Education (K-6);
English Language Arts;
Mathematics;
Science;
Social Studies;
Art;
Music; and
Foreign Language

1-2.21 “**District-Level Administrator**” means a superintendent, assistant/associate superintendent, or deputy superintendent.

- 1-2.22 **“Division”** means the Arkansas Department of Education Division of Elementary and Secondary Education.
- 1.2.23 **“Division recognized external micro-credential”** means a single or a stacked micro-credential that meets the following criteria:
- 1-2.23.1 Is developed by a state, regional, or national educational organization;
 - 1-2.23.2 Is based on peer-reviewed education research;
 - 1-2.23.3 Utilizes national standards or competencies;
 - 1-2.23.4 Contains rigorous requirements for research, performance (including submission of artifacts), and self-reflection.
- 1-2.24 **“Educational Entity”** means a public school district, a charter school, an education service cooperative, or other public entity that is assigned a local education agency number by the Division.
- 1-2.25 **“Educator”** means any individual holding a license issued by the State Board, specifically including, without limitation, teachers, administrators, library media specialists, and counselors.
- 1-2.25.1 “Educator” also includes a nonlicensed person employed under the educational entity’s waiver of licensure.
- 1-2.26 **“Educator preparation program”** means a planned sequence of academic courses and experiences leading to a recommendation for licensure by the State Board.
- 1-2.27 **“Educator Preparation Program Completer”** means a person who has completed all coursework/modules and program requirements of a state approved program of study.
- 1-2.28 **“Effective Leader”** has the meaning given that term in the state’s plan adopted under the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95.
- 1-2.29 **“Effective Teacher”** has the meaning given that term in the state’s plan adopted under the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95.
- 1-2.30 **“Endorsement”** means any licensure area or licensure level that may be added only to an existing Standard License.
- 1-2.31 **“Exception area endorsement”** means an endorsement that is not available by testing out.

1-2.32 **“Good Standing”** means, for the purpose of reciprocity, that:

1-2.32.1 There are no ethics proceedings or proceedings on criminal offenses for which the license would be subject to sanctions in Arkansas pending against a licensee;

1-2.32.2 The licensee has not been sanctioned for an ethics violation or criminal offense for which the license would be subject to sanction in Arkansas during the three (3) most recent years of teaching experience, if any; and

1-2.32.3 The license has not been revoked by or is not currently under suspension in the licensing state or country based on an offense for which the license would be subject to sanction in Arkansas.

1-2.33 **“Level of Licensure”** or **“Licensure Level”** means the grade/age level parameter of the educator license as identified in Appendix A, Areas and Levels of Licensure.

1-2.34 **“Licensure Content Area”** means a particular content field as recognized by the State Board. Licensure content areas are listed in Appendix A, Areas and Levels of Licensure.

1-2.35 **“Licensed teaching experience”** means teaching in a K-12 public or private school while holding a standard or provisional teaching license, or the equivalent if the applicant is seeking licensure reciprocity. Teaching experience under a licensure exception does not count as licensed teaching experience;

1-2.36 **“Licensure exception”** is an exception (formerly a ‘waiver’) from the legal requirement that a position at an educational entity must be filled by a person holding the appropriate license issued by the State Board. Licensure exceptions approved by the State Board are identified in Chapter 7 of these rules.

1-2.37 **“Micro-credential”** means a form of certification earned through demonstrating competency/mastery in a specific skill or set of skills.

1-2.38 **“Out-of-Area Position”** means a licensed position requiring a particular license, endorsement, licensure content area, or level of licensure that the employee filling the position does not currently hold.

1-2.39 **“Passing Score”** for a state-mandated assessment for licensure means the cut score on the assessment approved by the State Board.

1-2.39.1 A passing score on a licensure assessment approved by the State Board before the currently approved version of an assessment will be accepted for five (5) years after the date the State Board discontinued or replaced the assessment provided the passing score was achieved before the date the assessment was discontinued or

replaced.

1-2.40 “**Preservice Teacher**” means an unlicensed person who is enrolled as a student in an educator preparation program approved by the Division.

1-2.41 “**Primary partnership**” means a partnership that meets all the requirements of a state-recognized partnership while also requiring established and explicit processes for identifying and responding to educational entities areas of need(e.g., ESL or Special Education teachers); collaborative development of candidate selection criteria; collaborative design of high-quality, need-based clinical experiences; and collaborative implementation of high-quality clinical experiences with engagement of both partners throughout the partnership.

1-2.42“**Private Credential Evaluation Agency**” means an independent agency approved by the Division that:

1-2.42.1 Is located in the United States; and

1-2.42.2 Provides an educational background assessment that:

1-2.42.2.1 Contains a course-by-course evaluation of the applicant’s transcript;

1-2.42.2.2 Indicates the applicant’s major area of study and documents the candidate’s cumulative grade point average;

1-2.42.2.3 Documents whether the applicant’s out-of-country degree is equivalent to one that would have been completed at an accredited college or university in the United States;

1-2.42.2.4 Documents whether the out-of-country professional preparation program is equivalent to one that would have been completed at an approved educator preparation program or accredited speech-language pathology or school psychology program;

1-2.42.2.5 Indicates the areas of licensure represented by the out-of-country license; and

1-2.42.2.6 Documents which areas of licensure on the out-of-country license are equivalent to the areas of licensure approved by the State Board.

1-2.43 “**Professional Development**” means a coordinated set of planned, learning development activities for teachers that are based on research, are standards-based and that meet the focus areas for professional development required by

the Division.

1.2.44 “**Program Administrator**” means a school leader who is responsible for program development and administration, and who may be responsible for employment evaluation decisions, in content areas approved by the State Board

1-2.45 “**Program of Study**” means a curriculum that requires a candidate to demonstrate and document competency in the specific knowledge, skills, and dispositions for a particular endorsement to an educator’s license, a licensure content area, or level of licensure, and is:

1-2.45.1 Provided by one (1) or more accredited colleges or universities, or an alternative educator preparation program;

1-2.45.2 Aligned with Arkansas Teaching Standards and the appropriate content knowledge and pedagogical competencies for the respective licensure areas; and

1-2.45.3 Approved by the Division.

1-2.46 “**Provisional License**” means a temporary license issued by the State Board that allows the license holder to teach or work in Arkansas schools.

1-2.47 “**Reciprocity**” means the recognition of a teaching license from another state or country based on these Rules or the terms of the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement for Educator Licensure.

1-2.48 “**Secondary Partnership**” means a partnership that meets all the requirements of a state-recognized partnership with educational entities or accredited private schools with which they do not have a primary partnership, but where enrolled candidates are placed for clinical experiences.

1-2.49 “**Semester**” means the fall or spring of an academic year. If an educational entity uses a different method of academic year scheduling (such as a twelve-month academic year), the Division and the educational entity will identify a semester equivalent.

1-2.50 “**SPED 101 Academy**” means a three (3) credit hour course developed by institutions of higher education based on competencies developed in collaboration with the Division Educator Preparation Unit, Special Education Unit, and public school districts, public charter schools, and education service cooperatives.

1-2.51 “**Stacked micro-credential**” means a series of micro-credentials, each of which builds upon a previous micro-credential in the series;

1-2.52 “**Standard License**” means a five-year renewable license, issued by the State

Board, where a recipient has demonstrated content knowledge and understanding of pedagogical practice required to perform professional education services for the licensure content area and licensure level specified on the license.

1-2.53“**Standard License Equivalent**” means a current, unrestricted, non-probationary, non-provisional teaching license that allows an individual to work as a teacher, administrator, counselor, or library media specialist in another state’s public schools and is in good standing with the licensing state.

1-2.54“**State Board**” means the Division of Elementary and Secondary State Board of Education.

1-2.55 “**State-Recognized Partnership**” means a partnership that establishes the roles and responsibilities of educator preparation faculty educational entities or accredited private schools, including clinical educators and supervisors, and establishes clear expectations regarding the delivery of candidate support and evaluation.

1-2.56“**Successful completion of background checks**” means that the individual cleared both the state and federal criminal history checks and cleared the Child Maltreatment Central Registry check as provided under the DESE Rules Governing Background Checks.

1-2. 57“**Teacher of Record**” means an individual (or individuals in co-teaching assignments) who has been assigned the lead responsibility for a student’s learning in a subject/course with aligned performance measures.

4-5.0 APPLICATION FOR A PROVISIONAL LICENSE – ALTERNATIVE EDUCATOR PREPARATION PROGRAM APPLICANTS

4-5.01 The Division shall issue a Provisional License for up to three (3) years to an applicant who is enrolled in an alternative educator preparation program that is approved by the Division upon submission of the following:

4-5.01.1 A completed application form for the Provisional License, verified by the educator preparation program;

4-5.01.2 Official transcript(s) documenting an awarded four-year college bachelor's degree or higher from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

4-5.01.2.1 For out-of-country candidates, an official college transcript evaluation from a private credential evaluation agency recognized by the Division;

4-5.01.3 An official score report evidencing passing scores on the state-required assessment for the licensure content area in which the applicant seeks to teach; or

4-5.01.3.1 If an applicant did not receive a passing score, an official score report evidencing the score received, in addition to evidence that the applicant has obtained:

4-5.01.3.1.1 A degree in the content area in which the applicant seeks to teach; or

4-5.01.3.1.2 Eighteen (18) college credit hours in the content area in which the applicant seeks to teach; or

4-5.01.3.1.3 Documented successful, relevant work experience in the content area in which the applicant seeks to teach.

4-5.01.3.2 An applicant may also be eligible for the Alternate Assessment Plan as referenced in section 4-2.01.3.2.

4-5.01.4 An offer of employment in a position as a teacher of record at an educational entity or approved accredited private school in

Arkansas teaching a minimum of three (3) hours per day in the appropriate licensure area(s);

4-5.01.5 Documentation of the completion of the following professional development through the ArkansasIDEAS Portal:

4-5.01.5.1 Family and Community Engagement;

4-5.01.5.2 Child maltreatment training;

4-5.01.5.3 Teen suicide awareness and prevention;

4-5.01.5.4 Bullying prevention;

4-5.01.5.5 Human trafficking awareness; and

4-5.01.5.6 Code of Ethics.

4-5.01.6 Documentation of the successful completion of professional educator ethics training that meets the guidelines established by the Professional Licensure Standards Board.

4-5.01.6.1 The Division may deny a provisional license to an applicant who has been determined to have an ethics violation under the Division's Rules Governing the Code of Ethics for Arkansas Educators.

4-5.01.7 Before a candidate may enter a public school classroom, evidence that the applicant successfully completed the background checks required under the Division's Rules Governing Background Checks.

4-5.01.8 An applicant enrolled in a master's degree in teaching program (MAT, M.Ed., or MTELL) in Special Education shall document successful completion of the following before a Provisional License may be issued:

4-5.01.8.1 SPED 101 Academy or course aligned to the SPED 101 educator competencies;

4-5.01.8.2 Three (3) credit hours in special education; and

4-5.01.8.3 The appropriate content area assessments for special education.

4-5.02 A Provisional License under this Section 4-5.0 is issued to a participant in one (1) licensure content area based upon the areas and levels of teaching assignment has been approved by the State Board, except as follows:

4-5.02.1 A Middle Childhood (4-8) participant may license in one (1) or more of the four (4) middle childhood licensure content areas of math, science, social studies, and language arts, and may have one (1) or more endorsements at (K-12) or (4-8).

4-5.02.2 A Secondary (7-12) participant must successfully complete one (1) secondary licensure content area and may have one (1) endorsement; (7-12), (K-12), or (4-12) level.

4-5.02.3 A participant must have a teaching assignment in each licensure content area of the Provisional License;

4-5.03 The Division may extend the Provisional License for one (1) additional year for extenuating circumstances, as approved by the State Board, but in no event shall a Provisional License be issued for more than three (3) years.

4-5.04 The Provisional License may be converted to a Standard License upon completion of the remaining requirements for a Standard License.

4-5.04.1 An applicant who has completed the American Board for Certification of Teacher Excellence (ABCTE) program shall provide a recommendation for a Standard License from the applicant's superintendent.

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4-6.0 APPLICATION FOR A PROVISIONAL LICENSE –PROFESSIONAL PROVISIONAL TEACHING LICENSE (PPTL) PATHWAY APPLICANTS

4-6.01 The Division shall issue a Provisional License for three (3) years to an applicant who is seeking licensure through the Professional Provisional Teaching License pathway upon submission of the following:

- 4-6.01.1 A completed application form for the Provisional License;
- 4-6.01.2 Official transcript(s) documenting an awarded four-year college bachelor's degree or higher from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.
 - 4-6.01.2.1 For out-of-country candidates, an official college transcript evaluation from a private credential evaluation agency recognized by the Division.
- 4-6.01.3 An official score report evidencing passing scores on the state-required assessment for the licensure content area in which the applicant seeks to teach; or
 - 4-6.01.3.1 If an applicant did not receive a passing score, an official score report evidencing the score received, in addition to evidence that the applicant has obtained:
 - 4-6.01.3.1.1 A degree in the content area in which the applicant seeks to teach;
or
 - 4-6.01.3.1.2 Eighteen (18) college credit hours in the content area in which the applicant seeks to teach; or
 - 4-6.01.3.1.3 Documented successful, relevant work experience in the content area in which the applicant seeks to teach.
 - 4-6.01.3.2 An applicant may also be eligible for the Alternate Assessment Plan as referenced in section 4-2.01.3.2.
- 4-6.01.4 Evidence that the applicant has successfully completed background checks required under the Division's Rules Governing Background Checks;

- 4-6.01.5 Documentation of the completion of the following professional development through the ArkansasIDEAS Portal:
 - 4-6.01.5.1 Family and Community Engagement;
 - 4-6.01.5.2 Child maltreatment training;
 - 4-6.01.5.3 Teen Suicide awareness and prevention
 - 4-6.01.5.4 Bullying prevention;
 - 4-6.01.5.5 Human trafficking awareness and
 - 4-6.01.5.6 Code of Ethics.
- 4-6.01.6 Verification of a minimum of three (3) years of working experience in the licensure content area of the class to be taught;
- 4-6.01.7 Verification of an offer of employment to teach classes in an Arkansas educational entity in any first-time license content area for a standard license, as identified on Appendix A, except for Special Education, Elementary Education (K-6), and Guidance and Counseling;
- 4-6.01.8 One (1) letter of justification from the applicant expressing the relevance of the applicant's credentials to teach the subject in question; and
- 4-6.01.9 Two (2) professional letters of recommendation submitted by references to the Division.
- 4-6.02 The Provisional License will be issued for each licensure content area the applicant is assigned to teach, as verified by the applicant's superintendent.
- 4-6.03 The applicant shall complete twelve (12) hours each year of the Provisional License of training in pedagogy through ArkansasIDEAS as determined by the Division.
 - 4-6.04.1 The hours of training in pedagogy are in addition to and not considered a part of the annual professional development requirement.
- 4-6.05 The Provisional License may be converted to a Standard License upon completion of the requirements for a Standard License and with a recommendation from the superintendent of the employing school district.

**4-8.0 APPLICATION FOR A PROVISIONAL LICENSE – ARKANSAS
PROFESSIONAL EDUCATOR PREPARATION(ArPEP) APPLICANTS**

4-8.01 The Division shall issue a Provisional License for up to three (3) years to an applicant who is seeking licensure through the Arkansas Professional Pathway to Educator Licensure (ArPEP) program upon submission of the following:

4-8.01.1 A completed application form for the Provisional License, verified by the ArPEP program;

4-8.01.2 Official transcript(s) documenting an awarded four-year college bachelor's degree or higher from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

4-8.01.2.1 For out-of-country candidates, an official college transcript evaluation from a private credential evaluation agency recognized by the Division;

4-8.01.3 An official score report evidencing passing scores on the state-required assessment for the licensure content area in which the applicant seeks to teach; or

4-8.01.3.1 If an applicant did not receive a passing score, an official score report evidencing the score received, in addition to evidence that the applicant has obtained:

4-8.01.3.1.1 A degree in the content area in which the applicant seeks to teach; or

4-8.01.3.1.2 Eighteen (18) college credit hours in the content area in which the applicant seeks to teach; or

4-8.01.3.1.3 Documented successful, relevant work experience in the content area in which the applicant seeks to teach.

4-8.01.3.2 An applicant may also be eligible for the Alternate Assessment Plan as referenced in section 4-2.01.3.2.

4-8.01.4 Evidence that the applicant has successfully completed the required background checks under the Division's Rules Governing

Background Checks;

- 4-8.01.5 Verification of an offer of employment to teach classes in an Arkansas educational entity, or accredited private school, in a licensure content area identified by the ArPEP program; and
- 4-8.01.6 Documentation of the completion of the following professional development through the ArkansasIDEAS Portal:
 - 4-8.01.6.1 Family and Community Engagement;
 - 4-8.01.6.2 Child maltreatment training;
 - 4-8.01.6.3 Teen suicide awareness and prevention;
 - 4-8.01.6.4 Bullying prevention;
 - 4-8.01.6.5 Human trafficking awareness; and
 - 4-8.01.6.6 Code of Ethics.
- 4-8.02 An applicant enrolled in the ArPEP program shall adhere to and abide by all the policies and procedures as outlined in the published ArPEP Program Handbook for the year of admission.
- 4-8.03 The Division may rescind the Provisional License for the licensee's failure to abide by ArPEP policies and procedures or for the failure to meet any of the requirements for the Provisional License.
- 4-8.04 The Division may refuse to admit for enrollment in the ArPEP program a person who has been dismissed from an educator preparation program at an institution of higher education.

Emergency Clause

Whereas, the State of Arkansas currently is suffering from a severe teacher shortage; and

Whereas, the emergency promulgation of Sections 1-2.0, 4-5.0, 4-6.0, and 4-8.0 of the Division of Elementary and Secondary Education Rules Governing Educator Licensure would increase equitable access to effective teachers to Arkansas students, thus enhancing learning opportunities, by enabling qualified applicants who are enrolled in an alternative educator preparation program but who have not yet passed the state-mandated assessment to obtain a provisional teaching license for up to three years.

THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that immediate peril to the welfare of the State and its public school students will result without emergency promulgation of Sections 1-2.0, 4-5.0, 4-6.0, and 4-8.0 of these Rules.

QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY _____
DIVISION _____
DIVISION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ FAX NO. _____ E-MAIL _____
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PRESENTER E-MAIL _____

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. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
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?

- 2. What is the subject of the proposed rule?

- 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? _____

When does the emergency rule expire? _____

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 rule.

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.

7. What is the purpose of this proposed rule? Why is it necessary?

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).

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

Date: _____

Time: _____

Place: _____

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

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

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. _____

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

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.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ FAX NO. _____ EMAIL: _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

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;

- b) The reason for adoption of the more costly rule;

- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

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 _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

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

Next Fiscal Year

\$ _____

\$ _____

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

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.