

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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**ARKANSAS DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND
SECONDARY EDUCATION**

RULES GOVERNING PROFESSIONAL DEVELOPMENT

February 2016 November 1, 2023

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1.00 Regulatory Authority

- 1.01 These Rules shall be known as the Arkansas Department of Education, Division Of Elementary And Secondary Education Rules Governing Professional Development.
- 1.02 Arkansas law requires the following professional development be provided for educators:
- 1.02.1 ~~School districts~~ A public school district or open-enrollment public charter school shall provide no less than six (6) professional development days in the basic contract for educators under Ark. Code Ann. § 6-17-2402;
- 1.02.2 ~~Higher~~ Institutions of higher education shall provide professional development within teacher preparation programs on:
- 1.02.2.1 Child maltreatment, under Ark. Code Ann. § 6-61-133; and
- 1.02.2.2 Dyslexia, under Ark. Code Ann. § 6-41-609.

1.02.2.3 Code of Ethics, under Ark. Code Ann. § 6-17-428.

- 1.03 The State Board of Education (~~SBE~~) enacts these Rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-10-122, 6-10-123, 6-11-105, 6-15-1004, 6-15-1703, 6-17-701 et seq., 6-17-402, 6-20-2204, 6-20-2305, 6-41-609, 6-61-133, 25-15-201 et seq., and Acts 44 and 1090 of 2015.

2.00 Purposes

- 2.01 It is the purpose of these Rules to develop a high quality professional development system for all educators.
- 2.02 The purpose of professional development is to improve knowledge and skills in order to facilitate individual, team, school-wide, and district-wide improvement designed to ensure that all students demonstrate proficiency on the state academic standards.

3.00 Definitions

~~3.01 “ADE” means the Arkansas Department of Education.~~

~~3.02~~ 3.01 **“Approved Professional Development Provider”** –means any organization or individual that provides content for professional development ~~credit~~, whether delivered in a face-to-face or electronic mode of delivery, whose content has been approved by ~~the ADE~~ the Division of Elementary and Secondary Education to meet ~~the annual~~ professional development ~~credit~~ requirements for school employees imposed upon educators by Arkansas Statutes and ADE Rules.

~~3.02.1~~ 3.01.1 The following entities and agencies are not required to obtain approval as an Approved Professional Development Provider:

~~3.02.1.1~~ 3.01.1.1 An Arkansas public school district that provides a professional development program solely to its own personnel;

~~3.02.1.2~~ 3.01.1.2 An ~~Education Cooperative~~ education service cooperative that provides professional development to ~~districts/schools~~ public school districts, public schools, or both;
and

~~3.02.1.3~~ 3.01.1.3 The Arkansas Department of Education;

~~3.02.1.4~~ The Arkansas Department of Career Education; and

~~3.02.1.5~~ The Arkansas Department of Human Services Division of Child Care and Early Childhood Education.

~~3.03~~ 3.02 **“ArkansasIDEAS”** — ~~is Internet Delivered Education for Arkansas Schools,~~ means a partnership between ~~the ADE~~ 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.

~~3.04~~ — **Arkansas Comprehensive School Improvement Plan (ACSIP)** — ~~a plan developed by a local school team based on an analysis of student performance data and other relevant data that provides a plan of action to address deficiencies in student performance and any academic achievement gap as evidenced in the Arkansas Comprehensive Assessment Program as defined in ADE rules.~~

~~3.05~~ 3.03 **“Educator”** — means any individual holding a license issued by the State Board of Education, ~~specifically including without limitation teachers, administrators, library media specialists, and counselors or any individual employed under a waiver of teacher licensure under Arkansas Code §§ 6-23-101 et seq. Arkansas Code § 6-15-2801 et seq. Arkansas Code § 6-15-103, or the Standards for Accreditation for Arkansas Public Schools, including without limitation teachers, administrators, library media specialists, and counselors.~~

~~3.06~~ — **Illness** — ~~means disorder of health of an educator or an educator’s immediate family.~~

~~3.07~~ — **Immediate family** — ~~means the educator’s:~~

~~3.07.1 Spouse;~~

~~3.07.2 Child;~~

~~3.07.3 Parent; or~~

~~3.07.4 Any other relative if the other relative lives in the same household as the educator;~~

~~3.08~~ 3.04 **“LEADS”** — means the Leader Excellence and Development System under Arkansas Code § 6-17-2806.

~~3.09~~ — **Learning Teams** — ~~a group of educators who meet regularly as a team to identify essential and valued student learning, develop common formative assessments, analyze current levels of achievement, set achievement goals, share strategies, and then create lessons to improve upon those levels.~~

~~3.10~~ 3.05 **“Mentoring/coaching”** — means actions of support and focused feedback designed to increase the capacity for growth of instructional skills and effectiveness of colleagues.

3.06 “Microcredential” means personalized, job-embedded, competency-based professional development that leads to professional learning credit, designation, or microcredential badges or any combination of the three.

3.07 “Professional development” means a set of coordinated planned learning activities for teachers, administrators, and nonlicensed school employees that:

3.07.1 Is required by statute or by the division; or

3.07.2 Meets the following criteria:

3.07.2.1 Is part of the professional development hours or professional learning credits, as determined by the division, required by law or by the division;

3.07.2.2 Improves the knowledge, skills, and effectiveness of teachers;

3.07.2.3 Improves the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies, methods, and skills;

3.07.2.4 Leads to improved student academic achievement; and

3.07.2.5 Is research-based and standards-based.

3.07.3 May incorporate educational technology as a component of the professional development, including without limitation taking or teaching an online or blended course; and

3.07.4 May provide educators with knowledge and skills needed to teach:

3.07.4.1 Students with intellectual disabilities, including without limitation Autism Spectrum Disorder;

3.07.4.2 Students with specific learning disorders, including without limitation dyslexia;

3.07.4.3 Culturally and linguistically diverse students; and

3.07.4.4 Gifted students.

~~3.11-3.08~~ **“Professional Development Day development day”** —means either six (6) hours of professional development or one professional learning credit equals ~~one (1) professional development day.~~

3.09 “Professional development hour” means a traditional delivery-based method of professional development.

~~3.12~~ 3.10 **“Professional Development Plan development plan”** —~~means a plan that outlines the professional development program of activities for a district, school, a public school district or open-enrollment charter school or an educator that is based on student data and is aligned to the ACSIP, and incorporates an educator’s professional growth plan.~~

~~3.13~~ 3.11 **“Professional Development Program (“Program”) development program”** —means a course of instruction intended to provide content that fulfills the requirement for professional development credit for educators.

~~3.14~~ 3.12 **“Professional Growth Plan-growth plan”** —is means an educator’s plan for professional growth that:

~~3.14.1~~ 3.12.1 Identifies professional learning outcomes to advance the educator’s professional skills; and

~~3.14.2~~ 3.12.2 Clearly links professional development activities and the educator’s individual professional learning needs identified through TESS or LEADS.

3.13 **“Professional learning credit”** means a method of professional development that may have a nontraditional format such as a micro-credentialing process approved by the department.

~~3.15~~ 3.14 **“Study Groups-group”** —~~means~~ a group of educators who meet to learn, implement, and reflect on research-based techniques in a focus area(s). Members read and discuss current research, examine and reflect on effective instruction, or examine student work.

~~3.16~~ 3.15 **“TESS”**— means the Teacher Excellence and Support System in Arkansas Code 6-17-2801 et seq.

4.00 Professional Development Generally

~~4.01~~ Professional development is a set of coordinated planned learning activities for educators that:

~~4.01.1~~ Improves the knowledge, skills, and effectiveness of teachers, including the ability to apply what is learned;

~~4.01.2 Improves the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies, methods, and skills, including the ability to apply what is learned;~~

~~4.01.3 Leads to improved student academic achievement;~~

~~4.01.4 Is research-based and standards-based;~~

~~4.01.5 May incorporate educational technology as a component of the professional development, including without limitation taking or teaching an online or blended course; and~~

~~4.01.6 May provide educators with knowledge and skills needed to teach:~~

~~4.01.6.1 Students with intellectual disabilities, including without limitation Autism Spectrum Disorder;~~

~~4.01.6.2 Students with specific learning disorders, including without limitation dyslexia;~~

~~4.01.6.3 Culturally and linguistically diverse students; and~~

~~4.01.6.4 Gifted students.~~

4.01 To renew an educator license, a teacher shall participate in continuing education and professional development:

4.01.1 Based on the teacher's evaluation and professional growth plan under the Teacher Excellence and Support System, Arkansas Code § 6-17-2801 et seq.;

4.01.2 As required under Arkansas Code § 6-17-701 et seq.;

4.01.3 As part of a basic contract under Arkansas Code § 6-17-2402; and

4.01.4 As required by these rules.

4.02 To renew an expired educator license, the educator shall complete professional development:

4.02.1 Required for licensure under the professional development schedule in Arkansas Code § 6-17-709;

4.02.2 On the educator Code of Ethics, under Ark. Code Ann. § 6-17-428;

4.02.3 Required to obtain credentials for proficiency or awareness of the science of reading, as applicable under the Right to Read Act, Arkansas Code § 6-17-429, if those credentials are not already documented in the Arkansas Educator Licensing System.

- 4.02 ~~The annual professional~~ Professional development requirement must be fulfilled earned between July 1 and June 30 unless the employing ~~school district public school district or open-enrollment charter school~~ approves and documents the professional development year as between June 1 and May 31.
- 4.03 ~~Approved professional development activities that~~ Professional development ~~occur~~ earned during the instructional day or outside the educator's ~~annual~~ contract days may apply toward ~~the annual minimum required~~ professional development requirement.
- ~~4.04 Any educator who misses any part of regularly scheduled professional development activities for any reason (such as illness) must make up that time in other approved professional development activities so that the hours of professional development required annually are earned during the approved time frame required under Section 4.02 of these Rules, except as provided below:~~
- ~~4.04.1 If the educator is absent because of illness of the educator or the educator's immediate family, the educator shall be allowed to make up the hours missed during the remainder of the current school year or succeeding school year.~~
- ~~4.04.2 An educator shall complete any missed hours of professional development through professional development that is:~~
- ~~4.04.2.1 Substantially similar to the professional development missed and approved by the person responsible for the educator's summative evaluation; and~~
- ~~4.04.2.2 Delivered by any method, online or otherwise, approved by ADE under these Rules.~~
- 4.05 Any educator who provides ~~approved~~ professional development approved by the division may count two (2) hours professional development credit for each one (1) hour of time spent in presenting professional development content, if approved by the educator's public school district or open-enrollment public charter school.
- 4.06 ~~College Courses~~

~~4.06.1~~ Five (5) hours of credit for professional development shall be given for each one (1) hour of college credit for a graduate-level course, ~~if the college credit:~~

~~4.06.1.1~~ Is related to and enhances the educator's knowledge of the subject area in which the educator is currently employed and is related to the educator's professional growth plan;

~~4.06.1.2~~ Is part of the requirement for the educator to obtain additional certification in a subject matter that has been designated by the ADE as having a critical shortage of educators; or

~~4.06.1.3~~ Is otherwise approved by the ADE as a graduate level course eligible for professional development credit.

~~4.06.2~~ Professional development obtained under Section 4.06.1 may be allocated as follows:

~~4.06.2.1~~ Up to fifteen (15) hours may be credited to the professional development requirements for licensure; and

~~4.06.2.2~~ Hours obtained in excess of fifteen (15) may be credited to any remaining requirements for professional development generally, if approved by the school district in a professional development plan.

~~4.06.3~~ 4.07 The allocation of professional development credit obtained under Section ~~4.06.1~~ 4.06 shall be approved by the:

~~4.06.3.1~~ 4.07.1 ~~School district or public charter school~~ A public school district or open-enrollment public charter school employing the teacher; or

~~4.06.3.2~~ 4.07.2 ~~Department~~ Division of Elementary and Secondary Education, if the educator is not employed by a ~~school district or public charter school~~ a public school district or open-enrollment public charter school.

~~4.06.4~~ Graduate level courses in educational leadership are eligible for professional development credit based on approval by the ADE. The focus of the course must specifically relate to the job assignment as approved by the employing educational agency.

~~4.07~~ An educator may earn up to twelve (12) hours of professional development credit approved by the school or school district, which may be applied toward the professional development requirement for the time period at the beginning of each

~~school year that is used to plan and prepare curriculum or develop other instructional material. Educators shall be entitled to one (1) hour of professional development credit for each hour of approved preparation under this section, provided the educator spends the time:~~

~~4.07.1 In his/her instructional classroom, office or media center at the public school;~~

~~4.07.2 Prior to the first student teacher interaction day of the school year; and~~

~~4.07.3 4.10.3 In the focus areas listed in Section 8.02 of these Rules, and may include but is not limited to time spent in the following areas:~~

~~4.07.3.1 Grade level and/or vertical team planning to integrate subject areas;~~

~~4.07.3.2 Team work to analyze student data;~~

~~4.07.3.3 Team work to develop academic improvement plans (AIP) or individual educational programs (IEP);~~

~~4.07.3.4 Developing and/or revising curriculum, including student-centered units and assessments aligned to state curriculum frameworks;~~

~~4.07.3.5 Professional book studies;~~

~~4.07.3.6 Developing intervention strategies to support remediation and/or acceleration;~~

~~4.07.3.7 Developing and/or revising the Arkansas Comprehensive School Improvement Plan (ACSIP);~~

~~4.07.3.8 Pursuing study as noted in an educator's professional growth plan;~~

~~4.07.3.9 ArkansasIDEAS on-line professional development related to ACSIP or the educator's professional growth plan.~~

~~4.07.3.9.1 An educator who obtains professional development from ArkansasIDEAS for the purpose of this subsection 4.07.3.9 may also use ArkansasIDEAS to obtain other professional development under these Rules.~~

~~4.07.8~~ No professional development credit shall be given for activities under Section 4.07 of these Rules unless those activities meet the criteria and standard requirements under Sections 8.01 and 8.02 of these Rules. Specific activities which do not qualify include without limitation:

~~4.07.8.1~~ Making and putting up bulletin boards;

~~4.07.8.2~~ Clerical work associated with documents such as ACSIP, AIP and IEPs; and

~~4.07.8.3~~ Administrative faculty or team administrative meetings.

~~4.08~~ 4.08 Educators may count up to two (2) professional development days for attendance at instructional professional development sessions conducted by bona fide professional organizations and approved by ~~ADE~~ the division under A.C.A. § 6-17-702.

~~4.09~~ 4.09 Nothing in this Section 4 shall prevent or restrict ~~a school district~~ a public school district or open-enrollment public charter school from requiring additional in-service training.

~~5.0~~ Minimum Annual Requirements

~~5.01~~ Each educator shall obtain thirty six (36) hours of professional development annually for renewal of an educator's license.

~~5.02~~ The thirty six (36) professional development hours under this section shall include, at a minimum:

~~5.02.1~~ The professional development required in the educator's professional growth plan under the requirements of TESS or LEADS; and

~~5.02.2~~ Professional development required by law or by rule.

~~6.0~~ 5.00 Scheduled Professional Development

~~6.01~~ 5.01 The professional development required under this Section 6 5 shall include content that is provided by:

~~6.01.1~~ 5.01.1 ~~ADE~~ The Division of Elementary and Secondary Education, including ArkansasIDEAS;

~~6.01.2~~ 5.01.2 An institution of higher education;

~~6.01.3~~ 5.01.3 A provider approved by ~~ADE~~ the division; or

~~6.01.4~~ 5.01.4 An education service cooperative.

~~6.02~~ 5.02 The ~~two (2) hours in each area of~~ professional development required under this ~~Section 6~~ section shall be counted ~~in for~~ for the school year ~~in which that the~~ professional development is ~~taken~~ earned toward the ~~minimum number of hours~~ of required professional development ~~required for educators~~ for that school year.

~~6.03~~ 5.03 If an educator ~~obtains~~ earns additional ~~hours above~~ professional development beyond the ~~minimum~~ requirements of this ~~Section 6~~ section, the educator may count ~~those the~~ additional ~~hours~~ professional development toward the ~~total minimum hours of~~ required professional development ~~required for~~ educators for that school year.

~~6.04~~ 5.04 ~~As part of the minimum annual requirement under these Rules, a public school or school district~~ A public school district or open-enrollment public charter school shall make available to the appropriate educator, or an educator not employed by a ~~public school or school district~~ public school district or open-enrollment public charter school shall obtain, required professional development.

~~6.04.1~~ Child Maltreatment Mandated Reporter 5.04.1 Professional development required within one year of receiving a teaching license shall include:

~~6.04.1.1~~ In the 2013-2014 school year and every fourth fifth year thereafter, all educators shall obtain two (2) hours of professional development in: 5.04.1.1 Two hours of professional development for mandated reporters, which covers:

~~6.04.4.1.1~~ 5.04.1.1.a Recognizing the signs and symptoms of child maltreatment;

~~6.04.4.1.2~~ 5.04.1.1.b The legal requirements of the Child Maltreatment Act, Ark. Code Ann. § 12-18-101 et seq., and the duties of mandated reporters under the Act;

~~6.04.4.1.3~~ 5.04.1.1.c Methods for managing disclosures regarding child victims; and

~~6.04.4.1.4~~ 5.04.1.1.d Methods for connecting a victim of child maltreatment to appropriate in-school services and other agencies, programs, and services needed to provide the child with the emotional and educational support the child needs to continue to be successful in school.

~~6.04.1.2~~ 5.04.1.1.e The child maltreatment professional development required under this section shall be based on curriculum approved by the Arkansas Child Abuse/Rape/Domestic Violence Commission and may be ~~obtained~~ earned in-person or online.

6.04.2 Parent Involvement

5.04.1.2 Two hours of professional development on family and community engagement

~~6.04.2.1~~ In the 2014-2015 school year and every fourth school year thereafter, each 5.04.1.2.a Each educator shall be required to have two (2) hours of professional development designed to enhance understanding of effective ~~parent involvement~~ family and community engagement strategies.

~~6.04.2.2~~ 5.04.1.2.b In the 2014-2015 school year and every fourth school year thereafter, each administrator shall be required to have two (2) hours of professional development designed to enhance understanding of effective parent involvement strategies and the importance of administrative leadership in setting expectations and creating a climate conducive to parent participation. If the appropriate licensed personnel has completed the family and community engagement professional development required under this section at least one (1) time before the 2023-2024 school year, he or she shall not be required to complete the family and community engagement professional development again.

~~6.04.3~~ 5.04.1.3 ~~Teen Suicide Awareness and Prevention~~ Two hours of professional development on mental health awareness and teen suicide awareness and prevention

~~6.04.3.1~~ In the 2015-2016 school year and every fourth school year thereafter, all educators shall obtain two (2) hours of professional development in teen suicide awareness and prevention.

~~6.04.3.2~~ 5.04.1.3.a The required professional development under this section may be accomplished by self-review of suitable mental health awareness and suicide prevention materials approved by ~~ADE~~ the division.

~~6.04.4 Arkansas History~~

~~6.04.4.1 In the 2016-2017 school year and every fourth school year thereafter, each educator who provides instruction in Arkansas history shall obtain two (2) hours of professional development in Arkansas history.~~

5.04.1.4 Two hours of professional development in Arkansas history for educators providing instruction in Arkansas history.

5.04.1.4.a If the appropriate licensed personnel has completed the Arkansas history professional development required under subdivision of this section at least one (1) time before the 2023-2024 school year, he or she shall not be required to complete the Arkansas history professional development again, except as may be required for the subject matter he or she teaches.

5.04.1.5 Thirty (30) minutes of professional development in human trafficking prevention, including:

5.04.1.5.a Recognizing the warning signs that a child is a victim of human trafficking; and

5.04.1.5.b Reporting a suspicion that a child is a victim of human trafficking.

5.04.1.6 Two (2) hours of professional development in bullying prevention, including:

5.04.1.6.a Recognition of the relationship between incidents of bullying and the risk of suicide.

5.04.1.7 Dyslexia professional awareness, including:

5.04.1.7.a The characteristics of dyslexia; and

5.04.1.7.b The evidence-based interventions and accommodations for dyslexia.

5.05 In addition to the professional development required for initial licensure, the following rotating schedule shall apply:

5.05.1 Beginning with the 2023-2024 school year and every fifth year thereafter, an educator shall be required to earn the professional development on mental health awareness and teen suicide awareness and prevention required under 5.04.1.3.

5.05.2 Beginning with the 2024-2025 school year, and every fifth year thereafter, an educator shall be required to earn the professional development in bullying prevention required under 5.04.1.6.

5.05.3 Beginning with the 2025-2026 school year, and every fifth year thereafter, an educator shall be required to earn the professional development for mandated reporters required under 5.04.1.1

5.06 The professional development in human trafficking prevention under 5.04.1.5 will be offered annually.

5.07 The required professional development under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and for licensure requirements for licensed personnel.

7.0 6.00 Requirements for Specific Licensure Areas

7.01 6.01 Administrator

~~7.01.1~~ For each administrator, ~~the annual required~~ professional development ~~requirement~~ shall include training in data disaggregation, instructional leadership, and fiscal management.

~~7.01.2~~ 6.01.1 This training may include without limitation the Initial, Tier 1, and Tier 2 training required for superintendents and district designees by the ~~Arkansas Department of Education~~ Division of Elementary and Secondary Education Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements.

~~7.01.3~~ 6.01.2 An applicant for a building-level administrator license shall successfully complete the teacher evaluation professional development program.

~~7.01.3.1~~ 6.01.2.1 An educator who receives an initial building level administrator's license shall complete ~~the~~ credentialing ~~assessment~~ for the teacher evaluation professional development program either before or after receiving the initial building level administrator's license.

7.02 6.02 Athletic Coaches

At least once every three (3) years, each person employed as an athletic coach shall obtain training in recognition and management regarding each of the

following events or conditions that may be encountered by a student during athletic training and physical activities:

~~7.02.1~~ 6.02.1 A concussion, dehydration, or other health emergency;

~~7.02.2~~ 6.02.2 An environmental issue that threatens the health or safety of students; and

~~7.02.3~~ 6.02.3 A communicable disease.

~~7.02.4~~ 6.02.4 The training may include a component on best practices for a coach to educate parents of students involved in athletics on sports safety.

~~7.03~~ 6.03 **~~Advanced Placement~~**

Each hour of approved training received by educators related to teaching an advanced placement class for a subject covered by the College Board and Educational Testing Service shall count as professional development up to a maximum of thirty (30) hours annually.

~~7.04~~ 6.04 **~~Adult Education~~**

Educators working solely part-time in one of the following settings shall obtain one-half (1/2) of the required hours of professional development annually for licensure.

~~7.04.1~~ 6.04.1 Adult basic education;

~~7.04.2~~ 6.04.2 General adult education;

~~7.04.3~~ 6.04.3 English as a second language for adults; and

~~7.04.4~~ 6.04.4 General Educational Development Test examiners.

~~8.0~~ 7.00 Professional Development Criteria

~~8.01~~ 7.01 All approved professional development shall be aligned to the standards developed by the State Board of Education.

~~8.02~~ 7.02 Approved professional development activities shall relate to the following ~~Focus Areas~~ focus areas:

~~8.02.1~~ 7.02.1 Content (K-12);

~~8.02.2~~ 7.02.2 Instructional strategies;

~~8.02.3~~ 7.02.3 ~~Assessment/data-driven decision-making~~ Student assessment and data-driven decisionmaking;

~~8.02.4~~ 7.02.4 ~~Advocacy/leadership/fiscal management~~ Advocacy, leadership, and fiscal management;

~~8.02.5~~ 7.02.5 Systemic change process;

~~8.02.6~~ 7.02.6 Standards, frameworks, and curriculum alignment;

~~8.02.7~~ 7.02.7 Supervision;

~~8.02.8~~ 7.02.8 Mentoring/peer coaching;

~~8.02.9~~ 7.02.9 ~~Next-generation learning/integrated technology~~ Next-generation learning and technology integration;

~~8.02.10~~ 7.02.10 ~~Principles of learning/developmental stages/diverse learners~~ Principles of learning and developmental stages;

~~8.02.11~~ 7.02.11 Cognitive research;

~~8.02.12~~ 7.02.12 ~~Parent involvement/academic planning and scholarship~~ Family and community engagement and academic planning;

~~8.02.13~~ 7.02.13 Collaborative learning community;

~~8.02.14~~ 7.02.14 Student health and wellness, which may include but is not limited to:

~~8.02.14.1~~ 7.02.14.1 Antibullying policies;

~~8.02.14.2~~ 7.02.14.2 Appropriate training for anticipated rescuers in the use of automated external defibrillator or cardiopulmonary resuscitation; and

~~8.02.15~~ 7.02.15 The Code of Ethics for Arkansas Educators.

~~8.03~~ 7.03 Approved professional development takes on many forms and may be earned in the following ways:

~~8.03.1~~ 7.03.1 ~~Conferences/workshops/institutes~~ Conferences, workshops, or institutes;

~~8.03.2~~ 7.03.2 ~~Mentoring/peer coaching~~ Mentoring or peer coaching;

~~8.03.3~~ ~~Study groups/learning teams~~

~~8.03.4~~ 7.03.3 National Board for Professional Teaching Standards Certification;

~~8.03.5~~ 7.03.4 Distance and online learning, ~~to include~~ including ArkansasIDEAS;

~~8.03.6~~ 7.03.5 Internships;

~~8.03.7~~ 7.03.6 ~~State/district/school programs~~ Programs administered by the Division of Elementary and Secondary Education, an education services cooperative, a public school district, or an open-enrollment public charter school;

~~8.03.8~~ 7.03.7 ~~College/university~~ College or university course work;

~~8.03.9~~ 7.03.8 Action research; or

~~8.03.10~~ 7.03.9 Individually-guided, as noted in an educator's individual professional development plan.

~~8.04~~ 7.04 Requirements for ArkansasIDEAS include:

~~8.04.1~~ 7.04.1 ~~The ADE~~ The division shall determine the content and approve all professional development delivered through the Arkansas On-line Professional Development Initiative that counts toward ~~the annual required~~ professional development ~~required under these Rules.~~

~~8.04.2~~ 7.04.2 ~~The ADE~~ The division shall select ~~courses/products~~ courses, products, or both, which are research-based and are available from sources, with expertise in technology-delivered professional development ~~courses.~~

~~8.04.3~~ 7.04.3 Online professional development ~~courses~~ shall include online registration, assessment, ~~course~~ evaluation, and attendance and completion documents.

7.05 A person who holds any license issued by the state board may obtain credit for required professional development through a micro-credentialing process approved by the division.

~~9.0~~ 8.00 School and School District Professional Development Plans

~~9.01~~ 8.01 Each ~~school district and school~~ public school district or open-enrollment public charter school shall develop and implement a professional development plan.

~~9.01.1~~ 8.01.1 Teachers, administrators, and paraprofessionals shall be involved in the design, implementation, and evaluation of their respective professional development offerings under ~~the school and school district a~~ public school district or open-enrollment public charter school's professional development plan.

~~9.01.2~~ 8.01.2 An educator may count toward ~~the annual minimum required~~ professional development ~~required under these rules~~ each hour of training included in the professional development plan that is mandated by law or by rule, including without limitation in the following areas:

~~9.01.2.1~~ 8.01.2.1 School Fire Marshal Program under ~~A.C.A.~~ Arkansas Code § 6-10-110;

~~9.01.2.2~~ 8.01.2.2 Tornado and earthquake safety under ~~A.C.A.~~ Arkansas Code § 6-10-121;

~~9.01.2.3~~ 8.01.2.3 Literacy assessment, ~~and/or~~ mathematics assessment, or both under ~~A.C.A.~~ Arkansas Code § 6-15-420;

~~9.01.2.4~~ Test security and confidentiality under ~~A.C.A. § 6-15-438;~~

~~9.01.2.5~~ 8.01.2.4 Emergency plans and ~~Panic Button Alert System~~ panic button alert systems under ~~A.C.A.~~ Arkansas Code § 6-15-1302;

~~9.01.2.6~~ 8.01.2.5 Anti-bullying policies under ~~A.C.A.~~ Arkansas Code § 6-18-514;

~~9.01.2.7~~ 8.01.2.6 Teacher Excellence and Support System under ~~A.C.A.~~ Arkansas Code § 6-17-2804;

~~9.01.2.8~~ 8.01.2.7 Student discipline training under ~~A.C.A.~~ Arkansas Code § 6-18-502;

~~9.01.2.9~~ Student Services Program under ~~A.C.A. § 6-18-1004;~~

~~9.01.2.10~~ 8.01.2.8 Training required by ~~ADE~~ the division under ~~academic, fiscal, and facilities distress laws and rules~~ Arkansas Code § 6-15-2901 et seq, Arkansas Code § 6-20-1901 et seq, Arkansas Code § 6-21-811, or any accompanying Department of Education rules; and

~~9.01.2.11~~ 8.01.2.9 Annual active shooter drills under ~~A.C.A.~~ Arkansas Code § 6-15-1303.

9.02 8.02 School Improvement and ACSIP

~~9.02.1 School and district professional development plans shall be included in the Arkansas Comprehensive School Improvement Plan (ACSIP) and shall be reviewed annually by the school/district and the ADE.~~

~~9.02.2 The ACSIP will include an assurance statement that each educator in the school/district shall have an individual professional development plan that has been developed in cooperation and collaboration with the educator and the school and/or district consistent with the Teacher Effectiveness and Support System.~~

~~9.02.3 ADE The Division of Elementary and Secondary Education may require specific professional development programs for the district or the school designated in school improvement or academic distress a public school district or open-enrollment public charter school identified as in need of targeted or comprehensive support under the Rules Governing The Arkansas Educational Support And Accountability Act.~~

~~9.02.4 These requirements may become part of the school district or school improvement plan.~~

10.0 9.00 Provider and Program Approval Process

~~10.01 9.01~~ All professional development providers and programs must be approved by ~~the ADE the Division of Elementary and Secondary Education in order to be eligible to provide credit toward required the annual~~ professional development required under these Rules.

~~10.01.1 9.01.1~~ A person whose license has been revoked by the State Board of Education is not eligible to be an approved provider of professional development.

~~10.02 9.02~~ At least thirty (30) days before a program is offered to educators, the professional development provider shall provide a detailed description of the entire program including staff qualifications to ~~the ADE the division~~ in an electronic format prescribed by ~~ADE the division~~.

~~10.03 9.03~~ ~~The ADE The division~~ shall promptly review the content of the program for compliance with all applicable statutes and ~~ADE rules law~~ to determine if any or all of the program content shall be deemed to provide professional development credit and shall establish the time period the professional development provider is approved to offer the program.

~~10.04~~ 9.04 Upon notification by ~~the ADE~~ the division of approval of the program (or a part or parts thereof) for professional development credit, the professional development provider may enroll participants in the program and offer the program for professional development credit for the set time period.

~~10.05~~ 9.05 The program provider shall be responsible for the preparation and dissemination of proof of completion of the program, ~~(or parts thereof),~~ to all attendees. All ~~such~~ proofs, or copies thereof, shall be submitted by the attendees who are employed by ~~an Arkansas school district~~ a public school district or open-enrollment public charter school to the superintendent of the district, or the chief executive of the open-enrollment public charter school.

~~11.00~~ 10.00 Funding

~~11.01~~ 10.01 Professional Development Funding provided under ~~Ark. Code Ann.~~ Arkansas Code § 6-20-2305 must be directed to activities that meet the conditions described in these Rules and shall not be used for any other purpose unless otherwise allowed by law or rule.

~~12.00~~ 11.00 Reporting, Monitoring, and Evaluation

~~12.01~~ 11.01 Each ~~school district~~ public school district or open-enrollment public charter school shall maintain all documents for its employees that reflect completion of professional development programs, whether ~~such~~ those programs were provided by an outside organization or by the ~~district~~ public school district or open-enrollment public charter school itself.

~~12.02~~ 11.02 Each ~~school district~~ public school district or open-enrollment public charter school shall report the amount of all professional development programs completed by its employees to ~~the ADE~~ the Division of Elementary and Secondary Education at the time and in the manner specified by ~~the ADE~~ the division.

~~12.03~~ 11.03 ~~The ADE~~ The division may monitor all ~~school districts~~ public school districts or open-enrollment public charter schools, and all educators to whom these Rules apply, for compliance with these requirements, and may administer appropriate sanctions ~~specified in statute and Rule~~ as authorized by law, including the ~~Arkansas Department of Education~~ Rules Governing the Code of Ethics for Arkansas Educators, to any ~~district~~ public school district, open-enrollment public charter school, or educator whom it finds to be in noncompliance or ~~for dishonesty in~~ to have falsified reporting under these Rules.

~~12.03.1~~ 11.03.1 Regular monitoring activities of the professional development requirements within these Rules shall occur when the superintendent of the school district or the chief executive of the open-enrollment public charter school provides written assurance to the

Commissioner of Education as required by law. However, ~~the ADE~~ the division may directly monitor the professional development activities of any ~~school or school district~~ public school district or open-enrollment public charter school to determine compliance with the professional development requirements.

~~12.04 The criteria for evaluating the impact of professional development in a public school or school district ACSIP plan shall be the improvement of student achievement on state mandated assessments, other related indicators as defined by ACTAAP and next generation assessments, and the evaluations of the professional development offerings. These data shall be used to revise ACSIP and the district, school and individual professional development plans associated with the local improvement plan.~~

~~12.05~~ 11.04 All institutions of higher education shall maintain documentation for employees who wish to meet the professional development hours to maintain a license under these rules.

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

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

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 no, please explain:

(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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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 _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

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

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

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

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or 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.

SUMMARY OF AMENDMENTS

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING PROFESSIONAL DEVELOPMENT

These rules are being amended pursuant to Acts No. 745 of 2017; No. 765 of 2017; No. 936 of 2017; No. 666 of 2019; No. 1029 of 2019; No. 620 of 2021; No. 648 of 2021; and No. 548 of 2023.

These rules are being amended to remove outdated language referencing the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act which was repealed by Act 930 of 2017.

The rules also amend language to remove some of the barriers to professional development by including a process by which educators can earn professional development through a micocredential or a specific course instead of only being able to earn professional development through hours of orientation.

The rules also remove some of the unnecessary structure for professional development, allowing district to be more flexible and innovative in providing professional development, and educators to be more flexible in meeting requirements.

Finally, the rule adds language to comply with laws requiring professional in several key subject areas, including bullying prevention, and human trafficking prevention, mental health awareness, and family and community engagement.

POST PUBLIC COMMENT

Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Division of Elementary and Secondary Education is considering two administrative rules regarding professional development and tutoring grant programs. A public comment hearing will be held for the rule regarding professional development on January 2, 2024, at 9:00 a.m. and a public comment hearing will be held for the rule regarding tutoring grant programs on January 3, 2024, at 9:00 a.m. Both hearings will be held at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201. Written comments regarding these proposed rules may be mailed to ADE Legal Services, Four Capitol Mall, Room 302A, Little Rock, AR, 72201. Comments also may be emailed to ADE.RulesComments@ade.arkansas.gov. A copy of the proposed rules can be found on the Division of Elementary and Secondary Education's website at: <https://dese.ade.arkansas.gov/Offices/legal/rules/pending>. Copies also may be obtained by contacting ADE's Office of Legal Services at the above address or via phone at (501) 682-4227.

From: [Legal Ads](#)
To: [Stephen Reynolds \(ADE\)](#)
Subject: Re: Notice of Rulemaking
Date: Monday, December 18, 2023 11:43:50 AM

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Caution: This is an external email and may contain a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact [ADE IT Services](#).

Thanks. Will run Wed 12/20, Thurs 12/21, and Fri 12/22.

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Stephen Reynolds, ADE" <Stephen.Reynolds@ade.arkansas.gov>
To: "Legal Ads" <legalads@arkansasonline.com>
Sent: Monday, December 18, 2023 11:02:01 AM
Subject: RE: Notice of Rulemaking

As soon as you can. Three consecutive days.

Stephen M. Reynolds
Attorney
Arkansas Department of Education

From: Legal Ads <legalads@arkansasonline.com>
Sent: Monday, December 18, 2023 10:29 AM
To: Stephen Reynolds (ADE) <Stephen.Reynolds@ade.arkansas.gov>
Subject: Re: Notice of Rulemaking
Importance: High

You don't often get email from [legalads@arkansasonline.com](#). [Learn why this is important](#)

Caution: This is an external email and may contain a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact [ADE IT Services](#).

Working on this right now.

What days did you need this to run, please?

Thank you.

Gregg Sterne, Legal Advertising

Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Stephen Reynolds, ADE" <Stephen.Reynolds@ade.arkansas.gov>
To: "legalads" <legalads@arkansasonline.com>
Cc: "Andres Rhodes (ADE)" <Andres.Rhodes@ade.arkansas.gov>, "Daniel Shults (ADE)" <Daniel.Shults@ade.arkansas.gov>
Sent: Friday, December 15, 2023 2:49:56 PM
Subject: RE: Notice of Rulemaking

Disregard previous email, this notice has been corrected. Use this version.

Stephen M. Reynolds
Attorney
Arkansas Department of Education

From: Stephen Reynolds (ADE)
Sent: Friday, December 15, 2023 2:29 PM
To: legalads@arkansasonline.com
Cc: Andres Rhodes (ADE) <Andres.Rhodes@ade.arkansas.gov>; Daniel Shults (ADE) <daniel.shults@ade.arkansas.gov>
Subject: Notice of Rulemaking

Good afternoon,

Please find attached a Notice of Rulemaking for two administrative rules. Please confirm receipt and publication dates. Let me know if you have any questions.

Thanks,

Stephen M. Reynolds
Associate Legal Counsel
Arkansas Department of Education
4 Capitol Mall, Suite 302
Little Rock, Arkansas 72201
Office: (501) 682-4899

Confidentiality Notice: This email may contain confidential information. If you are not the intended recipient, please disregard and delete the email.