

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

ARKANSAS DEPARTMENT OF EDUCATION
DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING EDUCATOR SUPPORT AND DEVELOPMENT
PERFORMANCE

Effective Date: ~~December 1, 2017~~

Table of Contents

Section 1.0 Purpose	12
Section 2.0 Regulatory Authority	2
Section 3.0 Legislative Intent and Purpose.....	2
Section 4.0 Definitions.....	3 4
Section 5.0 General Provisions	8 9
Section 6.0 Teacher Excellence and Support System (T.E.S.S.).....	9 10
T.E.S.S. Summative Evaluations	
T.E.S.S. Professional Growth and Support	
T.E.S.S. Formative Years	
T.E.S.S. Intensive Support	
T.E.S.S. Novice Teacher Mentoring Program	
Section 7.0 Leader Excellence and Development System (L.E.A.D.S.)	16 18
L.E.A.D.S. Summative Evaluations	
L.E.A.D.S. Professional Growth and Development	
L.E.A.D.S. Formative Years	
L.E.A.D.S. Intensive Support	
L.E.A.D.S. Beginning Administrators Induction Program	
Section 8.0 Data Reporting.....	20 22
Section 9.0 Superintendent Contract Requirements.....	23
Section 10.0 Merit Teacher Incentive Fund Program.....	23

Creation

Eligibility

Distribution of Funds

Reporting

1.0 PURPOSE

- 1.01 The purpose of these rules is to establish the requirements concerning teacher and building or district-level leader support, evaluation, and professional growth and development, superintendent performance targets, and the Merit Teacher Incentive Fund Program.

2.0 REGULATORY AUTHORITY

- 2.01 These rules shall be known as the Arkansas Department of Education Rules Governing Educator Support and Development.
- 2.02 These rules are adopted pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-11-105, 6-13-1305, 6-15-1004, 6-15-1402, 6-17-704, 6-17-705, ~~6-17-1504~~, 6-17-2801 through 6-17-2809, 6-20-2305, 25-15-201 et seq., ~~and Acts 295 and 930 of 2017,~~ and Act 237 of 2023.
- 2.03 These rules are further adopted pursuant to the requirements of the state's plan adopted under the Elementary and Secondary Education Act of 33 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95.
- ~~2.04 These rules do not preempt the application of the Teacher Fair Dismissal Act, Ark. Code Ann. § 6-17-1501 et seq., by an educational entity or an educator.~~

3.0 LEGISLATIVE INTENT AND PURPOSE

- 3.01 The State Board notes that it is the intent of the Arkansas General Assembly to:
- 3.01.1 Provide a program affording public school districts and public charter schools transparent and consistent teacher and leader support and evaluations system that ensures effective teaching, effective educational leadership, and promotes professional learning for all educators;
- 3.01.2 Provide systems of support that will encourage teachers to improve their knowledge and instructional skills and educational leaders to improve their knowledge and leadership skills in order to improve student learning;

- 3.01.3 Inform an educational entity's educator employment decisions;
 - 3.01.4 Provide an integrated system that links evaluation procedures with curricular standards, leadership standards, and professional growth activities that are aligned with systems of support, targeted support, and human capital decisions;
 - 3.01.5 Encourage highly effective teachers and educational leaders to undertake challenging assignments;
 - 3.01.6 Support teachers' and educational leaders' roles in improving students' educational achievements;
 - 3.01.7 Inform policymakers regarding the benefits of a consistent evaluation and support system in regard to improving student achievement across the state; and
 - 3.01.8 Increase the awareness of parents and guardians of public school students concerning the effective professional practices of public school teachers and educational leaders.
- 3.02 The purposes of these rules are, without limitation, to:
- 3.02.1 Recognize that teacher and educational leader effectiveness is critical to student learning, growth, and development. These rules provide the framework for supporting and developing effective teachers and effective leaders as defined in Arkansas's Every Student Succeeds Act State Plan;
 - 3.02.2 Recognize that many factors impact student learning, not all of which are under the control of the teacher or the school, and that evidence of student learning includes trend data and is not limited to a single assessment;
 - 3.02.3 Reflect evidence-based or proven practices that improve student learning. Nothing in these rules should be construed to prohibit teachers or educational leaders from using innovative approaches to student learning;
 - 3.02.4 Utilize clear, concise, evidentiary data for teacher and educational leader professional growth and development to improve student achievement;
 - 3.02.5 Recognize that evidence of student growth is integrated throughout T.E.S.S. and L.E.A.D.S., and is represented by multiple measures through artifacts, direct and indirect observations, and data; and
 - 3.02.6 Include the requirements for educational agencies to report data to inform public school accountability and support the state's goal of ~~equitable access to~~ providing access to effective teachers for all students.

Source: Ark. Code Ann. § 6-17-2802 and § 6-17-2804

4.0 DEFINITIONS

- 4.01 **“Artifact”** means materials that document the educator’s professional practice.
- 4.02 **“Beginning administrator”** means a building- or district-level leader who has completed less than three (3) school years as a building- or district-level leader.
- ~~4.02.1 “Beginning administrator” includes an educator on an Administrator Licensure Completion Plan (ALCP).~~
- 4.03 **“Building or district-level leader”** means an individual employed by an educational entity who performs the role of a building-level administrator or district-level administrator, or an equivalent role, including an administrator licensed by the State Board, an unlicensed administrator, or an individual on an Administrator Licensure Completion Plan.
- 4.03.1 “Building- or district-level leader” does not include a superintendent or assistant superintendent, or an individual in an equivalent role, unless the educational entity elects to include that role.
- 4.04 **“Contributing professional” “Collaborator”** means an individual who has been assigned the responsibility to provide additional services that support and increase a student’s learning and/or access to learning.
- 4.04.1 ~~“Contributing professional”~~ **“Collaborator”** includes a:
- 4.04.1.2 Classroom teacher, other than the teacher of record, who is engaged directly in instruction with students in a classroom setting;
 - 4.04.1.2 Guidance counselor;
 - 4.04.1.3 Library media specialist;
 - 4.04.1.4 Instructional facilitator or instructional coach;
 - 4.04.1.5 Teacher employed by an education service cooperative who instructs public school students;
 - 4.04.1.6 Speech language pathologist;
 - 4.04.1.7 Gifted and talented coordinator;
 - 4.04.1.8 School psychologist;
 - 4.04.1.9 English language learner instructor;
 - 4.04.1.10 Lead Professional Educator; or
 - 4.04.1.11 Person in another position identified by the Department.

4.05 **“Data”** means:

- 4.05.1 Teacher performance data, which may include without limitation progress on professional learning goals, professional practice ratings, Value Added Measure, and other indicators determined by the educational entity;
- 4.05.2 Student performance data, which may include without limitation state and local assessments, samples of student work, portfolios, projects, Value Added Measure, and other indicators determined at the local level; and
- 4.05.3 Overall school performance data.
- 4.05.4 “Data” ~~may~~ shall include multiple sources of information, such as measures of student growth, measures of teacher growth, measures of school growth, school quality, or student success.

4.06 **“Department”** means the Arkansas Department of Education.

4.07 **“Direct observation”** means the evaluator is physically present or using appropriate technology to observe the teacher or leader performing essential job functions.

4.08 **“Educational entity”** means an Arkansas public school district, a public charter school, distance learning school, a virtual charter school, the Arkansas School for the Blind, the Arkansas School for the Deaf, or the Arkansas Correctional School, or any other school that has a local educational agency (LEA) number assigned by the Department.

4.09 **“Educator”** means teacher, building-level leader, and district-level leader.

4.10 **“Effective Teacher”** means a teacher who fully demonstrates the effective practices as outlined in the state-approved evaluation framework.

~~4.10~~ 4.11 **“Evaluation”** means the process under these rules used to:

- ~~4.10.1~~ 4.11.1 Assess with evidence what a teacher or leader should know and be able to do as measured by performance ratings based on an evaluation framework; and
- ~~4.10.2~~ 4.11.2 Promote teacher growth through professional learning.

- ~~4.10.3~~ 4.11.3 “Evaluation” does not include a teacher’s performance relating to competitive athletics and competitive extracurricular activities.
- ~~4.11~~ 4.12 **“Evaluation framework”** means a standardized set of teacher evaluation domains that provide the overall basis for an evaluation.
- ~~4.12~~ 4.13 **“Evaluation rubric”** means a set of performance components for each teacher evaluation domain in the evaluation framework.
- ~~4.13~~ 4.14 **“Evaluator”** means a person licensed by the State Board as an administrator who is designated as the person responsible for evaluating teachers or building- or district-level leaders, and who is an employee of the educational entity in which the evaluations are performed.
- ~~4.13.1~~ 4.14.1 “Evaluator” also includes public charter school administrators who are designated by their public charter schools as evaluators, even if the public charter school administrators do not hold an administrator’s license.
- ~~4.14~~ 4.15 **“Evidence”** includes direct observation, indirect observation, artifacts, and data. Evidence facilitates a professional dialogue for the educator and evaluator, and provides essential evidence of the educator’s professional practice.
- ~~4.15~~ 4.16 **“Formative year”** means a year other than a summative evaluation year in which the educator and the educational entity collaboratively engage in supporting the educator’s growth in effective professional practices, aligned with the educator’s needs identified in the educator’s professional growth plan.
- ~~4.17~~ 4.17 **“Highly effective teacher”** means a teacher who has demonstrated beyond the effective concepts outlined in the state approved evaluation framework.
- ~~4.18~~ 4.18 **“High performing”** means a teacher as defined by the Master Professional Educator designation.
- ~~4.19~~ 4.19 **“High impact teacher”** means an effective teacher holding a valid Arkansas educator license who demonstrates outstanding performance growth as determined by the Division of Elementary and Secondary Education.
- ~~4.20~~ 4.20 **“Impact teacher”** means an effective teacher holding a valid Arkansas educator license who demonstrates performance growth as determined by the Division of Elementary and Secondary Education.
- ~~4.16~~ 4.21 **“Indirect observation”** means the evaluator observes systems that operate as a result of a teacher’s research, planning, and implementation inside the classroom or in a work-related environment outside of the classroom.

- ~~4.17~~ 4.22 **“Leader Excellence and Development System (L.E.A.D.S.)”** means a statewide administrator evaluation system that:
- ~~4.17.1~~ 4.22.1 Is aligned to current educational leadership standards adopted by the State Board;
 - ~~4.17.2~~ 4.22.2 Uses multi-tiered systems of professional support and learning for what a leader should know and be able to do; and
 - ~~4.17.3~~ 4.22.3 Provides a research-based framework to conduct building- or district-level leader evaluations.
- ~~4.18~~ 4.23 **“Novice teacher”** means a teacher who has completed less than three (3) school years of public school classroom teaching experience.
- ~~4.18.1~~ **“Novice teacher”** includes a teacher of record holding a provisional license.
- ~~4.24~~ “Outstanding performance growth” means overall student growth in the top quartile as defined using the state approved growth model.
- ~~4.25~~ “Performance growth” means positive overall student growth as defined using the state approved growth model.
- ~~4.19~~ 4.26 **“Professional growth plan”** means an individual educator’s plan that is designed to meet the specific growth needs of the educator as identified under these rules.
- ~~4.27~~ “Progressing teacher” means a teacher who attempts to implement the elements outlined in the state-approved evaluation framework but implementation is sporadic, intermittent, or otherwise not completely successful.
- ~~4.20~~ 4.28 **“State Board”** means the Arkansas State Board of Education.
- ~~4.21~~ 4.29 **“Student growth measure”** means a measure of a student’s academic performance and other factors that lead to the improvement of learning behavior, cognitive skills, or social and emotional development, which in addition to statewide assessments, may include measures of improvement or progress on grades, graduation rates, health and wellness, attendance, discipline or behavioral issues, ability to concentrate and focus on task, and development of personal competencies.
- ~~4.22~~ 4.30 **“Summative evaluation”** means an evaluation of an educator’s performance that:
- ~~4.22.1~~ 4.30.1 Evaluates all domains or standards of the evaluation framework;

- ~~4.22.2~~ 4.30.2 Is supported by evidence of the educator's professional practice;
~~4.22.3~~ 4.30.3 Supports improvement in the educator's teaching or educational leadership practices and student achievement; ~~and~~
~~4.22.4~~ 4.30.4 Informs a school district's employment decision concerning the educator; and

4.30.5 Includes a summative rating.

~~4.23~~ 4.31 **"Teacher"** means a person who is:

~~4.23.1~~ 4.31.1 Required to hold and holds a teaching license or permit from the State Board as a condition of employment; and

~~4.23.2~~ 4.31.2 Employed as a:

- ~~4.23.2.1~~ 4.31.2.1 Teacher of record in a public school;
~~4.23.2.2~~ 4.31.2.2 ~~Contributing~~ Collaborating professional;
~~4.23.2.3~~ One of the following teachers who instruct public school students:
~~4.23.2.3.1~~ 4.31.2.2.1 Distance learning teacher;
~~4.23.2.3.2~~ 4.31.2.2.2 Virtual charter school teacher;
~~4.23.2.3.3~~ 4.31.2.2.3 Teacher at the Arkansas School for the Blind;
~~4.23.2.3.4~~ 4.31.2.2.4 Teacher at the Arkansas School for the Deaf; or
~~4.23.2.3.5~~ 4.31.2.2.5 Teacher at the Arkansas Correctional School.
4.31.2.2.6 Aspiring Teacher Permit.

~~4.23.3~~ 4.31.3 "Teacher" also includes a nonlicensed classroom teacher or ~~contributing~~ collaborating professional employed at a:

- ~~4.23.3.1~~ 4.31.3.1 Public charter school under a waiver of teacher licensure requirements granted in the charter; or
~~4.23.3.1~~ 4.31.3.2 School district under a waiver of teacher licensure requirements granted under § 6-15-103 or under the District of Innovation Program, § 6-15-2801, et seq.

~~4.23.4~~ 4.31.4 "Teacher" does not include a person who is employed full time by a school district or public school solely as a superintendent or administrator.

~~4.24~~ 4.32 **"Teacher of record"** is an individual or individuals in a teaching or co-teaching assignment who is/are assigned the lead responsibility for student learning in a subject or course with aligned curriculum standards. A teacher of

record plans instruction, delivers instruction, assesses student learning, and assigns grades.

~~4.25~~ 4.33 **“Teacher Excellence and Support System (T.E.S.S.)”** means a statewide teacher evaluation system that provides support, collaboration, feedback and targeted professional development opportunities aimed at ensuring effective teaching and improving student learning.

4.34 **“Unsatisfactory teacher”** means a teacher or leader who does not demonstrate the concepts outlined in the state approved evaluation framework.

Source: Ark. Code Ann. §§ 6-17-2803, 6-15-1004

5.0 GENERAL PROVISIONS

5.01 Under Ark. Code Ann. § 6-17-2801 et seq., each educational entity shall implement the educator support, evaluation, and development provided in these rules for all teachers and building- or district-level leaders (as applicable) employed at the educational entity.

5.02 The Department will provide the following support to educational entities for implementing these systems:

5.02.1 Ongoing training to assist leaders with coaching and observation skill-building, some of which may be done in a virtual environment. Districts should encourage their leadership to participate in this training so that observers and evaluators are able to effectively provide feedback and support. Training schedules will be updated periodically and published on the Department’s website and through Commissioner’s Memos.

5.02.2 An electronic system for accessing the state-approved rubrics, and for providing observation feedback, coaching, and ratings.

5.02.2.1. An educational entity using T.E.S.S. or L.E.A.D.S. shall use the electronic system provided by the Department for conducting a summative evaluation and assigning an overall performance rating following the summative evaluation.

5.02.2.2. Districts ~~should~~ shall use the system for transparency, communicating with the educator being observed, two-way conversations, documentation, and scoring and rating accuracy.

- 5.03 An educational entity's obligations under these rules are not waived when a public school, charter school, or school district obtains a waiver granted by the state board from the laws and rules governing educator licensure:
- 5.03.1 In the charter of a public charter school;
 - 5.03.2 Under § 6-15-103; or
 - 5.03.3 Under the District of Innovation Program, § 6-15-2801, et seq.
- 5.04 An educational entity that previously was approved to use a nationally recognized system of teacher evaluation and support that is substantially similar to the Teacher Excellence and Support System may continue to use that system by notifying the Department annually that the educational entity intends to continue to use that system.
- 5.05 An educational entity may opt out of using T.E.S.S. or L.E.A.D.S., and use a locally adopted system for support, development, and appraisal of teacher and leader performance as part of a system of educator effectiveness that meets federal and state requirements by obtaining State Board approval.
- 5.07 An educational entity shall provide the data required under Section 8 of these rules.
- 5.08 An educator's failure to comply with these rules may be reflected in the educator's evaluation.
- 5.09 Pursuant to Ark. Code Ann. § 6-13-1305, the policy adopted by local school district boards of directors to implement site-based decision making shall address teacher evaluations, professional growth plans, and teacher support under the Teacher Excellence and Support System, Ark. Code Ann. § 6-17-2801 et seq.
- 5.10 Every teacher contract renewed or entered into is subject to and shall reference Title 6, Chapter 17, Subchapter 28 of the Arkansas Code.

6.0 TEACHER EXCELLENCE AND SUPPORT SYSTEM

T.E.S.S. Summative Evaluations

- 6.01 Each educational entity shall conduct a summative evaluation of each teacher employed by the educational entity under these rules at least one (1) time every four (4) years, ~~except as follows:~~ However, an educational entity may choose to conduct a summative evaluation for any teacher at any time.

- 6.01.1 ~~An educational entity is not required to conduct a summative evaluation while a teacher is in the novice teacher category. It is intended that these years be focused on professional growth and development. However, an educational entity may choose to conduct a summative evaluation for any teacher at any time.~~
- 6.01.2 The educational entity is responsible for determining when a teacher is required to have a summative evaluation. The summative evaluation schedule for a teacher transferring from another educational entity may be based on the date of the transferring teacher's last summative evaluation, which may be provided by the previous educational entity under Ark. Code § 11-3-204.
- 6.02 An educator and evaluator shall participate in T.E.S.S. and collaborate in good faith to develop the educator's professional growth plan based on the identified needs of the educator.
- 6.03 A summative evaluation shall be based on the evaluation framework and rubric established by the Department and:
- 6.03.1 Result in an ~~written~~ evaluation determination for the teacher's performance on all evaluation domains as a whole;
- 6.03.2 Use the appropriate evaluation framework and evaluation rubric appropriate to the teacher's role;
- 6.03.3 Use ~~multiple sources~~ more than one type of evidence of the teacher's professional practice including direct observation, indirect observation, artifacts, and data.
- 6.03.3.1 This section does not require that every component of the domains be evidenced by artifacts when observation or data is used.
- 6.03.3.2 A school district or public school may adopt policies to incorporate one (1) or more of the following:
- 6.03.3.2.1 Peer observations and student feedback that contribute to the summative rating;
- 6.03.3.2.2 A teacher's work completed since the last summative evaluation for all or part of the required components for the certification or renewal of a certification from the National Board for Professional Teaching Standards may be

substituted for the whole or any part of the evaluation framework for the teacher;

6.03.4 Include presentations of evidence from both the teacher and the evaluator;

6.03.5 Provide an opportunity for the evaluator and teacher to discuss the review of evidence used in the evaluation; and

6.03.6 Provide feedback based on the evaluation rubric that the teacher can use to improve teaching skills and student learning.

6.04 An evaluator shall use an evaluation rubric and evidence that appropriately takes into account the teacher's role, job duties, and circumstances when conducting a summative evaluation of a teacher who is not a classroom teacher or any of the following:

6.04.1 A guidance counselor;

6.04.2 A library media specialist;

6.04.3 A special education teacher; or

6.04.4 The following teachers:

6.04.4.1 Distance learning teachers;

6.04.4.2 Virtual charter school teachers;

6.04.4.3 Teachers at the Arkansas School for the Blind;

6.04.4.4 Teachers at the Arkansas School for the Deaf;

6.04.4.5 Teachers at the Arkansas Correctional School;

6.04.4.6 Instructional facilitators and instructional coaches; and

6.04.4.7 Teachers who are employed by education service cooperatives to instruct public school students.

6.05 At the conclusion of a summative evaluation required under these rules, an educational entity shall assign the teacher being evaluated an overall performance rating determined by the evidence presented under Section 6.03.

~~6.05.1 If the overall rating is based on evidence other than evidence presented by the teacher, the evaluator shall document the evidence that supports the overall rating.~~

T.E.S.S. Professional Growth and Support

6.06 A teacher and the evaluator, working together, shall annually develop a professional growth plan for the teacher that:

6.06.1 Identifies professional growth outcomes to advance the teacher's professional skills; and

- 6.06.2 Clearly links personalized, competency-based professional learning opportunities to professional growth outcomes.
- 6.07 The professional growth plan may include, without limitation, the following professional development activities:
 - 6.07.1 Collaborating with a team of teachers on a shared plan that benefits the whole school, a content area, or a grade level;
 - 6.07.2 Conducting self-directed research related to the teacher's professional growth plan; or
 - 6.07.3 Completing micro-credentials approved by the Department.
- 6.08 If a teacher and evaluator cannot agree on a professional growth plan, the evaluator's decision shall be final.
 - 6.08.1 For a teacher in intensive support status, the evaluator or an administrator designated by the evaluator shall have final approval of the teacher's professional growth plan.

T.E.S.S. Formative Years

- 6.09 In formative years, T.E.S.S. aligns professional support and learning opportunities to link a teacher's professional practice with support for targeted, personalized learning.
- 6.10 In a formative year, with the evaluator's approval:
 - 6.10.1 The teacher shall focus on elements of the teacher's professional growth plan that are designed to help the teacher improve his or her teaching practices; and
 - 6.10.2 The teacher may:
 - 6.10.2.1 Collaborate with a team of teachers on a shared plan that benefits the whole school, a content area, ~~or~~ a grade level, or classroom; or
 - 6.10.2.2 Conduct self-directed research related to the teacher's professional growth plan.
 - 6.10.2.3 The teacher shall continue to demonstrate a commitment to student learning by furthering the teacher's professional

growth and development as guided by the teacher's professional growth plan; and

6.10.3 The school district shall support teachers on an ongoing basis throughout a formative year by:

- 6.10.3.1 Providing teachers with timely feedback about the teacher's teaching practices;
- 6.10.3.2 Engaging teachers in a collaborative, supportive learning process; and
- 6.10.3.3 Helping teachers use assessment methods supported by evidence-based research that inform the teacher of student progress and provide a basis for adapting teaching practices.

6.11 The formative year support may be guided in whole or in part by an evaluator or by ~~one (1) or more of the following~~ persons designated by the evaluator:

- 6.11.1 A lead teacher designated by an administrator;
- 6.11.2 An instructional facilitator;
- 6.11.3 A curriculum specialist; or
- 6.11.4 An academic coach.
- 6.11.5 ~~While these rules allow for other school personnel to guide support in formative years, the designated evaluator remains responsible for conducting summative evaluations of teachers and assigning the overall ratings.~~

6.12 These rules do not require an overall rating during a formative year.

6.13 While these rules allow for other school personnel to guide support in formative years, the designated evaluator remains responsible for conducting summative evaluations of teachers and assigning the overall ratings.

T.E.S.S. Intensive Support

6.13 An evaluator may place a teacher in intensive support status if, as evidenced by low performance ratings on the evaluation rubric, ~~on a summative evaluation~~, the teacher:

- 6.13.1 Is not continuously improving professional practice; or

- 6.13.2 Has not demonstrated commitment to students, the school, and the profession; or
- 6.13.3 Fails to demonstrate growth or progress in professional practice after receiving targeted feedback and support; or
- 6.13.4 Does not advance student growth or progress as demonstrated on local and state measures; or
- 6.13.5 Has not demonstrated proficiency in knowledge and practices of scientific reading instruction.
- 6.14 If a teacher is placed in intensive support status, the evaluator shall:
 - 6.14.1 Establish the time period for the intensive support status; and
 - 6.14.1.1 The period of time specified by the evaluator for intensive support status shall afford the teacher an opportunity to accomplish the goals of and complete the tasks assigned in the intensive support status.
 - 6.14.1.2 Intensive support status shall not last for more than two (2) consecutive semesters unless the teacher has substantially progressed and the teacher and evaluator agree in writing to extend the intensive support status.
 - 6.14.2 Provide a written notice to the teacher and the superintendent that the teacher is placed in intensive support status. The notice shall state that if the teacher's contract is renewed while the teacher is in intensive support status, the fulfillment of the contract term is subject to the teacher's accomplishment of the goals established and completion of the tasks assigned in the intensive support status.
- ~~6.15 The period of time specified by the evaluator for intensive support status shall afford the teacher an opportunity to accomplish the goals of and complete the tasks assigned in the intensive support status.~~
- ~~6.16. Intensive support status shall not last for more than two (2) consecutive semesters unless the teacher has substantially progressed and the teacher and evaluator agree in writing to extend the intensive support status.~~
- 6.17 The evaluator shall work with the teacher to:
 - 6.17.1 Develop a clear set of goals and tasks that are designed to support the teacher's progress based on the professional growth plan and the evaluation framework; and

- 6.17.2 Ensure the teacher is offered the support that the evaluator deems necessary for the teacher to accomplish the goals developed and complete the tasks assigned while the teacher is in intensive support status.
- 6.18 If the intensive support status is related to student performance, the school district shall support the teacher's practice in using student formative assessments to gauge student progress throughout the period of intensive support status.
- 6.19 At the end of the specified period of time for intensive support status, the evaluator shall:
 - 6.19.1 Document whether the teacher has met the goals developed in the intensive support status;
 - 6.19.2 Document the educational entity's support of the teacher while in intensive support status; and
 - 6.19.3 Provide written notice to the teacher that the teacher either:
 - 6.19.3.1 Is removed from intensive support status; or
 - 6.19.3.2 Has failed to progress in the intensive support status.
- 6.20 If a teacher does not accomplish the goals and complete the tasks established for the intensive support status during the period of intensive support status, the evaluator shall notify the superintendent of the school district where the teacher is employed and provide the superintendent with documentation of the intensive support status.
- 6.21 Upon review and approval of the documentation, the superintendent may recommend termination or nonrenewal of the teacher's contract.
 - 6.21.1 ~~A recommendation for termination or nonrenewal of a teacher's contract under these rules shall be made pursuant to the authority granted to a superintendent for recommending termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.~~
 - 6.21.2 ~~When a superintendent makes a recommendation for termination or nonrenewal of a teacher's contract, the public school shall provide a notice that meets the requirements of the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq., but is exempt from the provisions of Ark. Code Ann. § 6-17-1504(b).~~

- 6.21.2.1 The documentation and evidence from the intensive support status may be used to document a recommendation for termination or nonrenewal under the Teacher Fair Dismissal Act.
- 6.21.2.2 A public school that has substantially complied with the requirements of these rules, is entitled to a rebuttable presumption that the public school has a substantive basis for the termination or nonrenewal of the teacher's contract under the applicable standard for termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.
- 6.21.2.3 The presumption may be rebutted by the teacher during an appeal under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.

6.21.1 If the public school has substantially complied with the requirements of this section, the public school is entitled to a rebuttable presumption that the public school has a substantive basis for the termination or nonrenewal of the teacher's contract. When a superintendent makes a recommendation for termination or nonrenewal of a teacher's contract under this section, the public school shall provide a written notice to the teacher.

6.22 These rules do not preclude a public-school superintendent from:

- 6.22.1. Making a recommendation for the termination or nonrenewal of a teacher's contract for any lawful reason, ~~under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.; or~~
- 6.22.2. Including in a recommendation for termination or nonrenewal of a teacher's contract as a result of intensive support status under these rules any other lawful reason for termination or nonrenewal, ~~under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. Ark. Code Ann. § 6-17-1501 et seq.~~

T.E.S.S. Novice Teacher Mentoring

- 6.23 The Teacher Excellence and Support System also shall include novice teacher mentoring for each novice teacher employed at the public school that:
 - 6.23.1 Leads to improved student achievement by increasing effective teacher performance.

- 6.23.2 Establishes norms of professionalism; and
- 6.23.3 Provides training and support to novice teachers to increase teacher retention;
- 6.24 Novice teaching mentoring resources will be coordinated regionally through the Department using grants with educational partners.
- 6.25 ~~Teachers who are presently in an alternative educator preparation program (formerly “non-traditional”) may receive mentoring support until the completion of their program, or longer, at the discretion of their administrator.~~
- 6.26 An educational entity is responsible for ensuring that each novice teacher is provided mentoring support opportunities for his or her first three (3) years of employment as a novice teacher.
 - 6.26.1 ~~An educational entity shall register with the Department identify in the Statewide Information System (SIS) each novice teacher that is in his or her first year of employment as a novice teacher. who has completed less than three (3) school years of public-school classroom teaching experience.~~
- 6.27 An educational entity that does not utilize mentoring resources provided under these rules shall notify the Department, shall use the educational entity’s own funding, and will be subject to Department monitoring.

Source: Ark. Code Ann. §§ 6-17-2805, 6-17-2807, 6-17-2808, as amended by Act 295 of 2017; Act 237 of 2023

7.0 LEADER EXCELLENCE AND DEVELOPMENT SYSTEM

L.E.A.D.S. Summative Evaluations

- 7.01 Each educational entity shall conduct a summative evaluation of each building-level administrator or district-level administrator employed by the educational entity under these rules at least one (1) time every four (4) years. However, an educational entity may choose to conduct a summative evaluation for any leader at any time.

~~Each building-level administrator or district-level administrator, as defined for the purpose of these rules, shall be evaluated in writing under the Leader Excellence and Development System, except as follows:~~

- 7.02.1 ~~For the first three (3) years of a beginning administrator’s employment as a building- or district-level leader, an educational entity is not required to conduct a summative evaluation. However, an educational entity may~~

~~choose to conduct a summative evaluation for any building- or district-level leader at any time.~~

7.02.2 Superintendents and assistant superintendents, or an individual in an equivalent role as determined by the educational entity, are excluded from this requirement unless the educational entity elects to include that role.

7.03 A summative evaluation shall be based on the evaluation framework and rubric established by the Department, using ~~multiple sources~~ more than one type of evidence of the building-level or district-level leader's professional practice including direct observation, indirect observation, artifacts, and data.

L.E.A.D.S. Professional Growth and Development

7.04 A building or district-level leader shall develop a professional growth plan based on the standards and functions determined in collaboration with the superintendent or designee, and shall indicate:

7.04.1 The school's or educational entity's goal(s) for improvement;

7.04.2 The leadership strategies to address the goals;

7.04.3 Results indicators (staff and students); and

7.04.4 Sources of data to be monitored.

L.E.A.D.S. Formative Years

7.05 In formative years, L.E.A.D.S. aligns professional support and learning opportunities to link a building- or district-level leader's professional practice with support for targeted, personalized learning.

7.06 In a formative year, the building- or district-level leader shall focus on elements of the building- or district-level leader's professional growth plan that are designed to help the building- or district-level leader improve his or her leadership practices to meet school and district goals.

L.E.A.D.S. Intensive Support

7.07 An evaluator may place a building- or district-level leader in intensive support status if the building- or district-level leader has shown a pattern of ineffective leadership practices, as evidenced by low performance ratings on the evaluation

rubric. For example, the ineffective leader fails to promote the success and well-being of every student by:

- 7.07.1 ~~Not effectively supporting the professional growth of educational staff;~~
 - 7.07.2 ~~Not engaging all stakeholders in shared leadership to accomplish the vision;~~
 - 7.07.3 ~~Not modeling ethical professional behavior;~~
 - 7.07.4 ~~Not maintaining an equitable and culturally responsible environment;~~
 - 7.07.5 ~~Not supporting a rigorous curricular system;~~
 - 7.07.6 ~~Not effectively communicating and collaborating with the community and external partners; and~~
 - 7.07.7 ~~Not seeking continual professional growth.~~
- 7.08 If a building- or district-level leader is placed in intensive support status, the evaluator shall:
- 7.08.1 Establish the time period for the intensive support status; and
 - 7.08.2 Provide a written notice to the building- or district-level leader that the building- or district-level leader is placed in intensive support status. The notice shall state that if the building- or district-level leader's contract is renewed while the building- or district-level leader is in intensive support status, the fulfillment of the contract term is subject to the building- or district-level leader's accomplishment of the goals established and completion of the tasks assigned in the intensive support status.
- 7.09 The period of time specified by the evaluator for intensive support status shall afford the building- or district-level leader an opportunity to accomplish the goals of the intensive support status.
- 7.10 Intensive support status shall not last for more than two (2) consecutive semesters unless the building- or district-level leader has substantially progressed, and the building- or district-level leader and evaluator agree in writing to extend the intensive support status.
- 7.11 The evaluator shall work with the building- or district-level leader to:

- 7.11.1 Develop a clear set of goals and tasks that are designed to support the building- or district-level leader's progress based on the professional growth plan and the evaluation framework; and
- 7.11.2 Ensure the building- or district-level leader is offered the support that the evaluator deems necessary for the building- or district-level leader to accomplish the goals of the intensive support status plan that addresses improving performance of school and/or building.
- 7.12 At the end of the specified period of time for intensive support status, the evaluator shall:
 - 7.12.1 Evaluate whether the building- or district-level leader has met the goals developed in the intensive support status plan that addresses improving performance of school and/or building; and
 - 7.12.2 Provide written notice to the building- or district-level leader that the building- or district-level leader either:
 - 7.12.2.1 Is removed from intensive support status; or
 - 7.12.2.2 Has failed to progress in the intensive support status.
- 7.13 If a building- or district-level leader does not accomplish the goals established for the intensive category during the period of the intensive category, the superintendent shall review the documentation of the intensive category.
- 7.14 Upon review and approval of the documentation, the superintendent may recommend termination or nonrenewal of the building- or district-level leader's contract.
 - ~~7.14.1 If the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq., is applicable to the building- or district-level leader's contract, a recommendation for termination or nonrenewal of a building- or district-level leader's contract under these rules shall be made under the authority granted to a superintendent for recommending termination or nonrenewal under the Teacher Fair Dismissal Act.~~
 - 7.14.2 These rules do not preclude a superintendent from recommending the termination or nonrenewal of a building- or district-level leader's contract that is based all or in part on any lawful reason. ~~under the Teacher Fair Dismissal Act.~~

L.E.A.D.S. Beginning Administrator Induction

- 7.15 An educational entity is responsible for ensuring that each beginning administrator is provided induction support opportunities for his or her first three (3) years of employment as a beginning administrator.
- 7.16 The induction program is supported by the Department through partnership grants with state or national school leadership organizations, or institutions of higher education with school leadership programs that:
 - 7.16.1 Include opportunities for a summer or fall conference and regionally organized professional learning communities, and
 - 7.16.2 Focus on topics designed to meet the specific needs of beginning administrators.
- 7.17 An educational entity shall ~~register~~ identify with the Department each building- or district level leader that is in his or her first year of employment as a building- or district level leader.

Source: Ark. Code Ann. § 6-17-2806

8.0 DATA REPORTING

- 8.01 Each educational entity shall report to the Department the data requested by the Department for the purpose of identifying and evaluating educator effectiveness ~~and equity~~ in accordance with state and federal reporting requirements.
- 8.02 ~~Under the Every Student Succeeds Act, the state shall determine the rate at which low income and minority students are disproportionately taught by educators who are ineffective, inexperienced, or teaching a subject for which they are not currently licensed. If there is disproportionality, the state will evaluate and publicly report the progress in addressing the disproportionality. To support these requirements, an educational entity shall report to the Department:~~
 - 8.02.1 ~~Each teacher's professional practice rating from the teacher's summative evaluation conducted once every four (4) years.~~
 - 8.02.1.1 ~~A teacher's professional practice rating will not be publicly reported, but is essential to the calculation of disproportionality;~~
 - 8.02.2 ~~The number of educators who are:~~
 - 8.02.2.1 ~~Teaching or leading with less than three (3) years of experience;~~

~~8.02.2.2 Teaching or leading with emergency or provisional credentials; and~~

~~8.02.2.3 Teaching a subject for which they are not currently licensed; and~~

~~8.02.3 Other data regarding teacher and leader qualifications and effectiveness as identified by the Department.~~

Source: Ark. Code Ann. § 6-15-1402, and Acts 295 and 930 of 2017; Elementary and Secondary Education Act of 33 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95

9.0 SUPERINTENDENT CONTRACT REQUIREMENTS

9.1 Each local school district board of directors shall establish, as part of a public school superintendent's contract of employment, written performance targets for public schools at both the school level and the district level that include, without limitation, the following:

9.1.1 Student achievement for the entire public school district based on state-approved assessment(s);

9.1.2 Student achievement for public schools within the public school district that have received any variation of a school performance letter grade designation of "C," "D," or "F" under Ark. Code Ann. §§ 6-15-2105 and 6-15-2106 and State Board of Education Rules;

9.1.3 Graduation rates for the entire public school district; and

9.1.4 Graduation rates for public schools within the public school district that have received any variation of a school performance letter grade designation of "C," "D," or "F" under Ark. Code Ann. §§ 6-15-2105 and 6-15-2106 and State Board of Education Rules;

9.2 Each local school district board of directors shall:

9.2.1 Publish the school district superintendent's current contract of employment on the school district website; and

9.2.2 Submit to the Division of Elementary and Secondary Education by posting on the school district website, a copy of the current contract of employment of the school district superintendent.

9.2.2.1 For the 2023-2024 school year, contracts must be posted on the

school district website no later than October 1, 2023.

9.02.2.2 In subsequent school years, contracts must be posted on the school district website no later than July 1.

9.03 A contract of employment executed, negotiated, or renegotiated after July 1, 2023 between a local school district board of directors and a superintendent that does not meet the requirements established in these rules shall be null and void.

10.00 MERIT TEACHER INCENTIVE FUND PROGRAM

10.01 Merit Teacher Incentive Fund Program – Creation

10.01.1 The Merit Teacher Incentive Fund Program is hereby created to recognize and reward excellent teachers across the State of Arkansas.

10.01.2 A teacher deemed eligible under the program may be awarded with annual bonuses of no more than ten thousand dollars (\$10,000.00), if funds are available.

10.01.3 In order to be eligible for funds, a teacher must have an annual rating of effective or highly effective on a state-approved evaluation system.

10.01.4 All applicants must demonstrate a positive impact on student growth to be eligible to receive an award. Other eligibility requirements are considered in addition to growth.

10.02 To be eligible for an award from the Merit Teacher Incentive Fund Program, an applicant must be:

10.02.1 A teacher who holds a valid Arkansas educator's license; or

10.02.2 An aspiring teacher participating in a yearlong residency; and

10.02.3 Provide evidence that the applicant:

10.02.3.1 Demonstrates outstanding growth in student performance as determined by the state's value-added measure system; or

10.02.3.2 Serves as a mentor to aspiring teachers who are participating in a yearlong residency; or

10.02.3.3 Teaches in a subject area identified as experiencing a critical shortage of teachers; or

10.02.3.4 Teaches in a geographical area identified as experiencing a

critical shortage of teachers.

10.03 Distribution of funds

10.03.1 Individuals qualifying under 10.01 of these rules shall receive funds by June 30 of each year.

10.03.2 The following factors may be considered when determining distribution:

10.03.2.1 A teacher's value-added growth score from the previous year;
or

10.03.2.2 The poverty level of the school; or

10.03.2.3 The designated performance rating of the school under the school rating system per Ark. Code Ann. § 6-15-2101 et seq.

10.03.3 A teacher who, in the previous school year, is in intensive support status under the Teacher Excellence and Support System, § 6-17-2801 et seq., is ineligible for receipt of funds under the program for the subsequent school year.

10.03.4 Funds awarded as part of the Merit Teacher Incentive Fund Program shall be provided to a recipient's employing school district, and include fringe benefits for the award recipient.

10.04 Reporting

10.04.1 The Division of Elementary and Secondary Education shall annually conduct and publish a report on data regarding Arkansas's educator workforce.

10.04.2 The report required under these rules shall include, without limitation, an analysis of:

10.04.2.1 Teacher shortage areas by geographic region, subject area, district, school, and student demographic groups, including consideration for teacher certification status; and

10.04.2.2 The teacher pipeline and retention, including consideration of available teacher training pathways.

**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

- Name of rules has been changed to reflect amendments that address additional topics.
- Per Act 237 of 2023, a new section of the rules has been added regarding the Merit Teacher Incentive Fund Program creation, eligibility requirements, distribution of funds, and reporting.
- Per Act 237 of 2023, a new section of the rules has been added regarding superintendent performance targets, superintendent contract requirements, and school district responsibilities regarding same.
- New definitions have been added or amended for consistency with Act 237 of 2023.
- “Value Added Measure” was added to the rules, where appropriate, for consistency with Act 237 of 2023.
- For consistency with Act 237 of 2023, references to the Teacher Fair Dismissal Act have been removed.
- The rules were also amended to make technical changes and remove unnecessary or repetitive language.
- Language was added to Section 6.10 to clarify that an evaluator supports formative year goals.
- Language was added to clarify that while an educational entity shall conduct a summative evaluation once every four years, an educational entity may choose to conduct a summative evaluation at any time.
- Language was added to clarify that while other school personnel are allowed to guide support in formative years, the designated evaluator remains responsible for conducting summative evaluations of teachers and assigning the overall ratings.
- For consistency with other rules and the law, language was added to clarify that a teacher may be placed in intensive support status for not demonstrating proficiency in knowledge and practices of scientific reading instruction.
- Language was added from Act 237 of 2023 regarding termination or non-renewal of contracts.

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 new administrative rules. Public comment hearings will be held for the following rules: DESE Rule Governing Public School Choice on April 17, 2024, at 10:00 a.m.; DESE Rule Governing Petitions for Student Transfers on April 17, 2024 at 1:00 p.m.; DESE Rule Governing Public School Policies Relating to Overnight Trips and Use of Public School Lavatories on April 18, 2024 at 10:00 a.m.; DESE Rule Governing the Student Protection Act on April 18, 2024 at 1:00 p.m.; DESE Rule Governing Educator Performance on April 19, 2024 at 10:00 a.m.; DESE Rule Governing Community Service on April 19, 2024 at 1:00 p.m.; DESE Rule Governing the Right to Read Act on April 19, 2024 at 3:00 p.m. All hearings will be held at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201. The public comment period for these rules ends on April 24, 2024. 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) 683-1390.