

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

~~Arkansas Division of Child Care and Early Childhood~~
~~Education and~~
Arkansas Department of Education
Division of Elementary and Secondary Education
Office of Early Childhood

**Rules Governing the Requirements and Procedures for
Obtaining an Arkansas Birth through Prekindergarten
Teaching Credential
Act 187 of 2009**

1.0 Regulatory Authority

- 1.1 These rules are enacted pursuant to the authority of the ~~Division of Child Care and Early Childhood Education~~ Arkansas Department of Education, Office of Early Childhood under Arkansas Code § 20-78-801 et seq.
- 1.2 The Arkansas Department of Education, Office of Early Childhood ~~Division of Child Care and Early Childhood Education, Arkansas Department of Human Services~~, shall coordinate and administer the Birth through Prekindergarten Teaching Credential fulfilling the requirements of Ark. Code § 20-78-205 (b) and 20-78-801 et seq.

2.0 Purpose

- 2.1 The purpose of these rules is to establish the requirements and procedures for obtaining an Arkansas Birth-~~Pre Kindergarten~~ through Prekindergarten Teaching Credential. The Arkansas Birth through Prekindergarten Teaching Credential is a competency-based credential created to provide an additional professional pathway for individuals wishing to pursue a more advanced level of knowledge and skill in working with young children and their families. The credential provides ~~an alternative route pathway to the existing Arkansas Department of Education Prekindergarten through Grade Four Teaching License~~ for the preparation of teachers for all children, birth through age five, including children with special needs, but shall not be utilized in lieu of the P-4 teaching license issued by the State Board of Education when it is required for a public early childhood education program. Professionals working in a variety of early care and education settings including Head Start, Arkansas Better Chance, ~~Developmental Day Treatment Clinic Service~~ Early Intervention Day Treatment or other inclusive programs, home visiting programs, and various community-based early care and education services will find this credential supportive of their professional development needs.
- 2.02 In addition, the credential will strengthen the infrastructure in Arkansas which will improve the quality of programs and experiences available for all children, birth to age five, regardless of setting. The Arkansas Birth through Prekindergarten Teaching Credential reflects the ~~Traveling Arkansas' Professional Pathways (TAPP)~~ Professional Development Registry (PDR) Key Content Areas Workforce Knowledge

and Competencies for Early Childhood (WKC). ~~as well as best practices as identified by the Council for Professional Recognition, the National Association for the Education of Young Children, the Division for Early Childhood of the Council for Exceptional Children, the Arkansas Curriculum Frameworks, the Common Core State Standards Initiative (CCSSI), and the state supported institutions of higher education (Arkansas Early Childhood Cohort).~~

3.0 Definitions

For the purpose of these rules, the following definitions shall apply:

3.01 *Birth through Prekindergarten* refers to children from birth through age four or five.

3.02 *Birth through Prekindergarten Teaching Credential* is a credential based on attainment of specified competencies. These competencies can be found in a core of college credit

hours at

either the two year or four year level.

3.03 *Competency* is knowledge or skill which has been identified as critical to the Birth through Prekindergarten teaching credential.

3.04 *Core course* is a course designed by higher education to include specified early childhood competencies.

3.05 *Designated Assessment* is a knowledge or skill assessment for the Birth through Prekindergarten teaching competencies.

3.06 *Minimum Educational Level* is defined as 18-27 college credit hours in early childhood development and early childhood education focused specifically on infants, toddlers, and preschoolers with no course grade below a "C".

3.07 *"OEC"* means the Department of Education, Office of Early Childhood.

~~3.07~~ 3.08 *Public Early Childhood Education Program* means an education program which is all or partially funded with state or federal funds, and serves children from Birth through Prekindergarten.

~~3.08~~ 3.09 *Qualifying Assessment Score* refers to the score determined by the Office of Early Childhood, Arkansas Early Childhood Commission/Early Learning Council as qualifying for teaching Birth through Prekindergarten.

4.0 Requirements for Obtaining an Arkansas Birth through Prekindergarten Teaching Credential

4.1 A person applying for Birth through Prekindergarten Teaching Credential is not

- required to pay a fee for submitting the application or obtaining the credential.
- 4.2** A person must meet the minimum educational level as determined by the Birth through Prekindergarten Teaching Credentials which are embedded in 18-27 college credit hours in early childhood development and early childhood education focused specifically on infants, toddlers, and preschoolers.
- 4.3** A person must complete the content knowledge of a specialty area assessment designated by the Office of Early Childhood. Arkansas Early Childhood Commission/Early Learning Council with a score equal to or greater than the Arkansas Qualifying Assessment Score.
- 4.4** A person may obtain the *Birth through Prekindergarten Teaching Credential* by the following pathways:
- (a) Complete 18-27 college credit hours in early childhood development and early childhood education focused specifically on infants, toddlers, and preschoolers.
 - (b) Complete an associate or bachelors degree which includes the Arkansas Birth through Prekindergarten teaching Competencies which appear in 18-27 college credit hours in early childhood development and early childhood education focused specifically on infants, toddlers, and preschoolers.
 - (c) Add the Arkansas Birth through Prekindergarten teaching Competencies to an existing two or four year degree.
 - (d) A person coming from another state within the United States may be issued the Arkansas Birth through Prekindergarten Teaching Credential by fulfilling §§ 4.01, 4.02, and 4.03 and need not have an associate degree.
 - (e) A person outside the United States may be issued the Arkansas Birth through Prekindergarten Teaching Credential by fulfilling §§ 4.01, 4.02, and 4.03 and need not have an associate degree.

5.0 General Policies and Procedures Relating to the Arkansas Birth through Prekindergarten Teaching Credential

- 5.1** The Birth through Prekindergarten Teaching Credential shall become effective upon the date of issue and shall be valid for five (5) years. The Credential shall expire five (5) years from the effective date as reflected on the Birth through Prekindergarten Teaching Credential.
- 5.2** The procedure for applying for a Birth through Prekindergarten Teaching Credential is as follows:
- (a) Complete the application form.
 - (b) Complete the non-criminal background check or show verification of completion.
 - (c) Complete Child Maltreatment Central Registry check or show verification of completion.
 - (d) Attach an official college transcript(s) of college hours with course objectives.
 - (e) Attach course objectives and Competencies for each course.

(f) Attach a report showing the designated Qualifying Assessment Score.

(g) Send a cover letter, application, and transcript(s) to:
The Office of Early Childhood. Arkansas Birth through
Prekindergarten Teaching Credential Division of Child
Care and Early Childhood Education
P.O. Box 1437 Slot 160
Little Rock, AR 72201
1437

- 5.3** A person holding the Birth through Prekindergarten Teaching Credential shall complete a minimum of thirty (30) hours of professional development annually in early childhood development or early childhood education. At least 10 of the 30 hours should be in the areas of Special Populations, English as a Second Language, Nutrition, Health and Safety of Infants and Toddlers. This professional development shall be approved and documented by the Arkansas Department of Education or the Traveling Arkansas Professional Pathways Arkansas Professional Development Registry.

6.0 Monitoring and Assessment Requirements

6.1.1 The ~~Division of Child Care and Early Childhood Education~~ Office of Early Childhood will verify the annual professional development hours of the applicants upon renewal of certification. Verification of hours can be completed one of the following ways:

6.1.1.1 Applicants may submit transcript of professional development hours

6.1.1.2 Applicants may grant access to ~~DCCECE~~ OEC to verify hours within ~~Traveling Arkansas Professional Pathways~~ Development Registry.

- 6.2 A person shall complete the assessment designated by ~~DCCECE~~ OEC with a Qualifying assessment score.

7.0 Requirements for the renewal of an Arkansas Birth through Prekindergarten Teaching Credential

- 7.1** A Birth through Prekindergarten Teaching Credential shall be automatically renewed upon the person meeting the following requirements:
- (a) Complete the renewal application form.
 - (b) Attach a copy of a valid Birth through Prekindergarten Teaching Credential.
 - (b) Attach documentation which verifies the annual 30 hours of professional development in early childhood development or early childhood education.

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.



Division of Elementary and Secondary Education

Transforming Arkansas to lead the nation in student-focused education

Jacob Oliva
Secretary

February 16, 2024

Stacy Smith
Deputy
Commissioner

Proposed Rules Governing the Requirements and Procedures for Obtaining an Arkansas Birth through Prekindergarten Teaching Credential

**State Board of
Education**

Purpose

Dr. Sarah Moore
Stuttgart
Chair

The Division of Elementary and Secondary Education (“Division”) Office of Early Childhood (OEC) is seeking Governor’s Office review and approval of the proposed amendments to the DESE OEC Rules Governing the Requirements and Procedures for Obtaining an Arkansas Birth through Prekindergarten Teaching Credential.

Kathy Rollins
Springdale
Vice-Chair

Background

Steve Sutton
Marion

Pursuant to Ark. Code § 20-78-205 (b) and 20-78-801 et seq, the Division shall adopt the necessary rules to implement these code sections. Act 237 of 2023 moved the Office of Early Childhood from the Division of Childcare and Early Childhood Education to the Arkansas Department of Education. This amendment changes the rule language to reflect that change.

Adrienne Woods
Rogers

Randy Henderson
Blytheville

Summary of Amendments

Lisa Hunter
White Hall

- The rules are amended to state the regulatory authority as the Arkansas Department of Education, Office of Early Childhood instead of the Division of Childcare and Early Childhood Education.
- The rules are amended to reflect that the Early Intervention Day Treatment has replaced the Developmental Day Treatment Clinic Service.
- The rules are amended to reflect that Traveling Arkansas Professional Pathways has been replaced by the Arkansas Professional Development.

Jeff Wood
Little Rock

Ken Bragg
Sheridan

Leigh Keener
Little Rock

Recommendation

The Division of Elementary and Secondary Education Office of Early Childhood recommends Governor’s Office approval of these rules.

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 on the DESE Rule Governing Public School Policies Relating to Overnight Trips and Use of Public School Lavatories on May 22, 2024 at 1:30 p.m. Public comment hearings will be held for the following rules on May 31, 2024 at 10am: the DESE Rule Governing Professional Development; the DESE Rule Governing Arkansas Governor's School; the DESE Rule Governing Background Checks; the ADE, Office of Early Childhood Rules Governing Better Beginnings, Arkansas's Tiered Quality Rating and Improvement System; the DESE Rule Governing the Code of Ethics for Arkansas Educators; the DESE Rule Governing Dyslexia Screenings and Interventions; the DESE Rule Governing Educator Licensure; the DESE Rule Governing Emergency Response Equipment and Training in Arkansas Public Schools; the DESE Rule Governing Fiscal Assessment and Accountability Program; the DESE Rule Governing the Maternity Leave Cost Sharing Program; the DESE Rule Governing the Requirements and Procedures for Obtaining an Arkansas Birth through Prekindergarten Teaching Credential; and the DESE Rule Governing Water Safety Information Provided by Public Schools. Public comment hearings will be held for the repeal of the following rules on May 31, 2024 at 1:30pm: the DESE Rule Governing the Educator Compensation Reform Program; the DESE Rule Governing Eligibility of Participating School Districts in the Traveling Teacher Program; the DESE Rule Governing Incentives for Teacher Recruitment and Retention in High-Priority Districts; the DESE Rule Governing Reimbursement by School Districts for Election Expenses; the DESE Rule Governing School Board Zones and Rezoning; the DESE Rule Governing School District Duty to Report Student Criminal Acts; the DESE Rule Governing the Succeed Scholarship Program; and DCTE Rule Governing Methods of Administration of Career and Technical Education Programs. 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 June 10, 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.

Re: Notice of Rulemaking

Legal Ads <legalads@arkansasonline.com>

Wed 5/8/2024 11:42 AM

To: Daniel Shults (ADE) <Daniel.Shults@ade.arkansas.gov>

Cc: LaBria Brown (ADE) <LaBria.Brown@ade.arkansas.gov>; Legal <legal@ade.arkansas.gov>

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](#).

Notice will run Fri 5/10, Sat 5/11, and Sun 5/12.

Sunday will be invoiced separate from Fri/Sat.

Thank you.

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

From: "Daniel Shults (ADE)" <Daniel.Shults@ade.arkansas.gov>
To: "LaBria Brown, ADE" <LaBria.Brown@ade.arkansas.gov>, "Legal Ads" <legalads@arkansasonline.com>
Cc: "Legal" <legal@ade.arkansas.gov>
Sent: Wednesday, May 8, 2024 11:27:16 AM
Subject: RE: Notice of Rulemaking



ARKANSAS
DEPARTMENT OF EDUCATION

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Arkansas Department of Education
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From: LaBria Brown (ADE) <LaBria.Brown@ade.arkansas.gov>
Sent: Wednesday, May 8, 2024 9:57 AM
To: Legal Ads <legalads@arkansasonline.com>
Cc: Legal <legal@ade.arkansas.gov>; Daniel Shults (ADE) <Daniel.Shults@ade.arkansas.gov>
Subject: Notice of Rulemaking

Good morning,

Please find the attached Notice of Rulemaking for several Division of Elementary and Secondary Education administrative rules and confirm receipt. Please run for three consecutive days, from Friday, May 10, 2024, through Sunday, May 12, 2024. Please let me know if you have any questions.