

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 _____

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION

RULES GOVERNING MATH INTERVENTION

1.00 Authority

1.01 The State Board of Education has authority to promulgate these rules pursuant to Arkansas Code §6-17-431.

2.00 Definitions

2.01 “High-dosage, targeted math tutoring” means three (3) or more tutoring sessions a week in a one-on-one or small-group setting.

2.02 “Math intervention plan” means instruction beyond the core that includes evidence-based math strategies for a student who is not performing at or above grade level.

2.03 “Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

2.04 “Teacher” means a person who:

2.04.1 Holds a valid Arkansas teacher license, including an administrator; or

2.04.2 Is teaching under a waiver of license.

2.05 “Teacher excellence and support system” means a statewide teacher evaluation system that:

2.05.1 Is aimed at:

2.05.1.1 Ensuring effective teaching; and

2.05.1.2 Improving student learning;

2.05.2 Provides:

2.05.2.1 Support;

2.05.2.2 Collaboration;

2.05.2.3 Feedback; and

2.05.2.4 Targeted professional development opportunities; and

2.05.3 Is set out in:

2.05.3.1 The Rules Governing Educator Support and Development, Section 6.0; and

2.05.3.2 Arkansas Code §6-17-2801, et seq.

3.00 Math Intervention Plan Requirements

3.01 Each year a public school district and an open-enrollment public charter school shall:

3.01.1 Develop a math intervention plan within the statewide student intervention system by the first quarter for each student in grades three through eight (3-8) who is not performing at or above grade level on the state assessment, as defined by the State Board of Education; and

3.01.2 Provide written notification at least two times throughout the school year to all parents of students with a math intervention plan of the student's progress on his or her math intervention plan.

3.02 The math intervention plan required under Section 3.01.1 may include without limitation:

3.02.1 A provision for each student to have access to high-dosage, targeted math tutoring in the subsequent school year;

3.02.2 Assignment to a teacher with a value-added model score in the top quartile statewide in math for the previous three (3) years;

3.02.2.1 If a public school district or open-enrollment public charter school is unable to find a teacher with a value-added model score in the top quartile statewide in math for the previous three (3) years, the math intervention plan may include assignment to a teacher:

3.02.2.1.a With a highly-effective rating in the teacher excellence and support system, where possible; or

3.02.2.1.b Deemed to be a high-performing teacher as defined by a Master Professional Educator designation; and

3.02.3 An opportunity for each student to have extended time on math instruction during or after school.

3.03 By the beginning of the 2024-2025 school year, and annually thereafter, each public school district and open-enrollment public charter school shall report in the Division of Elementary and Secondary Education statewide information system the:

3.03.1 Type or types of math intervention used; and

3.03.2 Number of students who are receiving each type of math intervention.

**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? _____
open-enrollment charter schools.
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.

Act 237 of 2023; Section 30.

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.



Division of Elementary and Secondary Education

Transforming Arkansas to lead the nation in student-focused education

Jacob Oliva
Secretary

May 28, 2024

Stacy Smith
Deputy
Commissioner

Proposed Rules Governing Math Intervention

**State Board of
Education**

Dr. Sarah Moore
Stuttgart
Chair

PURPOSE

The Division of Elementary and Secondary Education is seeking the Governor's review of proposed Rules Governing Math Intervention.

BACKGROUND

Act 237 of 2023, Section 30, created math intervention plan requirements for public school districts and open-enrollment public charter schools. The Division is promulgating these rules to implement those requirements.

Kathy Rollins
Springdale
Vice-Chair

KEY POINTS

- Includes authority for the rules.
- Includes key definitions relevant to the rules.
- Includes requirements for math intervention plans that school districts and open-enrollment charter schools must meet.

Adrienne Woods
Rogers

DISCUSSION

Randy Henderson
Blytheville

Section 30 of Act 237 of 2023 created Arkansas Code § 6-17-431 which requires public school districts and open-enrollment public charter schools to develop a math intervention plan for each student in grades three through eight (3-8) who is not performing at or above grade level on the state assessment.

Lisa Hunter
White Hall

The new statute also includes provisions that may be included in the math intervention plan and requires schools to provide written notification to parents of their student's math intervention plan and progress on their math intervention plan throughout the school year.

Jeff Wood
Little Rock

Finally, the statute requires schools to report to the Division the types of math intervention used and the number of students receiving each type of math intervention.

Ken Bragg
Sheridan

The Division's Rules Governing Math Intervention set out these statutory requirements for math intervention plans.

Leigh Keener
Little Rock

RECOMMENDATION

The Division of Elementary and Secondary Education 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 the following new administrative rules or amendments to administrative rules: the DESE Rule Governing the Arkansas Educational Support and Accountability Act (AESAA); the DESE Rule Governing the Arkansas Better Chance Program; the DESE Rule Governing Community Service And Diploma Requirements; DESE Rule Governing Career-Ready Pathways To Diploma; the DESE Rule Governing Standards for Accreditation of Arkansas Public Schools and Public School Districts; the DESE Rule Governing Math Intervention; and the DESE Rule Governing Documents Posted to School District and Education Service Cooperative Websites. Public comment hearings will be held for the forgoing rules on June 28, 2024 at 10:00am at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201 in the ADE Auditorium. The public comment period for these rules ends on July 14, 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.

FW: Notice of Rulemaking -- Department of Education

Stephen Reynolds (ADE) <Stephen.Reynolds@ade.arkansas.gov>

Wed 6/12/2024 2:33 PM

To: LaBria Brown (ADE) <LaBria.Brown@ade.arkansas.gov>

Cc: Andres Rhodes (ADE) <Andres.Rhodes@ade.arkansas.gov>; Daniel Shults (ADE) <Daniel.Shults@ade.arkansas.gov>

Here's the Dem-Gaz confirmation for rules going out for public comment tomorrow. Would you mind adding it to the packets?

Thanks!

Stephen M. Reynolds
Associate Legal Counsel
Arkansas Department of Education

From: Legal Ads <legalads@arkansasonline.com>

Sent: Wednesday, June 12, 2024 11:00 AM

To: Stephen Reynolds (ADE) <Stephen.Reynolds@ade.arkansas.gov>

Subject: Re: Notice of Rulemaking -- Department of Education

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](#).

Will run Fri 6/14, Sat 6/15, and Sun 6/16.

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>, "LaBria Brown, ADE" <LaBria.Brown@ade.arkansas.gov>

Sent: Tuesday, June 11, 2024 3:57:25 PM

Subject: Notice of Rulemaking -- Department of Education

Good afternoon,

Please find attached a notice of rulemaking for several Department of Education administrative rules and confirm receipt. Please run for three consecutive days beginning June 14, 2024, through June 16, 2024.

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.