

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
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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 HIGHER EDUCATION
RULES GOVERNING THE ARKANSAS TEACHER ACADEMY
SCHOLARSHIP PROGRAM**

Effective Date:

1.00 REGULATORY AUTHORITY AND PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Division of Higher Education Rules Governing the Arkansas Teacher Academy Scholarship Program.
- 1.02 These rules are enacted pursuant to the Arkansas Higher Education Coordinating Board’s authority under Ark. Code Ann. §§ 6-82-105 and per Act 237 of 2023.
- 1.03 The purpose of these rules is to establish the requirements and processes governing the Arkansas Teacher Academy Scholarship Program.

2.00 DEFINITIONS

- 2.01 “Academy attendee” means an individual who is enrolled in an Arkansas Teacher Academy at an eligible postsecondary institution who is a :
- 2.01.1 Current teacher;
- 2.01.2 Teacher who has graduated from an Arkansas Teacher Academy at an eligible postsecondary institution; or
- 2.01.3 Current student.
- 2.02 “Division” means Arkansas Department of Education Division of Higher Education.
- 2.03 “Eligible postsecondary institution means a public or private two-year or four-year institution of higher education that:
- 2.03.1 Offers a postbaccalaureate program that leads to teacher certification; and
- 2.03.2 Has entered into an agreement with the Division of Higher Education for purposes of the Arkansas Teacher Academy Scholarship Program.

2.03 “Tuition and fees” means any one (1) of the following charged by an eligible postsecondary institution that is associated with a program of study that is part of the Arkansas Teacher Academy Scholarship Program and that leads to teacher certification:

2.03.1 Tuition;

2.03.2 Mandatory fees; and

2.03.3 Program fees.

3.00 IMPLEMENTATION OF PROGRAM AND PURPOSE

3.01 An eligible postsecondary institution shall implement an Arkansas Teacher Academy to incentivize potential and enrolled academy attendees to:

3.01.1 Enter the teaching profession; and

3.01.2 Commit to teaching in:

3.01.2.1 Arkansas public schools; or

3.01.2.2 Critical shortage areas in Arkansas based on subject areas or geographical areas.

3.01.3 As outlined in Section 5.03.1, teach at least one (1) full school year in a public school or in a school that serves primarily public school students with disabilities in the State of Arkansas for each academic year the academy attendee successfully completes and for which the academy attendee receives a scholarship for all or part of his or her tuition and fees.

3.02 The Division of Higher Education, in consultation with public and private postsecondary institutions, shall develop and implement a centralized administrative process for each Arkansas Teacher Academy, which shall include, without limitation, the following:

3.02.1 A marketing and promotion plan to recruit academy attendees for an Arkansas Teacher Academy;

3.02.2 Data collection and reporting;

3.02.3 Tracking of postgraduation service requirements;

3.02.4 Coordination of induction services;

3.02.5 Distribution of moneys in the Arkansas Teacher Academy Scholarship Program Fund between eligible postsecondary institutions;

3.02.6 Collection of reimbursements from individuals who fail to meet the service requirements under these rules;

3.02.7 A process for assessing an academy attendee's ability to repay financial assistance received under this subchapter if the academy attendee who receives financial assistance under this subchapter is physically or mentally unable to fulfill the requirements of an Arkansas Teacher Academy program; and

3.02.8 A process for deferring service or repayment required by this subchapter based on factors adopted by the Division.

4.00 ELIGIBLE POSTSECONDARY INSTITUTION DUTIES

4.01 An Arkansas Teacher Academy may include, without limitation, a new or existing teacher preparation program that utilizes proven, research-based models of best practices that are already being implemented in similar program pathways.

4.02 An eligible postsecondary institution may:

4.02.1 Develop a portfolio of teacher preparation programs to offer as part of its Arkansas Teacher Academy; and

4.02.2 Give priority to students in grades eleven (11) and twelve (12).

4.03 An eligible postsecondary institution shall not:

4.03.1 Exclude students in grades nine (9) and ten (10) from its Arkansas Teacher Academy; and

4.03.2 Use scholarship funds that exceed the cost of tuition and fees at the eligible postsecondary institution to support its Arkansas Teacher Academy costs.

- 4.04 If a scholarship awarded to an academy attendee under these rules does not cover the eligible postsecondary institution's tuition and fees after an academy attendee receives all other financial gifts, financial aid, and grants, the eligible postsecondary institution shall not charge an academy attendee awarded a scholarship under this subchapter the remaining difference.
- 4.03 An eligible postsecondary institution shall develop formal partnerships with Arkansas public schools to build commitments for teacher employment upon an academy attendee's completion of an Arkansas Teacher Academy program.
- 4.04 The targeted deployment of academy attendees who are currently teachers who have completed an Arkansas Teacher Academy program shall be based on the:
- 4.04.1 Needs of each public school system;
- 4.04.2 Community that is being served; and
- 4.04.3 Individual skills of each current teacher who has completed an Arkansas Teacher Academy program.
- 4.05 A program offered as part of an eligible postsecondary institution's Arkansas Teacher Academy shall include accelerated program models for the following, without limitation:
- 4.05.1 Subject areas and geographical areas identified by the Division of Elementary and Secondary Education as experiencing a critical shortage of teachers;
- 4.05.2 An individual seeking postbaccalaureate coursework that results in a professional certification; and
- 4.05.3 A student in a non-education program who seeks to complete one (1) or more teacher preparation courses in order to prepare him or her to receive a teaching certification following his or her graduation.

5.00 SCHOLARSHIP AMOUNTS AND ACADEMY ATTENDEE REQUIREMENTS

5.01 An eligible postsecondary institution shall provide to each academy attendee who is enrolled in its Arkansas Teacher Academy an annual scholarship up to the actual cost of the:

5.01.1 Eligible postsecondary institution's tuition and fees for a maximum of:

5.01.1.1 Two (2) academic years or four (4) academic semesters for an academy attendee who is a graduate student enrolled in the Arkansas Teacher Academy at an eligible postsecondary institution;

5.01.1.2 Four (4) academic years or eight (8) academic semesters for an undergraduate student enrolled in the Arkansas Teacher Academy at the eligible postsecondary institution; and

5.01.1.3 Two (2) academic years or four (4) academic semesters for a community college student enrolled in the Arkansas Teacher Academy at the eligible postsecondary institution.

5.01.1.3.1 A student who qualifies under Section 5.01.1.3 of these rules shall receive continued eligibility for two (2) additional academic years or four (4) additional academic semesters at a postsecondary institution that is an undergraduate institution.

5.01.2 Obtainment of a teaching license issued by the State Board of Education, including, without limitation, the actual cost of one (1) exam required by the state board.

5.02 A scholarship distributed to an academy attendee under Section 5.01 of these rules shall be distributed only after all other financial gifts, financial aid, and grants have been received by an academy attendee enrolled in an Arkansas Teacher Academy at an eligible postsecondary institution.

5.03 Each academy attendee who is enrolled in an Arkansas Teacher Academy shall:

5.03.1 Agree to teach at least one (1) full school year in a public school or in a school that serves primarily public school students with disabilities in the

State of Arkansas for each academic year the academy attendee successfully completes and for which the academy attendee receives a scholarship for all or part of his or her tuition and fees.

5.03.1.1 For an academy attendee who teaches and receives the scholarship concurrently, the academy attendee's commitment period to teach in a public school in the State of Arkansas as required under Section 5.03.1 of these rules shall begin after the academy attendee's graduation from an Arkansas Teacher Academy.

5.03.2 Reimburse the Division for the:

5.03.2.1 Total amount of scholarship funds the academy attendee received for tuition and fees for an academic year in which the academy attendee does not successfully complete the academic year in good academic standing; and

5.03.2.2 Proportional amount of the scholarship the academy attendee received for tuition and fees that corresponds to the number of school years the academy attendee agreed to teach in a public school in the State of Arkansas but did not teach in a public school in the State of Arkansas as required under Section 5.03.1 of these rules.

5.03.3 In the calculation of the academy attendee's commitment period to teach in a public school in the State of Arkansas per Section 5.03.1 of these rules, not include time that the academy attendee is enrolled in a summer term.

5.04 Students must apply for the scholarship via the Division's Scholarship Application Management System (SAMS) portal during the open application period.

6.00 SCHOLARSHIP DISTRIBUTION DUTIES AND REPORTING REQUIREMENTS

6.01 The Division shall:

6.01.1 Administer the Arkansas Teacher Academy Scholarship Program Fund; and

6.01.2 Establish criteria for distributing scholarships from the fund.

6.02 On or before March 1, 2024, and each year thereafter, the Division shall report to the Joint Budget Committee, or if the General Assembly is not in session, the Legislative Council, and the Governor's office, the following information:

6.02.1 The total number of academy attendees enrolled in each eligible postsecondary institution's Arkansas Teacher Academy in the current academic year; and

6.02.2 The total number of Arkansas Teacher Academy graduates receiving induction services in the current academic year.

6.03 On or before September 1, 2024, and each year thereafter, the Division shall report the following information to the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives, with a copy submitted to the Secretary of State:

6.03.1 The total number of academy attendees enrolled in each eligible postsecondary institution's Arkansas Teacher Academy by year of college enrollment;

6.03.2 The percentage of academy attendees who complete each year of an eligible postsecondary institution's Arkansas Teacher Academy and who plan to continue to the subsequent year, delineated by each teacher preparation program offered by each eligible postsecondary institution as part of the Arkansas Teacher Academy;

6.03.3 The number of academy attendees who are currently teachers and who complete a program of study through an eligible postsecondary institution's Arkansas Teacher Academy;

6.03.4 The number of academy attendees who are currently teaching in a public school in the State of Arkansas as part of an agreement for receiving a scholarship under this subchapter;

6.03.5 The total number of Arkansas Teacher Academy graduates receiving induction services;

6.03.6 The number of academy attendees who have defaulted on their obligations

under this subchapter and who are in repayment agreements;

6.03.7 The number of academy attendees who have deferred repayment agreements;

6.03.8 The number of academy attendees who have completed repayment agreements;

6.03.9 The methodology for distributing any moneys appropriated for the scholarships distributed under this subchapter to each eligible postsecondary institution and the amounts distributed to each eligible postsecondary institution; and

6.03.10 The amount of any unused moneys in the fund from the previous fiscal year.

**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

\$ _____



Division of Higher Education

101 E. Capitol Ave., Suite 300 • Little Rock, Arkansas • 72201-3818 • (501) 371-2000 • Fax (501) 371-2001

Jacob Oliva
Secretary

Ken Warden, Ed.D.
Commissioner

February 13, 2024

Proposed Rules Governing the Arkansas Teacher Academy Scholarship Program

Purpose

The Arkansas Division of Higher Education ("Division") is seeking Governor's Office review and approval of the proposed amendments to the ADHE Rules Governing the Arkansas Teacher Academy Scholarship Program.

Background

Pursuant to Ark. Code Ann. § 6-82-2201, et seq., as a result of Act 237 of 2023, The Arkansas Teacher Academy Scholarship Program was created. Per Ark. Code Ann. § 6-82-2207, the Division may promulgate rules to implement these sections of the Arkansas Code.

Summary of Rules

- These new rules include sections per Ark. Code Ann. § 6-82-2201, et seq. regarding:
 - Regulatory Authority and Purpose
 - Definitions of "Academy attendee," "Division," "Eligible postsecondary institution," and "Tuition and Fees."
 - Implementation of Program and Purpose
 - Eligible Post-Secondary Institution Duties
 - Scholarship Amounts and Academy Attendee Requirements
 - Scholarship Distribution Duties and Reporting Requirements
- The rules also include language clarifying that students must apply for the scholarship via the Division's Scholarship Application Management System (SAMS) portal during the open application period.

Discussion

The purpose of the rules is to establish requirements and processes governing the Arkansas Teacher Academy Scholarship Program. Other than the language regarding application via SAMS, the language in the rules is pursuant to Ark. Code Ann. § 6-82-2201, et seq., which is a result of Act 237 of 2023.

Recommendation

The Division recommends Governor's Office approval of these rules.

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.

Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Division of Higher Education is considering new administrative rules. Public comment hearings will be held for the following rules: DHE Rule Governing The Arkansas Teacher Academy Scholarship Program; DHE Rule Governing The Arkansas Concurrent Challenge Scholarship Program; DHE Rule Governing The Arkansas Future Grant Program; DHE Rule Governing The Arkansas Governor's Scholars Program; DHE Rule Governing The Arkansas Workforce Challenge Scholarship Program; DHE Rule Governing The Governor's Higher Education Transition Scholarship Program; DHE Rule Governing Productivity-Based Funding for State-Supported Institutions of Higher Education. All hearings will be held May 20, 2024, 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 6, 2024. Written comments regarding these proposed rules may be mailed to ADE Legal Services, Four Capitol Mall, Room 302A, Little Rock, AR, 72201. Comments may be emailed to ADE.RulesComments@ade.arkansas.gov. A copy of the proposed rules can be found on the Division of Higher Education's website at: <https://adhe.edu/data-publications/pending-policies>. Copies also may be obtained by contacting ADE's Office of Legal Services at the above address, via phone at (501) 683-1390, or via email at legal@ade.arkansas.gov.

FW: Notice of Rulemaking

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

Wed 5/1/2024 8:39 AM

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

Stephen M. Reynolds
Attorney Specialist
Arkansas Department of Education

From: Legal Ads <legalads@arkansasonline.com>

Sent: Tuesday, April 30, 2024 5:30 PM

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

Subject: Re: Notice of Rulemaking

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 5/3, Sat 5/4, and Sun 5/5.

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>, "LaBria Brown, ADE" <LaBria.Brown@ade.arkansas.gov>, "Alisha N. Price (ADE)" <Alisha.Price@ade.arkansas.gov>, "Whitney James, ADE" <Whitney.James@ade.arkansas.gov>

Sent: Monday, April 29, 2024 10:58:25 AM

Subject: Notice of Rulemaking

Good morning,

Please find attached a notice of rulemaking for several Division of Higher Education administrative rules and confirm receipt. Please run for three consecutive days, from Friday, May 3, 2024, through Sunday, May 5, 2024. Let me know if you have any questions.

Thanks,

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

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