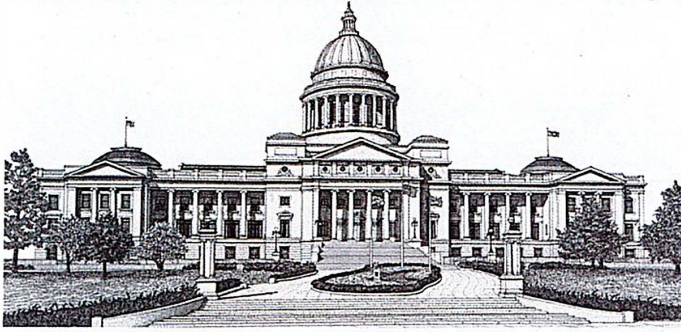


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Education

Department Division of Higher Education

Contact Courtney Salas-Ford E-mail courtney.salas-ford@ade.arkansas.gov Phone (501) 682-4227

Statutory Authority for Promulgating Rules Ark. Code Ann. § 6-81-1606; § 6-80-109

Rule Title: Division of Higher Education Rules Governing the State Teacher Education Program

Intended Effective Date
(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published Jul. 28, 2024

☒ 10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment Aug. 28, 2024

☐ Other _____
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council Oct. 17, 2024

Adopted by State Agency Sep. 9, 2024

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Alisha Price alisha.price@ade.arkansas.gov

Oct. 21, 2024

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

(501) 682-7590

alisha.price@ade.arkansas.gov

Phone Number

E-mail Address

Associate Legal Counsel

Title

Oct. 21, 2024

Date

**DIVISION OF HIGHER EDUCATION RULES GOVERNING THE
STATE TEACHER EDUCATION PROGRAM
Effective Date: October 31, 2024**

1.00 PROGRAM DEFINITIONS

- 1.01 “Alternative Educator Preparation Program” means non-traditional licensure program resulting in a valid Arkansas teaching license.
- 1.02 “Approved institution” means a state-supported institution of higher education, a nursing school, or a private nonprofit institution of higher education that:
 - 1.02.1 Maintains its primary headquarters in the state;
 - 1.02.2 Is eligible to receive Title IV federal student aid program funds; and
 - 1.02.3 Is approved by the Division of Higher Education as eligible to participate in the State Teacher Education Program;
- 1.03 “Arkansas Resident” means an applicant that has been an Arkansas resident for twelve (12) months prior to the application deadline for the financial aid program.
 - 1.03.1 Further, the recipient may be asked to provide evidence of a permanent connection with the State of Arkansas, in which the division will look to one or more of the following to determine residency:
 - 1.03.1.1 Valid Arkansas Driver’s License;
 - 1.03.1.2 Proof of payment for Arkansas personal or real taxes for previous year;
 - 1.03.1.3 Proof of Arkansas vehicle registration;
 - 1.03.1.4 Proof of Arkansas voter registration; and
 - 1.03.1.5 Other forms of proof of Arkansas residency.
- 1.04 “Award Year” means the year that begins on July 1 of one calendar year and extends to June 30 of the next calendar year.
- 1.05 “Eligible student” means a student who:
 - 1.05.1 Meets the criteria set out in this subchapter; and
 - 1.05.2 Is found to be eligible by rules promulgated by the Division of Higher Education.

- 1.06 “Geographical Areas of the State Designated as Having Critical Shortages of Teachers” means any Arkansas school district designated by the division as having critical teacher shortages.
- 1.07 “Lawful Permanent Resident” means an individual who can provide documentation from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident.
- 1.07.1 Valid documentation is an I-551, I-151, I-181, I-94, or passport stamped with the notation "Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence".
- 1.07.2 A completed Form G-641 can also be used to document permanent resident status.
- 1.08 “Subject Matter Designated as Critical Needs in the State of Arkansas” means subject matter shortage areas certified annually by the division based upon the results of surveys obtained from school districts in the state of Arkansas.
- 1.09 “Teach Full-Time” means to teach the same number of hours required of teachers who have full-time contracts, as determined by the institution or agency in which an individual is teaching, for a minimum of one academic term, as defined by the institution or agency in which an individual is teaching.
- 1.10 “Teacher Education Program” means a program administered by the Division of Higher Education that provides loan repayments to a licensed teacher who teaches in a subject area or a geographic area with teacher shortage as determined by the Division of Higher Education in consultation with the Division of Elementary and Secondary Education.
- 1.11 “United States Citizen” means persons born or who have become naturalized citizens of:
- 1.11.1 The 50 States;
- 1.11.2 District of Columbia;
- 1.11.3 Puerto Rico;
- 1.11.4 Virgin Islands;
- 1.11.5 Guam;
- 1.11.6 Northern Mariana Islands; or

1.11.7 Trust Territory- Palau.

1.12 "National" means citizens of:

1.12.1 American Samoa; or

1.12.2 Swain's Island.

2.00 ORGANIZATION AND STRUCTURE

2.01 The Division of Higher Education shall administer the State Teacher Education Program within the policies set by the Higher Education Coordinating Board.

2.01.1 All formal communications shall be addressed to or signed by the commissioner of the division or his or her designee.

2.02 When functioning under Act 1215 of 2009, and any subsequent legislation, the division shall follow the provisions of the Administrative Procedures Act.

3.00 ELIGIBILITY CRITERIA

3.01 Eligibility Criteria

3.01.1 Applicants must be bona fide Arkansas residents, as defined by the Division of Higher Education, for at least twelve (12) months prior to the application deadline.

3.01.2 Applicants must be a citizen of the United States or a lawful permanent resident.

3.01.3 Applicant must have graduated from a teacher education program after April 2004; or

3.01.3.1 Earned a teaching license upon completion of an alternative educator preparation program.

3.01.4 Applicant must have outstanding federal student loans.

3.01.5 Applicant must hold a valid Arkansas teacher's license.

3.01.6 Applicants must teach full-time at a public school district in Arkansas during the award year and meet one of the additional criteria:

3.01.6.1 Teach in a subject area with a teacher shortage, as identified by the division in consultation with the Division of Elementary and Secondary-Education; or

3.01.6.2 Teach in a geographic area with a teacher shortage, as identified by the division in consultation with the Division of Elementary and Secondary Education.

3.02 Continued Eligibility

3.02.1 Recipients shall re-apply for the State Teacher Education Program annually and continue to meet the eligibility criteria set forth above.

3.02.1.1 A recipient may receive an annual award for a maximum of three (3) years.

4.00 SELECTION PROCESS

4.01 Applications.

4.01.1 Solicitation of Applicants

4.01.1.1 Program information will be mailed to the following:

4.01.1.1.1 K-12 school administrators and other interested personnel;

4.01.1.1.2 Colleges, Schools, and Departments of Education;

4.01.1.1.3 Financial Aid Directors and Officers;

4.01.1.1.4 Other college campus personnel, such as advisors, who express an interest in disseminating information to prospective applicants; and

4.01.1.1.5 Information is also available upon request from the Division of Higher Education.

4.01.1.2 The division staff will disseminate program information through workshops, meetings, press releases, the division newsletter, and other means deemed appropriate.

4.01.2 An online application will be available at the division's website.

4.01.2.1 The application deadline shall be stated on the application form each year.

4.01.2.2 The division shall have the authority to extend the deadline as needed to ensure a quality applicant pool so long as sufficient public notice is provided.

4.01.3 Upon receipt by the division, applications are reviewed to ensure that all pertinent data is included.

4.01.3.1 Each applicant will receive confirmation of the receipt and completeness of the application.

4.01.3.2 For those whose application is either incomplete or ineligible, a notification will be made identifying the reason for incompleteness or ineligibility.

4.01.3.3 The applicant will then have the opportunity to provide the missing information or correct any inaccurate information.

4.01.3.4 Before an applicant can be considered for an award, the corrected or missing information must be received by the division by the deadline indicated in the incomplete or ineligible notice.

4.02 Selection and Notification of Recipients

4.02.1 The division shall review applicants and select recipients based on the eligibility criteria for the State Teacher Education Program.

4.02.2 Selected recipients will receive award notices stating their eligibility for the program and the conditions of their award.

4.03 Ranking of Applicants

4.03.1 Priority for the State Teacher Education Program Repayment grants is as follows:

4.03.1.1 First priority is Arkansas teachers teaching in both subject and geographic shortage areas.

4.03.1.2 Second priority is Arkansas teachers teaching in subject shortage areas.

4.03.1.3 Third priority is Arkansas teachers teaching in geographic shortage areas.

- 4.03.1.4 Fourth priority is Arkansas public school teachers who have completed an alternative educator preparation program.

4.04 Disbursement of Award

- 4.04.1 The award will be disbursed in one (1) disbursement to the federal student loan holder indicated by the applicant.

- 4.04.1.1 If the award amount is larger than the outstanding loan balance, the award amount will be reduced to the amount of the loan balance.

5.00 LIMITATIONS OF LOAN REPAYMENT

- 5.01 The State Teacher Education Program shall be used to provide:

- 5.01.1 A loan repayment for federal student loans in the amount of six thousand dollars (\$6,000) per year, for a maximum of three (3) years for each year a licensed teacher who graduated from a teacher education program after April 2004 and teaches in a public school in this state or successfully completed an alternative educator preparation program after April 2004 and teaches in a public school in the program:

- 5.01.1.1 In a subject matter area designated by the Division of Higher Education, in consultation with the Division of Elementary and Secondary Education, as having a critical shortage of teachers; and

- 5.01.1.2 Located in a geographical area of the state designated by the Division of Higher Education, in consultation with the Division of Elementary and Secondary Education, as having a critical shortage of teachers.

- 5.01.2 A licensed teacher who is given intensive support status under the Teacher Excellence and Support System, Ark. Code Ann. § 6-17-2801 et seq., shall be ineligible for receipt of funds under the program for the school year.

6.00 RECIPIENT RESPONSIBILITY

- 6.01 It is the recipient's responsibility to notify the Division of Higher Education of any change in status within twenty-one (21) days.

- 6.01.1 This will include:

- 6.01.1.1 Change in name; or

6.01.1.2 Change in residence.

6.01.2 Failure to notify the division of a change in status will affect future eligibility or collection status.

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.