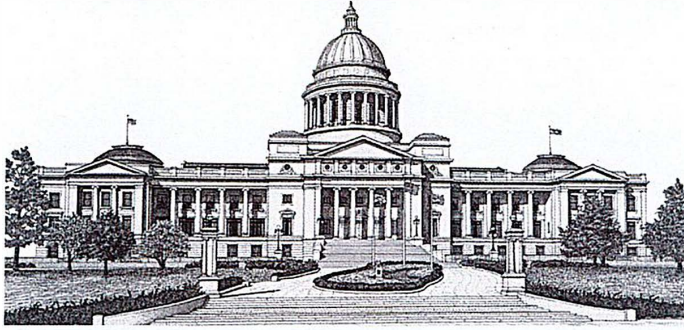


ARKANSAS REGISTER



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. § 6-81-603; § 6-80-109

Rule Title: Division of Higher Education Rules Governing the Teacher Opportunity 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 TEACHER
OPPORTUNITY PROGRAM
Effective Date: October 31, 2024**

1.00 PROGRAM DEFINITIONS

1.01 The following definitions are used in the Teacher Opportunity Program:

1.01.1 “Academic Year” means a measure of the academic work to be accomplished by the recipient.

1.01.1.1 The academic year is defined as fall, spring, and summer semesters, in that order.

1.01.2 “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.

1.01.2.1 Further, the recipient may be asked to provide evidence of a permanent connection with the State of Arkansas.

1.01.2.2 The Division of Higher Education will determine residency through:

1.01.2.2.1 A valid Arkansas Driver’s License;

1.01.2.2.2 Proof of payment for Arkansas personal and/or real taxes for previous year;

1.01.2.2.3 Proof of Arkansas vehicle registration;

1.01.2.2.4 Proof of Arkansas voter registration; and

1.01.2.2.5 Other forms of proof of Arkansas residency.

1.01.3 “Approved Institution” means an Arkansas postsecondary public or private college, university, or school that is currently accredited by a nationally recognized accrediting agency or association that has a teacher licensure program where those courses are directly creditable toward teacher licensure in a baccalaureate institution.

1.01.3.1 The institution must not discriminate against applicants, or employees on the basis of race, color, religion, sex, age, handicap, or national origin, consistent with the provisions of applicable state and federal laws.

- 1.01.4 “Award Year” means the year beginning on July 1 of one calendar year and extending to June 30 of the next calendar year.
- 1.01.5 “Classroom Teacher” means an individual who is required to hold a teaching license from the division and who is:
- 1.01.5.1 Engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual’s contracted time;
 - 1.01.5.2 A media specialist or librarian;
 - 1.01.5.3 A guidance counselor;
 - 1.01.5.4 An administrator.
- 1.01.6 “Dual License” means licensure to teach in more than one (1) subject area.
- 1.01.7 “Semester” means one-half (½) of a traditional academic year at an institution of higher education, or an equivalent approved by the division, in which a student enrolls for not less than:
- 1.01.7.1 Fifteen (15) credit hours as a full-time student, except that in the first semester as a first-time full-time freshman, a traditional student shall enroll in not less than twelve (12) credit hours; or
 - 1.01.7.2 Six (6) credit hours as a part-time student.
 - 1.01.7.2.1 For purposes of summer courses at an institution of higher education, a "semester" shall mean the same as is defined in this section.
- 1.01.8 “Scholarship” means a program that is:
- 1.01.8.1 Funded with state funds or lottery proceeds; and
 - 1.01.8.2 Administered by the division.
- 1.01.9 “Teach on a Full-time Basis” means teaching 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 (1) academic term, as defined by the institution or agency in which an individual is teaching.

2.00 ORGANIZATION AND STRUCTURE

2.01 The Division of Higher Education shall administer the Teacher Opportunity Program with 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 the commissioner's designee.

2.01.2 The Teacher Opportunity Program Advisory Council shall provide advice to the division regarding administration of the program.

2.02 Teacher Opportunity Program Advisory Council

2.02.1 The Teacher Opportunity Program Advisory Council shall consist of eight members.

2.02.1.1 The members will be appointed annually to serve a two (2) year staggered term by the commissioner of the division.

2.02.1.2 The members of this council will consist of representatives from public and private postsecondary institutions with Teacher Education programs, public and private elementary and secondary schools, and the teacher certification section of the division.

2.02.2 The commissioner of the division or the commissioner's designee shall serve as the presiding officer of the Teacher Opportunity Program Advisory Council and shall ensure that staff services for the council are provided.

2.03 The final responsibility for selecting loan recipients shall rest with the division.

2.04 When functioning under Act 109 of 1983, Act 331 of 1987, and any subsequent legislation, the division shall follow the Provisions of the Administrative Procedures Act.

3.00 ELIGIBILITY AND CRITERIA

3.01 Applicant must be bona fide residents of the State of Arkansas, as defined by the Division of Higher Education, as having lived in Arkansas continually for at least twelve (12) months prior to the application deadline.

3.02 Applicant shall maintain a current teacher license with the division.

- 3.02.1 Only individuals with a provisional license or who are in the alternative licensure program are not considered certified for the purposes of the Dual Certification Incentive Program.
- 3.03 Recipient awarded under the Dual Licensure Incentive Program must:
 - 3.03.1 Be currently employed as a classroom teacher, which includes librarian and media specialist, guidance counselor and administrator, in a public school in Arkansas; and
 - 3.03.2 Have been employed as a classroom teacher for at least three (3) years immediately preceding application; and
 - 3.03.3 Be accepted for enrollment in a teacher education program that will lead to licensure in a subject area that is different than the teacher's current licensure area and the subject area has either:
 - 3.03.3.1 Been declared by the division as a subject area with a shortage of teachers; or
 - 3.03.3.2 Is in the grade level and subject area for which the school district has requested a waiver under Ark. Code Ann. § 6-17-309.
 - 3.03.4 Earn a 2.5 cumulative grade point average in courses required toward dual licensure.
 - 3.03.4.1 Recipients enrolled in dissertation coursework must receive a "Pass" for the course to receive reimbursement.
- 3.04 Non-Dual Licensure Program requires that:
 - 3.04.1 Applicant must be currently employed as a classroom teacher which includes librarian and media specialist, guidance counselor and administrator, in Arkansas and declare an intention to continue such employment in Arkansas.
 - 3.04.2 Applicant must be enrolled in an approved institution in Arkansas.
 - 3.04.3 Applicant must be enrolled in college level courses, excluding correspondence courses, directly related to their employment as certified by the Commissioner of the division, General Education section.
 - 3.04.4 Recipient must maintain at least a 2.50 grade point average in the courses funded by the Teacher Opportunity Program.

- 3.04.4.1 Recipients funded for one course must obtain at least a "B" for that course.
- 3.04.4.2 Recipients funded for two courses must obtain at least a "B" for one course and a "C" for the other.
- 3.04.4.3 Recipients enrolled in dissertation coursework must receive a "Pass" for the course to receive reimbursement.

4.00 APPLICATION PROCESS

4.01 Solicitation of Applicants

- 4.01.1 Applications will be available at the Division of Higher Education's website.
 - 4.01.1.1 Applications will also be mailed to individuals upon request.

4.02 Submission of Application

- 4.02.1 Applications include personal information, as well as education and employment information.
- 4.02.2 The division will review all applications to ensure that all pertinent data are included and will notify the applicant of the status of the application.
 - 4.02.2.1 If the application is incomplete, the division will notify the applicant of this status, the information that is missing, and the deadline to submit the information.
 - 4.02.2.1.1 This deadline will be no less than two (2) weeks from the date of the notification letter.

4.03 Application Deadline

- 4.03.1 The application deadline will be set each year by the division.
 - 4.03.1.1 All applications must be submitted by the established deadline date.
 - 4.03.1.2 Applications received after the deadline date will not be considered for participation in the Teacher Opportunity Program.
 - 4.03.1.3 The division may establish alternate deadlines for applicants based on the start date of each term.

5.00 AWARD PROCESS

5.01 Selection of Recipients

- 5.01.1 The final responsibility for selecting recipients shall rest with the Commissioner of the Division of Higher Education.
- 5.01.2 Applications for additional education in the following areas will receive first priority for awards:
 - 5.01.2.1 Science, technology, engineering, or mathematics fields;
 - 5.01.2.2 Computer Science;
 - 5.01.2.3 Literacy or reading;
 - 5.01.2.4 Prekindergarten education; or
 - 5.01.2.5 Special Education.
- 5.01.3 If funds remain after awarding all eligible applicants in the areas listed above, applicants will be ranked according to criteria developed in conjunction with the Division of Elementary and Secondary Education, focusing on state-wide needs.

5.02 Notification of Recipients

- 5.02.1 Selected recipients will receive an award notice stating their eligibility for the program.
 - 5.02.1.1 The award notice will include, where applicable, the student's name, social security number, and award amount.

6.00 REIMBURSEMENT AMOUNT

- 6.01 Reimbursement for students in the Dual Licensure Incentive Program includes funding for the cost of student fees, books, and instructional supplies at a public institution of higher education in this State assessing the highest rate of student fees.
 - 6.01.1 The reimbursement made to one individual within one (1) fiscal year may not exceed the aforementioned costs associated with six (6) semester hours or the equivalent of six (6) semester credit hours, though not to exceed three thousand dollars (\$3,000) during the fiscal year.

6.02 Non-Dual Licensure Program recipients may receive funds up to, but not in excess of, the cost of student fees, books, and instructional supplies at a public institution of higher education in this State assessing the highest rate of student fees.

6.02.1 The reimbursement made to one (1) individual within one (1) fiscal year may not exceed the aforementioned costs associated with six (6) semester hours or the equivalent of six (6) semester credit hours.

6.03 Based on the availability of program funds, awards will be disbursed to the recipient pursuant to the reimbursement limitations above and ranking status.

6.04 Recipients must maintain an eligible status to receive funds.

7.00 REIMBURSEMENT DISBURSEMENT

8.01 Teacher Opportunity Program is a reimbursement program.

8.01.1 A check made payable to the individual recipient is mailed to the student once he or she has successfully completed the funded course with a satisfactory grade and has provided the Division of Higher Education with an original copy of the itemized paid receipt and grade report or transcript for the funded course.

8.00 RECIPIENT RESPONSIBILITIES

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

8.01.1 This will include, but is not limited to:

8.01.1.1 Change of name;

8.01.1.2 Change in address;

8.01.1.3 Change in institution;

8.01.1.4 Change in coursework to be funded;

8.01.1.5 Change in enrollment status;

8.01.1.6 Change in employment; or

8.01.1.7 Change in licensure status.

8.02 Failure to notify the division of a change in status may 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.