

**Arkansas Department of Education**  
**Rules Governing Eligibility and Financial Incentives**  
**For National Board For Professional Teaching Standards**  
Revised January 2004

**1.00 Regulatory Authority**

- 1.01 These rules shall be known as the Department of Education (the Department) Rules Governing the National Board for Professional Teaching Standards Program (NBPTS Program).
- 1.02 These rules are enacted under the State Board of Education's (State Board) authority pursuant to Ark. Code Ann. §§6-11-105, 6-17-412, and 6-17-413.

**2.00 Purpose**

- 2.01 The purposes of these rules are to improve student learning by strengthening teaching and to encourage teachers to participate in and complete NBPTS certification by authorizing the Department to pay full tuition and incentive bonuses to participants and by establishing eligibility requirements.
- 2.02 The purpose of these rules is to outline the establishment of a support program for NBPTS.
- 2.03 The purpose of these rules is to establish the mechanism for the selection of teacher participants, as determined by the amount of funding available for the program.

**3.00 Definitions**

For the purposes of these rules, the following terms shall mean:

- 3.01 "Completion of the certification process" will be defined as officially being recognized as a National Board Certified Teacher (NBCT) by the NBPTS.
- 3.02 "National Board for Professional Teaching Standards" will be defined as an independent board which reliably identifies and certifies teachers who meet advanced standards and certifications by effectively enhancing student learning and demonstrating the high level of knowledge and skills, dispositions, and commitments reflected in the following five core propositions:
  - 3.02.01 Teachers are committed to students and their learning.
  - 3.02.02 Teachers know the subjects they teach and how to teach those subjects to students.

- 3.02.03 Teachers are responsible for managing and monitoring student learning.
- 3.02.04 Teachers think systematically about their practice and learn from experience.
- 3.02.05 Teachers are members of learning communities.
- 3.03 “A support program for candidates” is a comprehensive process of technical and financial assistance provided to program applicants to ensure successful program completion, as Ark. Code Ann. §6-17-413 allows.
- 3.04 “The NBPTS Advisory Committee“ (the Committee) is a ten (10) member team of three (3) National Board Certified Teachers, three (3) National Board facilitators, and four (4) educational administration or business representatives, to include one Department staff member, which will advise the Department on policy issues, assist in the support system, and select candidates based on relevant criteria when all candidates cannot be funded; such criteria to be established by the Committee in accordance with law and with final review and approval by the State Board.
- 3.05 “Classroom teacher” means a teacher who is required to hold a standard teaching license from the Department and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual’s contracted time, with that 70% not to preclude:
  - 3.05.01 regularly scheduled instructional preparation time during the regular school day;
  - 3.05.02 a maximum of one period per day service as an instructional department chair;
  - 3.05.03 service as a master teacher in a charter school;
  - 3.05.04 service as a mentor to a novice teacher;
  - 3.05.05 employment by an educational service cooperative when the teacher provides direct student services for a collaborative of school districts in public school buildings and other instructional settings throughout the cooperative area; and
  - 3.05.06 instructional specialist positions such as library/media, counselor, or others for whom NBPTS certificates specifically exist.

- 3.06 “Classroom setting” for purposes of candidacy means full-time assignment to a setting in a specific Arkansas public school building or buildings in which a teacher works directly with a student or students and for purposes of a starting or a yearly bonus means full-time assignment to a setting in a school building(s) or other instructional settings cited in §3.05.05 where an NBCT is directly involved in the instructional process by teaching children, by facilitating the instructional process through work with building teachers in classrooms, or by serving in the role of building principal or assistant building principal.
- 3.07 “Starting bonus” means a one-time bonus given during the school year in which an individual first obtains National Board certification. The amount is \$3,000 in 2003-2004, \$4,000 in 2004-2005, and \$5,000 thereafter. This provision shall apply only to the extent that necessary funds are appropriated to the Department.
- 3.08 “Yearly bonus” means a bonus that a NBCT receives in each of years two (2) through ten (10) of the 10-year life of the certificate. The amount is \$3,000 in 2003-2004, \$4,000 in 2004-2005, and \$5,000 thereafter. This provision shall apply only to the extent that necessary funds are appropriated to the Department.
- 3.09 “Two (2) continuous years” means a two-year period following certification which includes the year of certification and the year immediately following certification.
- 3.10 “Three (3) years of teaching in the Arkansas public school system”, as required for state support of candidacy, shall be credited beginning no earlier than the year in which the initial license to teach in an Arkansas public school is issued.

#### **4.00 Selection Process and Requirements**

- 4.01 Qualified applicants will establish eligibility for funding by:
- 4.01.01 successfully completing the official application process established by the Department;
  - 4.01.02 never receiving any prior federal or state funding for participation in a certification area in the NBPTS program;
  - 4.01.03 verifying at least three (3) years teaching experience in Arkansas public schools that can include the years following initial licensure, a current standard Arkansas teaching license, and current employment as an Arkansas public school classroom teacher in a classroom setting; and

- 4.01.04 teaching in an area which correlates to an available and suitable certificate area.
- 4.02 When candidate demands exceed funding availability, the NBPTS Advisory Committee will review and recommend to the Department an appropriate selection of candidates to be funded.
- 4.03 At the time that the National Board establishes a certification for school administrators and an Arkansas district-level central office administrator becomes national board certified, the district level central office administrator will be eligible to receive incentive bonuses in the amount awarded to NBCTs for every year for the life of the NBPTS administrator's certificate.
- 4.04 Achieving NBCT status prior to renewal of the Arkansas standard teaching license satisfies professional development requirements for the period between the beginning and end of that one renewal period; achieving a total score of 225 across all of the ten entries submitted to the NBPTS satisfies one-half of the professional development requirements for the period between the beginning and end of one renewal period.

## **5.00 Payment of Fees and Bonuses**

- 5.01 The Department of Education shall pay full tuition for the NBPTS initial participation fee, one retake entry fee, and up to three days of school release time to qualified teacher applicants as funds are available.
- 5.02 The Department shall pay any NBCT who is employed in an Arkansas public school district as a teacher in accordance with Section 3.05-3.06 of these rules a starting bonus in the first year of certification and a yearly bonus for each of the remaining nine years of the ten-year certificate.
- 5.03 Any NBCT who moves into the state and teaches in an Arkansas public school classroom shall be eligible for the yearly bonus for every remaining year in the life of the NBPTS certificate; provided that the same bonus is available to a NBCT who moves into the state and assumes the position of building principal or assistant building principal in a public school district for the life of the NBPTS certificate.
- 5.04 Available funds for NBPTS state activities support functions in this order of priority: (a) payment of bonus incentives; (b) initial fee payments; (c) necessary program expenses; (d) support system expenses; and (e) retake entry fees.
- 5.05 No increase in the starting or yearly bonus is retroactive.
- 5.06 The Department will issue a standard Arkansas teaching license to any

National Board certified teacher, building-level principal, or building level assistant principal trained in and licensed by a state other than Arkansas who moves to Arkansas, provided that the NBCT status is current at the time of license application and that the applicant passes the required criminal background check.

- 5.07 An Arkansas-licensed teacher who personally pays the expenses of NBPTS candidacy and becomes a NBCT is eligible for a starting and yearly bonus under the same terms as a NBCT who achieves certification through state fee support.
- 5.08 The Department shall pay any NBCT who has successfully completed the NBPTS certification as a classroom teacher and is employed in an Arkansas public school district as a building principal or assistant building principal a yearly bonus for each of the remaining years of the ten-year certificate.
- 5.09 Provisions of Ark. Code Ann. §§6-17-412 and 6-17-413 apply only to the extent that necessary funds are appropriated to the Department.

## **6.00 Repayment of Fees**

- 6.01 Repayment of state funds for the NBPTS is required if a recipient:
  - 6.01.01 does not complete the certification process within three years after entry,
  - 6.01.02 after becoming a NBCT with the support of state funds, does not teach in an Arkansas public school classroom in an Arkansas public school district for two (2) continuous school years or serve as a building principal and/or assistant building principal for two (2) continuous years after achieving NBCT status.
- 6.02 Repayment of funds is not required only due to:
  - 6.02.01 death or disability of the teacher, or
  - 6.02.02 other serious extenuating circumstances and/or health related problems verified by a licensed physician as may be recognized by the State Board.
- 6.03 The State Board can revoke a teaching license for failure to repay state funds.

## **7.00 Support Program for Teachers Selected to Participate in NBPTS**

- 7.01 The State Board will establish a support program for teachers selected to participate in NBPTS by:
  - 7.01.01 establishing a variety of support opportunities such as an annual pre-candidacy orientations, regular meetings of participants, telephone/email contact with facilitators and NBCTs, and Department intervention with NBPTS if necessary;
  - 7.01.02 providing information on the NBPTS state support program on the Department web site;
  - 7.01.03 providing other assistance, if determined to be necessary by the Department; and
  - 7.01.04 designating Department staff to coordinate NBPTS activities at the state level.
  - 7.01.05 Provisions of Ark. Code Ann. §§6-17-412 and 6-17-413 apply only to the extent that necessary funds are appropriated to the Department.

## **8.00 Monitoring**

- 8.01 The local public school district that employs a NBCT must verify to the Department annually the employment status of that teacher for each year of the ten year life of the certificate.
- 8.02 No person shall receive either a starting bonus or a yearly bonus if the person leaves the full-time employment of an Arkansas public school district; becomes employed as a district-level central office administrator (subject to the provisions of Section 4.03); is employed by an Arkansas institution of higher education; or is employed by an education service cooperative and does not teach in a classroom with students as defined in Sections 3.05-3.06 of these rules.

## **9.00 Funding**

- 9.01 Provisions of Ark. Code Ann. §§6-17-412 and 6-17-413 apply only to the extent that funds are appropriated to the Department to pay for these provisions.
- 9.02 To the extent funds as provided for by Ark. Code Ann. §26-52-311(c)(3)(B) are available, such funds may be used to fund the “starting incentive bonus” and the “yearly incentive bonus” required in §§3.07 and 3.08 of these rules and required by Ark. Code Ann. §6-17-413.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Education  
DIVISION Central Administration  
DIVISION DIRECTOR Dr. Woodrow Cummins  
CONTACT PERSON Scott Smith  
ADDRESS #4 Capitol Mall, Room 404-A, Little Rock, AR 72201  
PHONE NO. 501-682-4227 FAX NO. 501-682-4249 E-MAIL [dssmith@arkedu.k12.ar.us](mailto:dssmith@arkedu.k12.ar.us)

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire & financial impact statement attached to the front of two (2) copies of your proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

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- 1. What is the short title of this rule? *Rules Governing Administrative Consolidation or Annexation of Public School Districts*
- 2. What is the subject of the proposed rule? *To establish the procedures by which school districts with less than 350 average daily membership for previous two years may petition to administratively consolidate or annex.*
- 3. Is this rule required to comply with federal statute or regulations? Yes \_\_\_ No XX  
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedures Act?  
Yes XX No \_\_\_  
If yes, what is the effective date of the emergency rule? *February 24, 2004*  
  
When does the emergency rule expire? *May 25, 2004*  
  
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes XX No \_\_\_

5. Is this a new rule? Yes  No  If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes  No  If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes  No  If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes. **NOTE: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law grants the authority for this proposed rule. If codified, please give Arkansas Code citation. *Ark. Code Ann. §§ 6-11-105, 6-13-1603 & 1604 (Act 60 of Second Extraordinary Session) and 25-15-204*
7. What is the purpose of this proposed rule? Why is it necessary? *To establish the procedures by which school districts with less than 350 average daily membership for previous two years may petition to administratively consolidate or annex.*
8. Will a public hearing be held on this proposed rule? Yes  No   
If yes, please complete the following:
- Date: *March 30, 2004*  
Time: *10:00 a.m. – 11:30 a.m.*  
Place: *ADE Auditorium*
9. When does the public comment period expire for permanent promulgation? (Must provide a date.) *April 9, 2004*
10. What is the proposed effective date of this proposed rule? (Must provide a date.) *May 24, 2004*
11. Do you expect this rule to be controversial? Yes  No   
If yes, please explain.

12. Please give the names of persons, groups, or organizations that you expect to comment on these rules. Please provide their position (for or against) if known.

AAEA, ASBA, AEA, Rural Educators Association, various school district personnel

FINANCIAL IMPACT STATEMENT

DEPARTMENT Education  
DIVISION Central Administration  
PERSON COMPLETING THIS STATEMENT Scott Smith  
TELEPHONE NO. 501-682-4227 FAX NO. 501-682-4249  
EMAIL dssmith@arkedu.k12.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rules Governing Administrative Consolidation or Annexation of Public School Districts

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1. Does this proposed, amended, or repealed rule or regulation have a financial impact?      Yes XX      No \_\_\_\_\_
  
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.      *There is no accurate way to determine the potential reorganization of school districts. As a result, there is no accurate way to determine the financial impact of school district reorganizations.*
  
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation and explain how they are affected.

**Current Fiscal Year**

**Next Fiscal Year**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

**Current Fiscal Year**

**Next Fiscal Year**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

DEPARTMENT OF EDUCATION  
FISCAL IMPACT STATEMENT OF PROPOSED REGULATION  
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: *Rules Governing Administrative Consolidation or Annexation of Public School Districts*

Summary Description of Regulatory Proposal: *To establish the procedures by which school districts with less than 350 average daily membership for previous two years may petition to administratively consolidate or annex.*

Cite Statutory Authority for this Regulatory Proposal: *Ark. Code Ann. §§ 6-11-105, 6-13-1603 & 1604 (Act 60 of Second Extraordinary Session) and 25-15-204*

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring) *There is no way to provide an accurate analysis of the fiscal impact. The ADE & State Board will be required to expend numerous personnel hours and resources in preparation of rules, hearings, and procedures to govern administrative consolidations and annexations. In addition, there is likely to be forthcoming litigation which will require additional expenditures of resources and use of personnel work hours.*
  - A. Resources Required - Personnel, equipment, office space.
  - B. Time Required for Implementation.
  - C. Procedural Changes.
  - D. Other.
  
- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring)
  - A. Resources Required - Personnel, equipment, office space.
  - B. Time Required for Implementation.
  - C. Procedural Changes.
  - D. Other.
  
- III. Additional Comments.

Prepared by: (Name) Scott Smith  
(Title) General Counsel  
(Date) March 5, 2004