

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES GOVERNING “HIGHLY QUALIFIED” TEACHERS**  
**PURSUANT TO THE NO CHILD LEFT BEHIND ACT OF 2001**  
October 2004

**1.0 REGULATORY AUTHORITY**

**1.01** These shall be known as the Arkansas Department of Education Rules Governing “Highly Qualified” Teachers and promulgated pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq. (2002).

**1.02** These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. § 6-11-105 and Ark. Code Ann. § 25-15-201 et seq.

**2.0 PURPOSE**

**2.01** The purpose of these rules is to establish definitions and procedures used to designate teachers as highly qualified in the core academic subject areas pursuant to the No Child Left Behind Act of 2001.

**3.0 DEFINITIONS**

For the purpose of these Rules the following terms shall be defined to mean:

**3.01 Act** – the “No Child Left Behind” Act of 2001, 20 U.S.C. § 6301 et seq. (2002).

**3.02 ARHOUSSE** – a survey of criteria used to determine whether a veteran teacher demonstrates competence in the core academic subject area(s) he or she teaches, when required in the definition of a highly qualified teacher.

**3.02.1** The **ARHOUSSE** survey of criteria is hereby incorporated in these rules as referenced in the attached Appendix A.

**3.03 Core Academic Subject Areas** - English, Reading or Language Arts, Mathematics, Science, Foreign Language, Social Studies, Arts.

**3.04 Early Childhood grade levels** – grade K through grade 4.

**3.05 Highly Qualified Teacher (HQT)** – a teacher who holds at least a Bachelor’s Degree, holds full state licensure (inclusive of alternative routes) and has demonstrated subject area competence in each of the core academic subjects in which the teacher teaches. When used with respect to a new or veteran Arkansas public early childhood, middle childhood or secondary school teacher means as follows:

**3.05.1 For New Teachers (teachers new to the profession)**

**3.05.1.1** A highly qualified **new early childhood** teacher is a teacher who possesses or exhibits each of the following:

**3.05.1.1.1** Have at least a Bachelor’s Degree,

- 3.05.1.1.2 Hold an Initial or Standard Arkansas teaching license, or be enrolled in, and progressing towards successful completion of the Non-Traditional Licensure Program for early childhood,
- 3.05.1.1.3 Demonstrate subject area competence by passing the Educational Testing Service (ETS) Education of Young Children Assessment (Praxis II # 021).
- 3.05.1.2 A highly qualified **new middle childhood or secondary** teacher is a teacher who possesses or exhibits each of the following:
  - 3.05.1.2.1 Have at least a Bachelor's Degree,
  - 3.05.1.2.2 Hold an Initial or Standard Arkansas teaching license, or be enrolled in, and progressing towards successful completion of the Non-Traditional Licensure Program for middle childhood or secondary.
  - 3.05.1.2.3 Demonstrate subject area competence by:
    - 3.05.1.2.3.1 passing the state licensure ETS Praxis II assessment(s) in the area the teacher teaches, or
    - 3.05.1.2.3.2 having an undergraduate major in the area the teacher teaches, or
    - 3.05.1.2.3.3 having coursework equivalent to an undergraduate major in the area the teacher teaches, or
    - 3.05.1.2.3.4 having a graduate degree in the area the teacher teaches, or
    - 3.05.1.2.3.5 having National Board Certification in the area the teacher teaches.
- 3.05.2 **For Veteran Teachers (teachers not new to the profession)**
  - 3.05.2.1 A highly qualified **veteran early childhood** teacher is a teacher who possesses or exhibits each of the following:
    - 3.05.2.1.1 Have at least a Bachelor's Degree,
    - 3.05.2.1.2 Hold an Initial or Standard Arkansas teaching license,
    - 3.05.2.1.3 Demonstrate subject area competency by:
      - 3.05.2.1.3.1 passing the ETS Education of Young Children Assessment (PRAXIS II - # 021), or
      - 3.05.2.1.3.2 accumulating at least 100 points on **ARHOUSSE**.
  - 3.05.2.2 A highly qualified **veteran middle childhood or secondary** teacher is a teacher who possesses or exhibits each of the following:
    - 3.05.2.2.1 Have at least a Bachelor's Degree,
    - 3.05.2.2.2 Hold an Initial or Standard Arkansas teaching license,
    - 3.05.2.2.3 Demonstrate subject area competence by:
      - 3.05.2.2.3.1 passing the state licensure ETS Praxis II assessment(s) in the area the teacher teaches, or

- 3.05.2.2.3.2 having an undergraduate major in the area the teacher teaches, or
- 3.05.2.2.3.3 having coursework equivalent to an undergraduate major in the area the teacher teaches, or
- 3.05.2.2.3.4 having a graduate degree in the area the teacher teaches, or
- 3.05.2.2.3.5 having National Board Certification in the area the teacher teaches, or
- 3.05.2.2.3.6 accumulating at least 100 points on **ARHOUSE**.

**3.06 Middle Childhood grade levels** – grades 5 through 8.

**3.07 New Teacher (a teacher new to the profession)** – a licensed teacher employed by an Arkansas public school after the beginning of the 2002-2003 school year, who was not previously employed as a licensed teacher in any public or private school.

**3.08 Non-Traditional Licensure Program** - the instructional program administered by the Arkansas Department of Education, whose participants hold a minimum of a baccalaureate degree (and passed the appropriate state-mandated assessments) and are allowed to teach in an Arkansas school via a Non-Traditional license. Participants are engaged with intensive supervision and mentoring while receiving high-quality, sustained, intensive classroom-focused professional development.

**3.09 Secondary grade levels** – grades 7 through 12.

**3.10 Title I District, School or Program** – A district, school or program that receives funds under Title I, Part A of the No Child Left Behind Act of 2001.

**3.11 Veteran Teacher (a teacher not new to the profession)** – a licensed teacher who was previously employed as a licensed teacher in any public or private school before the beginning of the 2002-2003 school year.

#### **4.0 HIGHLY QUALIFIED REQUIREMENTS**

**4.01** By the end of the '05-'06 school year, all teachers teaching in core academic subject area(s) must be highly qualified as defined in these rules. In addition, all newly hired teachers who teach in core academic subject area(s) in Title I schools or programs must be highly qualified on the date of hire.

**4.02** By the end of the '05-'06 school year, all classes in the core academic subject areas shall be taught by a highly qualified teacher as defined in these rules.

- 4.03** By the end of the '05-'06 school year all early childhood classes shall be taught by a highly qualified early childhood teacher as defined in these rules.
- 4.04** By the end of the '05-'06 school year all middle childhood classes in the core academic subject areas shall be taught by a highly qualified middle childhood teacher as defined in these rules.
- 4.05** By the end of the '05-'06 school year all secondary classes in the core academic subject areas shall be taught by a highly qualified secondary teacher as defined in these rules.

## **5.0 HIGHLY QUALIFIED REPORTING**

- 5.01** By October 15 of each school year all public charter schools and school districts shall report in their Cycle 2 report the number and percentage of classes in the core academic subject areas being taught by teachers meeting the definition of a highly qualified teacher as defined in this rule, and required by the Arkansas Department of Education (ADE).
- 5.02** The ADE shall review the data required in 5.01. To the extent a school district has not met the requirements of these rules, the ADE will take appropriate action to work with that district as required under the Act.
- 5.03** Schools and districts shall give notice to parents and care givers regarding teacher quality and highly qualified teachers as required by the Act.

## Appendix A

### ARHOUSSE Arkansas High Objective Uniform State Standard of Evaluation

Teacher Name \_\_\_\_\_ SSN \_\_\_\_\_  
 School \_\_\_\_\_ School District \_\_\_\_\_

To demonstrate subject area competency a teacher must accumulate at least 100 points in his or her teaching area by using the following criteria survey. **This is done by and for the teacher of each class being taught.**

### NOTE: CONTENT AREA ONLY

**Choose the level being taught.**

- Early Childhood
- Middle Childhood
- Secondary

**If Middle or Secondary choose the subject area being taught.**

- English
- Reading or Language Arts
- Mathematics
- Arts: (Specify subject \_\_\_\_\_)
- Social Studies: (Specify subject \_\_\_\_\_)
- Foreign Language: (Specify language \_\_\_\_\_)
- Science: (Specify subject \_\_\_\_\_)

All evidence must be in the **content area the teacher teaches**, indicated above.

		<b>Points</b>
National Teacher Exam Content Area Assessment(s) for this content area	50 points [or NBPTS Certification 100 pts]	
Years of teaching experience in this subject area within the last five years	# of years _____ 8 pts per year (40 pts max)	
<b>Content-based</b> Professional Development* - consistent with the definition of high quality PD delineated in Section 9101 of NCLB	# of years _____ 5 pts per year (25 pts max)	
If the following are used, they must be directly related to the Core Academic Content Area and must <b>NOT HAVE BEEN USED ABOVE</b> under Professional Development.		
College/University Coursework in the content area	# credit hours _____ 3 pts per credit hour	
Served in an administrative capacity in the content area, e.g., Dept. chair, ACSIP chair, Lead teacher, etc.	# of years served _____ 10 pts per year (30 pts max)	
Documented Committee service in <b>local (LEA)</b> curriculum development <b>in this content area</b> in the last five years	# of activities _____ 5 pts per activity (25 pts max)	
Documented Committee service in <b>state or national</b> curriculum development <b>in this content area</b> in the last five years	# of activities _____ 10 pts per activity (30 pts max)	
Textbook adoption committee service <b>in this content area</b> over the last five years	# of committees _____ 15 pts per committee (30 pts max)	
Papers published in refereed journals in this content area in the last five years	# of papers _____ 5 pts per paper (15 pts max)	
Presentations made at content-area or specialty-area association conferences in the last five years	# of pres'ns _____ 5 pts per pres'n (15 pts max)	
Conferences attended in this content area in the last five years	# of conferences _____ 5 pts per conference (15 pts max)	
Service as a Pathwise Mentor <b>in this content area</b>	# of years served _____ 10 pts per year (30 pts max)	
	<b>Total</b>	

\*As per the ADE Rules for Professional Development (PD, Rev. June 12, 2000) all approved PD activities, whether individual or school-wide, shall be based on the improvement of student achievement on State criterion-referenced examinations and other related indicators as defined by the ACTAAP.

Arkansas Department of Education  
Checklist for the Promulgation  
Of Rules

<u>Action</u>	<u>Date</u>
1. Initial policy discussion with SBE (with copy of proposed rule to attorney)	<u>7/14/04</u>
2. Initial review by SBE (with copy of proposed rule to attorney)	<u>8/9/04</u>
3. Develop fiscal impact statement and financial impact statements	<u>8/26/04</u>
4. Deliver hard copy & disk version to Attorney <i>at least 1 week prior</i> to public comment period	_____
5. File regulation and financial and fiscal impact statements with Secretary of State. NOTE: Must be 35 days prior to final SBE approval.	_____
6. Notice of public hearing published in paper for 3 consecutive days. NOTE: Must be 30 days before SBE approval. <i>Comment period begins on first day of publication</i>	<u>8/29-8/31</u>
Do Director's Memo with notice and copy of proposed rule	_____
7. File regulation, fiscal and financial impact statements, and summary with ALC. NOTE: Must be 30 days <i>before</i> end of public comment period.	_____
8. Public Hearing	<u>9/24/04</u>
9. Final approval by SBE	_____
10. ALC review of regulation, fiscal and financial impact statements	_____
11. File regulation, fiscal and financial impact statements with SOS, include electronic version	_____
12. File regulation, fiscal and financial impact statements with ALC	_____
13. Copy to State Board Office for filing with State Library`	_____

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

DEPARTMENT/AGENCY Arkansas Department of Education  
DIVISION \_\_\_\_\_  
DIVISION DIRECTOR Dr. Ken James  
CONTACT PERSON Dr. Frank Servedio  
ADDRESS #4 State Capitol Mall, Room 405-B Little Rock, AR 72201  
PHONE # 501-682-5535 FAX # 501-682-5118 E-MAIL fservedio@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 "HIGHLY QUALIFIED" TEACHERS**

- 2. What is the subject of the proposed rule?

**The "Highly Qualified Teacher" designation pursuant to the federal No Child Left Behind legislation.**

- 3. Is this rule required to comply with federal statute or regulations? Yes xx No \_\_\_\_\_

If yes, please provide the federal regulation and/or statute citation.

**No Child Left Behind (NCLB) from the Elementary and Secondary Education Act**

- 4. Was this rule filed under the emergency provisions of the Administrative Procedures Act? Yes \_\_\_\_\_ No xx

If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No \_\_\_\_\_

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

**NCLB requires that (by June of 2006) all core academic classes be taught by teachers designated as Highly Qualified according to the following criteria.**

- a. have a college degree
- b. have full state licensure
- c. demonstrate competence in the subject area content the teacher teaches

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.

7. What is the purpose of this proposed rule? Why is it necessary?

**To establish the criteria for determining the Highly Qualified Teacher designation.**

8. Will a public hearing be held on this proposed rule? Yes  No   
If yes, please complete the following:

**Date: 9/24/04  
Time: 1:00 pm  
Place: ADE Auditorium**

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)

October 8, 2004

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

November 15, 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.

unknown

## SUMMARY

**This Rule establishes the criteria for determining whether a teacher is designated Highly Qualified in Arkansas pursuant to the federal No Child Left Behind legislation.**

**The USDOE has established that, by the end of the 2005-2006 school year, all classes in core academic subjects\* are to be taught by teachers designated as Highly Qualified in those subjects. The minimum criteria are that the teacher:**

- a. have at least a bachelor's degree**
- b. be fully licensed**
- c. demonstrate competence in the content area he or she is teaching.**

**Distinctions are made for veteran teachers v. new teachers, and between elementary, middle school and secondary school teachers.**

**This Rule clarifies the distinctions made for each level, and defines the specific criteria for "demonstrating competence" in teaching areas.**

**\* Core Academic Subject Areas are:**

- Math**
- Science**
- Reading/Language Arts**
- Social Studies**
- Arts**
- English**
- Foreign Language**

FINANCIAL IMPACT STATEMENT

DEPARTMENT Arkansas Department of Education  
DIVISION \_\_\_\_\_  
PERSON COMPLETING THIS STATEMENT Frank J. Servedio  
PHONE # 501-682-5535 FAX # 501-682-5118 E-MAIL fervedio@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 Highly Qualified Teachers**

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
Yes \_\_\_\_\_ No xx
  
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain. **No.**
  
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.

**Actual costs for implementation of these rules are unknown at this time. However, any such costs would/should be covered by the Federal funding associated with Title 2 of the No Child Left Behind legislation.**

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue _____	General Revenue _____
Federal Funds _____	Federal Funds _____
Cash Funds _____	Cash Funds _____
Special Revenue _____	Special Revenue _____
Other (Identify) _____	Other (Identify) _____
Total _____	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.

**Actual costs for implementation of these rules are unknown at this time. However, any such costs would/should be covered by the Federal funding associated with Title 2 of the No Child Left Behind legislation.**

**Current Fiscal Year**

**Next Fiscal Year**

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

**Actual costs for implementation of these rules are unknown at this time. However, any such costs would/should be covered by the Federal funding associated with Title 2 of the No Child Left Behind legislation.**

**Current Fiscal Year**

**Next Fiscal Year**

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

Regulation Title: ***Rules Governing Highly Qualified Teachers***

Summary Description of Regulatory Proposal:

**This Rule establishes the criteria for determining whether a teacher is designated Highly Qualified in Arkansas pursuant to the federal No Child Left Behind legislation.**

**The USDOE has established that, by the end of the 2005-2006 school year, all classes in core academic subjects\* are to be taught by teachers designated as Highly Qualified in those subjects. The minimum criteria are that the teacher:**

- a. have at least a bachelor's degree**
- b. be fully licensed**
- c. demonstrate competence in the content area he or she is teaching.**

Cite Statutory Authority for this Regulatory Proposal:

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)

**Actual costs for implementation of these rules are unknown at this time. However, any such costs would/should be covered by the Federal funding associated with Title 2 of the No Child Left Behind legislation.**

- 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)

**Actual costs for implementation of these rules are unknown at this time. However, any such costs would/should be covered by the Federal funding associated with Title 2 of the No Child Left Behind legislation.**

- A. Resources Required - Personnel, equipment, office space.
- B. Time Required for Implementation.
- C. Procedural Changes.
- D. Other.

- III. Additional Comments.

Prepared by: (Name) Frank J. Servedio  
(Title) Data Analyst Program Advisor  
Office of Professional Quality Enhancement  
(Date) 9/9/04

**The following ad ran for three days (Aug. 29-31, 2004) in the Arkansas Democrat Gazette.**

### Notice of Rulemaking

Pursuant to the No Child Left Behind Act of 2001, 20, U.S.C. § 6301 et seq. (2003) Arkansas Code Annotated § 25-15-01 et seq., notice is hereby given that the Arkansas State Board of Education and the Arkansas Department of Education is considering implementing Rules for Highly Qualified Teachers. A public hearing will be held on September 24, 2004 at 1:00 p.m., at #4 Capitol Mall, Auditorium, Little Rock, AR 72201. The proposed Rules include, but are not limited to: Highly Qualified Teacher. Copies of the proposed revisions may be obtained at the Arkansas Department of Education, Office of Legal Counsel, #4 Capitol Mall, Room 404-A, Little Rock, AR 72201.