

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
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As Engrossed: H4/3/23
A Bill

HOUSE BILL 1609

By: Representative Evans
By: Senator B. Davis

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE AS THEY RELATE TO TEACHER LICENSURE; TO AMEND THE CONDITIONS UNDER WHICH AN INDIVIDUAL MAY TEACH WITHOUT A LICENSE; TO AMEND THE QUALIFICATIONS AN INDIVIDUAL MUST HAVE TO OBTAIN A TEACHING LICENSE; TO AMEND THE TYPES OF LICENSES THAT MAY BE CONSIDERED UNDER A TIERED SYSTEM OF TEACHER LICENSURE; TO AMEND THE LENGTH OF TIME DURING WHICH A PROVISIONAL TEACHING LICENSE IS VALID; TO REPEAL THE LICENSED PERSONNEL TESTING PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE AS THEY RELATE TO TEACHER LICENSURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-17-309 is amended to read as follows:
6-17-309. Licensure – Waiver.

(a)(1) ~~No~~ A class of students shall not be under the instruction of a teacher who is not licensed to teach the grade level or subject matter of the class for more than ~~thirty (30)~~ sixty (60) consecutive school days in the same class during a school year.

(2) This subsection shall not apply to:

- (A) Nondegreed vocational-technical teachers;
- (B) ~~Those persons~~ Individuals approved by the Division of



Elementary and Secondary Education to teach the grade level or subject matter of the class in the Division of Elementary and Secondary Education's distance learning program;

(C) ~~Those persons~~ Individuals teaching concurrent credit courses or advanced placement courses who:

(i) Are employed by a postsecondary institution;

(ii) Meet the qualification requirements of ~~that a~~ postsecondary institution or the Division of Career and Technical Education; and

(iii) Are teaching in a course in which credit is offered by an institution of higher education or a technical institute;

(D) Licensed teachers teaching in one (1) of the following settings:

(i) An alternative learning environment;

(ii) A juvenile detention facility;

(iii) A residential and day alcohol, drug, and psychiatric facility program;

(iv) An emergency youth shelter;

(v) A facility of the Division of Youth Services; or

(vi) A facility of the Division of Developmental Disabilities Services of the Department of Human Services; ~~and~~

(E) ~~A licensed~~ Licensed special education ~~teacher~~ teachers who are teaching two (2) or more core academic subjects exclusively to children with disabilities; or

(F) Teachers who are working under an Aspiring Teacher permit for a period of time not to exceed one (1) academic year or two (2) consecutive semesters.

(b)(1) If this requirement imposes an undue hardship on a school district, the school district may apply to the State Board of Education for a waiver.

(2) The state board shall develop rules for granting a waiver.

(3) Any school district that obtains a waiver shall send written notice of the assignment to the parent or guardian of each student in the classroom no later than the ~~thirtieth~~ sixtieth school day after the date of the assignment.

~~(4) The state board may waive or modify the requirement that an~~

~~applicant seeking licensure as a special education teacher complete an additional performance based program of study if the applicant:~~

~~(A) Is licensed in another state with a special education license or endorsement; and~~

~~(B) Has taught special education students for not less than five (5) years.~~

SECTION 2. Arkansas Code § 6-15-1004 is amended to read as follows:

6-15-1004. Qualified teachers in every public school classroom –
Definition.

(a)(1) Arkansas teachers ~~will~~ shall demonstrate competency in subject matter content ~~on identified assessments~~ and knowledge of teaching methods that are appropriate to their teaching area in order to be granted a license to teach in the state under rules promulgated by the State Board of Education.

~~(2) If there is no assessment available under subdivision (a)(1) of this section for a new licensure area for subject matter content, the Division of Elementary and Secondary Education may request that the state board approve an alternative method of demonstrating subject matter content competency.~~

~~(b) In order to obtain a teaching license, Arkansas teachers will~~ shall demonstrate the ability to increase student academic achievement by ~~demonstrating competency on assessments of teaching methods approved by the state board that result in increased student achievement~~ competency as required under subdivision (a)(1) of this section by:

(A) Obtaining passing scores on assessments approved by the state board; or

(B) Successfully completing a Division of Elementary and Secondary Education Alternate Assessment Plan that includes without limitation:

(i) Measures of growth in student academic performance that are based on value-added growth model data, when available, over a period of three (3) years; or

(ii) Other measures as permitted by state board rules.

~~(e)(1)(b)(1)~~ To renew a teaching license, a teacher shall participate

in continuing education and professional development:

(A) Based on the teacher's evaluation and professional growth plan under the Teacher Excellence and Support System, § 6-17-2801 et seq.;

(B) As required under § 6-17-704 and other ~~law~~ laws; and

(C) As required by rule of the state board.

(2)(A) For purposes of the requirement for continuing education and professional development under the Standards for Accreditation of Arkansas Public Schools and School Districts, five (5) hours of credit for professional development shall be given for each one (1) hour of college credit for a graduate-level course if the college credit is:

(i) Related to and enhances the teacher's knowledge of the subject area in which the teacher is currently teaching;

(ii) Part of the requirements for the teacher to obtain additional licensure in a subject matter that has been designated by the Division of Elementary and Secondary Education as having a critical shortage of teachers; or

(iii) Otherwise approved by the Division of Elementary and Secondary Education under subdivision ~~(e)(2)(B)~~ (b)(2)(B) of this section as a graduate-level course eligible for professional development credit.

(B)(i) Credit for professional development obtained under subdivision ~~(e)(2)(A)~~ (b)(2)(A) of this section may be allocated as follows:

(a) Up to fifteen (15) hours may be credited to the professional development requirements for licensure; and

(b) Hours obtained in excess of fifteen (15) may be credited to any remaining requirements for professional development generally, if approved by the school district in a professional development plan.

(ii) The allocation of credit for professional development claimed under subdivision ~~(e)(2)(A)~~ (b)(2)(A) of this section shall be approved by the:

(a) School district or open-enrollment public charter school employing the teacher; or

(b) Division of Elementary and Secondary Education, if the educator is not employed by a school district or an open-

enrollment public charter school.

(C) For purposes of the requirement for continuing education and professional development under this section, each hour of training received by licensed personnel related to teaching an advanced placement class for a subject covered by the College Board and Educational Testing Service shall be counted as professional development up to a maximum of thirty (30) hours.

(3) However, nothing in subdivision ~~(e)(2)~~ (b)(2) of this section shall prevent or restrict a school district from requiring additional in-service training.

~~(d)(c)~~ A teacher shall not be assigned to teach a grade level or a subject for which he or she is not fully or provisionally licensed by the state unless he or she meets one (1) of the following licensure exceptions as established by rules promulgated by the state board:

(1)(A) An emergency teaching permit granted to a school district for a position filled by a nonlicensed teacher who meets the Arkansas Qualified Teacher requirements promulgated by the state board.

(B) An emergency teaching permit may be granted annually for not more than two (2) consecutive school years;

(2) An effective teacher licensure exception granted to a school district for a position to be filled by an Arkansas licensed educator to teach a content area related to the educator's current licensure content area;

(3) A technical permit issued in cooperation with the Division of Career and Technical Education;

(4) An Aspiring Teacher permit;

~~(4)(5)~~ A licensure exception under:

(A) The District of Innovation Program, § 6-15-2801 et seq.;

(B) The Arkansas Quality Charter Schools Act of 2013, § 6-23-101 et seq.; or

(C) Section 6-15-103;

~~(5)(6)~~ A plan for adding an area to an existing Arkansas teaching license while teaching in the content area to be added; or

~~(6)(7)~~ A waiver for a long-term substitute teacher granted under subsection ~~(e)(d)~~ of this section.

~~(e)(1)~~(d)(1) For purposes of this section, “long-term substitute” means an individual who:

(A) Holds:

(i) A bachelor’s degree from an accredited college or university; or

(ii) An Arkansas teaching license; and

(B) Is substituting for a teacher of record for ~~thirty-one~~ ~~(31)~~ sixty-one (61) or more consecutive school days in the same class during a school year.

(2) ~~No~~ A class of students shall not be under the instruction of one (1) or more substitute teachers for more than ~~thirty (30)~~ sixty (60) consecutive school days in the same class during a school year unless the school district has obtained a long-term substitute waiver.

(3) A long-term substitute teacher or teachers shall continue to teach ~~the~~ a class from at least the ~~thirty-first~~ sixty-first consecutive day after the regular teacher is absent from the class until the return of the regular teacher to ~~that~~ the class.

(4) A person serving as a substitute teacher for ~~thirty (30)~~ sixty (60) days or fewer shall:

(A) Be a high school graduate; or

(B) Hold a graduate equivalent degree.

(5) The state board shall develop rules for granting a long-term substitute waiver.

SECTION 3. Arkansas Code § 6-17-402(c)(1), concerning rules promulgated by the State Board of Education concerning a tiered system of teacher licensure, is amended to read as follows:

(c)(1) The State Board of Education may promulgate rules for a tiered system of licensure, which may include without limitation:

(A) An emergency teaching permit;

(B) A technical permit;

(C)~~(i)~~ A provisional license~~;~~

~~(ii) The State Board of Education rules may provide that a provisional license may be issued if the applicant:~~

~~(a) Meets the minimum qualifications under subdivisions (b)(1) and (2) of this section as applicable to an applicant for~~

~~a teaching or an administrator license; or~~

~~(b) Partially meets full licensure~~

requirements;

(D) A novice or first-time license;

(E) A standard license; ~~and~~

(F)(i) A license with advanced requirements.

(ii) The State Board of Education may authorize a teacher leader advanced license or a teacher leader endorsement to a license; and

(G) An Aspiring Teacher permit for a period of time not to exceed one (1) academic year or two (2) semesters.

SECTION 4. Arkansas Code § 6-17-402(c)(2)(A), concerning rules promulgated by the State Board of Education concerning a tiered system of teacher licensure, is amended to read as follows:

(2)(A) In addition to other requirements under law and state board rules:

(i) A person applying for ~~first-time licensure as a secondary-level teacher or as an administrator in the public schools or a licensed secondary-level teacher, a licensed elementary general education teacher, or an administrator applying for a license in an additional area shall take and complete a test approved by the State Board of Education, and submit the scores to the division a:~~

(a) First-time provisional or standard licensure is eligible to work under an Additional Licensure Plan; and

(b) Standard license or an endorsement shall complete all requirements established by state board rules for licensure; and

(ii)(a) A person applying for first-time licensure for an elementary education kindergarten through grade six (K-6) license or a special education kindergarten through grade twelve (K-12) license shall+

~~(1) Pass pass a+~~

~~(A) Subject matter content assessment; and~~

~~(B) Stand-alone stand-alone assessment that examines the acquisition of knowledge of essential components of beginning reading instruction based on the science of reading; and~~

~~(2) Demonstrate pedagogical competence.~~

(b) The requirements under subdivision

(c)(2)(A)(ii)(a) of this section shall apply to a person who:

(1) ~~Enters~~ Unless already proficient through an approved, prescribed pathway, enters a teacher preparation program ~~beginning in the 2017-2018 academic year or thereafter~~ for a first-time elementary level K-6 license ~~or, a~~ special education K-12 license, or a special education K-12 endorsement; and

(2) Upon adoption of the stand-alone reading assessment under subdivision ~~(e)(2)(A)(ii)(a)(1)(B)~~ (c)(2)(A)(ii)(a) of this section, is seeking to add the elementary education K-6 license level by testing out.

(c) The requirements under subdivision (c)(2)(A)(ii)(a) of this section shall not apply to a person who:

(1) Is adding or has added one (1) of the following to a standard teaching license:

(A) Special education resource math (7-12) endorsement to a standard license;

(B) Special education resource science (7-12) endorsement to a standard license; or

(C) Special education resource English (7-12) endorsement to a standard; or

(2) Is already proficient through an approved, prescribed pathway.

(d) A person who enters an alternative educator preparation program ~~beginning in the 2017-2018 academic year~~ and receives an elementary education K-6 provisional license or a special education K-12 provisional license shall take and pass the stand-alone reading assessment under subdivision ~~(e)(2)(A)(ii)(a)(1)(B)~~ (c)(2)(A)(ii)(a) of this section in order to receive a standard license.

~~(d)(1)(e)(1)~~ The recommendation for the adoption of a stand-alone reading assessment shall be made by a diverse group of stakeholders.

(2) The stakeholders shall recommend a testing company for the stand-alone reading assessment that provides an extensive practice test that enables prospective teachers to practice the

kinds of skills taught in their teacher preparation programs so they can learn how to teach reading skills and diagnose reading problems.

~~(e)~~(f) The stand-alone reading assessment adopted by the State Board of Education shall:

(1) Include an adequate number of assessment items to ensure instructional knowledge of reading that is based on evidence-based practices related to the science of reading;

(2) Ensure that at least fifty percent (50%) of the items assess instructional knowledge for beginning reading and are based on evidence-based practices related to the science of reading;

(3) Include at least one (1) open-response question so that test takers can indicate how well they can demonstrate in writing their diagnostic interpretation of student reading errors; and

(4) Include a clear distinction between reading elements in and skills needed for literary and formation texts in order to address the English language arts standards as determined by the State Board of Education.

~~(f)~~(g) The State Board of Education shall determine the cut score for the stand-alone reading assessment with strong consideration based on the national mean if the national mean is not less than seventy percent (70%) correct answers on the stand-alone reading assessment.

SECTION 5. Arkansas Code § 6-17-409(d)-(g) concerning the issuance of a provisional license as an alternative educator preparation program, are amended to read as follows:

(d)(1) The State Board of Education shall issue to an applicant who is in an alternative educator preparation program a provisional teaching license that is issued under the state board's rules governing provisional licensure.

(2) ~~The~~ A provisional license is valid for the entire period that the applicant:

(A) Is participating in the alternative educator preparation program;

(B) Has not been determined to have an ethics violation under § 6-17-428; and

(C) Is teaching in an Arkansas public school.

(3) A provisional license may be extended for up to three (3) years after an applicant completes an alternative educator preparation program if the applicant is working to meet requirements for a standard license.

~~(e) The State Board of Education may require an applicant for licensure under this section to submit proof of the following academic eligibility:~~

~~(1)(A) Passing scores, as set by the State Board of Education, on subject matter content area assessments or their substantial equivalents.~~

~~(B) As used in this subdivision (e)(1), "substantial equivalents" includes without limitation the assessments required by the American Board for the Certification of Teacher Excellence program and any alternative method of demonstrating subject matter content competency identified by the State Board of Education under § 6-15-1004.~~

~~(C) An individual under this section shall demonstrate pedagogical competence;~~

~~(2) Successful completion of professional educator ethics training identified by rules of the State Board of Education; and~~

~~(3) As required by State Board of Education rules for the grade level and content area for which the applicant seeks licensure, successful completion of courses in Arkansas history or reading and writing in content areas, or both.~~

~~(f)(e) No academic Academic or experience requirements for obtaining an Arkansas teaching license in addition to those identified in subsections (e)-(e) (c) and (d) of this section shall not be imposed on an applicant who has completed one of the programs under subdivisions (c)(3)-(5) and who otherwise meets the requirements of this section by:~~

~~(A) The State Board of Education;~~

~~(B) The division; or~~

~~(C) An Arkansas state-funded college or university.~~

~~(g)(f) Each applicant for a provisional license under this section shall successfully complete the criminal records checks and Child Maltreatment Central Registry check under § 6-17-410 before the division may issue the license.~~

SECTION 6. Arkansas Code § 6-17-428(a)(2), concerning the definition of an "educator" as it pertains to ethical violations, is amended to read as follows:

(2) "Educator" means, at the time of the alleged violation:

(A) A person holding a valid Arkansas standard teaching license, ancillary license, provisional license, technical permit, or administrator's license issued by the State Board of Education, even if the license expires during the pendency of the ethics complaint process;

(B) A preservice teacher, which shall include an individual with an Aspiring Teacher permit;

(C) An individual employed under a waiver from licensure as a teacher of record or as an administrator; or

(D) A person employed under an emergency teaching permit;

SECTION 7. Arkansas Code Title 6, Chapter 17, Subchapter 6, is repealed.

~~6-17-601. Board authority and directive.~~

~~The State Board of Education shall establish and implement a licensed personnel testing program.~~

~~6-17-602. Application for new licensure.~~

~~Any teacher, administrator, or other licensed person who is not eligible for renewal of the license due to failure to comply with this subchapter is eligible to apply for new licensure under initial licensure rules or other rules promulgated by the State Board of Education.~~

~~6-17-603. Reporting of test scores — Confidentiality.~~

~~(a)(1) Scores from the tests required under this subchapter and § 6-17-402 shall not be disclosed but shall be retained by the Division of Elementary and Secondary Education as confidential records not subject to the Freedom of Information Act of 1967, § 25-19-101 et seq., or any other act that would require the disclosure thereof.~~

~~(2) However, the division shall provide each licensee with that person's test score and the grader's analysis of the writing portion of the test.~~

~~(b) The division shall transmit to the Governor, the House Committee~~

~~on Education, and the Senate Committee on Education a composite report indicating by county the number of persons who failed the tests and the number of persons who passed the tests.~~

SECTION 8. Arkansas Code § 6-17-919(a), concerning conditions under which a warrant issued in payment of a teacher's salary is not void, is amended to read as follows:

(a) All warrants issued in payment of teachers' salaries are void unless:

(1) The teacher is:

(A) Licensed to teach in the State of Arkansas by a license issued by the State Board of Education; or

(B) A ~~substitute~~ teacher employed under § 6-15-1004 and rules of the State Board of Education;

(2) The teacher has been employed by a valid written contract; and

(3) Copies of such contract are on file in the office of the county treasurer or the school district treasurer if the school district has its own treasurer.

/s/Evans