

## **Title 6. Education**

### **Chapter I. Division of Elementary and Secondary Education**

#### **Subchapter G. School District Personnel**

#### **Part 187. Rules Governing the Rewarding Excellence in Achievement Program**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"1.0 Regulatory Authority

1.01 These rules shall be known as the Department of Education (Department) Rules Governing the Rewarding Excellence in Achievement Program (REAP).

1.02 These rules are enacted under the State Board of Education's (State Board) authority pursuant to Ark. Code Ann. §§ 6-11-105, 25-15-201 et seq. and Act 1029 of 2007."

"Approved October 8, 2007"

#### **Subpart 1. Generally**

##### **6 CAR § 187-101. Purpose.**

The purpose of this part is to create a pilot program to afford public school districts and public charter schools the opportunity to develop teacher compensation plans tailored to the needs of public school districts and/or public charter schools.

**Authority.** Arkansas Code §§ 6-11-105, 6-15-2604.

##### **6 CAR § 187-102. Definitions.**

For the purposes of this part, the following terms shall mean:

(1) "Compensation" that will be funded under the Rewarding Excellence in Achievement plan means the teacher's/employee's salary, excluding benefits;

(2) "Knowledge and skills" means the base portion of the teacher's compensation under a Rewarding Excellence in Achievement compensation plan that considers but is not limited to factors such as years of experience and degree levels as set forth in the Rewarding Excellence in Achievement plan;

(3) "Local board" means the local school board of directors exercising the control and management of a public charter school or public school district;

(4) "Participants" means the public school or school districts or public charter schools selected for participation in the Rewarding Excellence in Achievement Program;

(5)(A) "Peer evaluations" means objective evaluations of teachers conducted by other teachers using multiple criteria including provisions for integrated ongoing site-based professional development activities to improve instructional skills and learning that are aligned with student needs under Arkansas Code § 6-15-2009 [repealed].

(B) These peer evaluators shall:

(i) Understand teaching and learning; and

(ii) Be locally selected and periodically trained evaluators;

(6) "Performance" means the portion of the teacher's compensation under a Rewarding Excellence in Achievement plan that considers, without limitation, factors such as:

(A) Professional development;

(B) Teacher attendance;

(C) Student achievement both by class and schoolwide; and

(D) The teacher's performance evaluations;

(7) "Rewarding Excellence in Achievement Program (REAP)" means an alternative plan for teacher compensation that may be developed by a public:

(A) School;

(B) School district; or

(C) Charter school; and

(8) "Staff" means the teachers, administrators, and/or classified employees who have voted to be participants in the Rewarding Excellence in Achievement Program.

**Authority.** Arkansas Code §§ 6-11-105, 6-15-2604.

**6 CAR § 187-103. Selection criteria and requirements in considering the application for the Rewarding Excellence in Achievement Program.**

(a)(1) Public school districts or public charter schools desiring to participate in the Rewarding Excellence in Achievement Program must submit an application to the State Board of Education on forms developed by the Department of Education.

(2) A district may apply on behalf of a single school within the public school district that desires to participate in the Rewarding Excellence in Achievement plan.

(b)(1) Participants shall be selected through a competitive process.

(2) Consideration will be given to qualified applicants from various locations and from districts of various sizes and demographics.

(c) The application procedure shall provide for a phase-in process, beginning with a planning phase for a minimum period of twelve months, to allow applicants access to resources that would allow sufficient research of best practices and time to garner community and staff support in submitting a Rewarding Excellence in Achievement plan.

(d) To participate in the Rewarding Excellence in Achievement Program, a participant must submit a proper application providing all necessary information and documents as requested by this part and the form herein attached and incorporated as the Rewarding Excellence in Achievement Program application form.

(e) The Rewarding Excellence in Achievement Program application shall be submitted or postmarked to the Office of Human Resources of the Department of Education on or before 4:30 p.m. on Monday, March 3, 2008.

(f)(1)(A) To the extent practicable, the department shall select three (3) Rewarding Excellence in Achievement Program participants from each congressional district with at least one (1) participant having a student population of:

(i) Fewer than one thousand (1,000) students;

(ii) Between one thousand and eight thousand (1,000 – 8,000) students; and

(iii) Greater than eight thousand (8,000) students.

(B) In addition, the department shall, to the extent possible, strive to have Rewarding Excellence in Achievement Program participants from each congressional district with at least one (1) participant from each who has:

(i) A percentage of eligible free and reduced-price lunch (FRL) student population greater than ninety percent (90%) of students;

(ii) Less than ninety percent (90%) but greater than seventy percent (70%) eligible FRL students; and

(iii) Less than seventy percent (70%) FRL-eligible students.

(C) To the extent possible, the department shall try to mix the student population requirements with differing demographics of the percentage of eligible FRL students between congressional districts so as to have a varied representation of size and demographic of students in the pilot study.

(2)(A) Each participant that meets the criteria mentioned in this subsection shall receive a point or points pursuant to the rubric, which will be developed by the committee (6 CAR § 187-104(b)), for each criteria met.

(B) In addition, each participant application shall receive a point or points on a competitive scale based on the quality of compliance with the requirements of:

(i) This section;

(ii) 6 CAR § 187-104(a); and

(iii) 6 CAR § 187-105.

(3) The department has the discretion to select certain Rewarding Excellence in Achievement Program participants as necessary to comply with the selection criteria of this subsection regardless of the competitive score of any single participant.

(g)(1) To participate in the Rewarding Excellence in Achievement Program, a participant must have an approved comprehensive school improvement plan as defined in Arkansas Code § 6-15-419(9) [repealed].

(2) Prior to full implementation of a Rewarding Excellence in Achievement plan, the comprehensive school improvement plan of the participant shall include:

(A) Assessment and evaluation tools to measure student performance and progress based on an achievement gains model;

(B) Performance goals and benchmark improvement;

(C) Measures of student attendance and completion rates;

(D) A rigorous professional development system consistent with the:

(i) Comprehensive school improvement plan defined in Arkansas Code § 6-15-419(9) [repealed]; and

(ii) Student academic improvement plans as defined in Arkansas Code § 6-15-419(2) [repealed];

(E) Measures of student, family, and community involvement and satisfaction;

(F) A data reporting system about students and their academic progress that provides parents and the public with understandable information;

(G) A teacher induction and mentoring program for probationary teachers that provides continuous learning and sustained teacher support; and

(H) Substantial participation by teachers in developing the Rewarding Excellence in Achievement plan.

(h)(1) As part of the application process, schools wishing to participate shall conduct a vote of the teachers to show or express interest in the development of a Rewarding Excellence in Achievement plan with the level for acceptance being seventy percent (70%) or another percentage:

(A) Established by a majority vote of the teachers; and

(B) Approved by the local board.

(2) After the local committee completes the development of the Rewarding Excellence in Achievement plan, it will be distributed to the teachers before submission to the state board.

(3) If fifty-one percent (51%) or more of a participating school's teachers elect not to participate, the Rewarding Excellence in Achievement plan shall not be approved by the state board or implemented.

(4) A teacher in a school selected by the state board to participate may elect not to participate in the Rewarding Excellence in Achievement plan.

(i)(1) All recipients of funds provided by the Rewarding Excellence in Achievement plan shall cooperate and share all school demographic and student achievement data with any state-sponsored evaluation of this program.

(2)(A) Applicant public school districts or public charter schools shall form a committee to consist of their administrators and teachers, the majority of whom shall be classroom teachers.

(B) The classroom teacher members of the committee shall be elected by a majority of the classroom teachers voting by secret ballot.

(C) The election shall be solely and exclusively conducted by classroom teachers, including the distribution of ballots to all classroom teachers.

(3) The committee shall be responsible for creating, assisting in the implementation of, and evaluating the school's Rewarding Excellence in Achievement plan.

(4) The committee shall annually report to its local board on the evaluation of the school's Rewarding Excellence in Achievement plan.

(j) The contents of a Rewarding Excellence in Achievement plan approved for participation in the Rewarding Excellence in Achievement Program shall describe:

(1) How teachers can achieve career advancement and additional compensation;

(2) How participants will provide teachers with career advancement options that:

(A) Allow teachers to retain primary roles in student instruction; and

(B) Facilitate site-focused professional development that will help other teachers improve their skills;

(3) All assurances as to how the plan will prevent the initial compensation of participating staff members from being reduced by implementing the pay system developed as a result of the Rewarding Excellence in Achievement plan;

(4) How the forty percent to sixty percent (40% – 60%) performance portion of compensation will be determined;

(5) How the forty percent to sixty percent (40% – 60%) knowledge and skill base portion of compensation will be determined;

(6) How the plan will reform the “steps and lanes” salary schedule;

(7) How the participants will encourage a collaborative relationship among teachers; and

(8) How, after full plan implementation, the alternative compensation system will be sustained if it is deemed successful or phased out if the Rewarding Excellence in Achievement plan evaluation reveals that the plan does not work for the participant.

(k) Rewarding Excellence in Achievement plans approved for participation in the program may include provisions regarding the compensation for administrators and other staff members.

(l) Under the Rewarding Excellence in Achievement plan, increases in compensation for the performance portion, forty percent to sixty percent (40% – 60%) of the teacher’s total compensation, shall include:

(1)(A) Achievement gains of students in each teacher’s class on student scores under the statewide assessment program described in Arkansas Code § 6-15-433 [repealed].

(B) Locally selected and department-approved standardized assessment outcomes for students in each teacher’s class may also be included;

(2)(A) Achievement gains of students on a schoolwide basis under the statewide assessment program described in Arkansas Code § 6-15-433 [repealed].

(B) Locally selected and department-approved standardized assessment outcomes may also be included; and

(3) The remaining percentage of the performance portion of compensation of the teacher's total compensation shall be based on an objective teacher evaluation program that includes:

(A) An individual objective teacher evaluation conducted by the school principal that is aligned with the comprehensive school improvement plan and professional development plan described in Arkansas Code § 6-15-2607; and

(B) Peer objective evaluations using multiple criteria:

(i) Conducted by locally selected and periodically trained evaluators who understand teaching and learning; and

(ii) That include provisions for integrated ongoing site-based professional development activities to improve instructional skills and learning that are aligned with student needs under Arkansas Code § 6-15-2009 [repealed].

**Authority.** Arkansas Code §§ 6-11-105, 6-15-2604.

**6 CAR § 187-104. Rewarding Excellence in Achievement Program timeline and schedule.**

(a) All applications due or postmarked on or before 4:30 p.m., Monday, March 3, 2008.

(b) The Department of Education shall convene the appropriate committees to develop a rubric for the application process as well as to read and evaluate Rewarding Excellence in Achievement Program applications.

(c) The department shall announce:

(1) The twelve (12) approved Rewarding Excellence in Achievement Program applications; or

(2) That number up to twelve (12).

(d)(1) May 1, 2008 through May 1, 2009, participants are required to implement the phase-in process for all approved applicants.

(2) Quarterly written updates are to be provided to the department on the implementation phasing-in processing with updates due:

- (A) August 1, 2008;
- (B) November 1, 2008;
- (C) February 1, 2008; and
- (D) May 1, 2008.

(3) Districts may count any time already used to phase in an already existing Rewarding Excellence in Achievement Program or similar program approved as a Rewarding Excellence in Achievement Program application for the phase-in process time period required in this section.

(e) July 1, 2009, is the latest required date for implementation for an approved Rewarding Excellence in Achievement Program.

(f) These dates shall be subject to modification or alteration as determined in the best interest of the Rewarding Excellence in Achievement Program by the department.

**Authority.** Arkansas Code §§ 6-11-105, 6-15-2604.

### **6 CAR § 187-105. Staff development.**

(a) Staff development activities for a participant in the Rewarding Excellence in Achievement Program shall:

- (1) Focus on the school classroom and research-based strategies that improve student learning;
- (2) Provide opportunities for teachers to practice and improve their instructional skills over time;
- (3) Provide opportunities for teachers to use student data as part of their daily work to increase student achievement;
- (4) Enhance teacher content knowledge and instructional skills;
- (5) Align with state academic standards;
- (6) Provide opportunities to build professional relationships, foster collaboration among principals and staff who provide instruction, and provide opportunities for teacher-to-teacher mentoring; and

(7) Align with the Rewarding Excellence in Achievement plan of the participant.

(b) Staff development activities for participants in the Rewarding Excellence in Achievement Program may include:

(1) Curriculum development and curriculum training programs; and  
(2) Activities that provide teachers and other staff members training to enhance teacher, team, and school performance.

(c) The participants may implement other staff development activities associated with professional teacher compensation models.

**Authority.** Arkansas Code §§ 6-11-105, 6-15-2604.

**6 CAR § 187-106. Evaluation of participants.**

(a) The Department of Education shall commission an annual evaluation of the Rewarding Excellence in Achievement plan of each school participating in the program.

(b) The annual evaluation shall include, without limitation, consideration of:

(1) Student scores under the statewide assessment program described in Arkansas Code § 6-15-433 [repealed];

(2) Student attendance;

(3) Student grades;

(4) Incidents involving student discipline;

(5) Socioeconomic data on students' families;

(6) Parental satisfaction with the schools;

(7) Student satisfaction with the schools; and

(8) Correlations between student assessment gains and:

(A) Teacher degree levels and years of experience;

(B) Staff development; and

(C) A school's status for having a qualified teacher in every classroom under Arkansas Code § 6-15-1004.

**Authority.** Arkansas Code §§ 6-11-105, 6-15-2604.

**6 CAR § 187-107. Reporting and continued funding for the Rewarding Excellence in Achievement Program.**

(a)(1) In addition to the program evaluation required by 6 CAR § 187-106, each participating school district or public charter school shall:

(A) Report on the implementation and effectiveness of its Rewarding Excellence in Achievement plan; and

(B) Make a recommendation by August 15 each year to its local board.

(2) The local board shall transmit a copy of the report with a summary of the findings and recommendations of the public school or school district or public charter school to the Commissioner of Elementary and Secondary Education.

(b)(1) If the commissioner determines that a public school or school district or public charter school that receives funding under the Rewarding Excellence in Achievement Program is not complying with the requirements of the program, the commissioner shall withhold further funding from that participant.

(2) Such withheld funds may be reallocated to other existing Rewarding Excellence in Achievement Program participants or Rewarding Excellence in Achievement Program applicants in an alternate status of award.

(3) Before making the determination to withhold funds, the commissioner shall:

(A) Notify the participant of any deficiencies; and

(B) Provide the participant an opportunity to comply with the requirements of the Rewarding Excellence in Achievement Program.

(c) At the end of the Rewarding Excellence in Achievement Program period, the commissioner shall present evaluation findings and recommendations to the:

(1) State Board of Education;

(2) House Committee on Education; and

(3) Senate Committee on Education.

**Authority.** Arkansas Code §§ 6-11-105, 6-15-2604.

**Appendix A. Procedures for the REAP Application**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/153/6CARpt.187Application.pdf>