

## **Title 6. Education**

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

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

#### **Part 188. Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards**

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

"1.0 Regulatory Authority

1.1 These rules shall be known as the Arkansas Department of Education Division of Elementary and Secondary Education Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards (NBPTS) Candidacy and Certification.

1.2 These rules are enacted under the State Board of Education's authority pursuant to Ark. Code Ann. §§6-11-105, 6-17-412, and 6-17-413."

"Effective Date: June 2, 2022"

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

##### **6 CAR § 188-101. Purpose.**

The purpose of this part is to:

- (1) Improve student learning and strengthen teaching by encouraging teachers to participate in and complete NBPTS certification;
- (2) Authorize the Division of Elementary and Secondary Education to fund the full amount of the participation fee of the NBPTS certification;
- (3) Authorize the division to fund financial incentives for NBCTs in Arkansas;

- (4) Outline the eligibility criteria and funding structure for the incentives; and
- (5) Outline the establishment of a support program for NBPTS participants.

**Authority.** Arkansas Code §§ 6-11-105, 6-17-413.

**Codification Notes.** "NBPTS" means the National Board for Professional Teaching Standards.

**6 CAR § 188-102. Definitions.**

For the purposes of this part:

(1) "Accredited teacher preparation program" means an educator preparation program that is:

(A) Accredited by the Council for the Accreditation of Educator Preparation;

(B) Accredited by an accrediting organization recognized by the:

(i) United States Department of Education; or

(ii) Council for Higher Education Accreditation; or

(C) Approved by the licensing authority of a state government;

(2)(A) "Advisory committee" means the ten (10) member team of:

(i) Three (3) National Board Certified Teachers;

(ii) Three (3) National Board facilitators; and

(iii) Four (4) educational administration or business representatives.

(B) One (1) of the ten (10) members may be a Division of Elementary and Secondary Education staff member.

(C) The advisory committee:

(i) Advises the Division of Elementary and Secondary Education on policy issues;

(ii) Assists in the support system; and

(iii) Recommends criteria for the selection of candidates when all candidates cannot be funded.

(D) Criteria shall be recommended by the advisory committee in accordance with law for review and approval by the State Board of Education;

(3) "Classroom setting" for the purpose of eligibility for:

(A) NBPTS candidacy funding, means a 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

(B) An incentive bonus, means a full-time assignment to a setting in a school building or buildings or other instructional settings where an NBCT is directly involved in the instructional process by teaching children by:

(i) Facilitating the instructional process through work with building teachers in classrooms; or

(ii) Serving in the role of building administrator or assistant building administrator;

(4) "Classroom teacher" means a teacher who is:

(A) Required to hold a standard teaching license from the Division of Elementary and Secondary Education; and

(B) Engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time, with that seventy percent (70%) allowed to include:

(i) 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

(ii) Instructional positions such as:

(a) Library/media specialist;

(b) School guidance counselor;

(c) Literacy specialist;

(d) Math specialist;

(e) Dyslexia specialist; or

(f) Others for whom NBPTS certificates specifically exist and who meet the definition of classroom teacher;

(5) "Division" means the Division of Elementary and Secondary Education of the Department of Education;

(6) "High-poverty charter school" means an Arkansas open-enrollment public charter school in which seventy percent (70%) or greater of the previous school year's enrolled students are national school lunch students as defined in Arkansas Code § 6-20-2303;

(7) "High-poverty district" means an Arkansas public school district in which seventy percent (70%) or greater of the previous school year's enrolled students are national school lunch students as defined in Arkansas Code § 6-20-2303;

(8) "High-poverty school" means an Arkansas public school in which seventy percent (70%) or greater of the previous school year's enrolled students are national school lunch students as defined in Arkansas Code § 6-20-2303;

(9) "In the process of initial certification" means that the individual has completed registration for first-time candidacy, including payment of the NBPTS registration fee;

(10) "Instructional facilitator" means an individual holding a valid Arkansas teacher's license who facilitates continuous improvement in classroom instruction by:

(A) Providing instructional and professional learning support to teachers for research-based instruction; and

(B) Demonstrating the alignment of instruction with curriculum standards and assessment tools;

(11)(A) "Instructional leader" means a building-level administrator who is responsible for evaluating teachers or instructional staff.

(B) It shall include without limitation a building-level administrator who is an evaluator as defined in Arkansas Code § 6-17-2803;

(12) "National Board for Professional Teaching Standards" means the independent board that 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 (5) core propositions:

- (A) Teachers are committed to students and their learning;
  - (B) Teachers know the subjects they teach and how to teach those subjects to students;
  - (C) Teachers are responsible for managing and monitoring student learning;
  - (D) Teachers think systematically about their practice and learn from experience; and
  - (E) Teachers are members of learning communities;
- (13) "NBCT" means National Board Certified Teacher;
- (14) "NBPTS candidacy" means an applicant's participation in the NBPTS program for becoming a certified teacher under this part;
- (15) "Public school" means:
- (A) A school operated by a public school district; or
  - (B) An open-enrollment public charter school as defined in Arkansas Code § 6-23-103; and
- (16) "State board" means the State Board of Education.

**Authority.** Arkansas Code §§ 6-11-105, 6-17-413.

**Codification Notes.** "NBPTS" means the National Board for Professional Teaching Standards.

**6 CAR § 188-103. Selection process for payment for NBPTS candidacy.**

**(a) Application criteria.**

(1) An applicant shall complete the official application process established by the Division of Elementary and Secondary Education.

(2) An applicant:

- (A) Shall not have received prior state funding for NBPTS candidacy; and
- (B) Must be applying for initial candidacy.

(3) An applicant shall verify at least three (3) years teaching experience in an Arkansas public school beginning no earlier than the year in which the applicant's first license to teach in an Arkansas public school is issued.

(b) **Selection process.**

(1) A candidate shall meet or exceed the minimum qualifying score for the application process approved by the State Board of Education.

(2) NBPTS advisory committee will:

(A) Review applications if full funding is not available; and

(B) Recommend to the division the candidates to be funded.

(3) A candidate selected to receive state funding must submit all NBPTS components within the first-year candidacy cycle.

(c) **Payment of component costs for NBPTS candidacy.** The division shall pay the following costs associated with NBPTS candidacy for candidates selected for participation under this part:

(1) The cost of submission for the four (4) components, excluding the:

(A) Application fee assessed by the National Board for Professional Teaching Standards;

(B) Retake fees; and

(C) Renewal fees; and

(2) Substitute teacher pay for up to three (3) days of approved paid leave.

(d)(1) A candidate who pays for the cost of one (1) component may apply to the division for reimbursement of that cost and for state support of the remaining certification components if the division receives the application within fourteen (14) days after the release of scores from NBPTS.

(2) The advisory committee shall:

(A) Recommend a minimum qualifying score;

(B) Review the applications; and

(C) Make a recommendation to the state board for funding.

(3) A candidate selected to receive reimbursement and state funding for remaining components must submit all remaining NBPTS components within the second-year candidacy cycle.

(e) **Repayment of funding.**

(1) Repayment of state funds for the NBPTS is required if a recipient:

(A) Does not complete the certification process within three (3) years after the NBPTS enters the candidate into its certification program; or

(B) Becomes an NBCT with the support of state funds, but for the three-year period following certification that includes the year of certification and the two (2) years immediately following certification does not teach in an Arkansas public school classroom or does not serve as a building-level administrator, a building-level assistant, an instructional facilitator, or an instructional leader, as applicable.

(2) A candidate required to repay funds under this subsection may seek a waiver of repayment from the state board if the candidate was forced to withdraw from candidacy due to:

(A) The death or disability of the teacher; or

(B) Other serious extenuating circumstances recommended by the advisory committee, including without limitation health-related problems verified by a licensed physician.

(f)(1) The state board may suspend a recipient's teaching license for failure to repay state funds provided under this part.

(2) The teaching license may be reinstated upon full payment as provided in the division's Rules Governing Educator Licensure, 6 CAR pt. 180.

**Authority.** Arkansas Code §§ 6-11-105, 6-17-413.

**Codification Notes.** "NBPTS" means the National Board for Professional Teaching Standards.

**6 CAR § 188-104. Incentive payments.**

(a) An NBCT who began the process of initial certification or was certified or recertified before January 1, 2018:

(1) Shall receive a yearly incentive payment if selected to participate in the NBPTS program under this part and if at the time of receiving the bonus, the NBCT is:

(A) Employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school;

(B) An NBCT certified on or after August 1, 2009, and who, after working a minimum of three (3) years with National Board for Professional Teaching Standards certification as a classroom teacher or as a building-level administrator or building-level assistant administrator in an Arkansas public school district, is employed full time as a teacher in an accredited teacher preparation program at a state-sponsored institution of higher education;

(C) An NBCT who moved into the state on or before January 1, 2017, and is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school; or

(D) An NBCT certified on or after August 1, 2009, who moved into the state on or before January 1, 2017, and after working a minimum of three (3) years with National Board certification as a classroom teacher or as a building-level administrator or building-level assistant administrator in an Arkansas public school district is employed full time as a teacher in an accredited teacher preparation program at a state-sponsored institution of higher education;

(2) An NBCT who meets the qualifications of this subsection and is working full time in a public school that is not a high-poverty school or a high-poverty charter school shall receive a gross yearly incentive payment of five thousand dollars (\$5,000) for the length of the certification or the recertification, but for no more than ten (10) school years;

(3) An NBCT who meets the qualifications of this subsection and is working full time in a public school that is a high-poverty school that is not in a high-poverty school district shall receive a gross yearly incentive payment of five thousand dollars (\$5,000)

for the length of the certification or the recertification, but for no more than ten (10) school years; and

(4) A person who meets the qualifications of this subsection and is working full time in a public school that is a high-poverty school in a high-poverty district or is a high-poverty charter school shall receive a gross yearly incentive payment of ten thousand dollars (\$10,000) for the length of the certification or the recertification, but for no more than ten (10) school years.

(b)(1) An NBCT who began the certification process and was certified after January 1, 2018, shall receive a yearly incentive payment if the NBCT is:

- (A) A classroom teacher;
- (B) An instructional facilitator; or
- (C) An instructional leader.

(2) An NBCT who meets the qualifications of this subsection and is working full time in a public school that is not a high-poverty school or a high-poverty charter school shall receive a gross yearly incentive payment of two thousand five hundred dollars (\$2,500) for no more than five (5) school years.

(3) An NBCT who meets the qualifications of this subsection and is working full time in a public school that is a high-poverty school that is not in a high-poverty school district shall receive a gross yearly incentive payment of five thousand dollars (\$5,000) for no more than five (5) school years.

(4) A person who meets the qualifications of this subsection and is working full time in a public school that is a high-poverty school in a high-poverty district or is a high-poverty charter school shall receive a gross yearly incentive payment of ten thousand dollars (\$10,000) for no more than ten (10) school years.

(c)(1) Payments shall be made annually by June 30.

(2) An NBCT shall not receive an incentive payment if the Division of Elementary and Secondary Education has not received verification of the NBCT by the employer.

(d) A person shall not receive in the same school year more than one (1) yearly incentive payment under subsection (b).

(e) A person shall not receive in the same school year an incentive payment under both subsections (a) and (b).

(f) The division shall not pay an incentive or any increase in an incentive retroactively.

(g) The NBCT shall not be eligible to receive an incentive payment if the NBCT:

(1)(A) Has received an incentive payment for a cumulative total of ten (10) school years after January 1, 2018.

(B) Payments may only be received for a maximum of ten (10) years if certified after January 1, 2018;

(2) Leaves the full-time employment of an Arkansas public school district;

(3) Becomes employed as a district-level central office administrator;

(4) Is employed by an Arkansas institution of higher education and does not teach in an accredited teacher preparation program; or

(5) Is employed by an education service cooperative and does not meet the definition of classroom teacher listed in 6 CAR § 188-102(4).

(h) A person shall not receive an incentive payment under multiple sections of this part in the same school year.

(i) A traveling teacher who is eligible for an incentive payment under this part shall receive the incentive for the school that the teacher's contract identifies as the teacher's home base.

**Authority.** Arkansas Code §§ 6-11-105, 6-17-413.

**6 CAR § 188-105. Support program for teachers selected to participate in NBPTS candidacy.**

(a) The State Board of Education will establish a support program for teachers selected to participate in the NBPTS program that provides technical assistance to program applicants to ensure successful program completion, which may include without limitation:

(1) Establishing a variety of support opportunities such as:

- (A) Annual precandidacy orientations;
  - (B) Regular meetings of participants;
  - (C) Telephone/email contact with facilitators and NBCTs; and
  - (D) Division of Elementary and Secondary Education’s intervention with NBPTS if necessary;
- (2) Providing information on the NBPTS state support program on the division website; and
- (3) Providing other assistance, if determined to be necessary by the division.
- (b) Credit for professional development may be obtained pursuant to school district policy.

**Authority.** Arkansas Code §§ 6-11-105, 6-17-413.

**Codification Notes.** "NBPTS" means the National Board for Professional Teaching Standards.

**6 CAR § 188-106. Monitoring for NBPTS program participation.**

The public school that employs an NBCT shall certify, and the Division of Elementary and Secondary Education shall verify annually, the job code of that teacher to determine eligibility for an incentive payment.

**Authority.** Arkansas Code §§ 6-11-105, 6-17-413.

**Codification Notes.** "NBPTS" means the National Board for Professional Teaching Standards.

**6 CAR § 188-107. Funding limitations.**

(a) Provisions of this part and Arkansas Code §§ 6-17-412 and 6-17-413 apply only to the extent that funds are appropriated and available to the Division of Elementary and Secondary Education to pay for these purposes.

(b) Funding under 6 CAR §§ 188-104(a)(1)(B) and 104(a)(1)(D) shall be paid only if funds are available after funding all eligible candidates under 6 CAR §§ 188-104(a)(1)(A) and 104(a)(1)(C).

(c) All incentive payments shall be made in accordance with division rules governing payment of bonuses, stipends, and other financial awards and incentives.

**Authority.** Arkansas Code §§ 6-11-105, 6-17-413.