

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 846 of the Regular Session

1 State of Arkansas

As Engrossed: H3/16/07 H3/19/07 H3/23/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 2792

4
5 By: Representatives J. Roebuck, Cook, Blount

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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND ARKANSAS CODE § 6-17-402; TO
10 REPEAL THE PROFESSIONAL EDUCATION, DEVELOPMENT,
11 LICENSURE, AND ASSESSMENT BOARD; TO CREATE THE
12 PROFESSIONAL LICENSURE STANDARDS BOARD; AND FOR
13 OTHER PURPOSES.

14
15 **Subtitle**

16 AN ACT TO CREATE THE PROFESSIONAL
17 LICENSURE STANDARDS BOARD.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 6-17-402 is amended to read as follows:
23 6-17-402. Rules and regulations.

24 (a) As used in this section, "certified teaching license" means the
25 license of a licensed classroom teacher, an administrator, a guidance
26 counselor, or a librarian issued by the State Board of Education.

27 ~~(a)(1)~~(b)(1) The State Board of Education shall promulgate rules and
28 regulations for the issuance, licensure, relicensure, and continuance of
29 licensure of teachers in the public schools of this state.

30 (2)(A) In addition to other requirements, any person applying
31 for initial licensure as a teacher or administrator in the public schools or
32 a licensed teacher or administrator applying for a license in an additional
33 area shall take and complete a test recognized by the National Council for
34 Accreditation of Teacher Education and approved by the ~~board~~ State Board of
35 Education, and submit the scores to the Department of Education.



1 ~~(b)~~(B) No applicant for initial licensure or licensure in an
 2 additional area shall receive a license after July 1, 2007, unless the
 3 applicant scores at or above the minimum level set by the ~~board~~ State Board
 4 of Education that are consistent with the recommendations of the Professional
 5 Licensure Standards Board.

6 ~~(e)~~(C) All colleges and universities in this state shall report the
 7 results of the examinations to the department upon request.

8 ~~(d)~~(c) The ~~state board~~ State Board of Education shall not delegate to
 9 any college or university any of the ~~state board's~~ State Board of Education's
 10 powers or duties pertaining to the issuance, licensure, relicensure, and
 11 continuance of licensure of teachers in public schools in this state.

12 ~~(e)~~(d) The ~~state board~~ State Board of Education shall waive the
 13 examination requirements under subsection ~~(a)~~(b) of this section for
 14 individuals applying for licensure in Arkansas who have a valid out-of-state
 15 teaching license and three (3) years' documented teaching experience as
 16 required by the rules and regulations promulgated by the ~~state board~~ State
 17 Board of Education.

18 ~~(f)~~ For purposes of this section, "certified teaching license"
 19 includes that license of a licensed classroom teacher, administrator,
 20 counselor, or librarian.

21
 22 SECTION 2. Arkansas Code § 6-17-420 is repealed.

23 ~~6-17-420. Professional Education, Development, Licensure, and~~
 24 ~~Assessment Board.~~

25 ~~(a)~~ There is established a board to be known as the "Professional
 26 Education, Development, Licensure, and Assessment Board".

27 ~~(b)~~ The board shall consist of fifteen (15) members as follows:

28 ~~(1)~~ Twelve (12) members to be selected by the State Board of
 29 Education as follows:

30 ~~(A)~~ One (1) public school teacher from each congressional
 31 district in the state selected as follows:

32 ~~(i)~~ Two (2) public school teachers selected from a
 33 list submitted by the Arkansas Education Association of no less than twelve
 34 (12) names with at least three (3) teachers from each congressional district
 35 in the state; and

36 ~~(ii)~~ Two (2) public school teachers selected from a

1 ~~list submitted by the Department of Education of no less than twelve (12)~~
2 ~~names with at least three (3) teachers certified by the National Board for~~
3 ~~Professional Teaching Standards from each congressional district in the~~
4 ~~state;~~

5 ~~(B) One (1) public school administrator from each~~
6 ~~congressional district in the state, two (2) of which shall be~~
7 ~~superintendents of a public school district, selected from a list submitted~~
8 ~~by the Arkansas Association of Educational Administrators of no less than~~
9 ~~twelve (12) names with at least three (3) persons from each congressional~~
10 ~~district; and~~

11 ~~(C)(i) Four (4) representatives from schools, colleges, or~~
12 ~~departments of education at an institution of higher education, with one (1)~~
13 ~~selected from a list submitted by the Arkansas Association of Colleges for~~
14 ~~Teacher Education of no less than twelve (12) names with at least six (6)~~
15 ~~persons who are deans of a school, college, or department of education and at~~
16 ~~least three (3) persons who would be representative of an independent college~~
17 ~~or university submitted by the Arkansas Association of Colleges for Teacher~~
18 ~~Education.~~

19 ~~(ii) Two (2) persons appointed under subdivision~~
20 ~~(b)(1)(C)(i) shall be deans of a school, college, or department of education~~
21 ~~and at least one (1) person appointed under subdivision (b)(1)(C)(i) shall be~~
22 ~~representative of an independent college or university;~~

23 ~~(2) The Coordinator for Professional Quality~~
24 ~~Enhancement Division of the Department of Education in a nonvoting, ex~~
25 ~~officio capacity;~~

26 ~~(3) The Coordinator for the Professional~~
27 ~~Licensure Division of the Department of Education in a nonvoting, ex officio~~
28 ~~capacity; and~~

29 ~~(4) The Non Traditional Licensure Program~~
30 ~~Advisor for the Department of Education in a nonvoting, ex officio capacity.~~

31 ~~(c) Each appointed Professional Education, Development, Licensure, and~~
32 ~~Assessment Board member shall be a resident of the State of Arkansas at the~~
33 ~~time of appointment and throughout his or her term.~~

34 ~~(d)(1) Each entity shall submit its list under subsection (b) of this~~
35 ~~section before July 1, 2003.~~

36 ~~(2) The State Board of Education shall make the appointments~~

1 before August 1, 2003.

2 ~~(e) The Commissioner of Education shall call the first meeting no~~
3 ~~later than September 1, 2003.~~

4 ~~(f)(1) At the first meeting of the Professional Education,~~
5 ~~Development, Licensure, and Assessment Board, the members appointed by the~~
6 ~~State Board of Education shall draw lots to determine the terms of each~~
7 ~~member so that the terms of six (6) members shall expire in two (2) years and~~
8 ~~the terms of six (6) members shall expire in three (3) years.~~

9 ~~(2) Subsequent appointments are for a term of three (3) years.~~

10 ~~(g)(1) If a vacancy occurs in an appointed position for any reason,~~
11 ~~the vacancy shall be filled in the same manner as the original appointment.~~

12 ~~(2) The new appointee shall serve for the remainder of the~~
13 ~~unexpired term.~~

14 ~~(3) Members may serve no more than two (2) consecutive terms.~~

15 ~~(h)(1) At the first meeting of the Professional Education,~~
16 ~~Development, Licensure, and Assessment Board and each year thereafter, the~~
17 ~~members shall select from among themselves a chair and cochair.~~

18 ~~(2) The Coordinator for the Professional Licensure Division of~~
19 ~~the Department of Education shall serve as secretary of the Professional~~
20 ~~Education, Development, Licensure, and Assessment Board.~~

21 ~~(i)(1) The Professional Education, Development,~~
22 ~~Licensure, and Assessment Board shall meet at times and places the chair or a~~
23 ~~majority of the board deems necessary but shall meet no less than quarterly.~~

24 ~~(2) Meetings shall not be held outside the State of Arkansas.~~

25 ~~(3) Seven (7) members of the board shall constitute a quorum for~~
26 ~~the purpose of transacting business.~~

27 ~~(4) All action of the board shall be by a quorum.~~

28 ~~(j) The Professional Education, Development, Licensure, and Assessment~~
29 ~~Board shall:~~

30 ~~(1) Establish standards for initial licensure of teachers in all~~
31 ~~subject fields and levels, subject to the approval of the State Board of~~
32 ~~Education;~~

33 ~~(2) Establish standards for licensure of administrators and~~
34 ~~support personnel, subject to the approval of the State Board of Education;~~

35 ~~(3) Establish rules and regulations concerning program~~
36 ~~accreditation, including traditional and nontraditional routes to licensure,~~

1 ~~subject to the approval of the State Board of Education;~~

2 ~~(4) Establish rules and regulations concerning initial,~~
3 ~~standard, and provisional licensure and the renewal of these licenses,~~
4 ~~subject to the approval of the State Board of Education;~~

5 ~~(5) Review, evaluate, and recommend assessments for existing and~~
6 ~~new licensure areas and recommend minimum performance levels for issuance of~~
7 ~~a license;~~

8 ~~(6) Review, evaluate, and recommend requirements of licensure~~
9 ~~renewal, including professional development;~~

10 ~~(7) Review, evaluate, and recommend requirements for license~~
11 ~~reciprocity;~~

12 ~~(8) Review, evaluate, and recommend requirements for adding~~
13 ~~licensure areas and endorsements to an existing valid license;~~

14 ~~(9) Consult with groups whose work may be affected by the~~
15 ~~Professional Education, Development, Licensure, and Assessment Board's~~
16 ~~recommendations;~~

17 ~~(10) Request and review reports from the department concerning~~
18 ~~licensed personnel and existing or potential shortage areas;~~

19 ~~(11) Hold public hearings, along with department staff, prior to~~
20 ~~submitting recommendations concerning professional education, development,~~
21 ~~licensure, and assessment to the State Board of Education for approval; and~~

22 ~~(12) Establish subcommittees as necessary to research the trends~~
23 ~~and impact of issues submitted to the Professional Education, Development,~~
24 ~~Licensure, and Assessment Board for consideration.~~

25 ~~(k) The commissioner may present to the State Board of Education as an~~
26 ~~agenda item any measure that the Professional Education, Development,~~
27 ~~Licensure, and Assessment Board does not approve, but the State Board of~~
28 ~~Education shall be put on notice that the measure was not approved for~~
29 ~~recommendation to the State Board of Education.~~

30 ~~(1)(1) The department shall provide staff and office space to the~~
31 ~~Professional Education, Development, Licensure, and Assessment Board.~~

32 ~~(2)(A) Members of the Professional, Education, Development,~~
33 ~~Licensure, and Assessment Board shall serve without pay.~~

34 ~~(B) Members of the Professional, Education, Development,~~
35 ~~Licensure, and Assessment Board may receive expense reimbursement in~~
36 ~~accordance with § 25-16-902, to be paid by the department to the extent that~~

1 ~~money is available.~~

2

3 SECTION 3. Arkansas Code Title 6, Chapter 17, Subchapter 4 is amended
4 to add an additional section to read as follows:

5 6-17-422. Professional Licensure Standards Board.

6 (a) There is established the Professional Licensure Standards Board.

7 (b) The Professional Licensure Standards Board shall consist of
8 fifteen (15) members appointed by the State Board of Education as follows:

9 (1) The Commissioner of Education, or his or her designee, who
10 shall serve as a nonvoting member and chair;

11 (2)(A) Four (4) public school classroom teachers with a valid
12 Arkansas teaching license who are recommended by the Arkansas Education
13 Association.

14 (B) The four (4) public school classroom teachers shall
15 represent the four (4) congressional districts in Arkansas and include
16 classroom teachers who are licensed and teach at:

17 (i) A licensure level of prekindergarten through
18 grade four (PreK-4);

19 (ii) A licensure level of grades four through eight
20 (4-8);

21 (iii) A licensure level of grades seven through
22 twelve (7-12); and

23 (iv) Any licensure level to serve in one (1) at-
24 large position;

25 (3) Four (4) persons with a valid Arkansas teaching and
26 administrator's license who represent the four (4) congressional districts in
27 Arkansas and are:

28 (A) Recommended by the Arkansas Association of Educational
29 Administrators; and

30 (B) One (1) of whom shall hold a P-8 building level leader
31 license and serve as a middle-level building leader;

32 (C) Two (2) of whom shall be public school superintendents
33 with a valid Arkansas teaching and administrator's license recommended by the
34 Arkansas Association of School Administrators; and

35 (D) One (1) public school administrator with a valid
36 Arkansas teaching and administrator's license recommended by the Arkansas

1 Association of School Personnel Administrators;

2 (4) One (1) nonvoting representative designated by the
3 Department of Education from its offices of licensure and teacher quality
4 recommended by the commissioner;

5 (5)(A) Three (3) deans of education from Arkansas institutions
6 of higher education recommended by the Arkansas Association of Colleges for
7 Teacher Education.

8 (B)(i) One (1) dean shall be from a private institution of
9 higher education;

10 (ii) One (1) dean shall be from a public institution
11 of higher education; and

12 (iii) One (1) of whom shall have knowledge of
13 licensure issues;

14 (6) One (1) coordinator of educational leadership recommended by
15 the Arkansas Professors of Educational Administration; and

16 (7) One (1) curriculum program administrator recommended by the
17 Arkansas Association of Supervision and Curriculum Development.

18 (c)(1) The State Board of Education shall consider all recommendations
19 under subsection (b) of this section submitted to the secretary of the State
20 Board of Education by June 30, 2007 for the initial board, and by June 30 of
21 each year in which the term of a Professional Licensure Standards Board
22 member expires.

23 (2) If a recommendation for a person qualified to fill a
24 position on the Professional Licensure Standards Board is not received by the
25 deadline, the State Board of Education may appoint any qualified person to
26 fill the position.

27 (d)(1)(A) Each member of the Professional Licensure Standards Board
28 shall serve a term of three (3) years.

29 (B) The initial members shall draw lots for staggered
30 terms.

31 (2) The State Board of Education shall appoint any qualified
32 person to fill a position that is vacated before the expiration of a member's
33 term.

34 (e)(1) The appointed members of the Professional Licensure Standards
35 Board shall be residents of this state at the time of appointment and
36 throughout their terms.

1 (2) The Commissioner of Education or his or her designee shall
2 call an organizational meeting within twenty (20) calendar days after the
3 State Board of Education has made all necessary appointments.

4 (f)(1) The Professional Licensure Standards Board shall meet at times
5 and places the chair deems necessary, but no meetings shall be held outside
6 of this state.

7 (2) A majority of the members of the Professional Licensure
8 Standards Board shall constitute a quorum for the purpose of transacting
9 business.

10 (3) All action of the Professional Licensure Standards Board
11 shall be by a majority vote of the full membership of the Professional
12 Licensure Standards Board.

13 (g)(1) Members of the Professional Licensure Standards Board shall
14 serve without pay.

15 (2) Members of the Professional Licensure Standards Board may
16 receive expense reimbursement in accordance with § 25-16-902, to be paid by
17 the Department of Education to the extent money is available for that
18 purpose.

19 (h) The Professional Licensure Standards Board shall:

20 (1) Develop and recommend for adoption to the State Board of
21 Education *minimum* college level preparatory and grade point average
22 requirements for all teachers applying for initial licensure or *additional*
23 licensure after July 1, 2007, that shall include *minimum* requirements for:

24 (A) Course of study;

25 (B) Program approval;

26 (C) Range of approved hours; and

27 (D) In-class teaching internships or practice teaching
28 hours;

29 (2)(A) With the assistance of the Department of Education and
30 the Department of Higher Education, review the audits of the teacher
31 education programs offered by all institutions of higher education in the
32 state to determine if the institutions' teacher education programs and
33 courses of study are aligned as necessary to allow graduates of the teacher
34 education program to become licensed under this act and the rules set by the
35 State Board of Education.

36 (B)(i)(a) To ensure *alignment with standards* in university

1 course syllabi for licensure, the Department of Education shall conduct
2 audits of licensure programs of study at all Arkansas institutions of higher
3 education.

4 (b) The audits shall use state standards or national
5 standards for licensure programs, or a combination of both.

6 (ii) The audits shall be conducted on a five-year
7 cycle beginning on July 1, 2007 and provided to the Professional Licensure
8 Standards Board.

9 (iii)(a) Institutions of higher education that do
10 not comply with the department's audit findings and recommendations shall
11 have one (1) semester to bring programs into compliance with the audit
12 recommendations and submit documentation of compliance to the Professional
13 Licensure Standards Board.

14 (b) If the institution of higher education
15 does not bring its program into compliance with audit recommendations, the
16 Professional Licensure Standards Board shall submit a recommendation to the
17 State Board of Education for discontinuance of the authority of the
18 institution to offer the licensure program; and

19 (3)(A) Establish a code of ethics for administrators and
20 teachers in educational environments for students in prekindergarten through
21 grade twelve (PreK-12).

22 (B) Upon the approval of the code of ethics, procedures,
23 and recommendations for enforcement required by § 6-17-422(g)(3), the valid
24 Arkansas teaching license of any person shall be subject to the conditions,
25 requirements, and mandates of the code of ethics, procedures, and
26 recommendations for enforcement.

27 (C)(i) The Professional Licensure Standards Board may
28 recommend to the State Board of Education and the State Board of Education
29 may approve the monetary fees to be paid by a person for the issuance,
30 reissuance, fine, or penalty associated with the process, procedures, or
31 enforcement of requirements necessary to issue or maintain an Arkansas
32 teaching license.

33 (ii) Under no circumstances shall any one (1)
34 specific fee or fine exceed one hundred dollars (\$100).

35 (iii) Revenue collected by the State Board of
36 Education from the fees and fines under this subdivision (g)(3)(C) shall be

1 used for the operation of the Professional Licensure Standards Board.

2 (D) The Professional Licensure Standards Board may:

3 (i) Establish procedures for receiving, considering,
4 and investigating complaints referred by the Department of Education, a
5 public school district, or a public school superintendent regarding the
6 unethical behavior of licensed school personnel;

7 (ii) Make recommendations for enforcement; and

8 (iii) Establish an ethics subcommittee of the
9 Professional Licensure Standards Board with equal representation of public
10 school teachers and administrators as well as one member from any other
11 category of representation on the Professional Licensure Standards Board.

12
13 SECTION 4. NOT TO BE CODIFIED. By July 1, 2008, the Professional
14 Licensure Standards Board shall submit to the State Board of Education for
15 approval the code of ethics, procedures, and recommendations for enforcement
16 required by § 6-17-422(g)(3).

17
18 /s/ J. Roebuck, et al

19
20 APPROVED: 4/3/2007